

ARTICLE 14
ADEQUATE PUBLIC FACILITIES (APF) STANDARDS

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14.1. GENERAL STANDARDS.

14.1.1. PURPOSE AND INTENT.

The purpose and intent of this Section is:

- To ensure that Public Facilities needed to support new development meet or exceed the Level of Service standards established herein.
- To ensure that no applications for development approval are approved which would cause a reduction in the levels of service for any Public Facilities below the Adopted Level of Service established in this Section;
- To ensure that adequate Public Facilities needed to support new development are available concurrent with the impacts of such development;
- To encourage development in areas where public services are available and underutilized.
- To establish uniform procedures for the review of development applications subject to the standards and requirements of this Section;
- To facilitate implementation of goals and policies set forth in the *Comprehensive Plan* and any applicable *Area Plan* relating to adequacy of Public Facilities and Level of Service standards; and
- To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

14.1.2. DEFINITIONS.

The words, terms and phrases set forth herein shall have the meanings prescribed below provided, however, that any words, terms or phrases not included below shall have the meanings prescribed by Appendix A to this Ordinance.

ADOPTED LEVEL OF SERVICE. A measurement quantifying a specific amount, frequency, capacity, or response time of a service which has been established by the governing board. For purposes of determining adequacy, this shall not exceed the actual level of service.

AVAILABLE CAPACITY. Existing Capacity and Planned Capacity less Existing Demand and demand that will be generated by Committed Development.

CAPACITY. The maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

CAPITAL IMPROVEMENT. A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the Town, County, special district, or a private service provider.

CAPITAL IMPROVEMENT, PLANNED. A Capital Improvement designed for construction within a period not to exceed six (6) years in a Capital Improvements Program.

CAPITAL IMPROVEMENTS PROGRAM. A plan setting forth, by category of public facilities, those capital improvements that will be provided over a period of specified years. "Capital Improvements Program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

COMMITTED DEVELOPMENT. Committed Development includes: development with an approved determination of concurrency; or developments which are approved, but which are unbuilt such as unbuilt preliminary subdivision plans, or minor development final plats; or final plats or building permits approved without a determination of concurrency.

COMMON OWNERSHIP. Ownership by the same person, corporation, firm, entity, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the price is listed at least weekly in the Wall Street Journal.

CONSENT AGREEMENT. The executed contract

between the local jurisdiction and developer that formally sets forth development approval and requirements to achieve adequacy.

CURRENTLY AVAILABLE REVENUE SOURCES. An existing source or amount of revenue presently available to the Town or the entity providing a Public Facility and that may be allocated towards capital expenses and which has been budgeted for the capital disbursements or debt service account applicable to a planned capital improvement; provided, however, that this term shall not refer to a mere intent to increase the future level or amount of a revenue source, nor to a revenue source which is contingent on ratification by a public referendum.

EXISTING DEMAND. The demand for Public Facilities from existing (built) Development.

EQUIVALENT RESIDENTIAL UNIT OR “ERU”. For purposes of § 14.1 of this Ordinance, the demand for public facilities generated by a proposed development which is equivalent to the demand for public facilities generated by one (1) residential dwelling unit. [ERU table found in Table 14-3].

IMPACT AREA. The area in which a proposed residential development is presumed to create a demand for Public Facilities and which area, therefore, will be evaluated to determine whether the Capacity of Public Facilities is adequate to accommodate the demand created by existing residential development, Committed Development and the proposed residential development pursuant to § 6.1 of this Ordinance.

LEVEL OF SERVICE. Level of Service indicates the capacity per unit of demand for each public facility. It is an indicator of the extent or degree of service provided by a facility based upon and related to the operational characteristics of the facility.

PLANNED CAPACITY. The Capacity to be added by Planned Capital Improvements included in adopted capital improvement plans. Projects must be definitively scheduled to be considered as planned capacity with the effective date of that capacity the expected completion of the improvement.

PUBLIC FACILITIES. Capital Improvements including Water Facilities, Wastewater Facilities, Fire Protection Facilities, Public Schools, and Streets.

14.1.3. APPLICABILITY.

14.1.3.1. The provisions of this section shall apply to any:

- application for conditional use rezoning, the application of this section, however, does not limit public facilities review for rezonings to those applied in Article 14;
- application for Major or Minor Site Plan Approval of any project that generates more than 2,000 or more trips per day;
- application for Minor Site Plan Approval of a multi-family or attached single-family residential project.
- any application for a Preliminary Subdivision Plat. Subdivision plats that qualify as Minor Subdivisions shall not be subject to this article.

14.1.3.1.1. The provisions of this Ordinance shall apply to Final Plats or Final Site Plans (Major Site Plans) to the extent that the availability of a Public Facility is made a condition of preliminary plat or preliminary site plan approval.

14.1.3.1.2. No application for development approval subject to this Section shall be accepted, approved, granted or issued unless it is accompanied by an application which provides sufficient information to determine whether the capacity of Public Facilities is adequate to support the proposed development.

14.1.3.2. This Section shall not apply to any use, development, project, structure, fence, sign or activity which does not result in a new equivalent dwelling unit.

14.2. APF PROCESSING PROCEDURES.

14.2.3. SUBMISSION REQUIREMENTS. It is the intent of this Section that no application for development approval shall be approved unless accompanied by a positive determination, or a positive determination subject to conditions, relating to adequacy of public facilities as provided herein. Each application, in addition to other applicable and required processing fees, shall be submitted to the Department and shall be accompanied by all required administrative fees.

14.2.3.1. A proposed rezoning which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The review of adequacy of public facilities for the application for a rezoning shall compare the Capacity of Public Facilities to the maximum projected demand which may result from the proposed rezoning based upon the potential density of the affected area pursuant to the rezoning. Nothing herein shall authorize a rezoning or the issuance of a conditional use permit that would otherwise be inconsistent with the *Comprehensive Plan*.

14.2.4. PROCEDURES FOR DETERMINATION.

14.2.4.1. The Administrator shall determine whether the application is complete and complies with the submission requirements set forth in this subsection and Appendix B. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. If the application is complete and the submission requirements have been complied with, the Administrator shall evaluate the proposed development for compliance with the Adopted Level of Service and shall submit a recommendation pursuant to subsection 14.2.4.2, below.

