TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
TOWN COUNCIL MEETING

July 12, 2021
6:00 PM

AGENDA

1. CALL TO ORDER

A. The Town Hall Council Chambers will be open to the public at our normal capacity level. Masks are required to be worn by the public during the meeting.

The public may also join the meeting via the Zoom platform at the following link:

https://us02web.zoom.us/j/81530965962?pwd=c01NUGltNFZmNTNOYUZiV0VIcGZYQT09

Meeting ID#: 815 3096 5962
Passcode: 573227

Or join by phone:

312.626.6799
301.715.8592

B. AGENDA ADOPTION

C. INVOCATION

D. PLEDGE OF ALLEGIANCE

E. SPECIAL PRESENTATIONS

1. Cabarrus County 2020 Community Needs Assessment Report - Marcella Beam, Cabarrus Health Alliance.

2. Harrisburg Park Splash Pad Update - Jim Spina, Director of Parks & Recreation.

3. Pharr Mill Deconstruction Project Update - Jim Spina, Director of Parks & Recreation.

F. PUBLIC COMMENT - Anyone wishing to address the Town Council may do so during the Public Comment section. Please state your name and address for the record, be courteous and do not repeat what has already been said. Please keep your comments about the subject and not personal in nature.

2. CONSENT AGENDA

A. Consider the minutes of the June 14, 2021 Town Council meeting.

B. Consider the minutes of the June 14, 2021 Closed Session.

C. To set a public hearing for August 9, 2021 to consider the annexation of parcels along Blackwelder Rd, associated with rezoning (H2020-02-R).

D. To set a public hearing for August 9, 2021 to consider the annexation of parcels along Lower Rocky River Rd, associated with rezoning for McKinley Subdivision (H2020-07-R).

E. To Set a Public Hearing for the Consideration of Naming of Athletic Fields at Holcomb Woods Development on August 9, 2021.

3. COMMUNICATIONS

A. TOWN MANAGER/FINANCE MONTHLY REPORT

B. MAYOR'S COMMENTS

C. COUNCIL COMMENTS

4. PUBLIC HEARINGS

A. Public Hearing to Consider the adoption of the updated Harrisburg's Unified Development Ordinance (UDO).

5. OLD BUSINESS

A. Consideration of abandonment of public rights of way associated with Hereford Ln off of Ruth Fidler Drive.

B. Consideration of Conditional Rezoning, Zoning Map Amendment and Annexation for of 3 parcels along Hickory Ridge Rd (H2021-03-R).

C. Consideration of Conditional Rezoning, Zoning Map Amendment and Annexation of 3 parcels along Plaza Rd Ext, associated with Hooks Landing Subdivision (H2021-02-R).

D. Discussion of Changes to the Town of Harrisburg Stormwater Ordinance and to Set a Public Hearing for August 9, 2021 to Consider Such Changes.

E. Discussion of Disc Golf Course at Harrisburg Park.

F. Consideration of next steps for the Law Enforcement Study.

6. NEW BUSINESS

A. Consideration of Resolution Accepting American Rescue Plan Act (ARPA) Funds.

7. ACTION ITEMS

8. CLOSED SESSION

9. ADJOURNMENT

Town of Harrisburg's Vision Statement

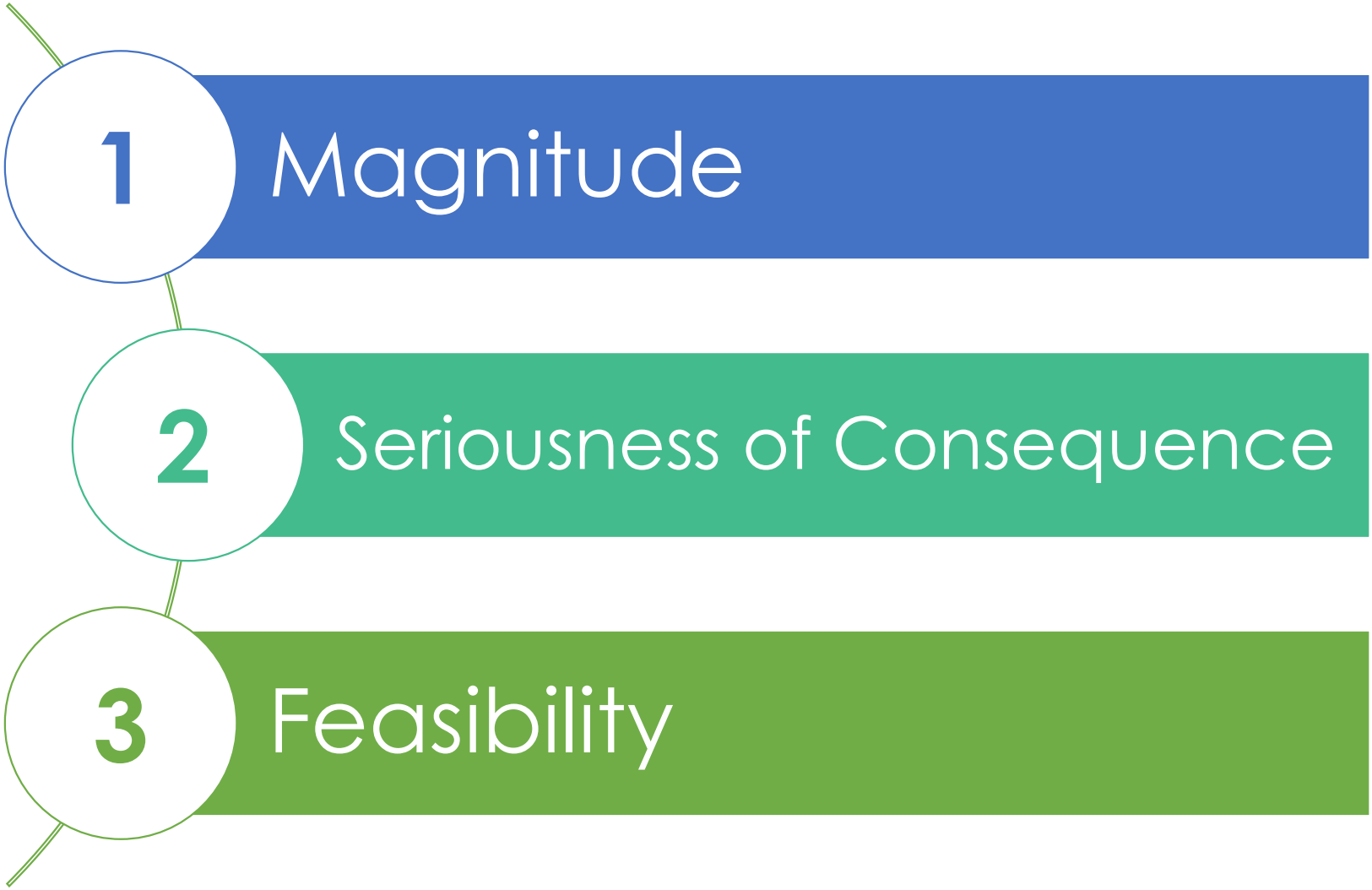
Harrisburg will be the best small town in North Carolina based on low density housing, excellent economic opportunities, a safe living environment, and efficient and effective municipal services. Amenities such as excellent recreational programs, adequate open space, attractive shopping opportunities, a diversity of restaurants, and a connected system of roadways, sidewalks, greenways, and bicycle lanes will continue to enhance the quality of life of the Town. These services and amenities will be provided while retaining reasonable tax rates and debt levels.

Cabarrus County Identified Priorities

2020 Community Needs Assessment

United Way
of Central Carolinas

Community Planning Council (CPC)
Form Advisory Group
Collect Data
Subject Matter Experts (SME) & Survey Subcommittee
Analyze Data
CPC & SME
Develop Report
Healthy Cabarrus
Disseminate Findings
Publicity & Dissemination Committee
COMMUNITY HEALTH ASSESSMENT


1
Magnitude
2
Seriousness of Consequence
3
Feasibility

Final Results

Rank	Category
1	Housing
2	Behavioral Health (mental health)
3	Education (early childhood)

Housing and Homelessness

in Poverty: 8,310

% Increase YOY Rent	
Concord	+ 6%
Kannapolis	+ 8%
Charlotte	+ 4 %
Raleigh	+ 5 %
Mooresville	+ 6 %
National Average	+ 3%

Cabarrus County

EVICTIONS

100 PER MONTH

FORECLOSURES

35 PER MONTH

310 unique individuals served in 2019

Housing and Homelessness

CCS and KCS Homeless Children

2017-2020 School Years **500+ students** identified as homeless

Alternative Housing Solutions

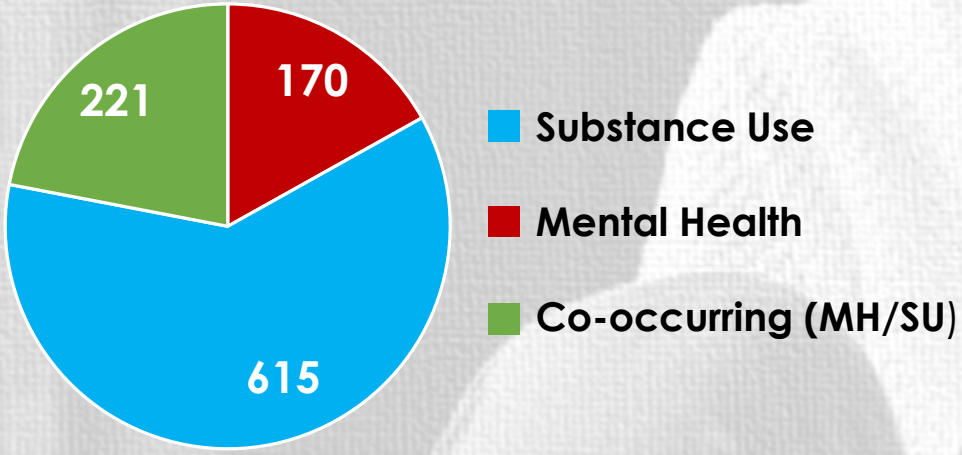
Public Housing	174 units
Section 8	541 vouchers
Apartments	1,957 units
Other Sub.	893 units
Other Affordable	1,064 units
Total Housing Support	**4,629**

Behavioral Health

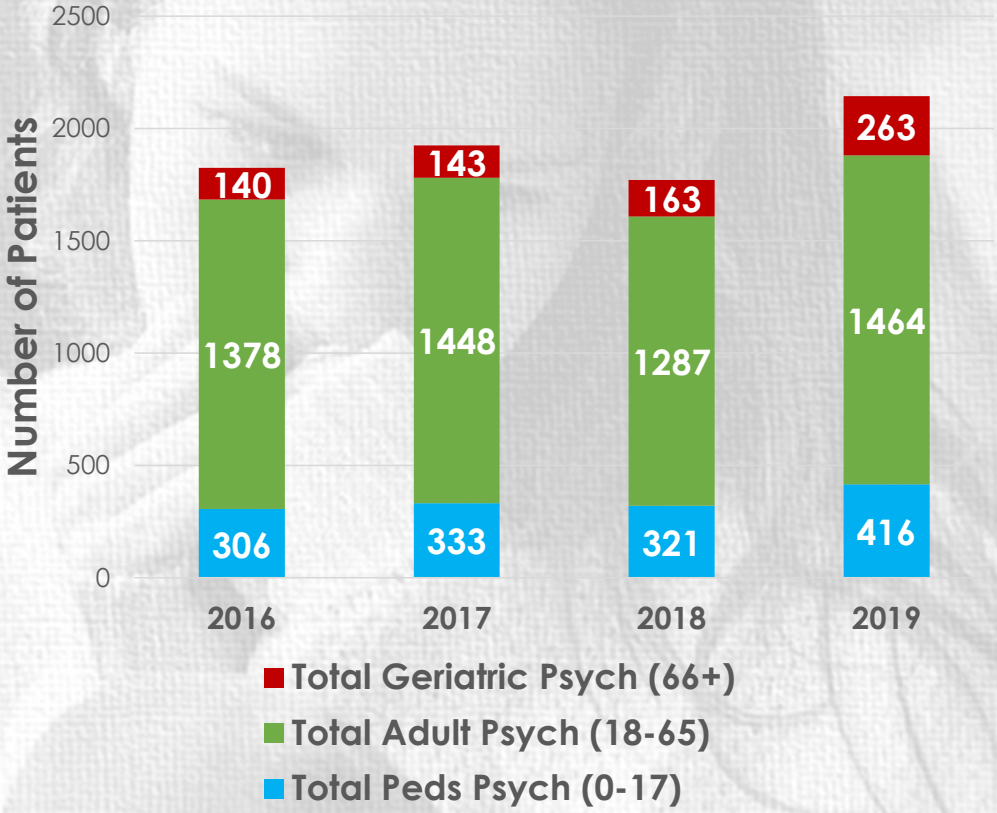
Mental Health Providers

1.7 providers per 10,000 population

Stepping Up Initiative



Atrium Health Cabarrus ED Admissions



Education – Early Childhood

63% of children under age 6 live in households in which all parents present to work

Childcare Centers

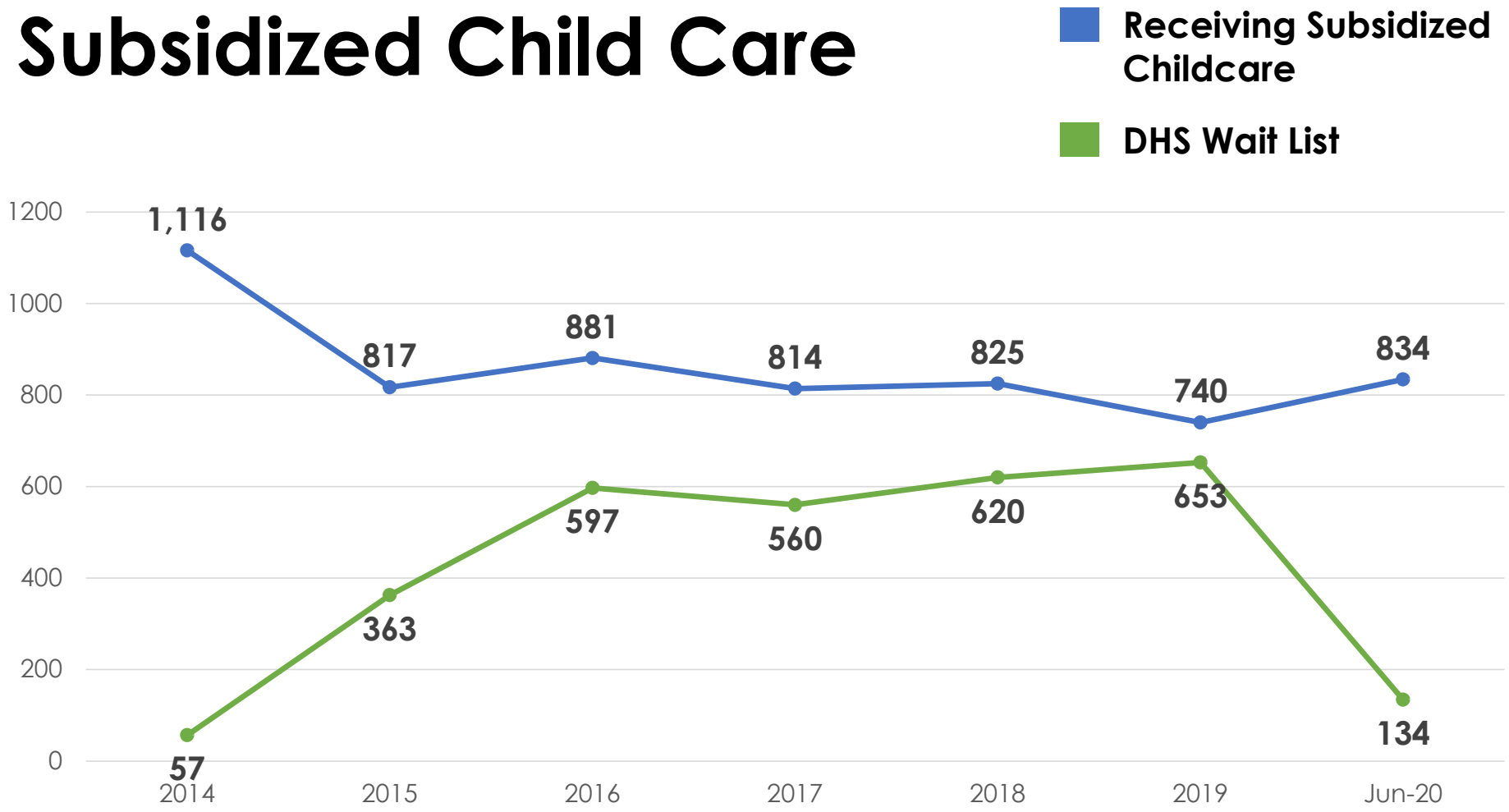
87 licensed centers

58 serve 0 to 5

23.5% of children in GS-110 program

Average Annual Fees	
Childcare Center 0-5	$9,412
Family Childcare 0-5	$7,374
Childcare Center School Aged	$5,408
Family Childcare School Aged	$4,312

Subsidized Child Care



Steps Following Needs Assessment

1. Choose Effective Policies and Programs
2. Develop Action Plans
3. Act on what is important and implement strategies
4. Evaluate Actions

TOWN OF HARRISBURG

Agenda Item Details

Title:
Consider the minutes of the June 14, 2021 Town Council meeting.

Presenting Personnel:

Suggested Motion or Action:
Motion to approve the minutes of the June 14, 2021 Town Council meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:
1. June 14 Minutes

TOWN OF HARRISBURG, NORTH CAROLINA
TOWN COUNCIL MEETING
MONDAY, JUNE 14, 2021
6:00 PM

MINUTES

This meeting was held in person as well as virtually via the Zoom platform.

Mayor Steve Sciascia called the meeting to order.

PRESENT: Mayor Steve Sciascia; Mayor Pro-Tem Ron Smith, Councilmembers Diamond Staton-Williams, Ian Patrick, Rick Russo, Rodney Dellinger, John Booth, Troy Selberg

1A.
ZOOM NOTIFICATION
The Zoom meeting link and details were published and advertised before the meeting took place and were shown on the agenda.

1B.
AGENDA ADOPTION

MOTION:
Councilmember Selberg made a motion to adopt the agenda as presented. Second was made by Mayor Pro-Tem Smith.
The motion passed 7-0.

1C.
INVOCATION
Mayor Sciascia conducted the invocation.

1D.
PLEDGE OF ALLEGIANCE

1E.
SPECIAL PRESENTATIONS

- Recognition of Planning Board and Board of Adjustment Members Lloyd Quay and John Overcash. Both have chosen to not be reappointed after serving the Town for many years. Lloyd Quay began his service in 1997 and is currently the Chairperson for the Board of Adjustment and Vice-Chair for the Planning and Zoning Board. John Overcash began his service in 2009.
- Farmington update by Jim Merrifield.
- Presentation on a review of Stormwater Management Practices as they pertain to Homeowners' Association – Mallory Hodgson.

1F.
PUBLIC COMMENT

- Mike Weaver sent in a comment concerning speeding in Holcomb Woods. Mayor Sciascia asked if we could set up the speed tracker out there for a while to deter speeding.

2.
CONSENT AGENDA

A. Consider the minutes of the May 10, 2021 Town Council Meeting
B. Consider the minutes of the May 10, 2021 Closed Session
C. Consider the minutes of the May 24 Special Called Town Council Meeting
D. Consider Capital Project Ordinance Amendments
E. Consider Public Works Capital Outlay Authorization
F. Consider Contract for Grading Services for the Fire Department Training Site

G. Consider Contract for Amusements at July 4th Celebration

MOTION:
Mayor Pro-Tem Smith made a motion to approve the Consent Agenda. Second was made by Councilmember Booth. **The motion passed 7-0.**

3A.
COMMUNICATIONS
TOWN MANAGER/FINANCE REPORT
Manager Report:

- Rockin' the Burg Concert featuring the Charlotte Symphony was held this weekend. About 800 in attendance, which is up from our last concert, and it was very well received.
- New water tower was filled over the weekend. The old tank will be emptied, cleaned and repainted.
- Two new businesses should be opening soon – Back Yard Burger and Kiddie Academy.
- Upcoming events: Planning Board on 6/15 will include a UDO presentation; Citizen's Academy will be 9/26 – 11/2; and we will hold a Community Chat on 7/29 at 6pm. Some possible topics for the Community Chat are Farmington, UDO update, and general discussion regarding development.

Finance Report:

- Finance Director Brian Lee presented the Finance report.

Law Enforcement Update:

- Lt. Chris Measimer presented the Law enforcement report.

3B.
COMMUNICATIONS
MAYOR'S COMMENTS

- HBA meeting this week – they are working on getting addresses for existing businesses in Harrisburg and will be getting reports of new businesses going forward.
- Racial Equity Committee – completed the Police Survey and met with Sheriff Van Shaw to discuss the results. Fortunately, many of the suggestions are being looked at by the State as well and they expect a lot of them will pass. Didn't really get a lot of response to the Health Survey so that has been put back up and the Education Survey just went up this week.
- A local business has offered to pay for the replacement all of the Town's street lights with LED lights, but then the Town would pay them back by paying them the difference in what we normally pay and the savings we see with the LED lights until they are paid back.
- The recruitment firm is working on the advertisement for a new Town Manager. It will come to Council sometime this week. Encouraged Council to review it quickly so we can get this posted.
- We will have a closed session tonight for a property discussion.

3C.
COMMUNICATIONS
COUNCIL'S COMMENTS
Councilmember Selberg

- HBA will be meeting in person again on Thursday, June 24. The Mayor will be there and also new Parks and Recreation Director, Jim Spina.
- Centralina Regional Council – check out connectourfuture.org to see how regional communities are working to connect our residents through transportation.

Councilmember Russo

- Met last Friday with Russell Schwartz from Innova Disc Golf out of Rock Hill along with Jim Spina to walk through Harrisburg Park to discuss potential of Disc Golf course.

  Mr. Spina spoke to Council concerning the meeting. Mr. Schwartz saw potential for an "Ace Place" course, which is a 9-hole course that would be good for families, beginners, seniors and experienced golfers as well. The cost to develop this course would be approximately $8,500. Also went out to Pharr Mill Park and there is

the possibility for an 18-hole course there in the future if we so choose. The approximate cost for that one would be $20,000. For the one at Harrisburg Park, if Council directs staff to move forward, construction could potentially begin in July and play could begin in August. After some discussion the following action was taken:

MOTION #1:
Councilmember Russo made a motion to approve the construction of a disc golf course in Harrisburg Park, with a not to exceed total project cost of $10,000. Second was made by Councilmember Selberg. **The motion passed 7-0.**

MOTION #2:
Councilmember Booth made a motion to appropriate $10,000 form Contingency to cover the cost of the disc golf course in Harrisburg Park. Second was made by Councilmember Selberg. **The motion passed 7-0.**

Mayor Pro-Tem Smith

- HRHS Track/Field Committee met – looking for funding opportunities. Former Mayor Tim Hagler will be in Raleigh this week to hand out fliers and look for potential funding opportunities. Looking for about $5 million for HRHS football turf, practice turf, HRMS turf, rubberize the track at HRHS and HRMS, field house for equipment storage, community fitness trails and innovative, intuitive playground equipment for individuals with disabilities.
- Thanked Parks and Recreation Department for the Charlotte Symphony concert. Staff did a phenomenal job.

Councilmember Selberg

- HBA would like to have updates included in the Town's newsletters and in water bills. They could potentially promote the Town's initiatives and updates as well.

Mayor Pro-Tem Smith

- Would like to challenge Town staff to find new ways to communicate to residents. Find out what others in the area are doing.

Councilmember Dellinger

- One of the green lights going from Roberta Road to Veteran's is out and the traffic light only lets about two or three cars through there at times. Also, the striping is off the road there.
- Asked for update concerning the roundabouts on Stallings Road. Interim Assistant Town Manager stated that the Shea Homes round about has requested closure to begin construction, and if that is approved, they will start that soon. The one at Harmony will not be constructed until next summer.

Councilmember Patrick

- On the subject of the LED street lights, it's very important to make sure we get the color right and that they are consistent throughout the Town.

Mayor Sciascia

- For the upcoming HBA meeting on the 24th, would like to have as many staff there as possible to help them understand what the Town can do for them and what they can do for us.

4A.
PUBLIC HEARING
Consider adoption of the Highway 49 Corridor Improvement Plan. Town Council approved the contract in June 2020 to kick-off a year-long Planning Process ($74,000 budget) to create a Corridor Improvement Plan for Highway 49.

In 2018, the Harrisburg Town Council adopted the Harrisburg Area Land Use Plan (HALUP), developed in partnership with Cabarrus County. This plan provides the vision and framework for future development of the Town through 2040 and creates a "Strategic Transportation Plan" with one of the top priorities being the improvement to the appearance of the NC49 Corridor.

The goal of the Highway 49 Corridor Plan is to provide solutions and prioritized recommendations for improvements to address access management, safety, streetscape improvements, land use and local policy recommendations to enhance

future development and assist the Town in creating a sense of place for the corridor that is unique to the Town.

The plan will be delivered as an online story map, an executive summary will be created using a traditional print format and available to download/print from the website. A DRAFT of the plan is available at https://storymaps.arcgis.com/stories/3df815e5e4fb44f98351afec8a14a8a5

Paul Trapp of the Timmons Group presented information concerning the plan. After some discussion the following motion was made:

MOTION:
Councilmember Selberg made a motion to postpone this matter until September to give time to get more information concerning how unemployment may impact the traffic patterns.

More discussion and questions followed.

Councilmember Selberg then withdrew his motion.

The public hearing was opened.
Speaking: none
The public hearing was then closed.

Planning and Economic Development Director Sushil Nepal stated that staff will bring more information on some potential projects to add to the document as priorities.

Adoption action will be at the August 9th meeting.

4B.
PUBLC HEARING
Consider approval the FY2022 Budget Ordinance, Fee Schedule, Capital Improvement Plan, and Tax Rate. In the May Town Council meeting, the budget was presented to the Town Council with the public given an opportunity to ask questions and comment, as well as being made available for public inspection. A public hearing is required to be held to receive additional input from the public.