14.2.4.2. If the Administrator concludes that each Public Facility will be available concurrent with the impacts of the proposed development at the Adopted Levels of Service, the Administrator shall make a positive recommendation in its staff report. If the Administrator determines that any Public Facility will not be available concurrent with the impacts of the proposed development at the Adopted Level of Service based upon available capacity, the

Administrator shall make a negative recommendation in the staff report or, in the alternative, shall make a positive recommendation with appropriate conditions consistent with the criteria set forth in subsection 14.3.1 of this Section. If the Administrator recommends that the application be conditionally approved, the staff report shall recommend conditions or stipulations that may be included regarding the density of the proposed development, the timing and phasing of the proposed development, the provision of Public Facilities by the Applicant or any other reasonable conditions to ensure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed development. The staff report shall, at a minimum, include the following, based upon staff and referral agency recommendations:

- the number of equivalent dwelling units proposed by the Applicant, by type, for each Public Facility;
- the timing and phasing of the proposed development, if applicable;
- the specific Public Facilities impacted by the proposed development;
- the extent of the impact of the proposed development in the applicable Impact Areas;
- the Capacity of existing Public Facilities in the Impact Areas which will be impacted by the proposed development;
- the demand on existing Public Facilities in the Impact Areas from existing and approved development;
- the availability of Existing Capacity to accommodate the proposed development; and
- if Existing Capacity is not available, Planned Capacity and the year in which such Planned Capacity is projected to be available.

14.2.5. WITHDRAWAL OF APPLICATION.

The Applicant may withdraw the Application at any time by submitting a written request to the Administrator. Withdrawal will result in the

forfeiture of all administrative fees paid by the Applicant for the processing of the application.

14.2.6. DETERMINATION.

14.2.6.1. Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Approval, the decision-making body confirm:

- that the application for development approval shall be approved because public facilities and services are available at the adopted level of service; or
- that the application for development approval shall be denied because public facilities and services are not available at the adopted level of service; or
- that the application for development approval shall be approved subject to one or more of the following conditions as agreed to between the applicant and the Town Council:
 - deferral of further Development Orders (as defined in Appendix A) until all Public Facilities are available and adequate if Public Facilities in the Impact Area are not adequate to meet the Adopted Level of Service for the entire development proposal, consistent with the requirements of this article;
 - reduction of the density or intensity of the proposed development to a level consistent with the Available Capacity of Public Facilities;
 - provision by the Applicant of the Public Facilities necessary to provide Capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur; or
 - conditions agreed upon by the applicant to advance, or partially advance the Public Facilities necessary to provide capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur. Provisions for advancement of

capacity are included in Subsection 14.2.9.

14.2.7. EXPIRATION OF DETERMINATION.

14.2.7.1. A determination pursuant to subsection 14.2.6.1, above, shall be deemed to expire when the Development Order to which it is attached expires, lapses or is waived or revoked, or if the Applicant has not complied with conditions attached to its issuance.

14.2.7.2. If a determination of adequacy of public facilities attached to a rezoning expires, the Planning Board or Town Council may initiate proceedings to rezone the property to its original zoning classification.

14.2.8. EFFECT OF DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.

14.2.8.1. A determination of adequacy of public facilities for a Development Order shall be deemed to indicate that:

- Public Facilities are available at the time of issuance of the determination; and
- For subdivision plats and site plans only, that Public Facilities will be considered to be available at all subsequent stages of the development approval process up to the date of expiration of the preliminary plat or final site plan provided, however, that the determination of adequacy of public facilities shall expire and become null and void upon the expiration of: (1) the Development Order to which it is attached, or (2) the time frame for submitting a subsequent application for approval, recordation of a subdivision plat, or issuance of a certificate of occupancy unless an application for a subsequent Development Order is submitted within the time frames set forth in this document. If no expiration date is provided in the UDO, the conditions attached to the determination of adequacy of public facilities, or in the conditions of permit approval, the determination shall expire within two (2) years after approval of the Development Order.

14.2.8.2. The provisions of §14.2.8.1, above shall not apply to any rezoning except a Site-Specific Development Plan or Phased Development Plan.

14.2.8.3. A determination of adequacy of public

facilities shall not affect the need for the Applicant to meet all other requirements as set forth in this Ordinance.

14.2.9. ADVANCEMENT OF CAPACITY

14.2.9.1. No advancement of Capacity for Public Facilities needed to avoid a deterioration in the adopted levels of service shall be accepted by the Town Council unless the proposed Public Facility is a Planned Capital Improvement or appropriate conditions are included to ensure that the Applicant will obtain necessary approvals prior to or concurrent with the issuance of a final subdivision plat or final site plan or, if subdivision or site plan approval is not required, a building permit. The commitment to construction of Public Facilities prior to the issuance of a building permit shall be included as a condition of the determination and shall contain, at a minimum, the following:

- For Planned Capital Improvements, a finding that the Planned Capital Improvement is included within the Capital Improvements Program of the applicable service provider;
- an estimate of the total financial resources needed to construct the Planned Capital Improvement and a description of the cost participation associated therewith;
- a schedule for commencement and completion of construction of the Planned Capital Improvement with specific target dates for multi-phase or large-scale Capital Improvement projects;
- a statement, based on analysis, that the Planned Capital Improvement is consistent with the applicable *Area Plan* and, if applicable, the *Comprehensive Plan*; and
- at the option of the Town Council and only if the Planned Capital Improvement will provide Capacity exceeding the demand generated by the proposed development, reimbursement, or a method to affect reimbursement, to the Applicant for the pro rata cost of the excess Capacity.

14.3. CRITERIA FOR DETERMINATION OF ADEQUACY.

14.3.1. METHODOLOGY AND CRITERIA FOR DETERMINING AVAILABILITY AND ADEQUACY OF PUBLIC FACILITIES

No determination as to compliance with this Section shall be recommended by the Administrator or rendered by the approving agency unless Public Facilities within the Impact Areas set forth in Column (C) of Table 14-2 are:

- adequate, as measured by the adopted level of service (“LOS”), as set forth in this § 14.3 and Column (B) of Table 14-2; and
- available, as set forth in this § 14.3 and Column (D) of Table 14-2.