Interim Town Manager, Lee Connor, provided a budget presentation summarizing the proposed FY2022 budget.

Copies of the Manager's Recommended Budget and the proposed FY2022 budget ordinance, FY2022 schedule of fees and FY2022 CIP were included in tonight's meeting packet. The budget was generated using a tax rate of $0.355 per $100 valuation.

The public hearing was opened.
Speaking:

- James Eskew, 8010 Wycombe Court, Harrisburg - against

The public hearing was then closed.

Two motions are required:

MOTION #1:
Councilmember Russo made a motion to approve the Budget Ordinance, Fee Schedule and Capital Improvement Plan as presented. Second was made by Councilmember Staton-Williams. **The motion passed 7-0.**

MOTION #2:
Councilmember Staton-Williams made a motion to set the tax rate for FY2022 as $0.355 per $100 valuation, and to be collected by the Cabarrus County Tax Office. Second was made by Selberg. **The motion passed 7-0.**

4C.
PUBLIC HEARING

Consider the Conditional Rezoning, Zoning Map Amendment and Annexation of 3 parcels along Hickory Ridge Rd (H2021-03-R). Taylor Morrison Homes, on behalf of the property owners of parcels 5516-41-0869, 5516-51-2789, 5516-42-6187 has submitted a request to rezone approximately 52.17 acres of land located off Hickory Ridge Road next to the Elementary School. The applicant proposes to develop 42 single-family detached residential dwellings, combination of 75-foot wide internal lots and 100-foot wide corner lots. To achieve this, the applicant is requesting that the property be rezoned from County CR (Countryside Residential) to CZ-RM1 (Conditional Zoning Residential Medium Density). The proposed gross density of the site is 0.80 dwelling units per acre.

The property is in the County, and the applicant has also submitted a Petition requesting Annexation for the subject property which is contiguous to the current Town of Harrisburg corporate limits.

A staff report has been provided for more information and a site plan submitted for Council consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the subsequent Preliminary Plat and Construction Document (CDs) reviews.

Alan Kerley with Taylor Morrison presented information on behalf of the applicant.

The public hearing was opened.
Speaking: none
The public hearing was then closed.

No action is required tonight. Final action on the rezoning and annexation will be taken at the July 12th meeting.

4D.
PUBLIC HEARING
Consider the Conditional Rezoning, Zoning Map Amendment and Annexation of 3 parcels along Plaza Rd Ext, associated with Hooks Landing Subdivision (H2021-02-R). True Homes, Inc. on behalf of the property owners of parcels 5506-11-3265, 5506-11-4009, 5506-10-4854 has submitted a request to rezone approximately 2.45 acres of land located off Plaza Rd Ext. The applicant proposes to develop 6 single-family attached residential dwellings (townhomes). To achieve this, the applicant is requesting that the property be rezoned from County LDR (Low Density Residential) to CZ-RV (Conditional Zoning Residential Village). The proposed gross density of the site is 2.45 dwelling units per acre. The project is part of larger project that expands into Mecklenburg County.

The property is in the County, and the applicant has also submitted a Petition requesting Annexation for the subject property which is non-contiguous to the current Town of Harrisburg corporate limits.

A staff report has been provided for more information and a site plan submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the subsequent Preliminary Plat and Construction Document (CDs) reviews.

Eddie Moore with McAdams presented information on behalf of the applicant.

The public hearing was opened.
Speaking: none
The public hearing was then closed.

No action is required tonight. Final action on the rezoning and annexation will be taken at the July 12th meeting.

4E.
PUBLIC HEARING
Consider the abandonment of public rights of way associated with Hereford Ln off Ruth Fidler Drive. The Harrisburg Town Council has received a petition from Donna S. West, Jon D. Harkleroad, Robert S. Mitchell II and Karen S. Mitchell, requesting the abandonment of public right-of-way of Hereford Ln off Ruth Fidler Drive and property be equally added to adjoining parcels 55173531550000 and 55173520140000.

The public right of way associated with future Hefford Ln was platted and recorded as a potential connection to the adjoining neighborhood. As part of the Harmony Acres rezoning approval, Town Council removed Hereford Ln as a

street connection and thus the property remains of no use for public purpose. Staff supports the abandonment and equal transfer of property to two adjoining property owners (applicant requesting abandonment).

A resolution of intent was adopted at the May 10, 2021 meeting, public hearing for the abandonment will be held tonight and a final resolution of abandonment (action) will be adopted at the July 12th meeting.
The public hearing was opened.
Speaking: none
The public hearing was then closed.

No action is required tonight.

There was a 5-minute recess at this time. Following the recess, the meeting continued.

5.
OLD BUSINESS
None

6A.
NEW BUSINESS
Consider appointment of a new member to the Planning and Zoning Board and Board of Adjustment. There are two (2) positions on the Planning and Zoning Board whose appointment terms are set to expire on June 30, 2021, one vacancy is from within the Harrisburg limits and other is from the Extra-Territorial Jurisdiction (ETJ).

The board vacancy application was posted on the Town's website and social media on April 13th to solicit applications and applications were accepted until May 4th 2021, three (3) applications were received for the town limits vacancy but none were received for the ETJ.

The Planning and Zoning Board sub-committee (Andy Rathke, Rodney Garner and Thelma Chapman) interviewed 3 applicants on May 10, 2021. The sub-committee made their recommendations to appoint Mr. Kevin Hutchins at the May Planning and Zoning Board meeting, the full Planning and Zoning Board affirmed the recommendation and is presenting it to Town Council for consideration. The ETJ position will remain vacant until filled.

The new appointee will start their term starting July 1, 2021 and serve a 3 year term.

MOTION:
Councilmember Selberg made a motion to appoint Mr. Kevin Hutchins to the Planning and Zoning Board and the Board of Adjustment through June 30, 2024. Second was made by Councilmember Booth. **The motion passed 7-0.**

6B.
NEW BUSINESS
Consider Morehead West Sewer Phase I and Leatherwood PS Decommissioning Project Ordinance Extension.
Morehead West Sewer Phase I and Leatherwood Pump Station Decommissioning was originally authorized by Town Council as part of the FY2020 Capital Improvement Plan and Budget Ordinance to cover a span of July 1, 2019 to June 30, 2021. The project was recently publicly bid and there was an insufficient level of interest in combination with quickly inflating construction costs. Staff's recommendation is to continue to pursue easements and finalize the engineering while waiting for a more advantageous time to begin construction. Staff is requesting to extend the term of project to June 30, 2023 to allow up to a year to wait for better construction conditions and a year for construction.

MOTION:
Councilmember Booth made a motion to approve the Morehead West Capital Project Ordinance Extension Amendment as presented. Second was made by Councilmember Russo. **The motion passed 7-0.**

6C.
NEW BUSINESS

Consider approval of the Harrisburg Park Track Replacement Project Contract and related Project Ordinance Amendment. In the closeout process of the Harrisburg Park Project, staff determined that the newly installed 8' wide, 0.54-mile track that circumvents the new soccer fields was not installed per Town standards. There are many areas throughout where the pavement is failing due to improper installation techniques. Town Staff has withheld payment of the Track from the site general contractor, JD Goodrum, to cover the expenses to remove and replace the track. While doing so, Red Clay Industries will replace the track at the 10' width originally specified in the plans.

MOTION:

Mayor Pro-Tem Smith made a motion to award construction contract in the amount of $98,685 to Red Clay Industries for the Harrisburg Park Track Replacement Project and related Project Ordinance Amendment. Second was made by Councilmember Booth. **The motion passed 7-0.**

6D.

NEW BUSINESS

Consider appointment of two new members to the Sustainability Advisory Board. The Sustainability Advisory Board By-Laws call for the Board to have 9 members. Currently there are 7, and we now have 2 new applications for membership. In the May 12, 2021 Sustainability Advisory Board meeting, the Board unanimously voted to recommend that Council consider the appointment of Ronald Hogg, Sr. and Bill Leake to fill the 2 vacant seats. If approved, these two appointments will serve until December 31, 2021 and if they choose to do so, they can apply for reappointment to a full two-year term at that time. Their applications have been provided for Council review and consideration.

These openings have been advertised since March 2, 2021 and were the only two applications received.

MOTION:

Mayor Pro-Tem Smith made a motion to appoint Ronald Hogg, Sr. and Bill Leake to the Sustainability Advisory Board. Second was made by Councilmember Booth. **The motion passed 7-0.**

6E.

NEW BUSINESS

Discussion on Treatment of HOA Amenity Centers in relation to the Town's waste management services. The Town's contract with Waste Pro spans from November 1, 2017 to June 30, 2024 and provides, among other miscellaneous services to the Town, trash and recycling services to all residential properties within Town limits. This is funded in the Town's General Fund with the use of property taxes.

Section 4.A. of the contract with Waste Pro states that "The Contractor shall provide each Town-approved residence one 96-gallon cart specifically designed for the storage and collection of solid waste and household garbage."

There is no provision in the contract for solid waste collection from any place other than residential units.

Unbeknownst to Town staff, Waste Pro had erroneously provided carts and trash service to many of the Town's HOA properties over the past several years and was not being paid by the entities or through the Town contract. Waste Pro discovered that it was providing this service to accounts which should not be receiving service through the Town's contract and it has begun removing these locations from the routes and requiring the HOA to establish its own service separately from the Town.

Waste Pro acknowledges that the service previously provided was their error and neither the customer nor the Town are responsible for these costs. Staff has prepared a letter notifying all HOAs of the terms of the Town's contract and of their need to enter into a contract with a solid waste provider. This is a change for many of the properties in Town and staff welcomes direction from Council if a change to the current contract terms are desired.

Council's direction was to look into options of trying to negotiate a better price for the HOAs or adding the HOAs to our current contract and see what it would cost us.

7.

ACTION ITEMS

- Research new ways to communicate with residents – think outside the box
- Place speed trackers in Holcomb Woods to address concerns from Mr. Weaver
- Email HOAs concerning trash pickup

- Staff to attend next HBA meeting

8.
CLOSED SESSION
MOTION:
Councilmember Selberg made a motion to go into Closed Session to discuss potential property acquisition. Second was made by Mayor Pro-Tem Smith. **The motion passed 7-0.**

Upon returning from Closed Session, the following action was taken:

MOTION:
Councilmember Selberg made a motion to come out of Closed Session and return to regular business. Second was made by Councilmember Staton-Williams. **The motion passed 7-0.**

9.
ADJOURNMENT:
MOTION:
There being no further business, Councilmember Selberg made a motion to adjourn the meeting. Second was made by Mayor Pro-Tem Smith. **The motion passed 7-0.**

ATTEST:

_____
Steve Sciascia, Mayor

_____
Janet Rackley, Town Clerk

TOWN OF HARRISBURG

Agenda Item Details

Title:
Consider the minutes of the June 14, 2021 Closed Session.

Presenting Personnel:

Suggested Motion or Action:
Motion to approve the minutes of the June 14, 2021 Closed Session as presented.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:
None

TOWN OF HARRISBURG

Agenda Item Details

Title:
To set a public hearing for August 9, 2021 to consider the annexation of parcels along Blackwelder Rd, associated with rezoning (H2020-02-R).

Presenting Personnel:
Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:
Motion to set a public hearing for August 9, 2021 to consider the annexation of 2 parcels along Blackwelder Rd, associated with Rezoning (H2021-02-R).

Description/Background:
A Public Hearing is requested for August 9, 2021 to consider the annexation of 2 parcels located off of Blackwelder Rd (PIN# 55183432930000 and 55184487900000). The property owner is requesting a rezoning of these parcels (39.17 acres), currently located in the County, from Low Density Residential (LDR) to CZ-RV, Conditional Residential Village. The purpose of the rezoning is to enable the property owner to subdivide the property for 70 single-family homes. The parcel is contiguous to Harrisburg's corporate boundary.

A public hearing for the annexation and rezoning of this parcel will be held on August 9, 2021.

Recommendation:
Staff recommends setting the public hearing to consider annexation of the parcels associated with Rezoning (H2020-02-R), currently in the County.

Fiscal Impact:
The annexation has no direct fiscal impact as a result of the annexation itself, however, the result of the development on the annexed properties will both generate additional property tax revenue for the Town and add to the costs associated with providing the additional homes with Town services.

Attachments:
1. Blackwelder Property_Annexation Application
2. Blackwelder Property_ Annexation Plat
3. Certificate of Sufficiency
4. Resolution Fixing Date of Public Hearing - Blackwelder

Harrisburg NC

The right side of opportunity

PETITION REQUESTING ANNEXATION

DATE: November 14, 2019

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.
2. The area to be annexed is:

   ☑ CONTIGUOUS ☐ NON-CONTIGUOUS

   to the Town of Harrisburg and the boundaries of such territory are:

   ☑ ATTACHED ☐ DESCRIBED AS FOLLOWS:

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

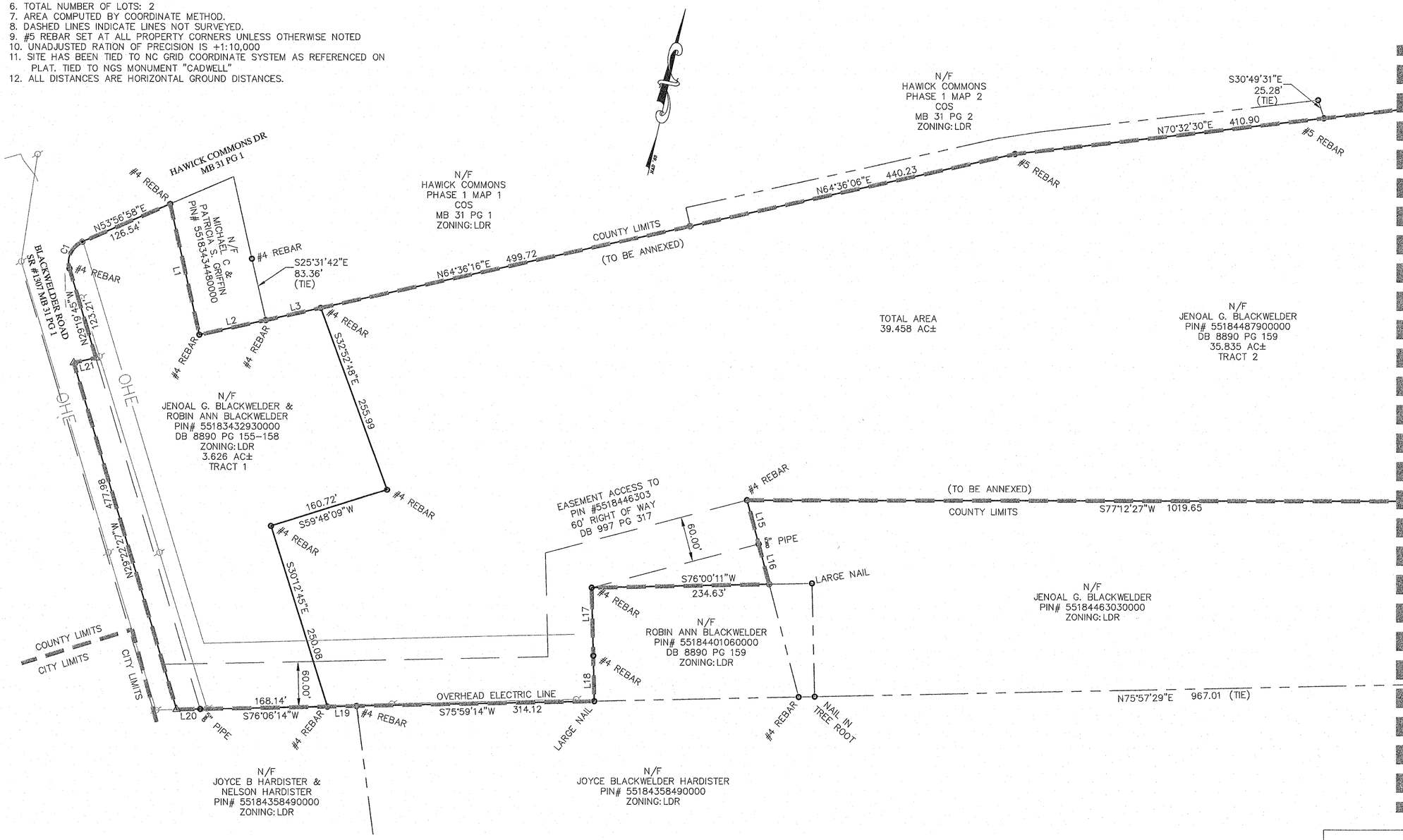
4. SIGNATURE OF OWNERS

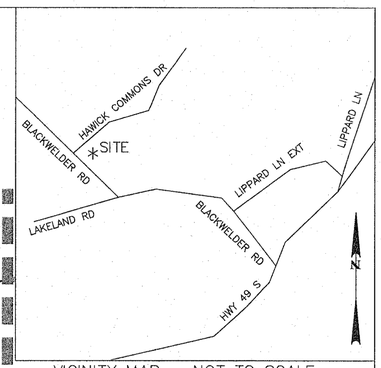
NAME	ADDRESS
Robin Blackwelder Robin Blackwelder	5127 Blackwelder Road Concord, NC 28025
Jenoal Blackwelder Jenoal Blackwelder	5127 Blackwelder Road Concord, NC 28025

NOTES:

1. THIS SURVEY IS OF EXISTING PARCEL OR PARCELS OF LAND.
2. THIS IS NOT AN ALTA/NSPS SURVEY.
3. THE PARCEL ID# IS 55183432930000, & 55184487900000.
4. THIS PROPERTY IS ZONED LDR
5. ACREAGE OF THIS PLAT: 39.458
6. TOTAL NUMBER OF LOTS: 2
7. AREA COMPUTED BY COORDINATE METHOD.
8. DASHED LINES INDICATE LINES NOT SURVEYED.
9. #5 REBAR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED
10. UNADJUSTED RATION OF PRECISION IS +1:10,000
11. SITE HAS BEEN TIED TO NC GRID COORDINATE SYSTEM AS REFERENCED ON PLAT. TIED TO NGS MONUMENT "CADWELL"
12. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.

ANNEXATION TABULATION TABLE
PIN# 55183432930000 – 3.626 AC±
PIN# 55184487900000 – 35.835 AC±
TOTAL AREA TO BE ANNEXED – 39.458 AC±





VICINITY MAP – NOT TO SCALE

Line Table		
Line #	Length	Direction
L1	177.88	S25°21'30"E
L2	89.89	N64°39'25"E
L3	74.31	N64°37'47"E
L4	49.41	N70°53'30"E
L5	48.72	S38°45'59"W
L6	48.82	S23°38'20"W
L7	76.71	S6°42'45"E
L8	82.68	S9°19'33"E
L9	23.83	S25°15'30"E
L10	145.62	S18°10'46"E
L11	170.83	S50°35'33"E
L12	152.95	S39°24'44"E
L13	218.99	S41°20'03"E
L14	40.03	S75°57'54"W
L15	59.98	S27°30'33"E
L16	54.68	S27°32'17"E
L17	90.03	S14°15'23"E
L18	60.10	S14°02'07"E
L19	38.53	S75°55'27"W
L20	31.28	S76°06'14"W
L21	30.04	N64°36'22"E

Curve Table					
Curve #	Length	Radius	Chord	Bearing	Delta
C1	43.61	30.00	39.87	N12°16'16"E	83°17'25"

I HAVE EXAMINED THE FLOOD INSURANCE RATE MAPS FOR MECKLENBURG COUNTY, NORTH CAROLINA, COMMUNITY PANEL NUMBERS 3710551800K DATED NOVEMBER 16, 2018 AND HEREBY CERTIFY THAT THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

I, BRYAN P. LACKEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK ___, PAGE___); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM THE INFORMATION FOUND IN BOOK___, PAGE ___; THAT THE RATIO OF PRECISION AS CALCULATED IS +1:10,000 ; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS A MENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 6 DAY OF APRIL, 2021.

NORTH CAROLINA PROFESSIONAL SEAL L-5055 LAND SURVEYOR BRYAN P. LACKEY

NORTH CAROLINA PROFESSIONAL SEAL C-4168 ENGINEERING & SURVEYING R. JOE HARRIS & ASSOCIATES, PLLC

BRYAN P. LACKEY, PLS

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I,_____ REVIEW OFFICER OF CABARRUS COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

GRAPHIC SCALE

-100 0 50 100

(IN FEET)
1 inch = 100 ft.

REFERENCES
DB 8890 PG 159–164
DB 8890 PG 155–158

LEGEND:
- ◉ – IRON PIPE SET (#5 REBAR)
- o – IRON FOUND AS NOTED
- △ – COMPUTED POINT, NGS MONUMENT
- R/W – RIGHT-OF-WAY

ANNEXATION PLAT
BLACKWELDER
NO. 2 TOWNSHIP, CABARRUS COUNTY, NC
PARCEL ID #55183432930000, & 55184487900000,
SURVEYED FOR: SOUTH FORK VENTURES

CURRENT OWNER:
JENOAL G. BLACKWELDER &
ROBIN ANN BLACKWELDER
5127 BLACKWELDER RD
CONCORD NC 28027

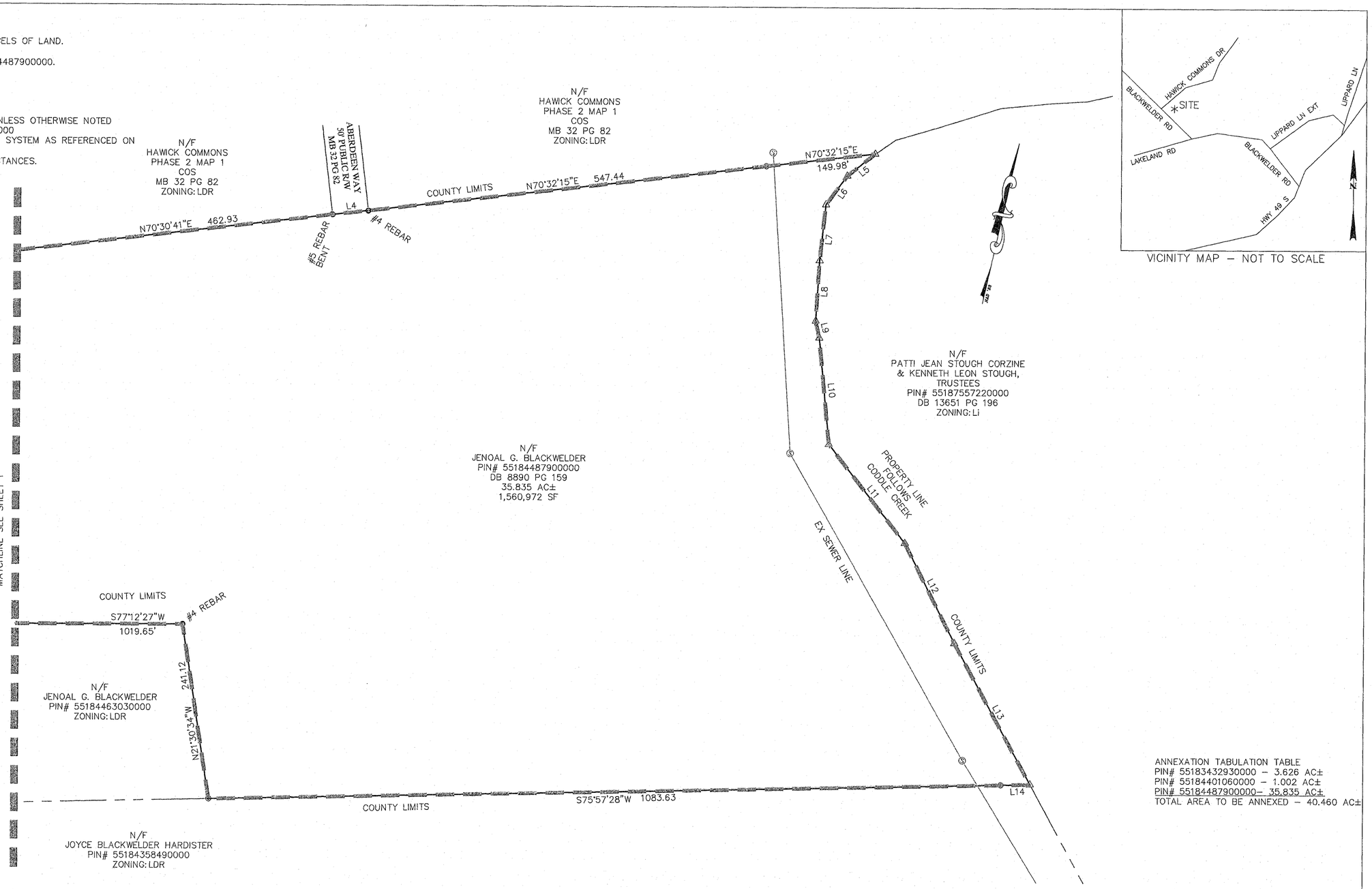
R. Joe Harris & Associates, Inc.
Engineering & Land Surveying
1186 STONECREST BLVD, TEGA CAY, SC, 29708
Phone: (803) 802-1799

RJH

3329	JOB NO.
4-6-2021	DATE
RJH & ASSOC	
1"=100'	SCALE
PREPARED BY DC	
CHECKED BY BPL	
SHEET 1	OF 2

NOTES:

1. THIS SURVEY IS OF EXISTING PARCEL OR PARCELS OF LAND.
2. THIS IS NOT AN ALTA/NSPS SURVEY.
3. THE PARCEL ID# IS 55183432930000, & 55184487900000.
4. THIS PROPERTY IS ZONED LDR
5. ACREAGE OF THIS PLAT: 39.458
6. TOTAL NUMBER OF LOTS: 2
7. AREA COMPUTED BY COORDINATE METHOD.
8. DASHED LINES INDICATE LINES NOT SURVEYED.
9. #5 REBAR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED
10. UNADJUSTED RATION OF PRECISION IS +1:10,000
11. SITE HAS BEEN TIED TO NC GRID COORDINATE SYSTEM AS REFERENCED ON PLAT. TIED TO NGS MONUMENT "CADWELL"
12. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.