14.3.2. ADOPTED LEVEL OF SERVICE (“LOS”) STANDARDS (ADEQUACY OF PUBLIC FACILITIES).

Compliance with Level of Service (“LOS”) standards shall be measured for each Public Facility set forth in Column (A) of Table 14-2 in accordance with the corresponding standards set forth in Column (B) of Table 14-2. The LOS for each application for development approval shall be measured within the impact area set forth in Column (C) of Table 14-2 for each corresponding facility in Column (A). Column (D) of Table 14-2 indicates whether Programmed Capital Improvements may be included in determining whether the improvements are available. Rules for interpretation of Table 14-2 are set forth in this § 14.3.

14.3.3. WATER.

Water requirements shall not apply to agricultural uses. The water standard applies to water supply and water treatment needed to accommodate the gallons per capita per day (gpcd) generated by residential and non-residential uses. Usage figures for residential and non-residential usage are taken from Boyle Engineering Corporation, WSACC Wastewater and Water Master Plan, Volume 5 (1995), and Camp Dresser & McKee, Water & Sewer Authority of Cabarrus County Master Plan Update [October (1996)]. These documents identify six (6) pressure zones in the WSACC service area. Flow rates used

to estimate the demand produced by the proposed development shall comply with 15A NCAC § 18C.0409, which is hereby incorporated by reference and made a part of this Ordinance, unless a different standard is identified in any Local Water Supply Plan for the service area adopted pursuant to NCGS § 143-55(l), in which case the flow rates identified for the particular use in the Water Supply Plan may be used. If the category of development proposed in the application is not identified in the above-referenced regulations, the professional engineer shall use the applicable industry and manufacturer’s standards to calculate average and peak daily flows and demands, in gallons per day. The capacity for elevated storage and distribution systems shall comply with 15A NCAC § 18C.0805 to 18C.0901, which regulations are hereby incorporated by reference. Approval through the Adequate Facilities Process outlined in this section shall in no manner imply approval of required distribution systems.

14.3.4. WASTEWATER.

The wastewater standard applies to wastewater treatment plants (WWTPs), interceptor sewers, and pumping stations. The standard for source facilities applies only to treatment capacity legally reserved for usage by WSACC. The figures for gallons per capita per day (gpcd) are taken from Boyle Engineering Corporation, WSACC Wastewater and Water Master Plan, Volume 1 (1995). Flow rates used to estimate the demand produced by the proposed development shall be consistent with the assumptions set forth in § 14.1.8.1 of this Ordinance and 15A NCAC 18A.1949 (Sewage Flow Rates for Design Units), as said section may be revised from time to time. If the category of development proposed in the application is not identified in 15A NCAC 18A.1949, the professional engineer shall use the applicable industry and manufacturer’s standards to calculate average and peak daily flows and demands, in gallons per day. Approval through the Adequate Facilities Process outlined in this section shall in no manner imply approval of required interceptor and collection systems.

14.3.5. ROADS/STREETS.

14.3.5.1. Traffic Impact Studies shall be required for any conditional rezoning, subdivision plat, site

plan, Conditional Use Permit, Certificate of Zoning Compliance, Preliminary Plat or Site Plan under the following described conditions.

The types of traffic studies required under the ordinance are:

- A Rezoning Traffic Analysis. The purpose of these studies will be to evaluate whether adequate transportation capacity exists or will be available within a reasonable time period to safely and conveniently accommodate proposed uses permitted under the requested land use or zoning classification.
- A Traffic Impact Report – This Report will be required for certain permitted and Conditional Uses, Land Subdivisions and Preliminary Plats exceeding specific trip generation threshold.

All applications requiring a Rezoning Traffic Analysis or a Traffic Impact Report shall submit a fee, separate from that of the application itself, for the review of the traffic study. This fee shall be primarily the consultant’s fees and, in isolated cases, additional associated fees the Town staff deem necessary to perform an accurate review of the traffic study.

14.3.5.2. A Rezoning Traffic Analysis shall be required for:

- A proposed rezoning that could generate 100 or more directional trips during the peak hour or at least 1000 more trips per day for the most intensive use that could be developed under existing zoning;
- A proposed rezoning on a site located along or which has the potential to take access within 500 feet of a corridor identified as a freeway or expressway on the Thoroughfare Plan;
- A proposed amendment to the Comprehensive Plan involving more than one acre which would permit uses generating higher traffic than the existing Comprehensive Plan designation;
- Where a Rezoning Traffic Analysis is required, the acceptance of the rezoning application for the purposes of beginning the mandatory 60 day time limit applicable to Town action on a rezoning request shall not commence until the Rezoning Traffic Analysis has been reviewed for completeness and has been accepted by the Administrator as meeting the content

requirements of the ordinance.

14.3.5.3. A Traffic Impact Report shall be required when a proposed conditional use, major subdivision, or major/minor site plan is:

- Of a land use type which has an average trip generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution; or
- Designed so that it utilizes an at-grade access opening onto an existing or proposed freeway or expressway as indicated on the Thoroughfare Plan.

14.3.5.4. The LOS for each zoning district tier shall be as listed in Table 14-1, below.

**Table 14-1
ZONING DISTRICT TIER**

	Rural	Suburban	Urban
Freeway/Expressway	C	D	n/a
Major thoroughfare	C	D	n/a
Minor thoroughfare	C	D	E
Minor arterial	C	D	E
Major collectors	C	D	E
Minor collector	B	D	E
Local roads	B	C	E
Local streets	B	C	E

Zoning districts shall be classified into three development tiers (Tier 1 - Urban, Tier 2 - Suburban, and Tier 3 - Rural). The classifications are as follows:

- Tier 1 (Urban) includes the CC and B-1 District where the development pattern is established, and which public policy favors relatively high levels of human activity.
- Tier 2 (Suburban) districts are suburban or urbanizing in nature and are as follows: RL, RM-1, RM-2, RV, RC, O-I, C-1, CD, I-1, and I-2.
- Tier 3 (Rural) zoning districts are characterized by agricultural and/or rural service levels and are as follows: AG Agricultural; RE Rural Estate. Land within these zoning districts shall be protected in order to avoid the unnecessary conversion of agricultural land to suburban or urban development. These zoning districts are characterized by lands which do not have public facilities and services at urban service levels, and will not be provided with urban levels of service for at least a twenty (20) year horizon.

14.3.5.5. Transportation LOS shall be based upon the volume-to-capacity ratios as established by the Transportation Research Board, *Highway Capacity Manual* (Washington, D.C.: National Research Council, 3d ed. 1998), which document is hereby incorporated by this reference. The traffic analysis shall be consistent with the assumptions and guidelines of the following documents, which are hereby incorporated by reference: Cabarrus/South Rowan Thoroughfare Plan, Appendix H; Institute of

Transportation Engineers, *Trip Generation* (5th ed. 1991). For uses generating less than ten (10) trips per day, the directional split of traffic leaving the site shall be deemed to be 50% in either direction. For all other applications, the directional split shall be based upon the traffic Impact Study.

14.3.5.6. The Town Council finds and determines that I-85 experiences significant pass-through traffic, and that the ability to expand I-85 is limited due to jurisdictional, funding, and physical constraints. Accordingly, I-85 shall not be included in the Impact Area for any Application for Development Approval.

14.3.5.7. The LOS standard for Planned Unit Developments and Traditional Neighborhood Development shall correspond to the zoning classification at the time of application for development approval.

14.3.5.8. Waiver. The requirements of this section for a Traffic Impact Study may be waived by the Public Works Director or their designee when it is determined that such report is not necessary to determine needed road improvements or that no unsafe or hazardous conditions will be created by the development as proposed. Furthermore, the Public Works Director or their designee may waive the fee required for the review of a Traffic Impact Study when it is determined that review by a consultant is not necessary.

14.3.6. SCHOOLS.

14.3.6.1. The number of students generated for each residential dwelling unit (hereinafter the “student generation rate”) for each dwelling unit is computed using the Student Information Management System data and actual numbers of dwellings to determine expected students/dwelling. For purposes of this Ordinance, the student generation rate for each category of schools shall be as follows:

- Elementary schools: 0.30
- Middle or Junior High schools: 0.167
- High School: 0.167

The above-referenced figures may be adjusted from time to time by the Town Council by amending this Ordinance to reflect updates to the student generation rate calculated by the Cabarrus County Planning Services Department.

14.3.6.2. The Administrator shall certify that public schools within the County have sufficient available capacity and acreage to accommodate the demand generated by the proposed residential development at the adopted level of service. Available capacity shall be calculated for the applicable high school feeder area and shall be expressed in terms of possible student enrollment which can be accommodated, in accordance with the following formulae:

- Formula #1: $CAC = (EC) - (E + C)$ and
Formula #2: $FAC = (EC + PC) - (E + C)$
where:

CAC = Current Available Capacity (in student enrollment)

FAC = Future Available Capacity (in student enrollment)

EC = Existing Capacity, in enrollment, for elementary, middle and high schools within the high school feeder area. The capacity of school facilities shall be computed in accordance with the North Carolina Public Schools, *Facilities Guidelines* (January 1997), "Class Sizes and Teacher Allotments," This document is hereby incorporated by this reference and made a part of this Ordinance.

PC = Planned Capacity, in enrollment, for funded but unbuilt elementary, middle and high schools within the high school feeder area based upon the Ten-Year School District School Facilities Plan, based on two years or five years consistent with §§ 14.3.8.2.1 and 14.3.8.2.6, below

E = Current enrollment based upon the most recent enrollment counts per monthly membership report by the School District

C = Enrollment generated by Committed Development within the high school feeder area.

14.3.6.2.1. If current available capacity is equal to or greater than zero (0) (Formula #1 of subsection 1, above), and adequate capacity exists to accommodate the enrollment projected to be generated by the proposed development school services shall be deemed to be adequate. If current available capacity for any school type is a negative number, adequate capacity does not currently exist to

accommodate the enrollment projected to be generated by the proposed development.

14.3.6.2.2. If current available capacity is inadequate, Formula #2 of subsection 1, above, shall be applied and "PC" shall equal two (2) years of planned capacity. If future available capacity is equal to or greater than the projected enrollment that will be produced by the proposed development for all school types, the development may be approved, or approved with conditions, and the applicant shall be permitted to proceed through the development approval process.

14.3.6.2.3. If future available capacity pursuant to subsection 3 above, is less than zero (0), Formula #2 above, shall be applied and "PC" shall equal five (5) years of planned capacity. If future available capacity is then greater than or equal to the projected enrollment that will be produced by the proposed development for all school types, the application shall only be approved with the condition that funding has been approved or acceptable project phasing conditions are set forth in a Site-Specific Development Plan or Phased Development Plan which provides for the commencement of construction of the required public schools.

14.3.6.2.4. The applicant shall compute the enrollment generated by the proposed development. Projected enrollment from the proposed residential development and enrollment generated by Committed Development (C, in § 14.3.6.2, above) shall consist of the sum of all proposed dwelling units multiplied by the student generation rate.

14.3.6.2.5. For purposes of this subsection, the following terms shall have the following meanings:

- **High School Feeder Area.** A grouping of schools consisting of one or more high schools and one or more middle and elementary schools, as determined by the School District.
- **Student Generation Rate.** The figure to be multiplied by the number of proposed dwelling units, by type, in order to determine projected enrollment.

14.3.7. DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.

Public Facilities shall be deemed to be adequate if it is demonstrated that they have Available Capacity to accommodate the demand generated by the proposed development in accordance with the following calculation methodology, unless otherwise indicated herein:

- **CALCULATE TOTAL CAPACITY** by adding together the total Capacity of Public Facilities consistent with §§ 14.3.2 through 14.3.8 herein.
- **CALCULATE AVAILABLE CAPACITY** by subtracting from the total Capacity the sum of:
 - the demand for each Public Facility created by existing residential development; and
 - the demand for each Public Facility created by the anticipated completion of Committed Development; and
 - the demand for each Public Facility created by the anticipated completion of the proposed development under consideration for determination.

14.3.7.1. Applicants may propose mitigation measures to overcome a failure to meet one or more LOS standards including, but not limited to, payment of a pro rata share of facility capacity costs necessary to accommodate the demand generated by the proposed development. Mitigation measures, particularly those proposing pro rata cost sharing, should base such proposals on the Tischler & Associates report, *Capital Costs Due to Growth*, prepared for the Cabarrus County Board of Commissioners and incorporated herein by reference.