VICINITY MAP – NOT TO SCALE

ANNEXATION TABULATION TABLE
PIN# 55183432930000 – 3.626 AC±
PIN# 55184401060000 – 1.002 AC±
PIN# 55184487900000– 35.835 AC±
TOTAL AREA TO BE ANNEXED – 40.460 AC±

I HAVE EXAMINED THE FLOOD INSURANCE RATE MAPS FOR MECKLENBURG COUNTY, NORTH CAROLINA, COMMUNITY PANEL NUMBERS 3710551800K DATED NOVEMBER 16, 2018 AND HEREBY CERTIFY THAT THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

I, BRYAN P. LACKEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK ___, PAGE___); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM THE INFORMATION FOUND IN BOOK___, PAGE ___; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS A MENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 6 DAY OF APRIL, 2021.

BRYAN P. LACKEY, PLS

NORTH CAROLINA PROFESSIONAL SEAL L-5055 LAND SURVEYOR BRYAN P. LACKEY

NORTH CAROLINA PROFESSIONAL SEAL C-4168 ENGINEERING & SURVEYING R. JOE HARRIS & ASSOCIATES, PLLC

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I,_____ REVIEW OFFICER OF CABARRUS COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

GRAPHIC SCALE

-100 0 50 100

(IN FEET)
1 inch = 100 ft.

REFERENCES
DB 8890 PG 159–164
DB 8890 PG 155–158

LEGEND:
◉ – IRON PIPE SET (#5 REBAR)
○ – IRON FOUND AS NOTED
△ – COMPUTED POINT, NGS MONUMENT
R/W – RIGHT-OF-WAY

SEE SHEET 1 FOR LINE AND CURVE TABLES

ANNEXATION PLAT
BLACKWELDER

NO. 2 TOWNSHIP, CABARRUS COUNTY, NC
PARCEL ID #55183432930000, & 55184487900000
SURVEYED FOR: SOUTH FORK VENTURES

CURRENT OWNER:
JENOAL G. BLACKWELDER &
ROBIN ANN BLACKWELDER
5127 BLACKWELDER RD
CONCORD NC 28027

R. Joe Harris & Associates, Inc.
Engineering & Land Surveying
1186 STONECREST BLVD, TEGA CAY, SC, 29708
Phone: (803) 802-1799

3329	JOB NO.
4-6-2021	DATE
RJH & ASSOC	
1"=100'	SCALE
PREPARED BY DC	
CHECKED BY BPL	
SHEET 2	OF 2

Harrisburg NC
The right side of opportunity

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Harrisburg of Harrisburg North Carolina:

I, Janet Rackley, Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Harrisburg of Harrisburg, North Carolina, this 28th day of June 2021.

(Seal)

SEAL OF THE TOWN OF HARRISBURG NORTH CAROLINA ★ 1973 ★

Janet Rackley

Janet Rackley, Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on August 9, 2021.

Section 2. The area proposed for annexation is described as follows:

Being located in Number 1 Township, Town of Harrisburg, Cabarrus County, North Carolina and being more particularly described as follows:

Tract #1 – TM #55183432930000

Being all that certain parcel of land, lying in Cabarrus County, North Carolina, and being recorded in Deed Book (DB) 8890 Page (PG) 155, Cabarrus County Register of Deeds, and being more particularly described as follows;
Beginning on a #4 rebar found on the south side of Hawick Commons Drive (variable width public right of way Map Book (MB) 31 PG 1), said point being the POINT OF BEGINNING (POB), thence, from the POB, S25°21'30"E for a distance of 177.88' to a #4 rebar, thence N64°39'25"E for a distance of 89.89' to a #4 rebar found, thence N64°37'47"E for a distance of 74.31' to a #4 rebar found, thence S32°52'48"E for a distance of 255.99' to a #4 rebar found, thence S59°48'09"W for a distance of 160.72' to a #4 rebar found, thence S30°12'45"E for a distance of 250.08' to a #4 rebar found, thence S76°06'14"W for a distance of 168.14' to a 5/8" pipe found on the right of way of Blackwelder Road (SR #1307 variable width public right of way MB 31 PG 1), thence S76°06'14"W for a distance of 31.28' to a point in the center of said road, thence, with the center of said road, N29°22'27"W for a distance of 477.98' to a point, thence leaving said road, N64°36'22"E for a distance of 30.04' to a point on the aforementioned right of way of Blackwelder Road, thence, along said right of way, N29°19'45"W for a distance of 123.21' to a #4 rebar found at the intersection of said right of way and the right of way of Hawick Common Drive, said point on the beginning of a non-tangential curve, said curve turning to the right through an angle of 83°17'25", having a radius of 30.00', and whose long chord bears N12°16'16"E for a distance of 39.87' to a #5 rebar set, thence N53°56'58"E for a distance of 126.54' to the POB, containing 3.626 acres, more or less.

Tract #2 – TM #55184487900000

Being all that certain parcel of land, lying in Cabarrus County, North Carolina, and being recorded in Deed Book (DB) 8890 Page (PG) 159, Cabarrus County Register of Deeds, and being more particularly described as follows;
Beginning at a #4 rebar found in the common open space of the Hawick Commons subdivision (Map Book (MB) 31 Page (PG) 1), said point being the POINT OF BEGINNING (POB), thence N64°36'16"E for a distance of 499.72' to a #5 rebar set, thence N64°36'06"E for a distance of 440.23' to a #5 rebar found, thence N70°32'30"E for a distance of 410.90' to a #5 rebar found, thence N70°30'41"E for a distance of 462.93' to a bent #5 rebar found on the right of way of Aberdeen Way (50' public right of way MB 32 PG 82), thence, with said right of way, N70°53'30"E for a distance of 49.41' to a #4 rebar found, thence, leaving said right of way, N70°32'15"E for a distance of 547.44' to a #5 rebar set, thence N70°32'15"E for a distance of 149.98' to a point in the center of Coddle Creek, thence with the center of said creek the following 9 calls, 1)S38°45'59"W for a distance of 48.72' to a point 2)S23°38'20"W for a distance of 48.82' to a point 3)S06°42'45"E for a distance of 76.71' to a point 4)S09°19'33"E for a distance of 82.68' to a point 5)S25°15'30"E for a distance of 23.83' to a point 6)S18°10'46"E for a distance of 145.62' to a point 7)S50°35'33"E for a distance of 170.83' to a point 8)S39°24'44"E for a distance of 152.95' to a point 9)S41°20'03"E for a distance of 218.99' to a point, thence, leaving said creek, S75°57'54"W for a distance of 40.03' to a #5 rebar set, thence S75°57'28"W for a distance of 1,083.63' to a #5 rebar set, thence N21°30'34"W for a distance of 241.12' to a #4 rebar found, thence S77°12'27"W for a distance of 1,019.65' to a #4 rebar found, thence S27°30'33"E for a distance of 59.98' to a 5/8" pipe found, thence S27°32'17"E for a distance of 54.68' to a #5 rebar set, thence S76°00'11"W for a distance of 234.63' to a #4 rebar found, thence S14°15'23"E for a distance of 90.03' to a #4 rebar found, thence S14°02'07"E for a distance of 60.10' to a large nail found, thence S75°59'14"W for a distance of 314.12' to a #4 rebar found, thence S75°55'27"W for a distance of 38.53' to a #4 rebar found, thence N30°12'45"W for a distance of 250.08' to a #4 rebar found, thence N59°48'09"E for a distance of 160.72' to a #4 rebar found, thence N32°52'48"W for a distance of 255.99' to the POB, containing 35.835 acres, more or less.

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.

_____
Steven J. Sciascia, Mayor

ATTEST:

_____
Janet Rackley, Town Clerk

TOWN OF HARRISBURG

Agenda Item Details

Title:
To set a public hearing for August 9, 2021 to consider the annexation of parcels along Lower Rocky River Rd, associated with rezoning for McKinley Subdivision (H2020-07-R).

Presenting Personnel:
Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:
Motion to set a public hearing for August 9, 2021 to consider the annexation of 2 parcels located off of Lower Rocky River Rd associated with McKinley Subdivision Rezoning (H2021-02-R).

Description/Background:
A Public Hearing is requested for August 9, 2021 to consider the annexation of 2 parcels located off of Lower Rocky River Rd (PIN# 55261454240000 and 55262124870000). The property owner is requesting a rezoning of these parcels (193.12 acres), currently located in the County, from Country Residential (CR) to CZ-RL, Conditional Residential Low Density. The purpose of the rezoning is to enable the property owner to subdivide the property for 165 single-family homes, 141 units are 80 feet wide lots and 24 units are 100 feet wide lots. The parcel is non-contiguous to Harrisburg's corporate boundary.

A public hearing for the annexation and rezoning of this parcel will be held on August 9, 2021.

Recommendation:
Staff recommends setting the public hearing to consider annexation of the parcels associated with McKinley Subdivision Rezoning (H2020-07-R), currently in the County.

Fiscal Impact:
The annexation has no direct fiscal impact as a result of the annexation itself, however, the result of the development on the annexed properties will both generate additional property tax revenue for the Town and add to the costs associated with providing the additional homes with Town services.

Attachments:
1. McKinley_Annexation Application
2. McKinley_Annexation Plat
3. Certificate of Sufficiency(2)
4. Resolution FIxing Date of Public Hearing - Lower Rocky River Road

PETITION REQUESTING ANNEXATION

DATE: 06/29/2021

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.
2. The area to be annexed is:

   □ CONTIGUOUS ☒ NON-CONTIGUOUS

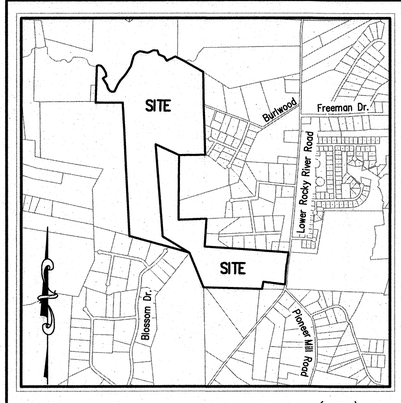
   to the Town of Harrisburg and the boundaries of such territory are:

   ☒ ATTACHED □ DESCRIBED AS FOLLOWS:

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

NAME	ADDRESS
	Rocky Investments, LLC 205 Ivyshaw Rd, Cary, NC 27519
	Bethesda Association, LLC 4112 Blue Ridge Rd, Suite 20 Durham, NC 27711



Vicinity Map (NTS)

POLICY A

Investors Title Insurance Company

Commitment No: 202016302R

Effective Date: July 25, 2020 at 10:00 am

SCHEDULE B – SECTION 2 EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Taxes for the year 2020, and subsequent years, not yet due and payable. **(Not a matter of Survey)**
2. Rights of others thereto entitled in and to the continued uninterrupted flow of Reedy Creek and the branch located on insured premises, as shown on survey entitled "ALTA/ACSM Land Title Survey of: Plummer Property, No. 1 Township, Cabarrus Co., North Carolina" prepared by Concord Engineering and Surveying, Inc. dated August 24, 2005. **(Not a matter of Survey)**
3. Gas Pipeline Easement to North Carolina Natural Gas Corporation recorded in Book 289 at Page 175 as shown on survey entitled "ALTAIACSM Land Title Survey of: Plummer Property, No. 1 Township, Cabarrus Co., North Carolina" prepared by Concord Engineering and Surveying, Inc. dated August 24, 2005 **(As Shown)**
4. Telephone Easement to Concord Telephone Company recorded in Book 269 at Page 609, as noted on survey entitled "ALTAJACSM Land Title Survey of: Plum mer Property, No. 1 Township, Cabarrus Co., North Carolina" prepared by Concord Engineering and Surveying, Inc. dated August 24, 2005. **(Blanket Easement, Not specific as to location.)**
5. Easement(s) to Union Electric Membership Corporation recorded in Book 6294 at Page 162. **(Blanket Easement, Not specific as to location.)**
6. Any inaccuracy in the area, square footage, or acreage of Land described in Schedule A or attached plat, if any. The Company does not insure the area, square footage, or acreage of the Land.
7. Rights of others thereto entitled in and to the continued uninterrupted flow of creek, located on the Land. **Not a matter of Survey)**

POLICY B

Investors Title Insurance Company

Commitment No: 202016082R/RC02
Effective Date: July 25, 2020 at 10:00 am

SCHEDULE B – SECTION 2 EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Taxes for the year 2020, and subsequent years, not yet due and payable. **(Not a matter of Survey)**
2. Matters shown on recorded Map Book 49 at Page 50. **(As Shown)**
3. Easement to North Carolina Natural Gas Corporation recorded in Deed Book 289 at Page 177, as shown on plat entitled "ALTA Survey, Boundary/Division Survey of: C.S. Dorton, Jr. Tract, Number One Township, Cabarrus County, North Carolina" dated May 9, 200 6, prepared by AccuTech Surveying & Mapping, LLP and recorded in Map Book 49, Page 50, Cabarrus County Registry. **(As Shown)**
4. Right of Way to Union Electric Membership Corporation recorded in Deed Book 533 at Page 317, as shown on plat entitled "ALTA Survey, Boundary/Division Survey of: CS. Dorton, Jr. Tract, Number One Township, Cabarrus County, North Carolina" dated May 9, 2006, prepared by AccuTech Surveying & Mapping, LLP and recorded in Map Book 49, Page 50, Cabarrus County Registry. **(As Shown)**
5. Memorandum of Agreement between SLF II–Clear Creek, L.P. and Steven A. Dorton and wife Sandra H. Dorton recorded in Book 6749 at Page 206. **(The memorandum of agreement recorded in Book 6749 at Page 206 makes reference to "Buffer Obligations" previously set forth, however those obligations are not defined therein).**
6. Any inaccuracy in the area, square footage, or acreage of Land described in Schedule A or attached plat, if any. The Company does not insure the area, square footage, or acreage of the Land.
7. Title to that portion of insured land within the right–of–way of Lower Rocky River Road, as shown on plat entitled "ALTA Survey, Boundary/Division Survey of: CS. Dorton, Jr. Tract, Number One Township, Cabarrus County, North Carolina" dated May 9, 2006, prepared by AccuTech Surveying & Mapping, LLP and recorded in Map Book 49, Page 50, Cabarrus County Registry. **(Not a matter of Survey)**
8. Subject to that certain 60' right of way as set forth in that Deed, dated 12/4/1981 and recorded in Deed Book 542 at Page 556, as shown on plat entitled "ALTA Survey, Boundary/Division Survey of: C.S. Dorton, Jr. Tract, Number One Township, Cabarrus County, North Carolina" dated May 9, 2006, prepared by AccuTech Surveying & Mapping, LLP and recorded in Map Book 49, Page 50, Cabarrus County Registry. **(As Shown)**
9. Rights of others thereto entitled in and to the continued uninterrupted flow of creek, located on the Land. **(Not a matter of Survey)**
10. Those matters as disclosed by that certain plat entitled "ALTA Survey, Boundary/Division Survey of: CS. Dorton, Jr. Tract, Number One Township, Cabarrus County, North Carolina" dated May 9, 2006, prepared by AccuTech Surveying & Mapping, LLP and record ed in Map Book 49, Page 50, Cabarrus County Registry, as follows:

    (a) Scaled 100 yr flood line. **(As Shown)**
11. Such state of facts occurring subsequent to 05/09/06, date of survey by Accutech Surveing & Mapping, LLC, as would be disclosed by an accurate survey and inspection of the Land.

    NO INSURED CLOSING PROTECTION COVERAGE PROVIDED – As to the transaction for which this binder and/or policy is issued, the Company specifically excludes this transaction from any closing protection services.

    NOTE: The following endorsements are incorporated by reference to the mortgagee's final policy: ALTA 8.2–06 (Commercial Environmental Protection Lien).

Notes

Tax Parcel # 55261454240000 & 55262124870000
1. Legal Reference: DB 14311 Pg. 334 & DB 14311 Pg.328
2. Current Zoning: CR – Countryside Residential
3. Areas computed using coordinate geometry.
4. This property may be subject to right of ways, easements, restrictions and covenants either recorded or implied.
5. All distances shown are horizontal ground distances.
6. Rebar set at all corners unless otherwise noted.
7. Broken lines indicate property lines not surveyed.
8. All adjoining property owner information is taken from current deeds and tax records and are considered as "now or formerly".
9. Lawrence Associates makes no guarantees to the compaction or to the nonexistence of additional spoils areas.
10. Other underground utilities may exist but their locations are not known.
11. Wetland delineation markers observed during the completion of fieldwork and Shown heron.
12. No Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
13. No plottable offsite easements or servitudes disclosed in documents provided.

Parcel Line Table		
Line #	Length	Direction
L1	60.32	S28.4804E
L2	52.24	S57.0013E
L3	119.37	S82.1745E
L4	60.14	N77.5845E
L5	39.55	S79.0826E
L6	32.60	S64.0247E
L7	66.44	S36.0541E
L8	102.62	S29.0813E
L9	56.22	S1.2610E
L10	36.46	S24.2205W
L11	57.06	S57.4711W
L12	33.03	S11.5711W
L13	52.41	S36.0329E
L14	72.95	S41.1549E
L15	124.63	S26.4900E
L16	45.23	S38.3848E
L17	47.20	S69.2802E
L18	48.85	N86.5423E
L19	37.14	N30.3730E
L20	163.57	N25.0348E

Parcel Line Table		
Line #	Length	Direction
L21	174.81	N41.4925E
L22	239.88	N33.0133E
L23	77.22	N27.1455E
L24	101.50	N14.0854E
L25	55.97	N6.1911E
L26	143.83	N37.0106E
L27	99.21	N66.2802E
L28	155.16	S78.0251E
L29	172.30	N71.2929E
L30	59.35	S79.2917E
L31	70.07	S42.1937E
L32	133.94	S50.4840E
L33	74.08	S27.2214E
L34	72.84	S89.1526E
L35	116.56	N57.4131E
L36	136.30	S63.5637E
L37	40.89	S1.3127E
L38	162.63	S9.0650W
L39	70.28	N88.3821W
L40	205.47	N77.3028W

Parcel Line Table		
Line #	Length	Direction
L41	104.39	N77.0352W
L42	88.00	S85.5217E
L43	231.69	S85.4220E
L44	256.78	S85.4035E
L45	251.75	S85.4210E
L46	98.78	S85.3811E
L47	146.68	S85.4748E
L48	255.53	S85.4748E

Flood Certification
I have examined the Flood Insurance Rate Map for Cabarrus County North Carolina, Community Panel Number 3710552600 K, Dated 11/16/2008, and hereby certify that this property is located in a special flood hazard area as determined by the Federal Emergency Management Agency.

To: Bethesda Association L.L.C., a North Carolina limited liability company, Rocky Investments, L.L.C., a North Carolina limited liability company; Investors Title Insurance Company,

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1,2,3,4,6,11,13,16,18,19, of Table A thereof.

The fieldwork was completed on 10-13-20.

Date of Plat or Map: 10-27-20

F. Donald Lawrence, NCPLS L–1290

NORTH CAROLINA PROFESSIONAL SEAL L-1290 LAND SURVEYOR F. DONALD LAWRENCE

Address: 9820 Lower Rocky River Rd.
Concord N.C. 28025

LAWRENCE ASSOCIATES
106 W. Jefferson St.
Monroe, North Carolina 28112
P 704–289–1013
F 704–283–9035
www.lawrencesurveying.com
Firm License Number: C–2856

ALTA/ACSM Land Title Survey, Property of:
Rocky Investments, LLC &
Bethesda Association, LLC
No. 1 Township, Cabarrus County, N.C.

Orig. scale: 1" = 200' Date: October 23, 2020 Drawn By: MCM

REVISIONS

Job No. 5780 Drawing file: Boundary ALTA–C3D.dwg Drawing no. 20/244

CAD\\LAWRENCE-2019\Lawrence Projects\5780 Harrisburg Lower Rocky River Road\Boundary ALTA-C3D_recover.dwg 10/27/2020 by: Michael Murray

HarrisburgNC
The right side of opportunity

To the Town Council of the Town of Harrisburg of Harrisburg North Carolina:

I, Janet Rackley, Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Harrisburg of Harrisburg, North Carolina, this 29th day of June 2021.

(Seal)

SEAL OF THE TOWN OF HARRISBURG NORTH CAROLINA
1973

Janet Rackley

Janet Rackley, Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.1

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on July 12, 2021.

Section 2. The area proposed for annexation is described as follows:

Being the combination of the SLF II-Clear Creek, L.P. properties as recorded in Deed Book 6749 Page 203 and Deed Book 6749 Page 219 of the Cabarrus County Registry.

Beginning at a found iron pin in the pavement of Lower Rocky River Road, said point having NC Grid Coordinates N: 561,190.60, E: 1,524,474.79 and being the southeastern corner of the Mary Ferguson and Marie Cawley property as recorded in Deed Book 11198 Page 166, thence with Lower Rocky River Road two (2) courses; 1.) S 06° 33' 42" W for a distance of 521.96 feet to a point, 2.) S 04° 47' 51" W for a distance of 205.00 feet to a point at the northeastern corner of the James C. Thompson and Tracy A. Thompson property as recorded in Deed Book 702 Page 337, thence with said property two (2) courses; 1.) N 83° 36' 28" W for a distance of 485.12 feet to a found iron rebar, 2.) S 08° 19' 53" W for a distance of 157.20 feet to a set iron rebar on the northern line of the Chad Johnson and Laura H. Johnson property as recorded in Deed Book 12047 Page 190, thence with the Johnson line and the Joe M. Walter Elbert Jones, Elsie P. Jones, Larry E. Jones and Richard E Jones property as recorded in Deed Book 420 Page 709 and the Brandon A and Susan S. Dempster property as recorded in Deed Book 10958, Page 258 N 88° 26' 06" W for a distance of 1305.97 feet to a found iron rebar on the eastern line of the Joe M. and Ruth Fidler Stallings property as recorded in Deed Book 539 Page 132, thence with said line N 21° 52' 57" W for a distance of 886.12 feet to a found iron rebar at the northeastern corner of lot 7A of Plat Book17 Page 73, thence along the line of lots 7A through 12A N 77° 27' 11" W for a distance of 1241.70 feet to a found iron rebar on the eastern line of the Mark Lee Harris Estate as recorded in Deed Book 87, Page 291, thence with said estate two (2) courses; 1.) N 07° 13' 46" W for a distance of 3141.99 feet to a found iron rebar, 2.) S 89° 21' 37" W for a distance of 609.95 feet to a found iron rebar at the southeastern corner of the Green Tree Servicing LLC property as recorded in Deed Book 9636, Page 301, thence N 03° 26' 53" W for a distance of 833.64 feet to a point in Reedy Creek, thence with Reedy Creek thirty-two (32) courses; 1.) S 28° 18' 33" E for a distance of 64.83 feet to a point, 2.) S 64° 56' 44" E for a distance of 83.94 feet to a point, 3.) S 86° 31' 14" E for a distance of 71.20 feet to a point, 4.) N 71° 32' 05" E for a distance of 48.95 feet to a point, 5.) S 81° 38' 21" E for a distance of 53.99 feet to a point, 6.) S 49° 44' 49" E for a distance of 91.57 feet to a point, 7.) S 30° 19' 05" E for a distance of 104.05 feet to a point, 8.) S 10° 17' 13" E for a distance of 67.08 feet to a point, 9.) S 49° 38' 48" W for a distance of 76.30 feet to a point, 10.) S 31° 17' 24" W for a distance of 35.27 feet to a point, 11.) S 29° 54' 42" E for a distance of 54.45 feet to a point, 12.) S 43° 48' 36" E for a distance of 76.54 feet to a point, 13.) S 23° 09' 44" E for a distance of 105.89 feet to a

point, 14.) S 34° 08' 22" E for a distance of 77.55 feet to a point, 15.) S 76° 15' 37" E for a distance of 75.85 feet to a point, 16.) N 71° 07' 56" E for a distance of 28.79 feet to a point, 17.) N 24° 28' 10" E for a distance of 195.18 feet to a point, 18.) N 43° 09' 17" E for a distance of 155.11 feet to a point, 19.) N 33° 36' 29" E for a distance of 278.81 feet to a point, 20.) N 21° 49' 10" E for a distance of 60.87 feet to a point, 21.) N 15° 26' 16" E for a distance of 184.72 feet to a point, 22.) N 38° 01' 06" E for a distance of 91.34 feet to a point, 23.) N 83° 07' 34" E for a distance of 205.01 feet to a point, 24.) N 77° 12' 39" E for a distance of 241.85 feet to a point, 25.) S 70° 28' 52" E for a distance of 47.91 feet to a point, 26.) S 39° 41' 05" E for a distance of 61.87 feet to a point, 27.) S 55° 37' 33" E for a distance of 76.70 feet to a point, 28.) S 34° 16' 53" E for a distance of 117.91 feet to a point, 29.) S 66° 51' 01" E for a distance of 32.59 feet to a point, 30.) N 84° 41' 03" E for a distance of 98.00 feet to a point, 31.) N 42° 48' 29" E for a distance of 76.41 feet to a point, 32.) S 63° 58' 05" E for a distance of 125.00 feet to a point on the southern line of the Willie A. and Melanie H. Freeman property as recorded in Deed Book 518 Page 44, thence with the Freeman property and the line of Athena Cedar, LLC as recorded in Deed Book 7615 Page 1 S 56° 34' 13" E for a distance of 656.96 feet to a found axle at the northwestern corner of the Blue Water Investments of the Carolinas, Inc. property as recorded in Deed Book 12788 Page 48, thence with said line and the terminus of the Burlwood Road Right of Way and the lines of Robert J. and Christina Gessler as recorded in Deed Book 8210 Page 319 and lots 28 and 27 of Plat Book 17 Page 46 S 01° 28' 46" E for a distance of 1746.38 feet to a found iron rebar on the northern line of the Brandon A. and Evelyn L. Freeman property as recorded in deed book 9556 Page 343, thence with said line N 89° 30' 42" W for a distance of 586.72 feet to a found axle, thence S 00° 17' 35" W for a distance of 1475.82 feet to a found iron pipe on the southern line of the Sarai L. and Matthew S. Green property as recorded in Deed Book 12108 Page 325, thence with the Green line N 87° 20' 01" E for a distance of 625.70 feet to a 30" Oak tree at the northwestern corner of the Steven A. Dorton property as recorded in Deed Book 7947 Page 234, thence with said line and the line of the Steven A Dorton and Sandra H. Dorton property as recorded in Deed Book 542 Page 556, S 08° 37' 53" W for a distance of 601.98 feet to a found iron rebar, thence continuing with the second Dorton property and tracts 17 through 21 of Plat Book 17 Page 5, S 85° 41' 23" E for a distance of 1537.12 feet to a found iron rebar at the southwestern corner of the Angela Davies property as recorded in Deed Book 12065 Page 225, thence with said property and the southern line of the aforementioned Mary Ferguson and Marie Cawley property S 85° 45' 36" E a distance of 402.72 feet to the POINT OF BEGINNING, containing 8,405,405 square feet or 192.962 acres of land, more or less.