14.3.8. PUBLIC FACILITIES AFFECTING AREAS OUTSIDE OF INCORPORATED AREA OF TOWN.

14.3.8.1.GENERALLY. Availability and adequacy of Public Facilities shall be determined only with respect to Public Facilities located within Cabarrus County, including any incorporated areas of the County. If part of the applicable service area or traffic Impact Area lies in an adjacent municipality or an unincorporated area of Mecklenburg, Union, or Rowan County, absent an intergovernmental

agreement with the County or municipality, availability and adequacy shall be determined only with respect to Public Facilities located within the County, including its incorporated and unincorporated areas.

14.3.8.2.INTERGOVERNMENTAL

AGREEMENT. If the Town Council has entered into an intergovernmental agreement with an adjacent county or with a municipality to evaluate Public Facilities in such areas, an Applicant will be subject to the evaluation of the Level of Service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of adequacy of public facilities, the Administrator shall require that the adjacent county or municipality certify that issuance of a Development Order for the proposed development will not cause a reduction in the Level of Service standards for those facilities lying within the adjacent county or the municipality.

**Table 14-2
APF LEVEL OF SERVICE (LOS) STANDARDS**

(A) Public Facility	(B) Adopted LOS Standard Criteria	(C) Impact Area	(D) Availability
Water	215 gpd per ERU* *see Table 14-3	<u>Water Treatment Plants (WTPs)</u> – the service area of each treatment plant as defined by the operators.	Programmed capital improvements may be considered for approval of a rezoning or issuance of a preliminary subdivision plat or preliminary site plan. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Sewer	250 gpd per ERU* *see Table 14-3	The service area of each public treatment plant as defined by WSACC, any package treatment plant or other wastewater system serving a proposed development	Programmed capital improvements may be considered for approval of a rezoning or issuance of a preliminary subdivision plat or preliminary site plan. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Streets/ Roads	see Table 14-1	The street lying between the proposed development and the first collector/collector or collector/arterial intersections, within which a proposed development generates traffic of more than 10 trips per day. Some roads may be excluded (see § 14.3.6).	Any programmed capital improvements may be considered for approval of a rezoning. Programmed capital improvements within the first three (3) years of the Capital Improvements Program and guaranteed by currently available revenue sources may be considered for subdivision plat or site plan approval.
Schools	The capacity of public schools as calculated in accordance with the Public Schools of North Carolina, State Board of Education, <i>North Carolina Public School Facility Guidelines</i> (January 1997), which document is hereby incorporated by this reference, and including any successor documents or amendments thereto which may be published from time to time.	High School Feeder Areas as designated by the Cabarrus County School District, as applicable.	Programmed capacity in the first three (3) years of the Capital Improvements Program may be considered in accordance with the formula set forth in § 14.3.8.