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.

_____
Steven J. Sciascia, Mayor

ATTEST:

_____
Janet Rackley, Clerk

TOWN OF HARRISBURG

Agenda Item Details

Title:
To Set a Public Hearing for the Consideration of Naming of Athletic Fields at Holcomb Woods Development on August 9, 2021.

Presenting Personnel:
James Spina, Parks and Recreation Director

Suggested Motion or Action:
Motion to approve setting a public hearing for the August 9, 2021 Town Council meeting to discuss and consider the naming of the athletic fields at the Holcomb Woods development.

Description/Background:
As part of the conditions of the Holcomb Woods residential development off Plaza Road Extension, the development was to provide fields and parking for the Town. This has since been taken over by the Town and the fields have been graded and completed. There are still some landscaping items that needs to be complete before use, but plans are to have it opened by this fall for athletics programming.

Based on a 2017 policy adopted by Council regarding the naming of parks, there is a specific process to be followed. In summary:

- Staff, Town residents, community leaders and organizations interested in proposing a name for the park are invited to submit written recommendations. These were solicited and received earlier in this calendar year.
- The Parks & Recreation Director forwards naming recommendations to the Parks and Recreation Advisory Board for consideration and recommendation to Town Council.
- Town Council allows for Public input and comment and ultimately will confirm the name via resolution.

At its June meeting, the Harrisburg Parks & Recreation Advisory Board reviewed and discussed field name submittals and voted to recommend to Town Council the name of "Holcomb Woods Athletic Complex" as future plans for the facility include soccer, adult sports like cricket and flag football, and other new opportunities.

Recommendation:
Staff recommends setting a public hearing for the consideration of naming of the athletic fields at Holcomb Woods development at their August 9, 2021 Town Council meeting.

Fiscal Impact:
None

Attachments:
None

TOWN OF HARRISBURG

Agenda Item Details

Title:
Public Hearing to Consider the adoption of the updated Harrisburg's Unified Development Ordinance (UDO).

Presenting Personnel:
Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:
Hold Public Hearing to consider the adoption of updated Harrisburg's Unified Development Ordinance (UDO).

No action at the July 12th meeting, Final adoption action will be taken during the August meeting.

Description/Background:
Town Council approved the contract with Kendig Keast Collaborative (KKC) on March 09, 2020 to kick-off the process to review and update the Harrisburg's Unified Development Ordinance (UDO).

In 2018, the Harrisburg Town Council adopted the Harrisburg Area Land Use Plan (HALUP), developed in partnership with Cabarrus County. The Harrisburg Area Land Use Plan (HALUP) provides a general direction for future growth and development in and around Harrisburg. The policy document conveys a future vision and the steps to achieve that vision and the Unified Development Ordinance (UDO) is a tool to help the Town achieve such vision. One of the recommendations included in the HALUP was to update the Town's UDO to align with the recently adopted HALUP. The UDO updates also take into account the newly adopted state law Chapter 160D by the North Carolina General Assembly that governs the municipal land use regulations.

The new UDO will be published in its native web format and the DRAFT is available for your review at http://online.encodeplus.com/regs/harrisburg-nc/doc-viewer.aspx#secid-3457. Included is a PDF of the DRAFT UDO for your consideration as well. A summary of changes highlighting key areas of update is also included for your review. A representative from KKC will present the DRAFT UDO at the meeting.

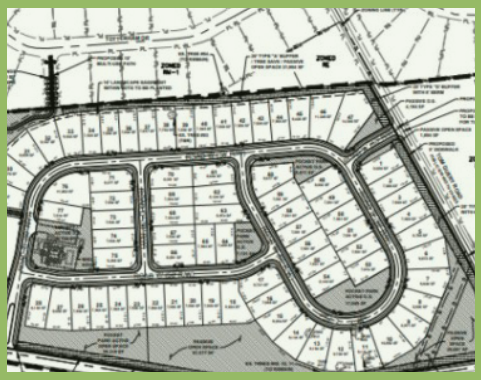
Town Council will hold their Public Hearing at the July 12th meeting and adoption action at their August 9th, 2021 meeting.

Recommendation:
The Planning and Zoning Staff recommends holding a Public Hearing to consider the adoption of the updated Harrisburg's Unified Development Ordinance (UDO). Planning and Zoning Board recommended adoption of the UDO at their June meeting.

Fiscal Impact:
None.

Attachments:

1. Harrisburg NC_UDO_SummaryofChanges
2. Town Council Public Hearing Draft 06.28.21



Harrisburg, NC

Unified Development Ordinance (UDO) Update

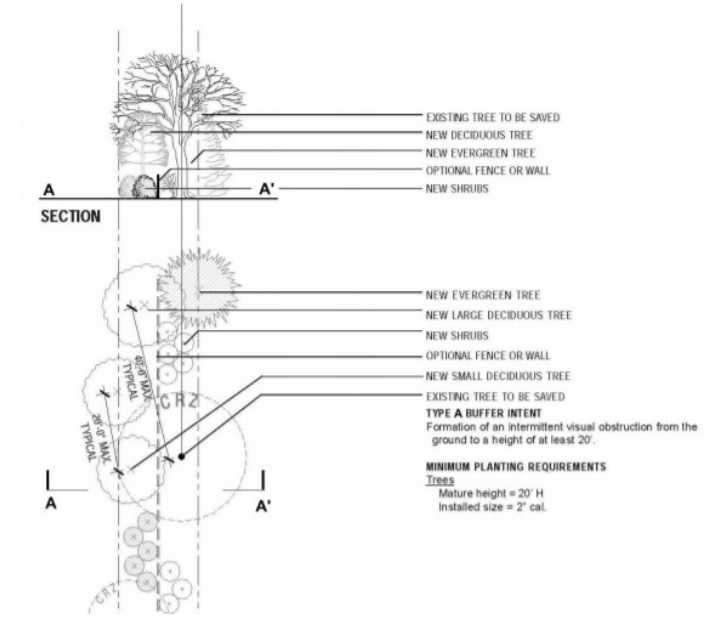
Summary of Changes

June 8, 2021

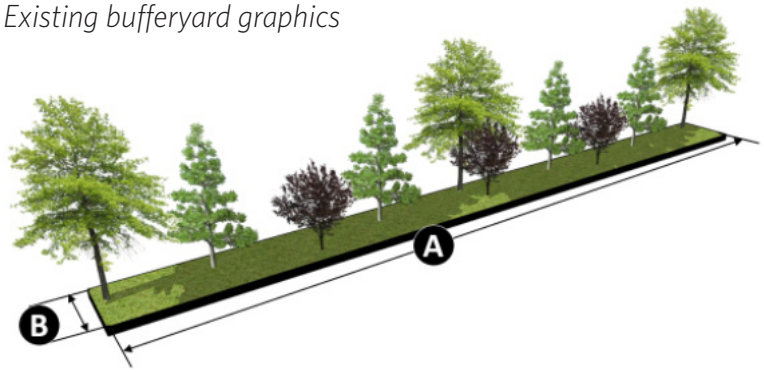
HarrisburgNC
The right side of opportunity

KENDIG KEAST
COLLABORATIVE

New enCodePlus site for UDO



Existing bufferyard graphics



New, updated bufferyard graphics

1. Increasing Ease of Use

- Removing "legalese" (herein, heretofore, forthwith) to more understandable language
- Updating from a static PDF file to enCodePlus, a format that is dynamic, native to the Internet (as opposed to the printed page), and is easily updated whenever Text Amendments are made
- Including a multitude of updated graphics and refreshed tables
- Inserting automated hyperlinked cross-references so that when the user clicks on a reference to another part of the UDO, they will be taken right to that section
- Inserting clickable references to documents outside of the UDO, such as state statutes, the HALUP, and more
- Upcoming Development Guidebook that will show development review process in flow charts, provide application forms, and show application fees

2. Updating Based on State Statutes and Other Legal Aspects

- Updating all references to old North Carolina General Statutes Chapter 160A to the new 160D, the new Planning and Zoning Laws
- Introducing terms consistent with 160D including replacing Conditional Use Permit with Special Use Permit and Conditional Use District zoning with Conditional Zoning District
- Consistently using terms required by Chapter 160D such as development approval, development regulations, administrative decision, legislative decision, and quasi-judicial decision
- Reworking of sign standards to achieve content neutrality as required by the Reed v. Gilbert Supreme Court decision which says a Town cannot regulate signs based on their content or purpose
- Grouping of religious uses (such as church, temple, or mosque) and similar secular uses such as clubs and other areas of public assembly

3. Reworking of Zoning Districts

- Significant reworking of zoning districts to implement the land use categories of the HALUP
- Implementing of Development Types (countryside, conventional, conservation, and planned) to allow a developer flexibility in housing types and densities while protecting adjacent existing development
- Protecting existing adjacent Conventional (non-Conservation and non-Planned) development by requiring the new development to have the same lot widths and lot areas as on the adjacent existing Conventional development and by requiring that the housing types be the same on the shared perimeter with the Conventional development (other housing types can be built in the interior of the conservation or planned development)
- Revamping zoning districts, going from 15 base districts to 12:
  - » AG, Agricultural
  - » RE, Rural Estate
  - » RL, Residential Low
  - » RM, Residential Medium
  - » RH, Residential High
  - » MU, Mixed Use
  - » CC, City Center
  - » O-I, Office and Institutional
  - » NC, Neighborhood Commercial
  - » GC, General Commercial
  - » CD, Campus Development
  - » EC, Employment Center
- Providing density bonuses for Conservation and Planned Developments compared to Conventional in exchange for dedicated open space.

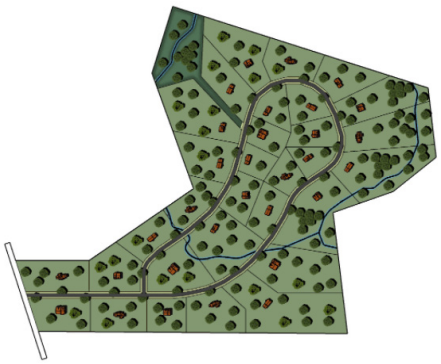
The HALUP is the primary policy document for the Town.

Table 120.02.01-4, RM Dimensional Standards

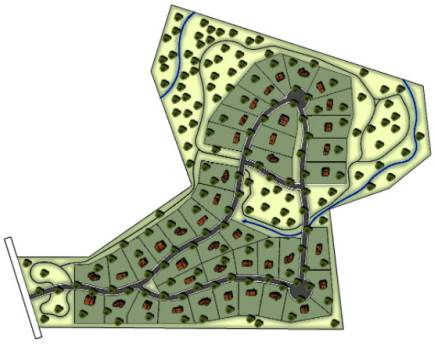
Development Type	Density, maximum	Common Open Space, minimum	Lot Dimensions, minimums		Bulk Standards					
			Lot Area (per D.U.)	Lot Width	Height, max.	Yard, min. (ft.)				Lot Coverage,
	Units per Acre	% of Development	(sq. ft.)	(ft.)	(ft.)	Front	Side Interior	Exterior Side	Rear	(%)
Duplex										
Conventional	2.0	N/A	10,000[1]	75	35	25	10	20	25	N/A
Conservation	3.0	25	5,000[2]	60	35	20	10	15	20	35
Single-Family Attached Dwelling										
Conventional	2.0	N/A	20,000	50	35	25	0 / 10[3]	20	25	N/A
Conservation	3.0	25	10,250	45	35	20	0 / 10[3]	15	20	40
Single-Family Detached Dwelling or Modular Home										
Conventional	2.0	N/A	20,000	75	35	25	10	20	25	N/A
Conservation	3.0	25	10,000	60	35	20	10	20	25	45
Townhouse										
Conservation	3.0	35	8,500	30	35	20	0 / 10[3]	15	20	40
Nonresidential										
N/A	N/A	N/A	15,000	75	35	25	0 / 25[4]	20	0 / 25[4]	40

Dimensional standards showing density bonus (units per acre) for more common open space)

Development Types



Conventional development



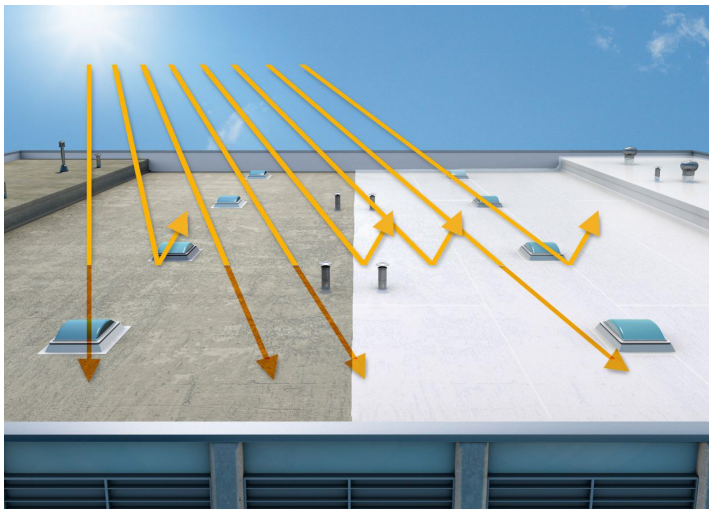
Cluster development

Planned development

Table 121.01.01, Building and Site Design Standards Applicability				
Type of Development	Sections of this Article			
	§ 121.02, Building Design	§ 121.03, Parking, Loading, Stacking, and Access[1]	§ 121.04, Trees, Landscaping, and Buffering	§ 121.0 Signs
	♦ = Section Applies			
New residential, nonresidential or mixed-use development or change in use from residential to nonresidential or mixed-use	♦	♦	♦	♦
Increase in apartment units, manufactured home pads, GFA , or impervious surface by 50 percent or more[1]	♦	♦	♦	♦
Increase in apartment units, manufactured home pads, GFA or impervious surface by 25 to 49 percent[2]	♦	♦	♦	
Change in use requiring 10 or more additional parking, loading, or stacking spaces		♦	♦	
Increase in apartment units, manufactured home stands, GFA or impervious surface by less than 25 percent[2]		♦	♦	
Change from a nonresidential or mixed-use to another nonresidential or mixed-use that increases peak hour trips by 25 percent or more or generates 100 vehicles trips or more (entering/existing combined) during either the adjacent		♦		

Table shows which development activities trigger which development standards.

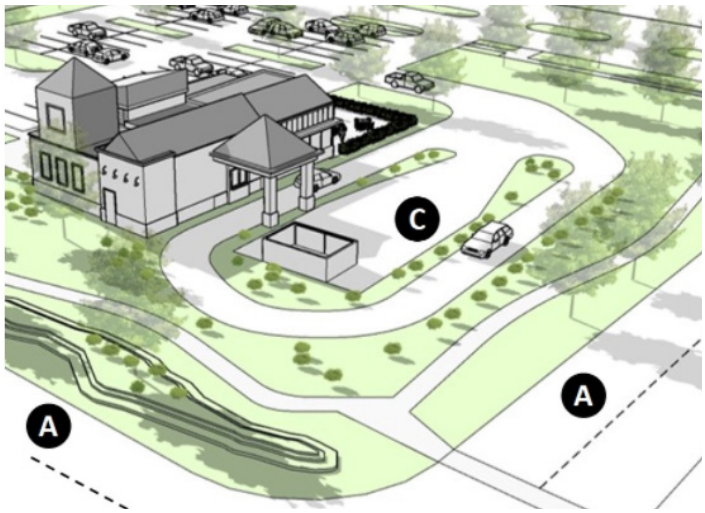
False second stories required for commercial and mixed use buildings if there is no real second story.



White roofs reflect the sun and help keep a building cooler.

4. Updating of Development Standards

- Providing a table to clearly show what development activities trigger which development standards
  - » Less intense activity (increase in impervious surface by 25%) triggers fewer requirements
  - » More intense activity (brand new development) triggers more requirements
- Incorporating Sustainability Requirements and Bonuses so that environmental design practices are required and incentivized
  - » Sample design practices: Fifty percent or more of energy generated on-site by solar panels; Use of Energy Star HVAC; Use of solar or tank-less water heating; Use of a white roof (to reflect sun's heat); Provision of skylights; Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) on the southern building facade; plus many more
  - » Sample incentives: Density bonus of one additional dwelling unit per acre; Increase in the maximum allowable height by up to one story or 10 feet; Increase in allowable paved area by 10 percent; plus many more
- Requiring various building and site design improvements including, but not limited to, real or false second stories, less intrusive drive-through lanes, and outdoor dining
- Requirement for rear landscape easement between back-to-back residential subdivisions



Drive-through configurations that minimize impact on public street.

- Strengthening and modernizing of tree preservation standards
  - » Tree survey required prior to development related to Conditional Rezoning or Site Plan Review
  - » Heritage trees and critical root zones defined and protected so that if removed or dies during construction, it has to be replaced with two times the diameter of the heritage tree with minimum three-inch caliper trees
  - » Violations subject to $1,000 plus 35 cents of every square foot of land area where the violation occurred if no stumps present. Where damaged trees or stumps are present, the penalty is $1,000 per dead or damaged tree plus $100 per diameter inch per dead or damaged tree.

5. Revising Development Review Procedures and Definitions

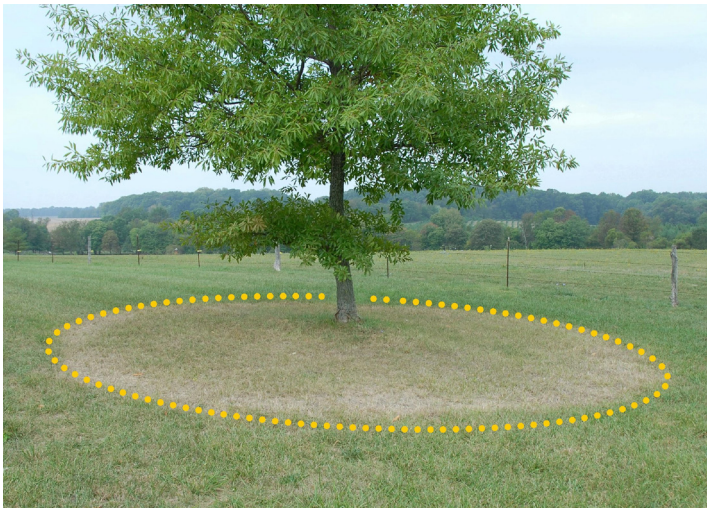
- Providing a table that shows at a glance each of the development review applications, when they are required, who reviews and makes decisions on them, and what kind of public notice is required (if any)
  - » Avoids duplications and inconsistencies
  - » Promotes user-friendliness
- Providing a companion table that shows which review steps (pre-application conference, neighborhood meeting, public hearing, etc) apply
- Ensuring development review practices comply with Chapter 160D of North Carolina General Statutes
- Combing through definitions to revise, remove duplications and old references, and consolidate

Table 125.01.14-2, Review Steps

Common Review Procedures (Section Reference)	Administrative Applications	Legislative		Quasi-Judicial		Subdivision	
		UDO Text Amendment	All Other	Written Interpretation	All Other	Minor	Major
Pre-Application Conference (125.01.03)	--	--	•	--	•	•	•
Neighborhood Meeting (125.01.04)	--	--	•	--	--	--	--
Application Submittal and Completeness (125.01.05)	•	•	•	•	•	•	•
Staff Review and Distribution (125.01.06)	•	•	•	•	•	•	•
Common Decision Criteria (125.01.07)	•	•	•	•	•	•	•
Public Notice (125.01.08)	--	•	•	--	•	--	--
Public Meetings and Hearings (125.01.09)	--	•	•	--	•	--	•
Post-Approval Provisions (125.01.10)	--	--	•	--	•	•	•
Appeals of Legislative, Quasi-Judicial, and Subdivision Decisions (125.01.11)	--	--	•	•	•	--	•
Inactive or Expired Applications (125.01.12)	•	--	•	--	•	•	•
Adequate Public Facilities Determination (125.01.13)	•	--	•	--	--	•	•

TABLE NOTES:
• Common Review Procedure Required; -- Common Review Procedure Not Required;

Review steps table shows which steps apply to which groupings of procedures.



Heritage trees and critical root zones are defined.

Table 125.01.14-1, Summary of Procedures

Development Application (Reference Standards)	Submittal Timing	Expiration[1]	Review Responsibilities		Public Notice
			Recommendation	Final Action	
LEGISLATIVE APPLICATIONS: Involve the adoption, amendment, or repeal of a regulation this UDO and the decision to establish or change the way the use, design, or development of land will occur on a site-specific, Town-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety, and general welfare, including the Town's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.					
UDO Text Amendment (125.03.01)	None	N/A	1st: Director 2nd: PZB	TC	Pu, M
Zoning Map Amendment (125.03.02)	Prior to establishing or expanding a building type or use prohibited in the current character district	N/A	1st: Director 2nd: PZB	TC	Pu, Po, M
Conditional Zoning Approval (125.03.03)	Prior to any development approval requiring this change	N/A	1st: DRC 2nd: Director 3rd: PZB	TC	Pu, Po, M
Preliminary Plat (Minor Subdivision 125.05.01 or Major Subdivision 125.05.02)	Prior to Construction Plan or Final Plat Submittal	24 months[2]	Minor: DRC Major: 1st: DRC 2nd: Director 3rd: PZB	Minor: Director Major: TC	N/A
Certificate of Appropriateness (125.03.04)	Prior to the alteration of the exterior appearance or demolition of any existing structure, or construction of a new structure or portions of a new structure in a historic district.	12 months	1st: Director 2nd: HRC	TC	Pu, Po, M
QUASI-JUDICIAL APPLICATIONS: Involve final decisions involving the finding of facts regarding a specific application of a development regulation in this UDO and that requires the exercise of discretion when applying the standards of the regulation.					
Variance (125.04.01)	Prior to any development approval requiring a variance	12 months	Director	BOA	Po, M
Variance, Floodplain (125.04.02)	Prior to any establishing any structure requiring a floodplain variance	12 months	Floodplain Director	BOA	Po, M
Special Use Permit (125.04.03)	Prior to establishing any use requiring a Special Use Permit	12 months	1st: DRC 2nd: Director	BOA	Pu, Po, M
Appeal of Administrative Decision (125.04.04)	Within 30 days of the official decision	12 months	Director	BOA	Po, M

Consolidated development review table shows the most important information about each procedure.

TITLE XV: LAND USAGE (HARRISBURG DRAFT UNIFIED DEVELOPMENT ORDINANCE (UDO))

Contents:

- TITLE XV: LAND USAGE (Harrisburg Draft Unified Development Ordinance (UDO))
  - Chapter 120: Zoning Districts and Land Uses
    - § 120.01 General Provisions
    - § 120.02 Zoning Districts and Standards
    - § 120.03 Special Purpose and Overlay Districts
    - § 120.04 Land Use Standards (Administrative and Special)
    - § 120.05 Measurements and Allowances
  - Chapter 121: Building and Site Design
    - § 121.01 Applicability and Purposes
    - § 121.02 Building Design
    - § 121.03 Parking, Loading, Stacking, and Access
    - § 121.04 Trees, Landscaping, and Buffering
    - § 121.05 Signs
    - § 121.06 Outdoor Lighting
  - Chapter 122: Subdivision Standards
    - § 122.01 Applicability and Purposes
    - § 122.02 Subdivision Design Standards
    - § 122.03 Development Types
    - § 122.04 Adequate Public Facilities Standards
    - § 122.05 Public Improvements Dedication and Acceptance
  - Chapter 123: Environmental Management
    - § 123.01 Flood Damage Prevention
    - § 123.02 Flood Hazard Reduction
  - Chapter 124: Administration
    - § 124.01 General Provisions
    - § 124.02 Administrative Provisions
    - § 124.03 Legislative and Quasi-Judicial Bodies
    - § 124.04 Administrative Officials
  - Chapter 125: Development Review Procedures
    - § 125.01 Purpose, Applicability, and Common Review Procedures
    - § 125.02 Administrative Review Procedures
    - § 125.03 Legislative Review Procedures
    - § 125.04 Quasi-Judicial Review Procedures
    - § 125.05 Subdivision Review Procedures
  - Chapter 126: Nonconformities
    - § 126.01 Classification of Nonconformities

§ 126.02 Conversion of Nonconformities
Chapter 127: Enforcement and Remedies
§ 127.01 Enforcement Procedures
§ 127.02 Remedies
Chapter 128: Word Usage
§ 128.01 Rules of Construction, Acronyms, and Abbreviations
§ 128.02 Definitions

CHAPTER 120: ZONING DISTRICTS AND LAND USES

Contents:

§ 120.01 General Provisions
§ 120.02 Zoning Districts and Standards
§ 120.03 Special Purpose and Overlay Districts
§ 120.04 Land Use Standards (Administrative and Special)
§ 120.05 Measurements and Allowances

§ 120.01 General Provisions

Contents:

120.01.01 Purpose and Applicability (1.1.3; 4.1)
120.01.02 Official Zoning Map (4.4, 4.5)
120.01.03 Zoning District Establishment (4.2)

120.01.01 Purpose and Applicability (1.1.3; 4.1)

A. **Purpose.** The purpose of this Chapter is to:

1. *Establish Districts*. Establish base, special purpose, and overlay zoning districts that implement the Comprehensive Plan, known as the Harrisburg Area Land Use Plan (HALUP), that provide for development and redevelopment within the Town, and that correspond to the purpose statements set out in Table 120.01.03-1, *Zoning Districts*;
2. *Developmental and Dimensional Standards*. Provide developmental and dimensional standards for such districts;
3. *Land Use Standards*. Provide standards for specific land uses that are listed as limited or special in § 120.02, *Zoning Districts and Standards*.
4. *Measurements and Allowances*. Establish methods for measuring various characteristics of a structure, lot, or other features and provide allowances for administrative flexibility related to such features.

B. **Applicability**.

1. *Effect*. The districts set out in this Chapter apply to all land, buildings, structures, and appurtenances within the corporate boundaries of the Town and the extraterritorial jurisdiction.
2. *Standards*. The standards of this Chapter apply to new development, redevelopment, and substantially improved properties.
3. *Transition to New Districts*. As of the effective date of this Title, land zoned with a district classification from the previous Unified Development Ordinance will be reclassified to one of the district classifications in this Chapter, as set out in Section 120.01.03, *Zoning Districts Establishment*. Displayed in Table 120.01.03-1, *Zoning Districts*, are the name and letter designation of each district, how each district relates to the Harrisburg Area Land Use Plan (HALUP) designations, the purpose of the district, and the former zoning district designation.

C. **Required Conformance**. Except as specified otherwise in this UDO, no building or land may be used, and no building may be erected, altered, or moved that is used or designed to be used for any purpose other than a use that is permitted or conditionally permitted in a zoning district in which that building or land is located. To be built upon, a parcel of land shall be platted or meet the requirements and criteria set out in Chapter 122, *Subdivision Standards*.

120.01.02 Official Zoning Map

A. **Incorporated by Reference**. The Official Zoning Map, together with all legends, references, symbols, boundaries, and other information, is part of, and has the same force of law as the text of this UDO. The Official Zoning Map is incorporated by reference in this UDO.

B. **Boundaries**. The boundaries of zoning districts established by this UDO shall be designated on a map or maps entitled Official Zoning Map(s) of the Town of Harrisburg.

C. **Location**. The Official Zoning Map shall be on file and available for inspection during regular business hours in the Office of the Director and a copy of the Official Zoning Map shall be kept on file with the Town Clerk. Any changes thereto shall be clearly shown on the Official Zoning Map.

D. **Official Record**. The Official Zoning Map shall be the official record of zoning status of areas within the Town. Land within zoning districts on the Official Zoning Map shall be classified with a zoning district designation, which shall supersede any contrary designation on the Former Official Zoning Map. Regardless of the existence of any purported copy of the Official Zoning Map, the zoning map located in the office of the Director shall be the final authority as to the current zoning status of land, wet areas, buildings, and other structures.

E. **Missing Designation**. If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the UDO in effect at the time that the Former Official Zoning Map was effective, unless and until the zoning classification of the property is amended pursuant to this UDO.

F. **PUD**. If a property is zoned "PUD" at the time of adoption of this UDO, it shall remain subject to all terms, conditions, and restrictions of approval under the UDO in effect when the PUD classification was approved, including any specific modifications of the then-existing PUD or general regulations, and any approved final plans, unless and until the zoning classification of such property is amended pursuant to this UDO.

G. **Interpreting the Official Zoning Map.** Where the map appears to be unclear regarding the location of district boundaries, or where there is a dispute as to the boundary or location of property within a zoning district, the boundaries shall be interpreted by the Director who shall make a determination using the following criteria:

1. *Rights-of-Way or Easements.* Where boundary lines appear to follow existing streets, alleys, railroad tracks, utility lines, or similar features, the zoning boundary shall be construed to follow the center line of the rights-of-way or easement. Where the location of these features on the ground differs from that shown on the Official Zoning Map, the features on the ground control.
2. *Town or County Limits and Section Lines*. Where district boundaries are indicated as approximately following the Town or County limits or section lines, such Town or County limits or section lines shall be considered the district boundaries.
3. *Property Lines*. Where the boundaries are indicated as approximately following property lines, such lines shall be construed to be the boundaries.
4. *Watercourses.* Boundaries shown as following, or approximately following, the centerline of drainage ways, streams, water bodies, or other watercourses shall be construed as following the centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the centerline.
5. *Divided Parcels*. If a parcel of land is divided by a zoning district boundary line at the time of enactment of this UDO or by subsequent amendments to this UDO, the appropriate standards and uses for each district shall apply on the portion of the parcel covered by that district.

H. **Measurement**. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

I. **Vacation or Abandonment.** Where a public right-of-way is officially vacated or abandoned, the regulations applicable to the abutting property apply equally to the vacated or abandoned street or alley.

J. **Annexed and Undesignated Lands.** For the purposes of ensuring that all land has a zoning designation, any land that is annexed into the Town shall be zoned in accordance with its associated future land uses as set forth in the Harrisburg Area Land Use Plan (HALUP).

K. **Uncertain Boundaries.** If the boundary remains uncertain, the Planning and Zoning Board, acting as the Board of Adjustment, shall interpret the Official Zoning Map to determine the location of the boundary in question

L. **Appeals**. Any aggrieved person may appeal such determination to the Planning and Zoning Board, acting as the Board of Adjustment, as set out in Sec. 125.01.11, *Appeals of Legislative, Quasi-Judicial, and Subdivision Decisions*.

120.01.03 Zoning District Establishment

A. **Generally**. The Town and its extraterritorial jurisdiction (ETJ) are divided into zoning districts as enumerated in Table 120.01.03-1, *Zoning Districts*, below, which specifies each district along with the recommended land use category of the Future Land Use Map of the Harrisburg Area Land Use Plan (HALUP).

B. **HALUP Consistency.** Pursuant to NCGS §160D-501, *Plans*, this UDO shall be consistent with the HALUP. This Section describes the relationship between the various zoning districts and the land use categories described in the HALUP, along with the purposes of each district.

C. **District Types**.

1. *Base Districts*. The districts set out in Table 120.01.03-1, *Zoning Districts*, are those for which uses are permitted by right (permitted), subject to supplemental standards (limited), or subject to a public hearing (special use). Base districts may be established by Town Council approval as set out in Sec. 125.03.02, *Zoning Map Amendment*. Such approval authorizes the full range of uses in accordance with the standards applicable to the district.

2. *Conditional Zoning Districts*. Conditional zoning districts may be established by the Town Council pursuant to the procedures established in Subsection 125.03.03, *Conditional Zoning Approval*. Conditional zoning districts parallel general zoning districts and require concurrent site plan approval, which incorporates district-specific conditions agreed to by the owner(s) of the rezoned land. The land uses prescribed for the parallel district in 120.02, *Zoning Districts and Standards*, are the same as those allowed in a Conditional District. No additional land uses may be added as part of the conditions. In the event that a Special Use Permit is required in a general zoning district, a Special Use Permit will also be required for the Conditional District.

Table 120.01.03-1, Zoning Districts

Zoning District	HALUP Future Land Use Category	Development Type	Purpose	Former Zoning District
Agricultural and Residential				
AG, Agricultural	Very Low Density Residential	Countryside	Provide areas for low-intensity agricultural operations, agri-business, where appropriate, supportive rural business uses, protect and preserve valuable agricultural areas and pasturelands, and set very low residential densities.	AG, Agricultural
RE, Rural Estate		Conventional	Provide transition areas between low- and medium- or high-density residential land uses, designed as larger, estate-sized lots.	RE, Rural Estate
		Conservation	Provides conservation development with smaller lots that are clustered around common open space to protect environmental resources, such as woodlands, wetlands, floodplains and riparian areas, and as a buffer or recreational set-aside.	
RL, Residential Low	Low Density Residential	Conventional	Provide areas for low- density single-family residential ;uses on moderately-sized lots.	RL, Residential Low-Density

Table 120.01.03-1, Zoning Districts				
Zoning District	**HALUP Future Land Use Category**	Development Type	Purpose	Former Zoning District
		Conservation	Provide smaller lots clustered around common open space used as buffers and to preserve environmentally-sensitive and agricultural land areas.	
RM, Residential Medium	Medium Density Residential	Conventional	Provide areas for medium-density, single-family residential uses on smaller lots or single-family detached and attached dwellings clustered around common open space used as buffers between districts or housing types and to provide for resource protection and preservation of sensitive lands.	RM-1, Residential Medium-Density
		Conservation	Provide areas for single-family detached and attached dwellings clustered around common open space used as buffers between districts or housing types and to provide for resource protection and preservation of sensitive lands.	RM-2, Residential Medium Density
RH, Residential High	High Density Residential	Conventional	Provide areas for single-family detached and attached dwellings and, in a master planned development, multiple-family dwellings where both densities and open spaces increase proportionately. Common open spaces are used to buffer districts and housing types and to provide ample space for passive and recreational activities. This district promotes an urban character in suitable areas that have adequate public ;infrastructure, facilities, and services.	RV, Residential Village
		Planned	Provide a variety of housing types in a master-planned development that includes areas for a single-family detached, attached dwellings and multiple-family dwellings where both densities and open spaces increase proportionately. Common open spaces are used to buffer districts and housing types and to provide ample space for passive and recreational activities. This district promotes an urban character in suitable areas that have adequate public infrastructure, facilities, and services.	RC, Residential Compact
Non-Residential and Mixed Use				
MU, Mixed Use	Mixed Use	Traditional Neighborhood	Provide for a master-planned horizontal mixture of residential and commercial uses typically in structures that vary in height depending on context and developed at a pedestrian-oriented scale. The district may be for transitioning areas along corridors, infill and redevelopment sites, or as a master-planned development and should be adjacent to CC, NC, and other MU Districts.	TND, Traditional Neighborhood Development
	Mixed Use Center	Transit-Oriented	Provide for a master-planned horizontal mixture of residential and commercial uses near transit stations and stops.	TOD, Transit-Oriented Development

Table 120.01.03-1, Zoning Districts				
Zoning District	**HALUP Future Land Use Category**	Development Type	Purpose	Former Zoning District
			Structures that vary in height depending on context and developed at a pedestrian-oriented scale. The district may be for transitioning areas along corridors, infill and redevelopment sites, or as a master-planned development and should be adjacent to CC, NC, and other MU Districts.	
CC, City Center	Mixed Use Center	Mix of Uses	Provide concentrated retail, service, office, and mixed uses in the developed parts of the Town. Urban design standards maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center.	CC, City Center
O-I, Office and Institutional	Institutional Office	Mix of Office and Institutional	Provide for public and private ;agencies and offices together with supporting commercial development in contexts where single-use, single-building developments are appropriate.	O-I, Office and Institutional
NC, Neighborhood Commercial	Commercial	Neighborhood Oriented Commercial	Provide small areas for low-intensity nonresidential development, designed in scale with surrounding residential uses, and reflecting the economic needs of residents and business owners. The district is ideally located at the intersections of collector streets.	B-1, Neighborhood Commercial
GC, General Commercial		Light Commercial and Institutional	Provide areas for indoor commercial and some institutional uses in well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for an orderly transition between the NC district and more intense districts. Development sites and buildings are of greater height and impervious surface, and provide for more auto-intensive establishments, than the NC district. Parking is largely accommodated by off-street parking lots. This district is ideally located on or within proximity to major and/or minor thoroughfares.	C-1, Light Commercial C-2, General Commercial
CD, Campus Development	Light Industrial	Campus Development	Provide for a high-quality mixture of employment and/or institutional uses of varying types in a single coordinated development. The district may include light manufacturing, office, warehousing, distribution, institutional and limited retail sales and service uses in an attractive campus or corporate park setting with architectural design standards, landscaping, screening and buffering. It is not intended that this district be used to accommodate single-use, single building developments which can be located in other zoning districts. The district provides significant flexibility in internal	CD, Campus Development

Table 120.01.03-1, Zoning Districts				
Zoning District	**HALUP Future Land Use Category**	Development Type	Purpose	Former Zoning District
			arrangement of uses while assuring a satisfactory integration of the district into the surrounding area. Emphasis will be placed on the project's relationship to existing and future public facilities such as roads and greenways. The district is intended for application in select areas of the Town primarily for new development on previously undeveloped land. However, the district may also be applied to areas that are appropriate for redevelopment or conversion where it is apparent that all of the development standards may be fulfilled.	
EC, Employment Center		Light Industrial and Employment Centers	Provide for areas of light industrial, office, and multi-tenant flex space that are suitable based upon adjacent land uses, access to transportation, and the availability of public services and facilities. This district should be located so that it is unencumbered by nearby residential or mixed use development with direct access to or within proximity to a major or minor thoroughfare.	I-1, Light Industrial I-2, General Industrial
PUD, Planned Unit Development	Mixed Use	Mix of Uses	Provide for the unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land uses shall be permitted, provided that the essential site development regulations are complied with. or exceeded, and that the character of the development is not in conflict with the general purpose and intent of either this UDO or the HALUP.	PUD, Planned Unit Development
Overlays and Special Purpose Districts				
HPOD, Historic Preservation Overlay District	N/A	Historic Preservation	Provide protection and conservation of the heritage of the Town, County, and State by safeguarding the character and heritage of historic districts by preserving the important elements of their social, economic, cultural, political, or architectural history. This district promotes the conservation of historic districts and landmarks for the education, pleasure, and enrichment of residents of the districts and the Town, County and State as a whole. In addition, this district fosters civic beauty and stabilizes and enhances property values, thus contributing to the improvement of the general health and welfare of the Town and the residents of the districts.	HPOD, Historic Preservation Overlay District
FPOD, Floodplain Protection Overlay District	N/A	Flood Plain Development	Provide for the minimization of public and private losses due to flood conditions within flood-prone areas by provisions designed to: Restrict or prohibit uses that are dangerous to health, safety, and	FPOD, Floodplain Protection Overlay District

Table 120.01.03-1, Zoning Districts				
Zoning District	**HALUP Future Land Use Category**	Development Type	Purpose	Former Zoning District
			property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities; Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction; Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters; Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.	
RSOD, River/Stream Overlay District	N/A	Minimal Impact	Provide for strips of land adjacent to streams and rivers which shall be retained in their natural vegetated, revegetated, or reforested state through the preservation of appropriate perennial vegetation. Such preservation minimizes soil erosion, reduces the velocity of overland stormwater flow, traps sediment and soil eroded from cropland or land being developed, and limit other pollutants from entering the waterways.	RSOD, River/Stream Overlay District

§ 120.02 Zoning Districts and Standards

Contents:

120.02.01 Residential Districts (4.3)

120.02.02 Nonresidential and Mixed-Use Districts

120.02.01 Residential Districts (4.3)

A. **Applicability**. This Section establishes the provisions necessary for designing a residential development, which include development types, permitted uses, housing types and standards, and site development standards.

B. **Development Type**. Within the residential districts, there are four development types: countryside, conventional, conservation, and planned. The development types described in Table 120.02.01-1, *Residential Development Types*, are selectively permitted in each district as listed in the respective tables of this Section. The abbreviations defined in this table are used in subsequent tables in this Section

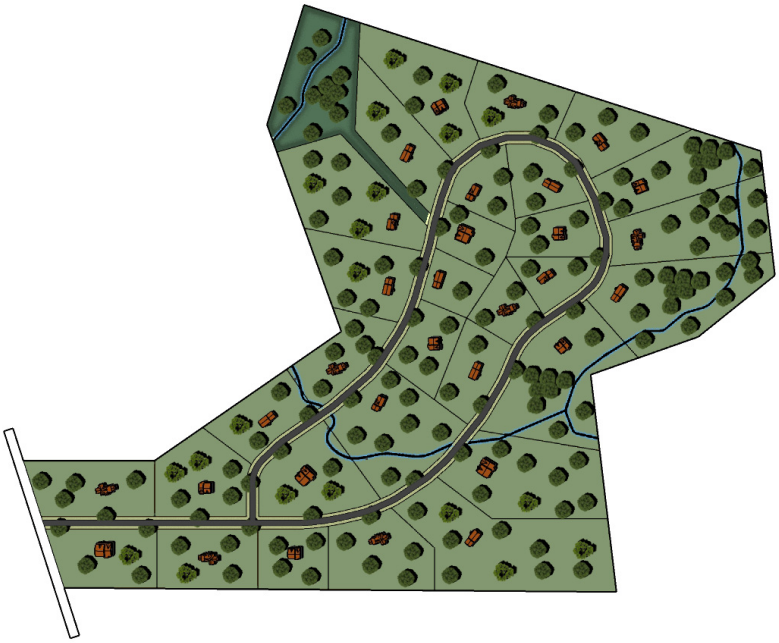
Table 120.02.01-1, Residential Development Types	
Symbol Name Description	Illustration
CV Conventional Conventional development is the standard form whereby the maximum density is achieved by use of minimum lot sizes and common open space.	
CS Conservation Conservation development preserves and accommodates topography and site resources by consolidating smaller lots and/or different housing types around the natural resources of the property. Conservation may produce the same or higher densities than that of a conventional development, often resulting in lower infrastructure costs per dwelling.	

Table 120.02.01-1, Residential Development Types	
Symbol Name Description	Illustration
PL Planned Planned development may include a mixture of different lot sizes, retail and office uses, and varying housing types clustered around civic spaces, greenways, and resource features in a horizontal mixed-use environment.	

C. **Permitted Uses**. Table 120.02.01-2, *Permitted Uses by Residential Zoning District and Development Type*, lists the land uses permitted in the various residential zoning districts by development type.

1. *Symbols*. Table 120.02.01-2 uses the following symbols:

   a. "P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. The use is approved by the Director.

   b. "P(L)" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is also subject to Section 120.04, *Land Use Standards (Administrative and Special)*.

   c. "S" means that the use is allowed as a Special Use, which may be approved following a public hearing by the Board of Adjustment, subject to:

      i. The standards in Section 120.04; and

      ii. The procedures set forth in Subsection 125.04.03, *Special Use Permit*.

   d. "--" means that the use is a Prohibited Use in the specified zoning district.

2. *Standards*. The "Standards" column provides a reference to associated standards for uses Permitted with Limitations and for Special Uses. Where "N/A" is in the column, the use is Permitted by Right in all districts.

3. *Unlisted Use Categories and Uses*. A use category or specific use is prohibited if it is not listed in Table 120.02.01-2 and if the Director cannot interpret an unlisted specific use as functionally similar to a use that is allowed, based on the criteria in Section 120.04.02, *New and Unlisted Uses*.

Table 120.02.01-2
Permitted Uses by Residential Zoning District and Development Type[1]

Key

CV - Conventional
CS - Conservation
PL - Planned

P – **P**ermitted by Right
S – Permitted as **S**pecial Use

-- – Prohibited Use
P(L) – Permitted with **L**imitations

Use Category	Specific Use	Zoning Districts and Development Types									Standards
		AG	RE		RL		RM		RH		
			CV	CS	CV	CS	CV	CS	CV	PL	
Agricultural and Residential											
Agricultural and Animal-Related	Animal Production & Support (excl. Swine & Feed Lots)	P	P(L)	P(L)	P(L)	--	P(L)	--	P(L)	--	120.04.03.A
	Animal Boarding or Shelter	P(L)	--	--	--	--	--	--	--	P(L)	120.04.03.B
	Auction Sales - Livestock only	P	--	--	--	--	--	--	--	--	N/A
	Crop Production	P	P	P	P	P	P	P	P	P	N/A
	Crop Production Support Activity	P	S	S	--	--	--	--	--	--	N/A
	Farmer's Market or Fruit / Vegetable Stand	P(L)	--	--	--	--	--	P(L)	--	P(L)	120.04.04.R
	Feed Lot	S	--	--	--	--	--	--	--	--	N/A
	Forestry and Logging	S	--	--	--	--	--	--	--	--	N/A
	Hunting, Fishing and Game Preserve (Commercial)	S	--	--	--	--	--	--	--	--	N/A
	Pet Care Service (excluding outdoor boarding)	P	--	--	--	--	--	--	--	--	N/A
	Swine farm	S	--	--	--	--	--	--	--	--	N/A
	Veterinarian Office or Hospital, Large Animal	P(L)	--	--	--	--	--	--	--	--	120.04.03.B
	Veterinarian Office or Hospital, Small Animal	P	--	--	--	--	--	--	--	P(L)	120.04.03.B
Household Living	Accessory Dwelling Unit	S	S	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	120.04.07.B
	Duplex or Single-Family Attached Dwelling	--	--	--	--	--	P(L)	P	P	P	120.04.03.D
	Multi-family Dwelling	--	--	--	--	--	--	--	S	P(L)	120.04.03.E
	Single-Family Detached Dwelling	P(L)	P	P	P	P	P	P	P	P	120.04.03.F
	Single-family Manufactured Home Park	--	--	--	--	--	P(L)	--	--	--	120.04.03.G
	Single-family Manufactured Home Subdivision	P(L)	--	--	--	--	S	--	--	--	120.04.03.G
	Single-Family Modular Home	P(L)	P	P	P	P	P	P	P	P	120.04.03.F
	Townhouse	--	--	--	--	--	--	P	P	P	120.04.03.H
Group Living	Family Care Home	P	P	P	P	P	P	P	P	P	N/A
	Residential Care Facility	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	120.04.04.X

Table 120.02.01-2
Permitted Uses by Residential Zoning District and Development Type[1]

Key

CV - Conventional
CS - Conservation
PL - Planned

P – **P**ermitted by Right
S – Permitted as **S**pecial Use

-- – Prohibited Use
P(L) – Permitted with **L**imitations

Use Category	Specific Use	Zoning Districts and Development Types									Standards
		AG	RE		RL		RM		RH		
			CV	CS	CV	CS	CV	CS	CV	PL	
	All Other Group Living Uses	--	--	--	--	--	P(L)	P(L)	P(L)	P(L)	120.04.04.X
Institutional and Civic											
Community Amenities	All Community Amenities	S	S	S	S	S	S	S	S	P(L)	120.04.04.A
Day Care	All Day Care Uses	P(L)	P(L)	S	P(L)	S	S	S	P(L)	P(L)	120.04.04.B
Educational Facilities	School, Public or Private, Elementary or Secondary	P	P	P	P	P	P	P	P	P	N/A
	University or College	S	--	--	--	--	--	--	--	--	N/A
	All Other Educational Facilities	--	--	--	--	-	--	--	--	--	N/A
Government Facilities	Correctional Institution	S	--	--	--	--	--	--	--	--	N/A
	All Other Government Facilities	S	S	S	S	S	S	S	S	S	N/A
Medical Facilities	Medical or Dental Office	--	--	--	--	--	--	--	--	S	N/A
	All Other Medical Facilities	--	--	--	--	--	--	--	--	--	N/A
Parks and Open Areas	Campground, Private	S	--	--	--	--	--	--	--	--	120.04.04.C
	Cemetery, Crematory, or Mausoleum	S	S	S	S	S	S	S	S	S	120.04.04.D
	Zoo	S	--	--	--	--	--	--	--	--	N/A
	All Other Parks and Open Areas	P	P	P	P	P	P	P	P	P	N/A
Passenger Terminals	Airport	S	--	--	--	--	--	--	--	--	N/A
	Park and Ride Facility or Transit Terminals	S	--	--	--	--	--	--	--	S	N/A
	All Other Passenger Terminals	--	--	--	--	--	--	--	--	--	N/A
Public Assembly	All Public Assembly Uses	S	S	S	S	S	S	S	S	P(L)	120.04.04.F
Social Service	All Social Service Uses	--	--	--	--	--	--	--	--	--	N/A
Utilities	Solar Entergy Facilities (Level 1)	P	P	P	P	P	P	P	P	P	N/A
	Solar Entergy Facilities (Level 2)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	120.04.04.G
	Solar Entergy Facilities (Level 2 or 3)	C	C	C	C	C	C	C	C	C	120.04.04.G
	Wireless Telecommunications Tower	S	S	S	S	S	S	S	S	S	120.04.04.H
	All Other Major Utilities	S	S	S	S	S	S	S	S	S	N/A
	All Other Minor Utilities	P	P	P	P	P	P	P	P	P	N/A
Commercial											

Table 120.02.01-2
Permitted Uses by Residential Zoning District and Development Type[1]

Key

CV - Conventional
CS - Conservation
PL - Planned

P – **P**ermitted by Right
S – Permitted as **S**pecial Use

-- – Prohibited Use
P(L) – Permitted with **L**imitations

Use Category	Specific Use	Zoning Districts and Development Types									Standards
		AG	RE		RL		RM		RH		
			CV	CS	CV	CS	CV	CS	CV	PL	
Entertainment, Outdoor	Amusement park	S	--	--	--	--	--	--	--	--	N/A
	Sports and Recreation Instruction/Camps	P	--	--	--	--	--	--	--	--	N/A
	All Other Outdoor Entertainment	--	--	--	--	--	--	--	--	--	N/A
Offices	Bank or Credit Union	--	--	--	--	--	--	--	--	--	N/A
	All Other Office Uses	--	--	--	--	--	--	--	--	P(L)	120.04.04.L
Retail Repair, Sales, and Service Uses	All Retail Repair, Sales, and Service Uses	--	--	--	--	--	--	--	--	S	N/A
Vehicle Sales and Service Uses	Automobile Repair, Major	S	--	--	--	--	--	--	--	--	N/A
	Automobile Repair, Minor	S	--	--	--	--	--	--	--	--	N/A
	All Other Vehicle Sales and Service Uses	--	--	--	--	--	--	--	--	--	N/A
Industrial											
Resource Extraction	Mining / Extraction Industries	S	--	--	--	--	--	--	--	--	N/A
Waste Related Service	Demolition Landfill	P(L)	--	--	--	--	--	--	--	--	120.04.04.W
	All Other Waste Related Service	--	--	--	--	--	--	--	--	--	N/A
Wholesale Trade	Farm Products Sales, Bulk	P	--	--	--	--	--	--	--	--	N/A
	Farm Supply Product Sales (without outdoor storage)	P	--	--	--	--	--	--	--	--	N/A
	Farm Supply Product Sales (with outdoor storage)	S	--	--	--	--	--	--	--	--	N/A
	Florist and Nursery Supply (with or without outdoor storage)	S	--	--	--	--	--	--	--	--	N/A
	All Other Wholesale Trade	--	--	--	--	--	--	--	--	--	N/A

TABLE NOTES:

1. All uses that are permitted, limited, or special in the underlying zoning district are respectively permitted, limited, or special in the overlay district. However, if a use is expressly permitted, limited, or special in the overlay district, it is respectively permitted, limited, or special in the base zoning district, superseding the base zoning district.

D. **Dimensional Standards**.

1. *Generally*. Tables 120.02.01-1, *AG Dimensional Standards*, through Table 120.02.01-5, *RH Dimensional Standards,*
establishes the dimensional standards for the various housing and development types in the residential zoning districts.

2. *Garage Setbacks*. Garages shall be set back a minimum of 20 feet from the front property line or street side property line that associated driveways take access from, in order to maintain an adequately sized parking space in the portion of the driveway in front of the garage and avoid encroachment into public sidewalks, despite lower minimum setback standards in Tables 120.02.01-1 through 120.02.01-5.