**Table 14-3
Equivalent Residential Units**

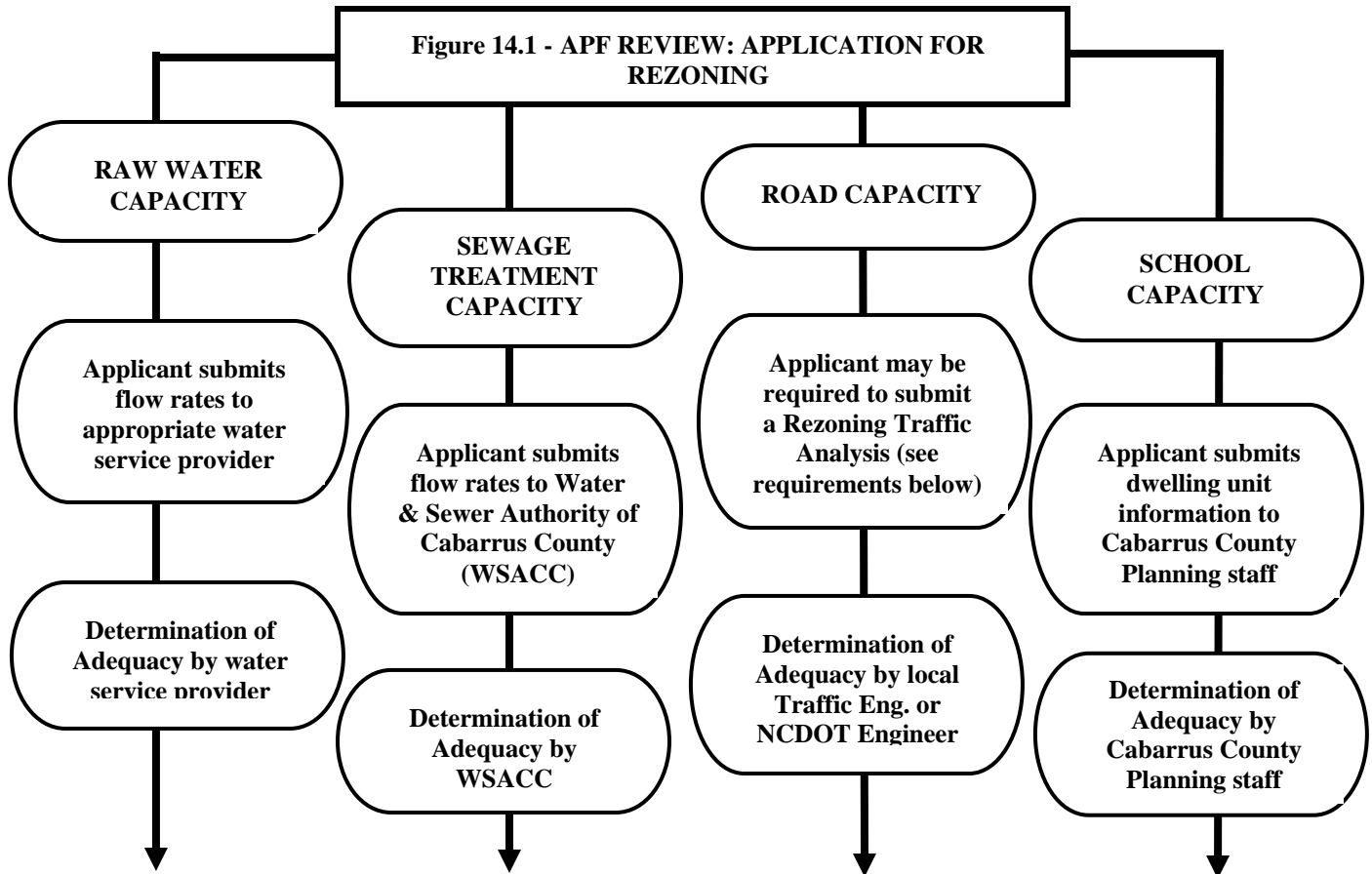
<i>Land Use</i>	<i>Variable</i>	<i>Factor</i>	<i>ERU</i>
Residential Single-family	dwelling unit	9.55	1.00
General Light Industrial	1,000 square feet	6.97	0.73
Industrial Park	1,000 square feet	6.97	0.73
Manufacturing	1,000 square feet	3.85	0.40
Warehousing	1,000 square feet	4.88	0.51
Mini-warehouse	1,000 square feet	2.61	0.27
Apartments (post-1973)	dwelling unit	6.28	0.66
Low-rise apartment	dwelling unit	6.59	0.69
High-rise apartment	dwelling unit	4.2	0.44
Condo/Townhouse	dwelling unit	5.86	0.61
High-rise condo	dwelling unit	4.18	0.44
Mobile homes	dwelling unit	4.81	0.50
Hotel	room	8.7	0.91
Elementary school	1,000 square feet	10.72	1.12
High school	1,000 square feet	10.9	1.14
Church	1,000 square feet	9.32	0.98
Day care center	1,000 square feet	79.26	8.30
Hospital	1,000 square feet	16.78	1.76
General office (<10,000 s.f.)	1,000 square feet	24.6	2.58
General office (10-25,000 s.f.)	1,000 square feet	19.72	2.06
General office (25-50,000 s.f.)	1,000 square feet	16.58	1.74
General office (50-100,000 s.f.)	1,000 square feet	14.03	1.47
General office (100-200,000 s.f.)	1,000 square feet	11.85	1.24
General office (200-300,000 s.f.)	1,000 square feet	10.77	1.13
General office (300-400,000 s.f.)	1,000 square feet	9.96	1.04
General office (400-500,000 s.f.)	1,000 square feet	9.45	0.99
General office (600-700,000 s.f.)	1,000 square feet	9.05	0.95
General office (700-800,000 s.f.)	1,000 square feet	8.75	0.92
General office (>800,000 s.f.)	1,000 square feet	8.46	0.89
Corporate headquarters	1,000 square feet	6.27	0.66
Single tenant office	1,000 square feet	11.5	1.20
Office park	1,000 square feet	11.42	1.20
Research and development center	1,000 square feet	7.7	0.81
Business park	1,000 square feet	14.37	1.50
Building materials store	1,000 square feet	30.56	3.20
Specialty retail	1,000 square feet	40.67	4.26
Discount store	1,000 square feet	70.13	7.34
Hardware store	1,000 square feet	51.29	5.37
Nursery	1,000 square feet	36.08	3.78
Shopping center (<10,000 s.f. GLA)	1,000 square feet	167.59	17.55
Shopping center (10-50,000 sf GLA)	1,000 square feet	91.65	9.60
Shopping center (50-100,000 sf GLA)	1,000 square feet	70.67	7.40
Shopping center (100-200,000 sf GLA)	1,000 square feet	54.5	5.71
Shopping center (200-300,000 sf GLA)	1,000 square feet	46.81	4.90
Shopping center (300-400,000 sf GLA)	1,000 square feet	42.02	4.40
Shopping center (400-500,000 sf GLA)	1,000 square feet	38.65	4.05
Shopping center (500-600,000 sf GLA)	1,000 square feet	36.35	3.81
Shopping center (600-800,000 sf GLA)	1,000 square feet	33.88	3.55
Shopping center (800-1,000,000 sf GLA)	1,000 square feet	32.09	3.36
Shopping center (1M-1,200,000 sf GLA)	1,000 square feet	30.69	3.21

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Shopping center (1.2M-1,400,000 sf GLA)	1,000 square feet	29.56	3.10
Shopping center (1.4M-1,600,000 sf GLA)	1,000 square feet	28.61	3.00
Sit-down restaurant	1,000 square feet	205.36	21.50
Fast food without drive-through	1,000 square feet	786.22	82.33
Fast food with drive-through	1,000 square feet	632.12	66.19
New car sales	1,000 square feet	47.91	5.02
Convenience market	1,000 square feet	737.99	77.28
Furniture store	1,000 square feet	4.34	0.45

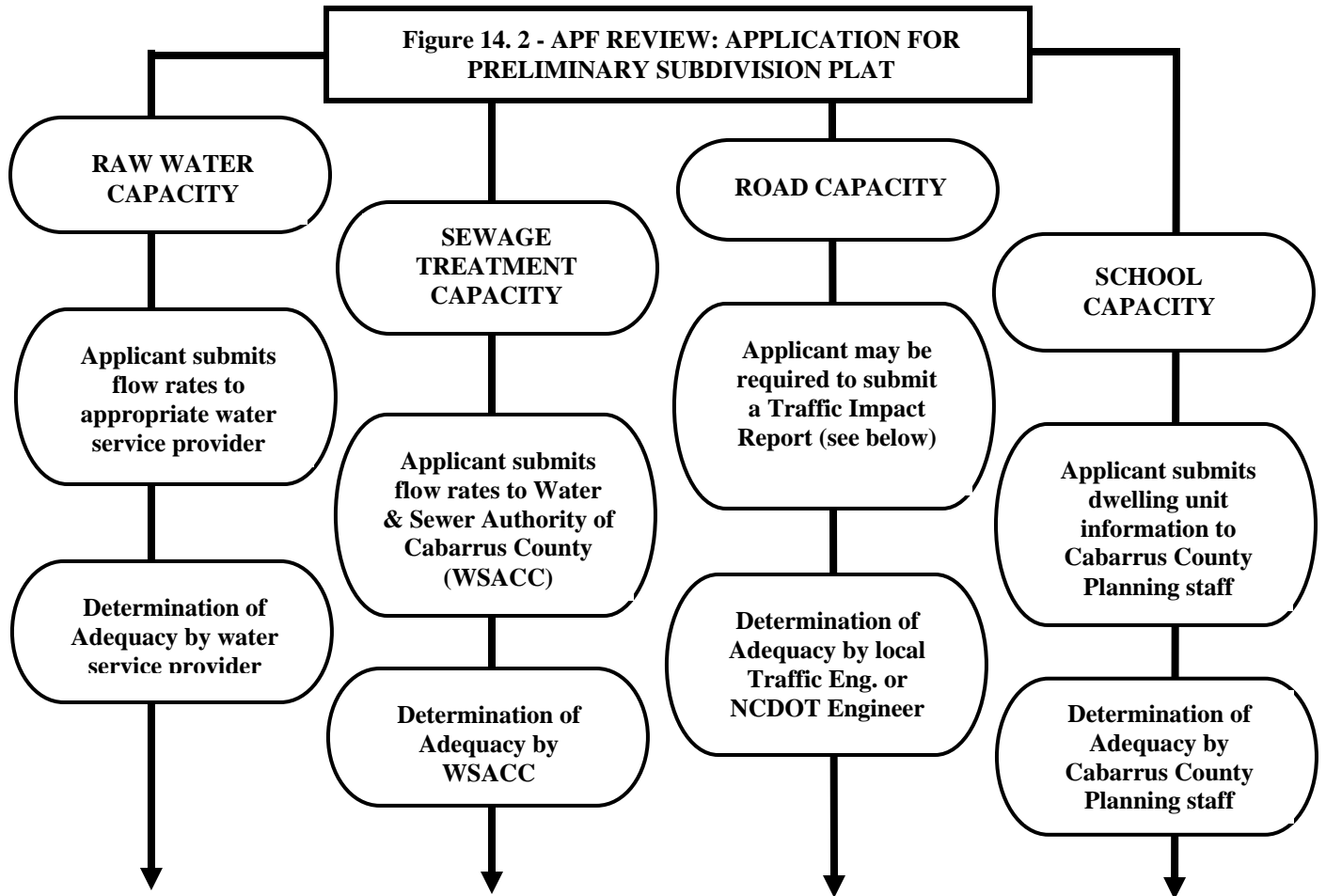
Source: Freilich, Leitner, Carlisle



Rezoning Decision by Planning and Zoning Board (or Town Council – if not approved as an expedited rezoning)
 Planning Board shall review APF determinations and decide:

- to approve the rezoning if all four service determinations are positive
- to deny the rezoning if any of the four service determinations are negative
- to approve the rezoning if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1

- A Rezoning Traffic Analysis shall be required for:
- A proposed rezoning that could generate 100 or more directional trips during the peak hour or at least 1000 more trips per day for the most intensive use that could be developed under existing zoning;
 - A proposed rezoning on a site located along or which has the potential to take access within 500 feet of a corridor identified as a freeway or expressway on the Thoroughfare Plan;
 - A proposed amendment to the Comprehensive Plan involving more than one acre which would permit uses generating higher traffic than the existing Comprehensive Plan designation
 - Where a Rezoning Traffic Analysis is required, the acceptance of the rezoning application for the purposes of beginning the mandatory 60 day time limit applicable to city action on a rezoning request shall not commence until the Rezoning Traffic Analysis has been reviewed for completeness and has been accepted by the Administrator as meeting the content requirements of the ordinance.

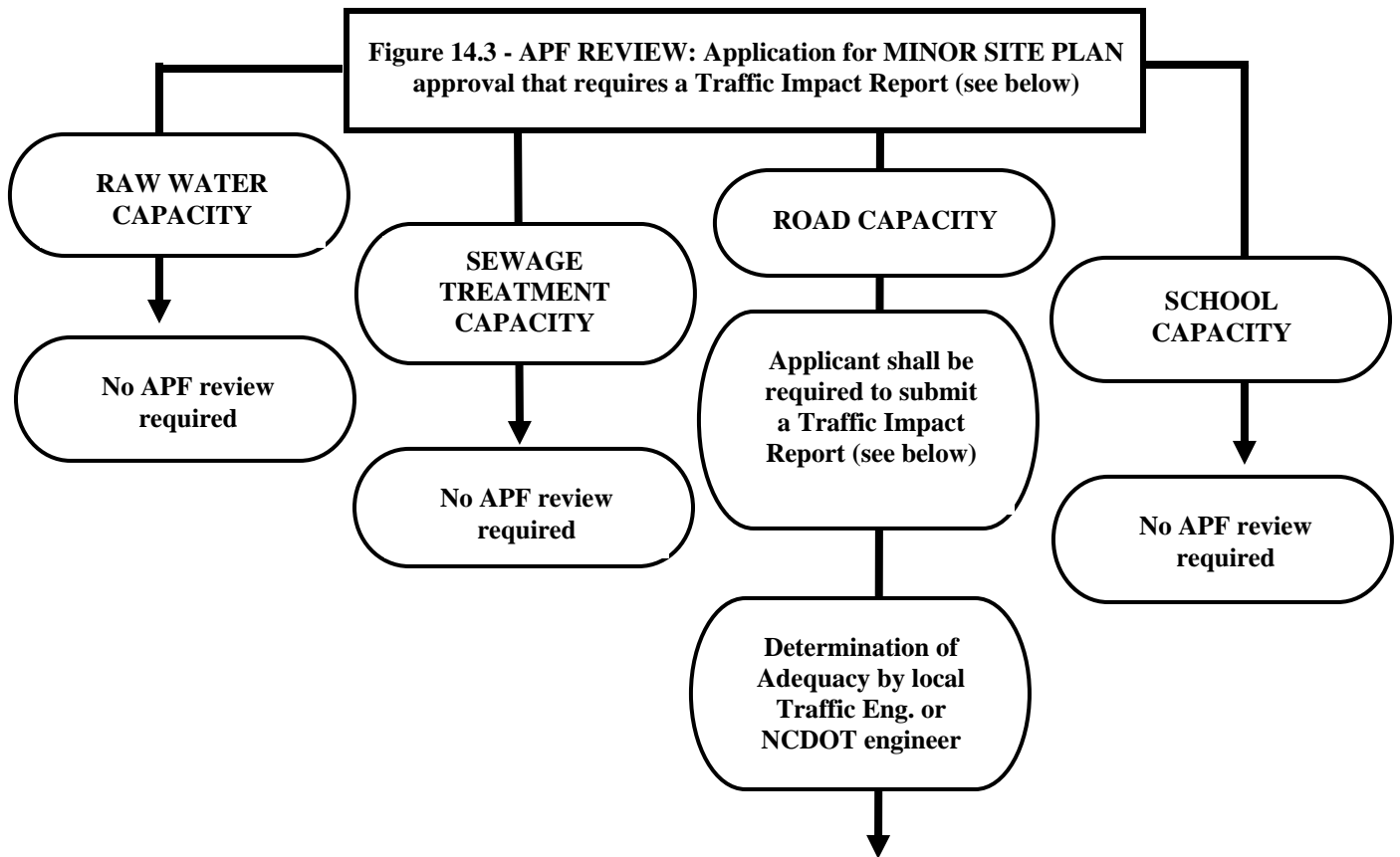


Final Decision by Planning and Zoning Board
 Planning Board shall review APF determinations and decide:

- approve the application if all four service determinations are positive
- deny the application if any of the four service determinations are negative
- to approve the application if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1

A Traffic Impact Report shall be required for:

- a land use type which has an average trip generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution.