Table 120.02.01-1, AG Dimensional Standards

Development Type	Density, maximum	Common Open Space, minimum[1]	Lot Dimensions, minimums		Bulk Standards					
			Lot Area (per D.U.)	Lot Width	Height, max.	Yard, min. (ft.)				Lot Coverage, max.
	Units per Acre	% of Development	*(acres)*	*(ft.)*	*(ft.)*	Front	Side Interior	Exterior Side	Rear	% of Lot
Single-Family Detached Dwelling, Modular Home, or Single-Family Manufactured Home Subdivision										
Countryside	.30	N/A	3	200	35	50	20	40	30	N/A
Nonresidential										
N/A	N/A	N/A	3	200	35	50	20	40	30	30

Table Notes:

1. Refer to 122.02.11.F, *Public Open Space Dedication*.

Table 120.02.01-2, RE Dimensional Standards

Development Type	Density, maximum	Common Open Space, minimum[1]		Lot Dimensions, minimums		Bulk Standards					
				Lot Area (per D.U.)	Lot Width	Height, max.	Yard, min. (ft.)				Lot Coverage, max.
	Units per Acre	% of Development	% in-accessible[2]	*(sq. ft.)*	*(ft.)*	*(ft.)*	Front	Side Interior	Exterior Side	Rear	(%)
Single-Family Detached Dwelling or Modular Home											
Conventional	.44	10	10	87,120	200	35	50	20	40	30	N/A
Conservation	.90	35	10	30,000	100	35	25	10	20	25	30
Nonresidential											
N/A	N/A	N/A	N/A	87,120	200	35	50	20	40	30	30

Table Notes:

1. Refer to 122.02.11.F, *Public Open Space Dedication*.
2. Measured as a percentage of required open space.

Table 120.02.01-3, RL Dimensional Standards

Development Type	Density, maximum	Common Open Space, minimum[1]		Lot Dimensions, minimums		Bulk Standards					
				Lot Area (per D.U.)	Lot Width	Height, max.	Yard, min. (ft.)				Lot Coverage, max.
	Units per Acre	% of Development	% In-accessible[2]	*(sq. ft.)*	*(ft.)*	*(ft.)*	Front	Side Interior	Exterior Side	Rear	(%)
Single-Family Detached Dwelling or Modular Home											
Conventional	1.0	10	10	39,000	100	35	35	15	25	30	N/A
Conservation	2.0	30	10	14,750	75	35	25	10	20	25	35
Nonresidential											
N/A	N/A	N/A	N/A	43,560	200	35	50	2	40	30	30

Table Notes:

1. Refer to 122.02.11.F, *Public Open Space Dedication*.
2. Measured as a percentage of required open space.

Table 120.02.01-4, RM Dimensional Standards

Development Type	Density, maximum	Common Open Space, minimum[1]		Lot Dimensions, minimums		Bulk Standards					
				Lot Area (per D.U.)	Lot Width	Height, max.	Yard, min. (ft.)				Lot Coverage, max.
	Units per Acre	% of Development	% in-accessible[2]	*(sq. ft.)*	*(ft.)*	*(ft.)*	Front	Side Interior	Exterior Side	Rear	(%)
Duplex or Single-Family Attached Dwelling											
Conventional	2.0	12	10	9,500[3]	60	35	25	10[5]	20	25	N/A
Conservation	3.0	30	10	4,750[4]	50	35	20	10[5]	15	20	35
Single-Family Detached Dwelling or Modular Home											
Conventional	2.0	12	10	18,500	75	35	25	10	20	25	N/A
Conservation	3.0	30	10	9,500	50	35	20	10	20	25	45
Townhouse											
Conservation	3.0	35	10	8,500	30	35	20	0 / 10[5]	15	20	40
Nonresidential											
N/A	N/A	N/A	N/A	15,000	75	35	25	0 / 25[6]	20	0 / 25[4]	40

Notes:

1. Refer to 122.02.11.F, *Public Open Space Dedication*.
2. Measured as a percentage of required open space.

Table 120.02.01-4, RM Dimensional Standards

Development Type	Density, maximum	Common Open Space, minimum[1]		Lot Dimensions, minimums		Bulk Standards					
				Lot Area (per D.U.)	Lot Width	Height, max.	Yard, min. (ft.)				Lot Coverage, max.
	Units per Acre	% of Development	% in-accessible[2]	*(sq. ft.)*	*(ft.)*	*(ft.)*	Front	Side Interior	Exterior Side	Rear	(%)

3. 19,000 total square feet for both units on the lot (for a Duplex) or lots (for Single-Family Attached).
4. 9,500 total square feet for both units on the lot (for a Duplex) or lots (for Single-Family Attached).
5. Refer to 120.04.03.D, *Duplex or Single-Family Attached Dwelling*, or 120.04.03.H, *Townhouse*.
6. 0 feet if adjacent to nonresidential / 25 feet if adjacent to residential.

Table 120.02.01-5, RH Dimensional Standards

Development Type	Density, maximum	Common Open Space, minimum[1]		Lot Dimensions, minimums		Bulk Standards					
				Lot Area (per D.U.)	Lot Width	Height, max.	Yard, (ft.)				Lot Coverage, max.
	Units per Acre	% of Development	% In-accessible[2]	*(sq. ft.)*	*(ft.)*	*(ft.)*	Front	Side Interior	Exterior Side	Rear	(%)
Duplex or Single-Family Attached Dwelling											
Conventional	3.0	12	10	6,000[3]	75	35	25	10[8]	20	25	N/A
Planned[6]	5.0	20	10	3,000[4]	50	45	15	5[8]	10	5	45
Multi-Family Dwelling											
Conventional	9.0	15	10	3,500	60	45	15	15	15	15	N/A
Planned[6]	10.0	35	10	2,800	60	45	5	15	5	15	40
Single-Family Detached Dwelling or Modular Home											
Conventional	6.0	15	10	6,000	60	35	25	10	20	25	N/A
Planned[6]	7.0	15	10	4,000	40	45	15	5	10	5	45
Townhouse											
Conventional	9.0	15	10	4,000	40	45	25[5]	0 / 10	15	25	N/A
Planned[6]	10.0	25	10	2,800	20	45	15	0 / 10	10	15	40
Nonresidential											
N/A	N/A	N/A	N/A	7,500	75	35	25	0 / 25[5]	20	0 / 25[7]	40

Notes:

1. Refer to 122.02.11.F, *Public Open Space Dedication*.
2. Measured as a percentage of required open space.

Table 120.02.01-5, RH Dimensional Standards											
Development Type	Density, maximum	Common Open Space, minimum[1]		Lot Dimensions, minimums		Bulk Standards					
				Lot Area (per D.U.)	Lot Width	Height, max.	Yard, (ft.)				Lot Coverage, max.
	Units per Acre	% of Development	% In-accessible[2]	*(sq. ft.)*	*(ft.)*	*(ft.)*	Front	Side Interior	Exterior Side	Rear	(%)

3. 12,000 total square feet for both units on the lot.
4. 6,000 total square feet for both units on the lot.
5. Front-loaded access and parking in front of the building is prohibited except that the Director may allow under circumstances related to lot shape, topography, or other factors.
6. Front-loaded access and parking in front of the building is prohibited in accordance with Subsection 122.03.05, *Planned*.
7. 0 feet if adjacent to nonresidential / 25 feet if adjacent to residential.
8. Refer to 120.04.03.D, *Duplex or Single-Family Attached Dwelling*, or 120.04.03.H, *Townhouse*.

120.02.02 Nonresidential and Mixed-Use Districts

A. **Applicability**. This Section establishes the factors necessary for designing a residential development, which include development types, permitted uses, housing types and standards, and site development standards.

B. **Development Type**. Within the nonresidential and mixed-use districts, there are two specialized sub-districts: traditional neighborhood development and transit-oriented development. The sub-districts described in Table 120.02.02-1, *TND and TOD Descriptions*, are selectively permitted in each district as listed in the respective tables of this Section. The abbreviations defined in this table are used in subsequent tables in this Section

Table 120.02.02-1, TND and TOD Descriptions	
Name Description	Illustration
TND Traditional Neighborhood Development Development that consists of a variety of residential lot sizes and housing types, along with neighborhood supportive commercial development, in a vertical mixed-use setting.	

TOD Transit-Oriented Development A higher density, mixed-use development within walking distance (approximately a 1/2 mile) of a transit station.	

C. **Permitted Uses**. Table 120.02.02-1, *Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type*, lists the land uses permitted in the various nonresidential and mixed-use zoning districts.

1. *Symbols*. Table 120.02.02-2 uses the following symbols:

   a. "P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. The use is approved by the Director.

   b. "L" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is also subject to Section 120.04, *Land Use Standards (Administrative and Special)*.

   c. "S" means that the use is allowed as a Special Use, which may be approved following a public hearing by the Board of Adjustment, subject to:

      i. The standards in Section 120.04; and

      ii. The procedures set forth in Subsection 125.04.03, *Special Use Permit*.

   d. "--" means that the use is a Prohibited Use in the specified zoning district.

2. *Standards*. The "Standards" column provides a reference to associated standards for uses Permitted with Limitations and for Special Uses. Where "N/A" is in the column, the use is Permitted by Right in all districts.

3. *Unlisted Use Categories and Uses*. A use category or specific use is prohibited if it is not listed in Table 120.02.02-2 and if the Director cannot interpret an unlisted specific use as functionally similar to a use that is allowed, based on the criteria in Section 120.04.02, *New and Unlisted Uses*.

Table 120.02.02-2, Permitted Uses by Nonresidential and Mixed-Use Zoning District

Key

TND - Traditional Neighborhood Development
TOD - Transit-Oriented Development

P – **P**ermitted by Right
S – Permitted as **S**pecial Use

-- – Prohibited Use
P(L) – **P**ermitted with **L**imitations

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
Agricultural and Residential										
Agricultural and Animal-Related	Animal Boarding or Shelter	--	--	--	--	--	S	--	P	N/A
	Farmer's Market or Fruit / Vegetable Stand	--	--	P(L)	--	--	P	--	--	120.04.03.C
	Pet Care Service (without	--	--	P	--	--	P	--	P	N/A

Table 120.02.02-2, Permitted Uses by Nonresidential and Mixed-Use Zoning District

Key

TND - Traditional Neighborhood Development
TOD - Transit-Oriented Development

P – **P**ermitted by Right
S – Permitted as **S**pecial Use

-- – Prohibited Use
P(L) – **P**ermitted with **L**imitations

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
	outdoor kennels)									
	Pet Care Service (with outdoor kennels)	--	--	--	--	--	P	--	P	N/A
	Veterinarian Office or Hospital, Large Animal	--	--	P(L)	--	--	--	--	--	120.04.03.B
	Veterinarian Office or Hospital, Small Animal	--	--	P	--	P	P	P	--	120.04.03.B
	All Other Agricultural and Animal-Related Uses	--	--	--	--	--	--	--	--	N/A
Household Living	Accessory Dwelling Unit	P(L)	P(L)	--	--	--	--	--	--	120.04.07.B
	Duplex or Single-Family Attached Dwelling	P(L)	P(L)	P(L)	P(L)	--	--	--	--	120.04.03.D
	Multi-family Dwelling	P(L)	P(L)	P(L)	P(L)	--	P(L)	--	--	120.04.03.E
	Single-Family Detached Dwelling	--	--	--	S	--	--	--	--	120.04.04.D
	Single-family Manufactured Home Park	--	--	--	--	--	--	--	--	120.04.03.G
	Single-family Manufactured Home Subdivision	--	--	--	--	--	--	--	--	120.04.03.G
	Single-Family Modular Home	--	--	--	S	--	--	--	--	120.04.04.D
	Townhouse	P(L)	P(L)	--	P(L)	--	--	--	--	120.04.03.H
Group Living	Family Care Home	--	--	P(L)	S	--	--	--	--	N/A
	Residential Care Facility	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	--	--	120.04.03.I
	All Other Group Living Uses	--	--	P	--	--	P	--	--	120.04.03.I
Institutional and Civic										
Community Amenities	All Community Amenities	P(L)	P(L)	P	S	P(L)	P	--	--	120.04.04.A
Day Care	All Day Care Uses	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	--	120.04.04.B
Educational Facilities	School, Technical or Trade	--	--	--	S	--	P	P	P	N/A
	University or College	--	P	P	S	--	P	P	--	N/A
	All Other Educational Facilities	P	P	P	P	P	P	--	--	N/A
Government Facilities	Correctional Institution	--	--	S	--	--	--	--	S	N/A
	All Other Government Facilities	P	P	P	P	P	P	P	P	N/A
Medical Facilities	Medical and Dental Office	P	P	P	P	P(L)	P	P	P	
	All Other Medical Facilities	--	P	P	P	--	P	P	--	N/A
Parks and Open Areas	Campground, Private	--	--	--	--	--	--	--	S	120.04.04.C
	Cemeteries, Crematories, & Mausoleums	--	--	S	S	S	P	P	P	120.04.04.D
	Country Club	--	--	--	--	--	--	P	P	N/A
	Zoo	--	--	--	--	--	S	S	S	N/A

Table 120.02.02-2, Permitted Uses by Nonresidential and Mixed-Use Zoning District

Key

TND - Traditional Neighborhood Development
TOD - Transit-Oriented Development

P – **P**ermitted by Right
S – Permitted as **S**pecial Use

-- – Prohibited Use
P(L) – **P**ermitted with **L**imitations

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
	All Other Parks and Open Areas	P	P	P	P	P	P	P	P	N/A
Passenger Terminals	Airport	--	--	--	--	--	--	--	S	N/A
	Park-and-Ride Facility/Transit Terminals	P	P	--	--	--	--	--	--	N/A
	All Other Passenger Terminals	P	P	--	P	S	P	P	P	N/A
Public Assembly	Club, Private	P(L)	P(L)	--	--	P	P	P(L)	--	120.04.04.E
	Convention Center / Visitors Bureau	--	P	P	--	P	P	P	--	N/A
	Religious Institution (up to 350 seats)	P(L)	P(L)	P(L)	P(L)	P(L)	P	--	P	120.04.04.F
	Religious Institution (more than 350 seats)	--	--	--	P(L)	P(L)	P	--	P	120.04.04.F
	All Public Assembly Uses	P(L)	P(L)	P	P(L)	P(L)	P	--	P	120.04.04.F
Social Service	All Social Service Uses			P	S	S	P	P	--	N/A
Utilities	Solar Energy Facilities (Level 1)	P	P	P	P	P	P	P	P	N/A
	Solar Energy Facilities (Level 2)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	120.04.04.G
	Solar Energy Facilities (Level 3)	S	S	S	S	S	S	S	S	120.04.04.G
	Wireless Telecommunications Tower	S	S	S	S	S	S	S	S	120.04.04.H
	All Other Major Utilities	S	S	S	S	S	S	S	S	N/A
	All Minor Utilities	P	P	P	P	P	P	P	P	N/A
Commercial										
Entertainment, Indoor	Amusement Arcade	P	P	--	--	--	P	--	--	N/A
	Brewpub / Microbrewery, Microwinery, Microdistillery, Microcidery	P(L)	P(L)	P(L)	--	--	P(L)	P(L)	P(L)	120.04.04.I
	Electronic Gaming Establishment	--	--	--	--	--	S	--	--	120.04.04.K
	Fortune Telling / Palm Reading	--	--	--	--	--	S	--	--	N/A
	Reception Facility	--	--	--	--	--	S	--	--	
	Tattoo Parlor, Body Piercing	--	--	--	--	--	S	--	--	N/A
	All Other Indoor Entertainment	P	P	P	--	--	P	--	P	N/A
Entertainment, Outdoor	All Outdoor Entertainment	--	--	--	--	--	S	--	S	N/A
Offices	Bank or Credit Union	P(L)	P(L)	S	P	P	P	P	--	120.04.04.L
	Contractor's Office (without outdoor storage)	--	--	--	P	P	P	P	P	N/A
	Contractor's Office (with	--	--	--	--	--	--	P	P	N/A

Table 120.02.02-2, Permitted Uses by Nonresidential and Mixed-Use Zoning District

Key

TND - Traditional Neighborhood Development
TOD - Transit-Oriented Development

P – **P**ermitted by Right
S – Permitted as **S**pecial Use

-- – Prohibited Use
P(L) – **P**ermitted with **L**imitations

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
	outdoor storage)									
	All Other Office Uses	P(L)	P(L)	P	P	P	P	P	--	120.04.04.L
Overnight Accommodations	Bed & Breakfast Inn or Short-Term Rental	P(L)	P(L)	P(L)	--	P(L)	P(L)	--	--	120.04.04.M
	All Other Overnight Accommodations	P	P	P	--	--	P	P	--	N/A
Parking, Commercial	Truck, Tractor Trailer, or Bus Storage	--	--	--	--	--	--	S	P	N/A
	All Other Commercial Parking Uses	S	S	S	P	S	P	P	P	N/A
Retail Repair, Sales, and Service Uses	Auction House (General Merchandise)	--	--	--	--	--	P	--	--	N/A
	Cemetery Monument Sales	--	--	--	--	--	P	--	--	N/A
	Funeral Home	--	--	S	P	--	P	P	--	N/A
	Lawn and Garden Supply (without outdoor display or storage)	--	--	P	--	--	P	P	P	N/A
	Lawn and Garden Supply (with outdoor display or storage)	--	--	--	--	--	S	S	S	N/A
	Liquor Sales (ABC Store)	S	S	--	--	--	P	P	--	N/A
	Shopping Center	P(L)	P(L)	--	--	P(L)	P(L)	P(L)	--	120.04.04.N
	Pawnshop	--	--	S	--	--	P	--	--	N/A
	Tobacco Store or Vapor Shop	--	--	--	--	--	S	--	--	N/A
	All Other Retail Sales and Service	--	--	P	--	P	P	--	--	N/A
Restaurant	Restaurant, Limited-Service (delivery, carryout, drive-thru)	S	S	S	--	--	P	--	--	N/A
	All Other Restaurants Uses	P	P	P	--	P	P	P	--	N/A
Sexually-Oriented Business	All Sexually-Oriented Businesses	--	--	--	--	--	S	--	--	120.04.04.O
Vehicle Sales and Service Uses	Automobile Repair, Major	--	--	--	--	--	S	P	P	N/A
	Automobile Repair, Minor	--	--	--	--	--	P	P	--	N/A
	Car Wash	--	--	--	--	--	P	--	--	N/A
	Fuel Sales	--	--	S	--	S	P(L)	--	--	120.04.04.P
	Manufactured / Modular Home and Storage Building Sales	--	--	--	--	--	S	--	--	120.04.04.Q
	Truck Stop, Travel Plaza	--	--	--	--	--	S	--	--	N/A
	Vehicle Sales and Rental	--	--	--	--	--	P(L)	P(L)	P(L)	120.04.04.R
	All Other Vehicle Sales and Service Uses	--	--	--	--	--	P	--	--	N/A

Table 120.02.02-2, Permitted Uses by Nonresidential and Mixed-Use Zoning District

Key

TND - Traditional Neighborhood Development
TOD - Transit-Oriented Development

P – **P**ermitted by Right
S – Permitted as **S**pecial Use

-- – Prohibited Use
P(L) – **P**ermitted with **L**imitations

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
Industrial										
Heavy Industrial	All Heavy Industrial Uses	--	--	--	--	--	--	--	S	N/A
Light Industrial	Contractor's Office (with outdoor storage)	--	--	--	--	--	--	--	P	N/A
	Contractor's Office (without outdoor storage)	--	--	--	P(L)	P(L)	P(L)	P	P	120.04.04.S
	Micromanufacturing	P(L)	P(L)	P(L)	--	--	P(L)	P	P	120.04.04.T
	Publishing Industry	--	--	--	P	P	P	P	P	N/A
	Scientific Research & Development Services	--	--	S	--	--	--	P	P	N/A
	All Other Light Industrial Uses	--	--	--	--	--	--	P	P	N/A
Resource Extraction	All Resource Extraction Uses	--	--	--	--	--	--	--	S	120.04.04.U
Self-Service Storage	All Self-Service Storage Uses	--	--	--	--	--	S	P	P	120.04.04.V
Warehousing and Storage	All Warehousing and Storage Uses	--	--	--	--	--	P	P	P	N/A
Waste Related Service	Demolition Landfill	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)	P(L)L	120.04.04.W
	Salvage Yard	--	--	--	--	--	--	--	S	120.04.04.X
	All Other Waste Related Service	--	--	--	--	--	--	--	P	N/A
Wholesale Trade	Building Material Supply (with outdoor storage)	--	--	--	--	--	S	--	P	N/A
	Farm Products Sales, Bulk	--	--	--	--	--	--	--	S	N/A
	Farm Supply Product Sales (with outdoor storage)	--	--	--	--	--	--	--	S	N/A
	Florist and Nursery Supply, (with outdoor storage)	--	--	--	--	--	S	--	P	N/A
	All Other Wholesale Trade (without outdoor storage)	--	--	P	--	--	P	P	P	N/A

D. **Dimensional Standards**.

1. *Nonresidential Uses*. The standards in Table 120.02.02-3, *Dimensional Standards by Zoning District*, establish the minimum dimensional standards of nonresidential development in the nonresidential zoning districts.
2. *Residential Uses*. Permitted residential uses shall comply with the standards for conventional development in Table 120.02.01-5, *RH Dimensional Standards*.

Table 120.02.02-3, Dimensional Standards by Zoning District									
Development Standard		MU		CC	O-I	NC	GC	CD	EC
		TND	TOD						
Development Area (min. acres)		Refer to Subsec. 120.03.01	Refer to Subsec. 120.03.02	--	--	--	--	20[1]	--
Lot Width (min. ft.)				--	--	50	50	100	50
Density (units per acre)				9.0[3]	--	--	--	--	--
Height (min. ft.)				72	35	50	48	72	72
Impervious Surface (max. %)				100	70	65	80	80	90
Building Setbacks (ft.)	front (min. / max.)			-- / 10	10 / --	10 / --	10 / --	20 / --	20 / --
	rear[2]			--	8	8	8	8	15
	interior side[2]			--	8	8	8	8	15
	street side			--	10	10	10	30	30
	adjacent to residential district			--	15	15	15	25	25

Notes:
1. Parcels which are less than 20 acres but are at least one acre shall require a Special Use Permit. Any such property less than 20 acres shall have been a lot of record at the time on or before [insert adoption date of previous UDO]. In reviewing such requests, the Planning and Zoning Board shall consider the project's relationship to adjacent CD- zoned properties, developed or undeveloped.
2. Required buffer yards in Subsection 121.04.03, *Buffer Yard Landscaping*, may require increased rear or interior side setbacks.
3. Applies to permitted multi-family and single-family attached dwellings.

§ 120.03 Special Purpose and Overlay Districts

Contents:

120.03.01 Traditional Neighborhood Development (TND) (4.10)
120.03.02 Transit Oriented Development District (TOD) (4.11, Appendix E) (Module 2)
120.03.03 Historic Preservation Overlay District (HPOD) (4.12))
120.03.04 Floodplain Protection Overlay District (FPOD) (4.14)
120.03.05 River/Stream Overlay District (RSOD) (4.15)

120.03.01 Traditional Neighborhood Development (TND)

120.03.01.A General Provisions

1. **Establishment**. The Traditional Neighborhood Development (TND) sub-district is a sub-district of the Mixed Use (MU) district.
2. **Physical Conventions**. The TND option is designed to permit the development of land in a manner consistent with traditional neighborhoods. Its provisions adapt the urban conventions which were normal in the United States from colonial times until the 1940's. The TND ordinance prescribes the following physical conventions:
   a. The neighborhood is spatially understood and limited in size.
   b. Residences, shops, workplaces, civic buildings and parks are interwoven within the neighborhood, all in close proximity and connected by a system of sidewalks.
   c. The hierarchy, design and detailing of streets, serves equitably the needs of pedestrians, bicycles and automobiles.
   d. Carefully placed civic buildings and squares reinforce the identity of the neighborhood.
   e. Spatially defined squares and parks are distributed and designed as specialized places for social activity and recreation.
   f. Civic buildings provide places of assembly for social, cultural and religious activities, becoming symbols of community identity through their architectural clarity.
   g. Private buildings form a disciplined edge, spatially delineating the public street space and the private block interior.

h. Architecture and landscape respond to the unique character of the region and traditional design principles with attention toward a classic sense of timelessness. Designs shall preserve the charm and unity of the neighborhood as a whole.

i. By providing a full range of housing types and workplaces, residents of all ages are blended together, forming the bonds of an authentic community.

j. The provision of comfortable public spaces such as streets and squares, residents may come to know each other to watch over their collective security.

k. By bringing within walking distance most of the activities of daily living, including dwelling, shopping and working, the elderly and the young gain independence of movement.

l. The compact layout of TND reduces the requirements for infrastructure, automobile use and traffic congestion. By organizing appropriate building densities, public transit becomes a viable alternative mode for local travel.

3. **Restrictive Covenants**. A set of restrictive covenants and design codes shall be established for each TND by the developer and shall be binding on all property owners.

4. **Property Owners Association**. A Property Owners Association, shall be formed to guide the growth, enforce the restrictive covenants, and govern the citizens of the TND.

5. **Removal**. No parcel shall be removed from an approved and platted TND.

6. **Greenfield and Infill**. This Section contains procedures and standards for the processing of TND's both in new subdivisions and site plan applications on large, undeveloped parcels (referred to as "Greenfield" sites), and on existing parcels surrounded by developed areas (referred to as "Infill" sites).

7. **TND District Defined**.

    1. Rezonings to the TND district shall be processed as a Conditional Zoning District pursuant to Section 125.03.03 and is eligible to be reviewed under the procedures for expedited rezoning pursuant to Subsection 125.03.02.K, *Optional Notice for Large-Scale Zoning Map Amendments*.

    2. Applications for a TND district shall be classified as either:

        a. TND Greenfield; or

        b. TND Infill.

8. **Review and Approval**. There are two procedures for approval of a TND:

    1. First, the applicant may seek approval of a TND district as a Conditional Zoning pursuant to Section 125.03.03, with site design and architectural standards which supplement this Section.

    2. Second, the applicant may seek approval of a TND subdivision in accordance with the standards set forth in this Section. Such applications shall be labeled "TND Subdivision" and may be processed and approved in accordance with the subdivision plat approval procedures set forth in Chapter 125, *Development Review Procedures*, without first seeking a rezoning to the TND District**.**

9. **Adequate Public Facilities.** The requirements of Section 125.01.13, *Adequate Public Facilities*, shall not apply to any development defined as a TND Infill.

10. **Certificates of Compliance and Occupancy**. Following approval of a Final Site Plan and Final Plat, the first 75 percent of all Certificate of Compliance and Occupancy for dwelling units may be issued prior to the establishment of any nonresidential use. No Certificate Compliance and Occupancy may be issued for the remaining dwelling units until a Zoning Clearance has been for the remaining nonresidential floor area.

11. **TND Site Plan**. In addition to the Preliminary Plat and Conditional Zoning requirements specified in Section 125.03.03, *Conditional Zoning Approval*, and the Town's Development Guidebook, the TND Site Plan shall also include all aspects of the spatial relationships proposed for the TND including:

    1. Layout and dimensions of lots, setbacks (build-to- lines) roadways, alleys, underground utilities, open spaces and all information required to define the relationships within the streetscape;

    2. Designated land uses and associated building heights with proposed streetscape enclosure ratios;

    3. Proposed streetscape furnishings including the pedestrian lighting plan;

    4. Proposed street tree landscape plan; and

5. Outline covenants and design codes;

120.03.01.B Greenfield TND

1. **Size and Location of Site**. The minimum size of the site shall be 40 acres and the maximum size shall not exceed 640 acres excluding areas devoted to greenways. Larger parcels shall be developed as multiple TNDs, each individually subject to all the provisions of this subsection. A TND may be located adjacent to, but shall not be bisected by, a thoroughfare.
2. **Components**. The Site shall be divided into the following subareas:
   a. A Town Center consisting of civic, retail, office, and multi-family uses. The size of the Town Center is based on the size of the entire site (see Paragraph 10, *Town Center*, below).
   b. A Neighborhood or series of neighborhoods consisting of blended multi-family and single- family uses, small-scale Retail and workshop uses, and public outdoor gathering places. It is the intent of this UDO that all areas within a Neighborhood are within a five-minute walking distance from edge to center (radius of 1320 feet).
   c. Greenway areas which provide a greenway system for the community, open space for community residents, and natural areas for stormwater management. Greenways may border and/or traverse the TND site.
3. **Land Use.**
   a. *Adjacent Uses*. The following land use categories may abut at side lot lines or face across a street, square, park or common space:
      i. Single-family may abut multi-family and small scale institutional;
      ii. Multi-family may abut single-family, office, civic, institutional or retail;
      iii. Retail may abut multi-family, office, civic or institutional;
      iv. Retail uses include shops, restaurants, entertainment and lodging;
      v. Office may abut retail, institutional, civic, or multi-family;
      vi. Institutional may abut single family (if the institutional use is small in scale), multi-family, office, civic or retail;
      vii. Institutional uses include privately owned uses including religious buildings, non-profit institutions, private recreational facilities, clubhouses, museums, cultural societies, visual and performance arts buildings;
      viii. Civic may about institutional, multi-family, office or retail; and
      ix. Civic uses include governmentally owned or funded uses that include public schools, libraries, post offices, municipal offices and meeting halls. EMS, fire and police stations are also civic uses, but due to noise considerations are more restricted in their location.
   b. *Prohibited Uses*. The following uses or facilities shall be prohibited in the TND district, notwithstanding uses that may be permitted in the district in Table 120.02.02-2, *Permitted Uses by Nonresidential and Mixed-Use Zoning District*.

i. Automatic food, drink and newspaper vending machines;
ii. Drive-ins or drive-throughs;
iii. Chemical manufacturing, storage or distribution
iv. Enameling, painting or plating, except artist's studios;
v. Outdoor advertising or billboard as a principal use;
vi. Carting, moving or hauling terminal or yard, except delivery goods to businesses within a TND;
vii. Social Service use category;
viii. Manufacture, storage, or disposal of hazardous waste materials;
ix. Scrap yards;
x. Manufactured homes;
xi. Sand, gravel, or other mineral extraction;
xii. Kennels;
xiii. Sexually-Oriented Business use category;
xiv. Light Industrial use category.

4. **Pedestrian Transitions**. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail land use categories shall not be separated from multi-family or single-family land use categories by berms or buffers. Adequate design measures shall be taken to minimize potential use conflicts. Limited fences and walls may be used when other design measures are ineffective.
5. **Lots and Buildings.**
   a. All lots shall include frontage abutting a street, square or common open space.
   b. The main entrance of all buildings (excluding outbuildings) shall open to a street, square or common open space of at least 20 feet.
   c. All uses shall be conducted within completely enclosed buildings, unless otherwise specified in this Section.
   d. Front or side yard porches of at least eight feet in depth and 12 feet in width shall be provided on not less than 70 percent of all dwelling units within the single-family land use allocation.
   e. The height of the eave or parapet wall of buildings facing across streets shall be sufficient to achieve an enclosure ratio for buildings, excluding buildings which face a park, square, or common open space (of at least 20 feet in width), shall conform to the following ratios (the first number is the building height, the second number is the measurement from building face to building face. The ground floor use shall designate the ratio:
      i. Civic, Retail, Office Uses - 1:3.5
      ii. Multi-family, 1:4
      iii. Single-family uses shall have their building front elevation set according to a single family “Build-To” line along the frontage established on the approved TND plan . Adjacent houses shall vary their setback slightly (no more than two feet) so as not to perfectly align with the adjacent dwelling.
6. **Retail and Office**. Retail Repair, Sales, and Service and Office uses within or fronting on the "Town's Center" shall conform to the Master Plan approved at the time of rezoning and shall comply with Section 121.02.04, *Nonresidential and Mixed Use*. Retail and office uses shall be situated on the Master Plan such that buildings create a "downtown streetscape" through building design and placement.
7. **Street, Alleys, Sidewalks, Street Trees, Street Furnishings and Utilities**.
   a. The Connectivity Ratio set forth in the Section *122.02.03*, *Street Network and Design*, shall apply to the TND.
   b. The street standards for TND roadways are based on proven techniques for traffic calming and acceptable levels of vehicular circulation. Reduced roadway widths are also based on a comprehensive approach of streets and alleys.
      i. Neighborhood Center Street

Right-of-Way Width (ROW)	60’
Back-of-Curb to Back-of-Curb (BOC)	38’ with street. parking
Design Speed (DS)	20 mph
Curb Radius	15’ w/25’ toe

ii. Neighborhood Street

ROW Width	50’
BOC to BOC	25’
DS	20 mph
Curb Radius	15’ w/25’ toe

iii. Alley

ROW Width	20’
Pavement Width	16’
DS	15 mph
Curb Radius	15’ (optional)

c. There shall be a continuous network of alleys to the rear of building lots within the TND, except when topography or physical feature makes impractical and as otherwise permitted herein. Dead end alleys are strongly discouraged, but in no circumstances shall an alley have a dead end length of over 100 feet.

d. An on-site transit stop shall be provided where the proposed TND is within the service area of a Town bus system, a Public Transportation Authority or a Regional Public Transportation Authority.

e. Sidewalks in residential areas shall be located on both sides of the street and shall be separated from the roadway by a planting strip and/or designated parallel parking. If a planting strip is provided, it shall be a minimum of six feet in width. Sidewalks located in the Retail/Office/Town center area may extend from the back of curb to the buildings and/or plaza areas, without a planting strip. Where this option is used by the developer, planting beds for trees and /or designated areas of landscaping shall be incorporated into sidewalk areas to create a "downtown streetscape". All proposed sidewalks shall be delineated and noted on the Master Plan at the time of rezoning.

f. Canopy Street trees shall be planted on both sides of the street and shall be spaced according to species and to the standards established in the landscape section of this ordinance. No understory trees shall be used as street trees. A consistent variety and species of street tree shall be maintained by street, but adjacent streets shall diversify species as a precaution against blight. Street trees planted within the TND commercial district or within an area subject to heavy foot traffic, design measures (such as tree grates) shall be installed as a measure to protect the tree root system.

g. Street furnishings shall include but not limited to:

   i. Commercial Areas: Pedestrian scale decorative street lights, decorative street signs, benches, trash receptacles, water fountain and other appropriate decorative pedestrian oriented features.

   ii. Residential Areas: Pedestrian scale decorative street lights, decorative street signs.

h. To the extent possible, underground utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be located within the alley ROW and not along the streetscape frontage. It is assumed that domestic water service and sanitary sewer will serve from the streetscape frontage, but will be located in such a way to cause the least impact on the planting strip and required street trees. Public Utility Departments, Companies and their contractors shall be required to cooperate with this effort.

8. **Parking.**

a. All areas proposed to accommodate parking for the overall development must be shown on the Master Plan and must be approved at the time of rezoning.

b. On street parking is required where a particular land use will generate regular guest or customer parking use. Occasional on-street parking (such as within a single family area) can be accommodated without additional pavement width or delineation.

c. On-street parking shall be provided on streets abutting squares, small parks or other urban open spaces.

d. For interior commercial parcels, no less than 75 percent of the parking space shall be located to the rear of the building being served. Commercial parcels fronting on non-pedestrian oriented major arterials may located primary parking lots along this frontage. Where primary parking abuts streets within the interior of the TND, screen walls shall be erected on the frontage line where primary parking lots are located.

e. Primary parking lots (over 24 spaces) and parking garages shall not: (1) abut street intersections; (2) be located adjacent to squares or parks; or (3) occupy lots which terminate a street vista.

f. Adjacent parking lots shall have vehicular connections from an alley.

g. Parking for Retail Repair, Sales, and Service uses shall not require on-site parking provided, however, that:

   i. The required parking, in accordance with the Parking Standards of this Ordinance, is available within a six-hundred-foot radius of the activity;

   ii. The total floor space for the individual uses does not exceed twenty-five hundred (2500) square feet of gross floor area; and

iii. Such uses are restricted to Retail and multi-family areas. Due to the pedestrian nature of the TND, parking requirements for retail, service and institutional uses may be reduced by 25 percent of any use related parking standards established in Article 8 of this ordinance. On-street parking shall count toward any minimum parking requirements.

h. Loading areas shall adjoin alleys or parking areas to the rear of the Principal Building unless otherwise approved on the TND plan.

i. Shared parking may be used for multiple sites if a written agreement between the owners and lessees is executed for a minimum of 10 years, approved by the Director, recorded and a copy maintained for the project file. A recorded subdivision final plat showing shared parking may be submitted in lieu of the written agreement. Regardless of the agreement, all parking standards must be met.

9. **Landscaping and Buffering**.

a. A Landscape Master Plan shall be approved at the time of rezoning for the overall development. The Master Plan must show that the proposed landscape meets the intent of the ordinance and includes the different types of planting yards, as defined in §121.04, *Trees, Landscaping, and Buffering*, for each project area or parcel, whichever is applicable. In instances where the buffer width and intensity defined in §121.04 may not be appropriate, the Director may make reductions or adjustments as deemed necessary. However, the adjustment or reduction may not be such that it includes the deletion of any of the planting yards.

b. The purpose of this Section is to ensure that trees are used as a design element to provide visual identity to the TND and to reinforce the public function of streets. Street trees shall be planted along all streets at an average center to center spacing based on the mature spread of the particular street tree.

10. **Town Cente**r.

a. *Land Allocation and Location*. The Town Center shall have a minimum area of 500 square feet per square foot of gross site area of the entire TND site (excluding Greenway areas. Commercial areas shall only be permitted where designated on the Site Plan. A town center shall be located only on a street with adequate capacity to serve it.

Example: A proposed TND has a gross site area of 300 acres, with an additional 8 acres of greenway running through the site. The minimum square footage for the Town Center is 26,136 square feet (13,068,000 square feet gross site area / 500 square feet per gross site area).

b. *Retail and Office*. The character of the Town Center is primarily aimed at small-scale retail, service and office uses. However, larger anchor

c. stores or uses may be included as part of an overall commercial package. Such proposals will be evaluated on a case-by case basis.

11. **Open Space**. The proposed development shall include at least the amount of open space as prescribed in Table 120.03.01.B-1,

Table 120.03.01.B-1
Design Standards for TND

(A) Open Space Type or Nonresidential Use Category	(B) Minimum Land Allocation	(C) Maximum Land Allocation	(D) Minimum Floor Area Ratio	(E) Maximum Floor Area Ratio	(F) Design Standards
Open Space	Greater of 5% GLA or 5 acres	40% GLA	N/A	N/A	▪ Open space should be bounded by streets on at least 25% of their perimeter.
Square	15,000 sq. ft.	70,000 sq. ft.	N/A	N/A	▪ Square shall count toward required open space ▪ A minimum ½ acre square should front or be located within the Town Center. ▪ Squares should adjoin streets on at least two sides.

Table 120.03.01.B-1 Design Standards for TND					
(A) Open Space Type or Nonresidential Use Category	(B) Minimum Land Allocation	(C) Maximum Land Allocation	(D) Minimum Floor Area Ratio	(E) Maximum Floor Area Ratio	(F) Design Standards
					▪ Squares should be distributed throughout the TND so as all dwelling units are located within1,000 feet (walking distance) of a square.
Greenbelt	May be provided at the perimeter of a TND if adjacent land is incompatible	N/A	N/A	N/A	▪ Greenbelts differ from other types of open space in that existing natural vegetation and wildlife is undisturbed except for bikeways and walking trails. ▪ Greenbelts should average at least 100 feet in width and not less than 25 feet at any point.
Community Amenities, Educational Facilities, Government Facilities, and Public Assembly	2% GLA	40% GLA	0.4	1.0	▪ Civic uses should be located in prominent or central locations (most often the Town Center). ▪ Civic uses should be located within 500 feet of a square. ▪ For the purposes of this TND section, FAR shall include: all the land for the building, landscaping and parking all the uses in a mixed use building ▪ Civic uses should be designed to spatially reinforce the streetscape standards found elsewhere in this Section. ▪ Civic buildings should also functionally support the pedestrian-friendly character of a TND.
Retail Repair, Sales, and Service, Overnight Accommodation, Restaurant	2% GLA	40% GLA	0.4	1.0	▪ Not less than ½ of retail buildings should have residential uses above. ▪ Retail uses should be designed to spatially reinforce the streetscape standards found elsewhere in this Section. ▪ Retail buildings should also functionally support the pedestrian-friendly character of a TND.
Office	2% GLA	40% GLA	0.4	1.0	▪ Office uses should be designed to spatially reinforce the streetscape standards found elsewhere in this Section. ▪ Office buildings should also functionally support the pedestrian-friendly character of a TND.
(A) Residential Uses	(B) Minimum Land Allocation	(C) Maximum Land Allocation	(D) Minimum Dwelling Units per	(E) Maximum Density	(F) Design Standards

Table 120.03.01.B-1 Design Standards for TND					
(A) Open Space Type or Nonresidential Use Category	(B) Minimum Land Allocation	(C) Maximum Land Allocation	(D) Minimum Floor Area Ratio	(E) Maximum Floor Area Ratio	(F) Design Standards
			Acre		
Multi-Family Dwelling, Duplex, and Townhouse	10% GLA	40% GLA	8.0	30.0	▪ Multi-family uses should be designed to spatially reinforce the streetscape standards found elsewhere in this TND. Balconies overlooking the streetscape are encouraged.
Single-Family Detached Dwelling	N/A	60% GLA	5.0	11.0	▪ One accessory dwelling unit is permitted per lot. ▪ Single-family dwellings shall be designed in such a manner that is pedestrian friendly with a strong orientation to the streetscape, especially the sidewalk. Porches overlooking the streetscape are encouraged.

120.03.01.C Infill TND

1. **Size and Location of Site**. The maximum size of the site shall not exceed 40 acres, except as provided herein. The maximum size may be exceeded for sites zoned CC when the Application for Development Approval is filed.
2. **Land Allocation and Density**. A single land use category, as set forth in Table 120.03.01.B-1, *Design Standards for a TND*, may be approved as a TND Infill site. The requested densities shall conform to 120.03.01.B-1.
3. **Land Use.**
   a. Carefully blended land uses form the essence of Traditional Neighborhood Development. Uses within different land use categories, may abut at rear lot lines or at side lot lines and facing. Open space, such as parks, squares, greens and plazas shall be considered similar land uses with all TND use categories.
   b. The following land use categories may abut at side lot lines or face across a street, square, park or common space:
      i. Single family may abut multi-family and small scale institutional;
      ii. Multi-family may abut single-family, office, civic, institutional or retail;
      iii. Retail may abut multi-family, office, civic or institutional. (Retail uses include shops, restaurants, entertainment and lodging.);
      iv. Office may abut retail, institutional, civic, or multi-family.
      v. Institutional may abut single family (if the institutional use is small in scale), multi-family, office, civic or retail. (Institutional uses include privately owned uses including religious buildings, non-profit institutions, private recreational facilities, clubhouses, museums, cultural societies, visual and performance arts buildings.);
      vi. Civic may about institutional, multi-family, office or retail. (Civic uses include governmentally owned or funded uses that include public schools, libraries, post offices, municipal offices and meeting halls. EMS, fire and police stations are also civic uses, but due to noise considerations are more restricted in their location.).
   c. The same uses prohibited in a Greenfield TND, as listed in Subsection 120.03.01.B, are prohibited in an Infill TND
5. **Pedestrian Transitions**. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail land use categories shall not be separated from multi-family or single-family land use

categories by berms or buffers. Adequate design measures shall be taken to minimize potential use conflicts. Limited fences and walls may be used when other design measures are ineffective.

6. **Lots and Buildings.**
   a. All lots shall include frontage abutting a street, square or common open space.
   b. The main entrance of all buildings (excluding outbuildings) shall open to a street, square or common open space of at least 20 feet.
   c. All uses shall be conducted within completely enclosed buildings, unless otherwise specified in this Section.
   d. Front or side yard porches of at least eight feet in depth and 12 feet in width shall be provided on not less than 70 percent of all dwelling units within the single-family land use allocation.
   e. The height of the eave or parapet wall of buildings facing across streets shall be sufficient to achieve an enclosure ratio for buildings, excluding buildings which face a park, square, or common open space (of at least 20 feet in width), shall conform to the following ratios (the first number is the building height, the second number is the measurement from building face to building face. The ground floor use shall designate the ratio:
      i. Civic, Retail, Office Uses - 1:3.5
      ii. Multi-family, 1:4
      iii. Single-family uses shall have their building front elevation set according to a single family “Build-To” line along the frontage established on the approved TND plan . Adjacent houses shall vary their setback slightly (no more than two feet) so as not to perfectly align with the adjacent dwelling.

7. **Retail and Office**.
   1. Due to the limited scale of the infill TND, Retail Repair, Sales, and Service and Office uses should be located at the edges of the TND development, but spatially well connected to the TND residential areas.
   2. Retail and Office use buildings within the TND shall conform to Section 121.02.04, *Nonresidential and Mixed Use*.

8. **Street, Alleys, Sidewalks, Street Trees, Street Furnishings and Utilities**.
   a. The Connectivity Ratio set forth in the Section *122.02.03*, *Street Network and Design*, shall apply to the TND.
   b. The street standards for TND roadways are based on proven techniques for traffic calming and acceptable levels of vehicular circulation. Reduced roadway widths are also based on a comprehensive approach of streets and alleys.
      i. Neighborhood Center Street

Right-of-Way Width (ROW)	60’
Back-of-Curb to Back-of-Curb (BOC)	38’ with street parking
Design Speed (DS)	20 mph
Curb Radius	15’ w/25’ toe

      ii. Neighborhood Street

ROW Width	50’
BOC to BOC	25’
Design Speed	20 mph
Curb Radius	15’ w/25’ toe

      iii. Alley

ROW Width	20’
Pavement Width	16’
DS	15 mph
Curb Radius	15’ (optional)

c. There shall be a continuous network of alleys to the rear of building lots within the TND, except when topography or physical feature makes impractical and as otherwise permitted herein. Dead end alleys are strongly discouraged, but in no circumstances shall an alley have a dead end length of over 100 feet.

d. An on-site transit stop shall be provided where the proposed TND is within the service area of a Town bus system, a Public Transportation Authority or a Regional Public Transportation Authority.

e. Sidewalks shall be located on both sides of the street and separated from the roadway by a planting strip and/or designated parallel parking. If a planting strip is provided, it shall be a minimum of 6 feet in width.

f. Canopy Street trees shall be planted on both sides of the street and shall be spaced according to species and to the standards established in the landscape section of this ordinance. No understory trees shall be used as street trees. A consistent variety and species of street tree shall be maintained by street, but adjacent streets shall diversify species as a precaution against blight. Street trees planted within the TND commercial district or within an area subject to heavy foot traffic, design measures (such as tree grates) shall be installed as a measure to protect the tree root system.

g. Street furnishings shall include but not limited to:

   i. Commercial Areas: Pedestrian scale decorative street lights, decorative street signs, benches, trash receptacles, water fountain and other appropriate decorative pedestrian oriented features.

   ii. Residential Areas: Pedestrian scale decorative street lights, decorative street signs.

h. To the extent possible, underground utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be located within the alley ROW and not along the streetscape frontage. It is assumed that domestic water service and sanitary sewer will serve from the streetscape frontage, but will be located in such a way to cause the least impact on the planting strip and required street trees. Public Utility Departments, Companies and their contractors shall be required to cooperate with this effort.

8. **Parking.**

a. Except as otherwise provided by this subsection, parking requirements for all uses shall be in accordance with §121.03 Parking, Loading, Stacking, and Access.

b. On street parking is required where a particular land use will generate regular guest or customer parking use. Occasional on-street parking (such as within a single family area) can be accommodated without additional pavement width or delineation.

c. On-street parking shall be provided on streets abutting squares, small parks or other urban open spaces.

d. For interior commercial parcels, no less than 75 percent of the parking space shall be located to the rear of the building being served. Commercial parcels fronting on non-pedestrian oriented major arterials may located primary parking lots along this frontage. Where primary parking abuts streets within the interior of the TND, screen walls shall be erected on the frontage line where primary parking lots are located.

e. Primary parking lots (over 24 spaces) and parking garages shall not:

   i. Abut street intersections;

   ii. Be located adjacent to squares or parks; or

   iii. Occupy lots which terminate a street vista.

f. Primary parking lots (over 24 spaces) and parking garages shall not: (1) abut street intersections; (2) be located adjacent to squares or parks; or (3) occupy lots which terminate a street vista.

g. Adjacent parking lots shall have vehicular connections from an alley.

h. Parking for Retail Repair, Sales, and Service uses shall not require on-site parking provided, however, that:

   i. The required parking, in accordance with the Parking Standards of this Ordinance, is available within a six-hundred-foot radius of the activity;

   ii. The total floor space for the individual uses does not exceed 2,500 square feet of gross floor area; and

iii. Such uses are restricted to Retail and multi-family areas. Due to the pedestrian nature of the TND, parking requirements for retail, service and institutional uses may be reduced by 25 percent of any use related parking standards established in Article 8 of this ordinance. On-street parking shall count toward any minimum parking requirements.

i. Loading areas shall adjoin alleys or parking areas to the rear of the Principal Building unless otherwise approved on the TND plan.

9. **Landscaping and Buffering**. Except as otherwise provided by this Subsection, landscaping requirements for all uses shall be in accordance with §121.04 Trees, Landscaping, and Buffering.

10. **Open Space**. The proposed development shall include at least the amount of open space as prescribed in Table 120.03.01.B-1,

120.03.02 Transit Oriented Development District (TOD) (4.11, Appendix E) (Module 2)

A. **Establishment**. The Transit Oriented Development (TOD) sub-district is a sub-district of the Mixed Use (MU) district.

B. **Purpose**. The Transit Oriented Development district encourages a mixture of residential, commercial, and employment opportunities within a specified radius of identified light rail stations or other public transit stations. The district allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, to provide a density and intensity that is transit supportive. The development standards of this district also are designed to encourage a safe and pleasant pedestrian environment near transit stations by encouraging an intensive area of shops and activities, by encouraging amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians. It is the intent of this Section that a TOD district be restricted to areas within one-half of a mile of a transit station, which area is equivalent to a 10-minute walking distance.

C. **Classification of TOD Subareas**.

1. The TOD shall be divided into two subdistricts known as the “TOD Core” (“TOD-C”) and the “TOD Periphery” (TOD-P). The requirements of this Section shall apply to both the TOD-C and TOD-P subdistricts, unless otherwise provided.

2. Following any rezoning to a TOD District, the Official Zoning Map shall be amended to denote the following subdistricts:

a. All areas within one-quarter of a mile of a transit station shall be classified as “TOD-C.”

b. All areas between one-quarter of a mile and one-half of a mile from a transit station shall be classified as “TOD-P.” No land area shall be zoned “TOD-P” unless it adjoins an area zoned “TOD-C.”

D. **Land Uses**.

1. Any use permitted in the CC zoning district in Section 120.02.02, *Nonresidential and Mixed-Use Districts*, may be permitted within the TOD-C or the TOD-P districts, except as provided in Table 120.03.02-1, *Prohibited Uses in a TOD*, below.

2. The uses set forth in Table 120.03.02-1, *Prohibited Uses in TOD*, are prohibited within either the TOD-C or the TOD-P subdistricts. Any use listed under Column (B) of Table 120.03.02-1 is prohibited in the TOD-C subdistrict. Any use listed in Column (C) of Table 120.03.02-1 is prohibited in the TOD-P subdistrict.

E. **Floor Area and Density**. The floor area ratio and density within the TOD-C and TOD-P subdistricts shall not be less than that set forth in Table 120.03.02-2, *Density and Floor Area Ratio within a TOD*.