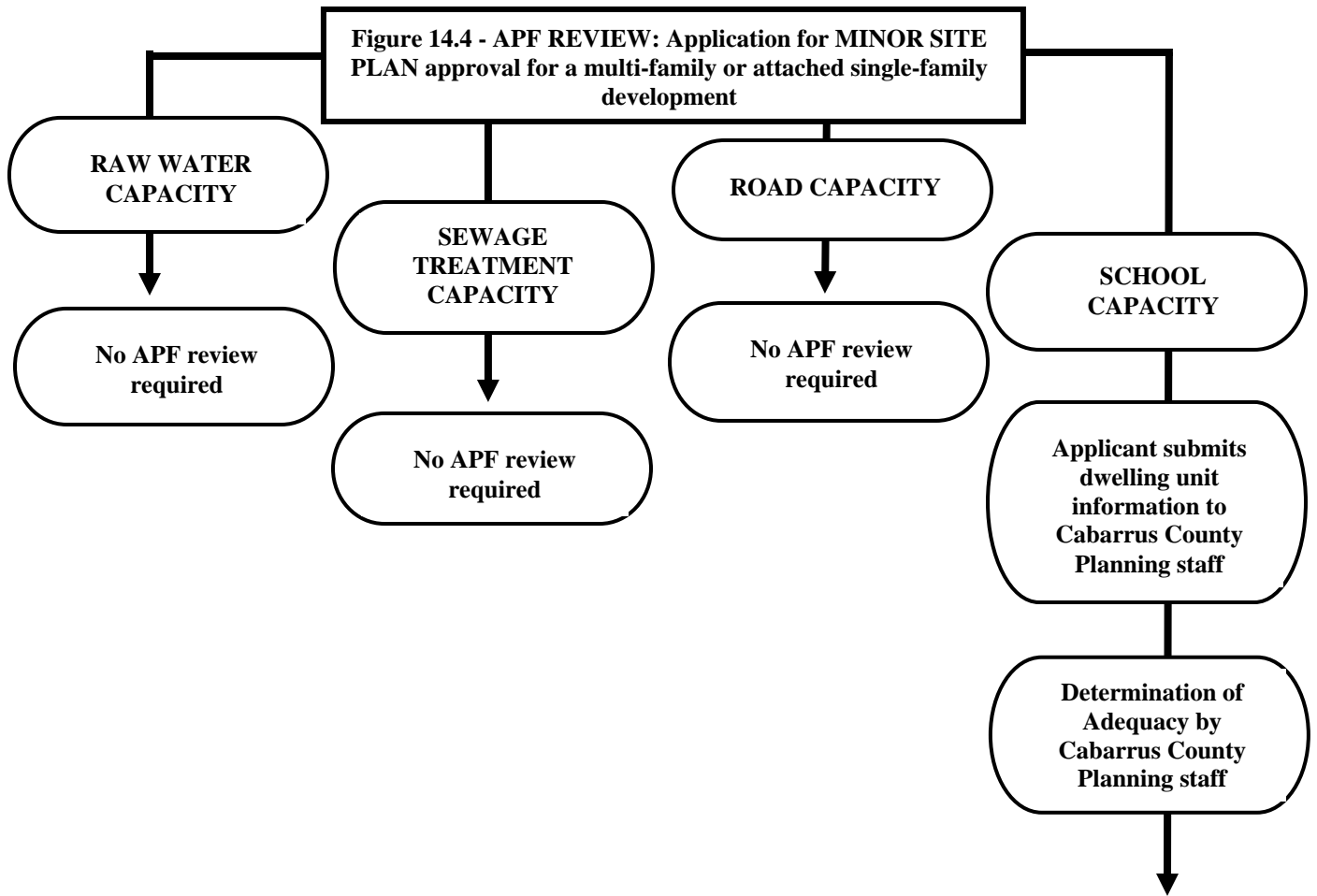


Final Decision by Administrator
 Administrator shall review APF determinations and decide:

- to approve the minor site plan if all four service determinations are positive
- to deny the minor site plan if any of the four service determinations are negative
- to approve the minor site plan if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1

A Traffic Impact Report shall be required for:

- a land use type which has an average trip generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution.



Final Decision by Administrator
 Administrator shall review APF determinations and decide:

- to approve the minor site plan if all four service determinations are positive
- to deny the minor site plan if any of the four service determinations are negative
- to approve the minor site plan if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1

Figure 14-5 - Final Determination for an APF review: Options for approving body (as taken from Sect. 14.2.6.1 of the UDO)

Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Approval, the decision-making body may determine:

- that the application for development approval shall be approved because public facilities and services are available at the adopted level of service; or
- that the application for development approval shall be denied because public facilities and services are not available at the adopted level of service; or
- that the application for development approval shall be approved subject to one or more of the following conditions as agreed to between the applicant and the Town Council:
 - deferral of further Development Orders (as defined in Appendix A) until all Public Facilities are available and adequate if Public Facilities in the Impact Area are not adequate to meet the Adopted Level of Service for the entire development proposal, consistent with the requirements of this article;
 - reduction of the density or intensity of the proposed development to a level consistent with the Available Capacity of Public Facilities;
 - provision by the Applicant of the Public Facilities necessary to provide Capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur; or
 - conditions agreed upon by the applicant to advance, or partially advance the Public Facilities necessary to provide capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur. Provisions for advancement of capacity are included in Subsection 14.2.9.