Table 120.03.02-1, Prohibited Uses in a TOD

(A) Use	(B) TOD-C	(C) TOD-P
Vehicle Repair	Prohibited	Prohibited
Drive-through facilities	Prohibited	Prohibited
Exterior display of goods and exterior storage on the portion of a site within 500 feet of a public	Prohibited	Prohibited

Table 120.03.02-1, Prohibited Uses in a TOD		
(A) Use	(B) TOD-C	(C) TOD-P
transit station. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are exempt from this requirement.		
Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles. Offices for the sale or lease of vehicles, where the vehicles are displayed or stored outside of the TOD, are allowed.	Prohibited	Prohibited
Single-family detached dwelling units	Prohibited	Allowed
Commercial parking, surface or structured (located within 200 feet of the transit station)	Prohibited	Allowed
Other surface Parking	Prohibited	Prohibited

Table 120.03.02-2, Density and Floor Area Ratio within a TOD				
	Density (residential units per acre)		Floor Area Ratio (nonresidential uses)	
	Minimum	Maximum	Minimum	Maximum
TOD-C				
Parcels, 2 acres or greater	16	20	0.70	1.20
Parcels, less than 2 acres	12	16	0.50	1.00
TOD-P				
Parcels, 2 acres or greater	12	16	0.50	1.00
Parcels, less than 2 acres	8	12	0.30	0.60

E. **Parking Standards**.

1. *Minimum Number*. On the portion of a site within 500 feet of a light rail alignment, the minimum number of parking spaces is 50 percent of the required parking spaces required by §121.03, *Parking, Loading, Stacking, and Access*.

2. *Maximum Number*. The maximum number of parking spaces shall not exceed that set forth in §121.03.

F. **Ground Floor Design**. All uses within the TOD district shall conform to the standards of Section 121.02.04, *Nonresidential and Mixed Use*.

G. **Pedestrian Connectivity**. New buildings within 500 feet of a major transit stop shall provide for convenient pedestrian access to transit through the measures listed below.

1. Walkways shall be provided which connect building entrances and streets adjoining the site.

2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable due to unique topography. Pedestrian connections shall connect the onsite circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property.

3. A direct pedestrian connection shall be provided between the transit stop and building entrances on the site;

4. An easement or dedication for a passenger shelter shall be provided if requested by the transit provider.

120.03.03 Historic Preservation Overlay District (HPOD)

A. **Purpose**. Harrisburg's designated historic districts and historic landmarks are some of the most valued and important assets of the Town of Harrisburg and are established for the following purposes:

1. *Town Heritage*. Protecting and conserving the heritage of the Town of Harrisburg, County and State;
2. *District Heritage*. Safeguarding the character and heritage of the districts by preserving the districts as a whole and any property in them that embodies important elements of their social, economic, cultural, political, or architectural history;
3. *Education, Pleasure, and Enrichment*. Promoting the conservation of such districts or landmarks for the education, pleasure and enrichment of residents of the districts and the Town of Harrisburg, County and State as a whole;
4. *Civic Beauty*. Fostering civic beauty; and
5. *Property Values*. Stabilizing and enhancing property values throughout the districts as a whole, thus contributing to the improvement of the general health and welfare of the Town of Harrisburg and the residents of the districts.

B. **Historic District Establishment**.

1. *Official Zoning Map*. The historic districts are hereby established as districts that overlap and overlay existing zoning districts, the boundaries of the districts are as shown on the Official Zoning Map of the Town of Harrisburg.
2. *Special Significance*. Historic districts, as provided for in this Section, may from time-to-time be designated, amended, or repealed, provided, however, no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, materials, feeling, and/or association. No district shall be designated, amended, or repealed until the following procedure has been carried out:
    a. An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared. .
    b. The Department of Cultural Resources, acting through the State Historic Preservation Officer, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Town Council within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Town Council of any responsibility for awaiting such analysis, and the Town Council may at any time thereafter take any necessary action to adopt or amend this UDO.
    c. The Town Council may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to taking action to amend this UDO.
    d. With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subsection a of this section shall be prepared by the Historic Preservation Commission (the Commission) and shall be referred to the Planning and Zoning Board for its review and comment according to the procedures set forth in this UDO. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of subsection C.3, *Procedure*.
    e. Upon receipt of these reports and recommendations, the Town Council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate provisions of this UDO.

C. **Historic Landmark Establishment**.

1. *Establishing Ordinance*. Upon complying with the required landmark designation procedures set forth in this Section, the Town Council may adopt, amend, or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is within the spirit of the purpose statements of this Section.
2. *Ordinance Contents*. The ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or prehistorical value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area or object so

designated as a landmark, the ordinance shall require that the waiting period set forth in this Section be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owner's consent; otherwise the sign may be placed on a nearby public right-of-way.

3. *Procedure*. No property shall be designated as a landmark until the following steps have been taken:
   a. As a guide for the identification and evaluation of landmarks, the Commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical architectural, prehistorical, and cultural significance with the Planning and Zoning Board.
   b. The Commission shall report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.
   c. The Department of Cultural Resources, acting through the State Historic Preservation Officer, shall either upon request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the Department does not submit its comments to the Commission within 30 days following receipt by the Department of the report, the Commission and the Town Council shall be relieved of any responsibility to consider such comments.
   d. The Commission and the Town Council shall hold a joint public hearing (or separate public hearings) on the proposed ordinance. The Director shall provide notice as would be required for a Zoning Map Amendment in accordance with Chapter 125, *Development Review Procedures*.
   e. Following the public hearings, the Town Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
   f. Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and amendments thereto shall be filed by the Commission in the office of the Register of Deeds of Cabarrus County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the Register of Deeds office and the Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the Concord Town Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the Building Inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by Cabarrus County for such period as the designation remains in effect.
   g. Upon the adoption of or amendment to a landmark ordinance, the Commission shall notify the tax supervisor of Cabarrus County. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

D. **Permitted Uses**. The districts contain several zoning classifications. All uses permitted in any such district, whether by right or as a special use, shall be permitted in the historic districts according to the procedures established for such uses.

E. **Dimensional Regulations**. Structures within the historic districts shall observe the dimensions and other regulations of this UDO, except as follows:

1. No structure shall extend nearer to or be required to be set back further from the front lot line than the average distance of the setbacks of the nearest principal buildings within 300 feet on each side of such building and fronting on the same side of the street.
2. No building shall exceed a height of 35 feet.
3. The minimum side yard setback shall be 15 feet.
4. The minimum new side yard setback shall be 10 feet.

F. **Authentic Restoration or Reconstruction**.

1. *Permitted Subject to Approval of Historic Preservation Commission and Planning and Zoning Board, Although Not Complying with Dimensional Regulations*. Where it is found by the Historic Preservation Commission that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the

same location as the original location and in the original conformation of the structure of a structure of historic and/or architectural significance to the historic district, such activity may be approved by the Planning and Zoning Board, following the approval by the Historic Preservation Commission.

2. *Approval Subject to Conditions*. The Planning and Zoning Board, in approving such authentic reconstruction or restoration, may attach reasonable and appropriate conditions to the approval, such that the public health, safety, and general welfare shall be protected.
3. *Limitation on Approval***.**
   a. The Planning and Zoning Board shall not be authorized, in action undertaken by this Section, to approve a use of property which is not a use permitted by right or as a special use within the district in which the property is located.
   b. In addition to any other condition the Planning and Zoning Board may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the Town of Harrisburg blameless against any and all liability, cost, damage, or expense suffered by the Town of Harrisburg as a result of or growing out of the restoration, reconstruction, or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the vehicular truck way of a street or alley shall be, at its lowest point, 10 feet above the travel way.

G. **Parking Waiver.** Where the Historic Preservation Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces required by Section 121.03, *Parking, Loading, Stacking, and Access*, for a structure for which a Building Permit is requested would render the structure incongruous with the historic aspects of the district, it shall recommend to the Planning and Zoning Board a waiver, in part or in whole, of the off-street parking requirements. The Planning and Zoning Board may authorize a lesser number of off-street parking spaces, provided the Board finds that the lesser number of off-street parking spaces will not:

1. Constitute a threat to public safety.
2. Create problems due to increased on-street parking, and

120.03.04 Floodplain Protection Overlay District (FPOD)

A. **Establishment and Reference to Standards**. The Floodplain Overlay District (FPOD) is established to implement the standards in Chapter 123, *Environmental Management*,

B. **Corrective Procedures.**

1. *Generally*. In addition to the provisions of Chapter 127, *Enforcement and Remedies*, the provisions of this Subsection shall apply in the FPOD.
2. *Violations to be Corrected.* When the Floodplain Director finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
3. *Actions in Event of Failure to Take Corrective Action*. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Director shall give the owner written notice, by certified or registered mail, to the owner's last known address or by personal service, stating:
   a. That the building or property is in violation of the floodplain management regulations;
   b. That a hearing will be held before the Floodplain Director at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
   c. That following the hearing, the Floodplain Director may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
4. *Order to Take Corrective Action.* If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Director shall find that the building or development is in violation of this Section, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the Floodplain Director finds that there

is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

5. Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Director and the Clerk within 30 days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Director shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
6. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

120.03.05 River/Stream Overlay District (RSOD)

A. **Purpose**. The River/Stream Overlay District (RSOD) shall be comprised of strips of land adjacent to streams and rivers which shall be retained in their natural vegetated, revegetated, or reforested state through the preservation of appropriate perennial vegetation. Such preservation minimizes soil erosion, reduces the velocity of overland stormwater flow, traps sediment and soil eroded from cropland or land being developed, and limit other pollutants from entering the waterways.

B. **Location**. All Class 1 and Class 2 streams shall be subject to the requirements of the RSOD.

1. Class 1 streams include all rivers or streams shown on the most recent published version of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps for Cabarrus County as a solid blue line.
2. Class 2 streams include:
    a. All rivers or streams shown on U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps for Cabarrus County as a dotted blue line;
    b. If not already classified as a Class 1 stream, bodies of water identified as a stream on the NRCS soil survey map for Cabarrus County; or
    c. Bodies of water Identified as a stream by a qualified stream classification professional as defined in Subsection C, *Qualified Professional*.

C. **Qualified Professional**. Streams may exist even if they are not mapped on U.S.G.S. 1:24,000 (7.5 minute) scale topographical maps or the NRCS soil survey maps. A qualified professional must identify streams that exist, but are not mapped. For the purposes of this Section, a qualified professional shall mean an individual that has attended wetlands delineation training using application of the 1987 Wetland Delineation Manual by the US Army Corps of Engineers and Identification of Perennial and Intermittent Streams training supported by the North Carolina Division of Water Quality.

D. **Buffer Measurement**.

1. *Class 1*. The width of a Class 1 stream buffer, as depicted in Figure 120.03.05-1, *Stream Buffer Measurement*, shall be measured from the average annual stream bank perpendicularly for a distance of 50 feet plus additional feet based on the slope of the stream bank, in accordance with Table 120.03.05-1, *Additional Buffer Width Based on Slope*. This slope shall be calculated by measuring a distance of 250 feet from the center of the stream. The maximum required buffer width shall not exceed 120 feet from the edge of the stream.
2. *Class 2*. The width of a Class 2 stream buffer, as depicted in Figure 120.03.05-1, *Stream Buffer Measurement*, shall be measured from the annual average stream banks perpendicularly for a distance of 35 feet plus additional feet based on the slope of the stream bank, in accordance with Table 120.03.05-1, *Additional Buffer Width Based on Slope*. This slope shall be calculated by measuring a distance of 250 feet from the center of the stream. The maximum distance shall not exceed 75 feet from the edge of the stream.
3. *Slope of Stream Bank*. The slope of the steam bank shall be calculated by measuring a perpendicular distance of 250 feet from the center of the stream toward land.

Figure 120.03.05-1, Stream Buffer Measurement

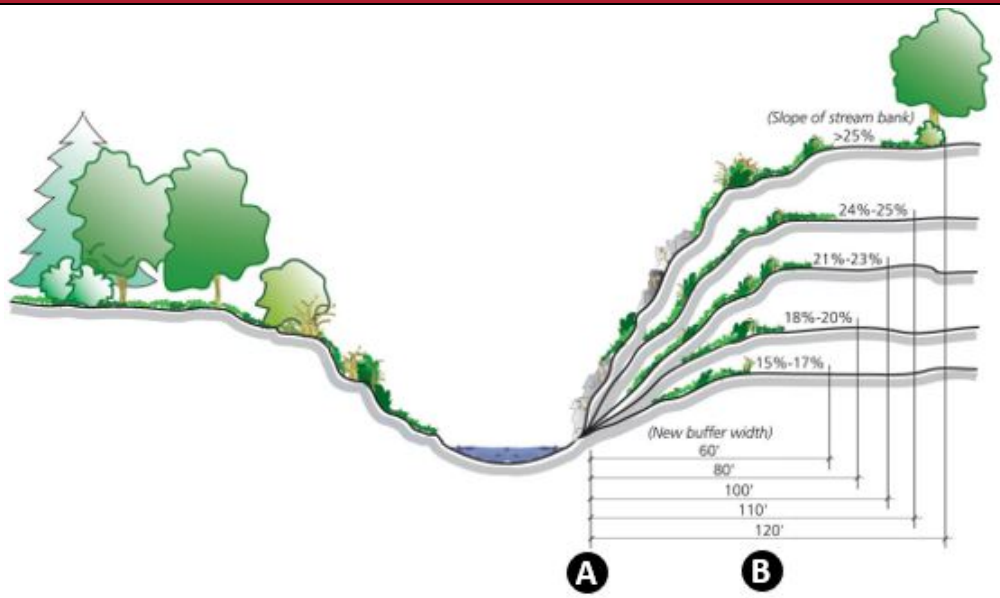


FIGURE NOTES:
A = Average Annual Stream Bank; B = Minimum Required Stream Buffer Width

Table 120.03.05-1, Additional Buffer Width Based on Slope

Slope of Stream Bank	Addition Width of Class 1 Stream Buffer[1]	Addition Width of Class 2 Stream Buffer[1]
0 to 14%	0 feet	0 feet
15 to 17%	10 feet	10 feet
18% to 20%	30 feet	20 feet
21% to 23%	50 feet	30 feet
24% to 25%	60 feet	35 feet
>25% slope	70 feet	40 feet

TABLE NOTES:
1. In addition to the base width of 50 feet for a Class 1 stream buffer and 35 feet for a Class 2 stream buffer

E. **Effect Upon Bona Fide Farms**. The use of best management practices in farming is strongly encouraged. A stream buffer is one of these practices and is therefore consistent with North Carolina Sediment Control Law and thus is 75 percent reimbursable under the North Carolina Agricultural Cost - Share Program. This program is administered through the Cabarrus Soil and Water District. Therefore, Subsection F, *Development Standards*, shall apply to all development (farming is not considered development), or changing of conditions (for example, timbering) adjacent to a perennial stream as defined below.

F. **Development Standards.**

1. *Development Activities*. No development, including soil disturbing activities, shall occur within the Buffer except the following.
   a. Sewer easements, providing the activities strictly adhere to applicable state and local soil and erosion control regulations. Perennial vegetation shall be established as a necessary step in completing construction of any sewer facilities. Sewer easements shall be as close to perpendicular or parallel to the stream channel to minimize the impact on the stream buffer.
   b. Other overhead and/or underground utilities, roads, streets, bridges, or similar structures within public rights-of-way shall cross the buffer as close to perpendicular as possible. For purposes of this Subsection, a Greenway shall not be considered a “structure”. Greenways are permitted within the Buffer.
   c. Agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill material, or similar activities may occur within the buffer. Said activities shall conform to all State and Federal regulations. Existing agricultural operations, forested or vegetated areas within stream buffer

areas shall follow the state's forest practice guidelines which include best management practices (BMPs) as defined by the North Carolina Soil and Water Conservation Commission. Other agricultural activities not enumerated that would result in significant disturbance of the existing soil, increase soil erosion, or destroy plant and wildlife habitats, are prohibited and shall not occur except in accordance with the following requirements:

1. Said activities shall be consistent with an approved replacement program;
2. Said activities shall be consistent with the North Carolina Sediment Control Law; and
3. Said activities shall be coordinated with the North Carolina Wildlife Resources Commission's District 6 Biologist and the Cabarrus Soil and Water District Representative.

2. *Structure Location*. No structure shall be erected, established, or constructed within 20 feet of the buffer. If there is a difference in the setback required for the zoning district, then the strictest setback shall apply.
3. *Revegetation*. All disturbed areas within the buffer zone, permitted or not, shall be revegetated with perennial vegetation as soon as practical (immediately) after the disturbance. Forested areas shall be reforested if possible, as detailed in the approved replacement program discussed in Subsection 1, *Development Activities*, above.
4. A progress report shall be submitted by the individual, corporation, or company disturbing land in the RSOD to the Director within 60 days of approval of the replacement program. Two other reports may be required at 120 and 180 days if the program is not completed. The first two reports shall explain what work has been completed and any results as well as a time schedule for completion of the rest of the program. The final report shall document that the replacement program has been completed. The site shall be regularly inspected by the Director to assure activity and compliance. Any noncompliance shall be treated as a zoning violation and be subject to enforcement as described in Chapter 127, *Enforcement and Remedies*.

§ 120.04 Land Use Standards (Administrative and Special)

Contents:

120.04.01 Purpose and Applicability (New, 4.6.1.1, 4.6.2.3.1)
120.04.02 New and Unlisted Uses (New and 4.6.2.1)
120.04.03 Agricultural and Residential Limited Use Standards (5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21, 5.23, 5.24, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34,)
120.04.04 Nonresidential Limited Use Standards
120.04.05 Conditional Zoning (Changed to comply with 160D)
120.04.06 Special Use Standards (Changed to comply with 160D)
120.04.07 Accessory Use and Structure Standards (4.6.1.2, 4.6.3.1, 4.6.3.2, 5.2, 5.3)
120.04.08 Temporary Use and Structure Standards (4.6.1.2, 4.6.3.1, 4.6.3.2, 5.22)

120.04.01 Purpose and Applicability

A. **Purpose.** The purpose of this Section is to promote compatibility among land uses in the Town by establishing specific standards for the establishment of limited, special, accessory, and temporary ;uses.

B. **Applicability.**

1. *Approval of Uses Permitted with Limitations*. For uses permitted with limitations (P(L)), the Director shall use the standards set out in Section 120.04.03, *Limited Use Standards*, to determine whether to approve or disapprove a Zoning Certificate in accordance with Section 125.02.05, *Zoning Clearance*.
2. *Approval of Special Uses*. For special uses (S), the Board of Adjustment shall use the criteria set out in Section 120.04.06, *Special Use Standards*, to determine whether to approve, approve with conditions, or disapprove a Special Use Permit in accordance with Section 125.04.03, *Special Use Permit*.
3. *Other Applicable Standards*. The standards of this Section are applied in addition to the other applicable standards of this UDO.

120.04.02 New and Unlisted Uses

A. **Authorization of Proposed Use**.

1. *Director Discretion*. Each of the use categories and specific uses listed in the tables in § 120.02, *Zoning Districts and Standards*, are defined in § 128.02, *Definitions*. A use that is not listed shall be authorized by the Director as appropriate within a defined use category or as functionally the same as a permitted, limited, or special use.
2. *Referral to Planning and Zoning Board.* Should the Director determine that it is necessary, he or she may refer the determination of whether a use fits in a use category or is functionally similar to a specific use to the Planning and Zoning Board.

B. **If Not Authorized Then Prohibited**. If the Director or Planning and Zoning Board determines that a proposed use is not part of a defined use category or functionally similar to a listed specific use, then the use is a prohibited use.

C. **Decision Criteria**. The Director or the Planning and Zoning Board, as appropriate, shall evaluate the proposed use based on the following criteria:

1. Parking demand;
2. Average daily and peak hour trip generation (cars and trucks);
3. Impervious surface;
4. Regulated air or water emissions;
5. Noise;
6. Lighting;
7. Dust;
8. Odors;
9. Solid waste generation;
10. Potentially hazardous conditions, such as projectiles leaving the site;
11. Use and storage of hazardous materials;
12. Character of buildings and structures;
13. Nature and impacts of operation; and
14. Hours of operation.

120.04.03 Agricultural and Residential Limited Use Standards (5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21, 5.23, 5.24, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34,)

120.04.03.A Animal Production and Support

1. **Purpose and Scope**. The purpose of this Section is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public. The provisions of this section shall not apply to dogs, cats, or other similar household pets. The director reserves the right to determine what is considered a household pet.
2. **Agricultural Animals**.
   a. *Residential Districts*. No livestock shall be kept, maintained or stabled within any Residential Zoning District on any lot not exceeding two acres.
   b. *Standards*. On parcels of two acres or more, certain livestock shall be permitted subject to the following provisions:
      i. All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than 150 feet from a dwelling unit. The provisions of this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.
      ii. Not more than one animal unit shall be shall be kept, maintained or stabled per 6,000 square feet of land.

120.04.03.B Animal Boarding or Shelter

1. **Applicability**. The provisions of this Section shall apply to any use that includes the commercial boarding or storage of live animals, including but not limited to veterinarian hospitals and kennels.
2. **Standards**. Facilities for the boarding of all dogs and other household pets shall conform to the following:
   i. *Residential Separation*. Any building housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.
   ii. *Wastes*. Animal wastes shall not be stored any closer than 50 feet from any property line or surface waters.
   iii. *Fencing*. Areas used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six feet in height.

120.04.03.C Farmer's Market or Fruit / Vegetable Stand

A minimum of 75 percent of the displayed inventory of the products sold shall be farm products or value-added farm products.

120.04.03.D Duplex or Single-Family Attached Dwelling

1. **Corner Lots**. Duplexes or single-family attached dwellings are permitted on corner lots only.
2. **Area**. The corner lots shall be fifty percent larger in area than the minimum lot size permitted for conventional development types in the RM district.
3. **Zero-Foot Setback**. Single-family attached dwellings are allowed to have a zero-foot setback for one interior side yard but have a minimum setback greater than zero for the other side yard. The side yard lot line with a zero-foot minimum setback shall share that lot line with a lot containing or planned to contain the same housing type.
4. **Example**. For example, a single-family attached dwelling on an interior (non-corner) lot with a side interior setback of "0 / 10" in Section 120.02.01, *Residential Districts*, has a zero-foot setback from a lot line shared with another lot with a single-family attached dwelling on it, while its other interior side yard setback will be a minimum of ten feet.

120.04.03.E Multi-Family Dwelling

1. **Applicability**. The standards of this Subsection shall apply to multifamily dwellings in a planned development type in the RH district, in a traditional neighborhood development type in the MU district, and in the CC district.
2. **Maximum Height**.
   a. *Two Stories*. A multi-family dwelling built within 60 feet of the AG, RE, or RL district shall have a maximum height of two stories.
   b. *Three Stories*. A multi-family dwelling built within 100 feet of the AG, RE, or RL district shall have a maximum height of three stories.
   c. *Building Scale and Massing*. Any part of a multi-family dwelling that is closer than 30 feet from a common property line with the AG, RE, or RL district shall be no higher than 12 feet above the highest point of the closest residential structure. This does not apply if the residential structure is within the same development proposal or is located across the street from the development.
3. **Units per Building**. Buildings shall have a maximum of eight dwelling units per floor.
4. **Street Access**. A multi-family dwelling shall only take access from a major or minor thoroughfare.
5. **Unified Development**. A multi-family dwelling shall be part of a unified development that contains a minimum of one permitted nonresidential use with gross floor area in accordance with Table 120.04.03.E, *Minimum Associated Nonresidential Gross Floor Area*. A minimum of 50 percent of the gross floor area of the nonresidential use shall be built and occupied prior to development of the multi-family dwellings.

Table 120.04.03.E Minimum Associated Nonresidential Gross Floor Area	
Number of Multi-Family Units	Minimum Nonresidential Gross Floor Area in Same Development
5 to 24	6,000 square feet
25 to 80	60,000 square feet
More than 80	100,000 square feet

120.04.03.F Single-Family Detached Dwelling

1. **Building**. The dwelling unit shall be limited to a site built, modular, or manufactured housing that complies with NC State Building Code (modular unit).
2. **Dwellings per Parcel**. No more than two additional homes may be added to parcels less than 10 acres in size. Parcels greater than 10 acres may not exceed one dwelling unit per five acres.
3. **Bona Fide Farm**. The applicant shall prove that the property qualifies as a bona fide farm and that the individual(s) who will live in the home derive some portion of their income from the farm.
4. **Buffer**. Dwelling unit shall provide a buffer yard in accordance with Section 121.04.03, *Buffer Yard Landscaping*, to provide a screen from adjacent nonresidential uses.

120.04.03.G Single-Family Manufactured Home Subdivision or Park

1. **Purpose**. The purpose of this Section is to provide sufficient land area for the provision of manufactured housing in order to implement NCGS §160D-910 and to provide affordable housing opportunities for low and moderate income persons. A manufactured home is defined as a structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS § 143-145). For purposes of this Ordinance, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."
2. **Modular Homes Exempted**. Manufactured (or modular) housing constructed to meet the North Carolina State Building Code shall be exempt from the restrictions of this Section and shall be permitted as any single-family detached dwelling subject to any other provisions of this UDO.
3. **Classification of Manufactured Homes**.
   a. *Two Types*. The following classification system is hereby adopted for purposes of this Section:
      i. *Manufactured Home - Type I*. A single-section manufactured home less than 17 feet in width.
      ii. *Manufactured Home - Type II*. A multi-section manufactured home greater than or equal to 17 feet in width.
   b. *Measurement*. The width of a manufactured home shall be determined by mean width when all sections are in a final assembly arrangement.
4. **Recreational Vehicles**. Recreational vehicles are permitted in a manufactured home park for a maximum tenure of 180 days provided that:
   a. *Temporary Only*. Recreational Vehicles shall not be used or occupied as a permanent Dwelling Unit.
   b. *Placement and Screening*. Recreational Vehicles shall be located on separate spaces and be completely screened from view from any access streets by landscaping, berms or natural obstructions.
   c. *Number of Spaces*. Not more than 10 percent of the total number of spaces within the park may be occupied by a recreational vehicle.
5. **Design and Installation Standards for Manufactured Home Parks**.

a. *Constitution of Park*. The location of three or more Type I or Type II manufactured homes on a parcel of land shall constitute a Manufactured Home Park and shall be subject to the provisions of this Section.

b. *Master Plan*. Each application for a manufactured home park as a Special Use Permit shall be accompanied by a master plan. The master plan shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements that may be considered essential by the Planning and Zoning Board. The master plan shall show how all proposed improvements will meet the following minimum standards.

c. *Minimum Site Area*. The minimum land area for the entire site shall be five acres.

d. *Minimum Space Area*. In lieu of the dimensional and density requirements of Section 120.02.01, *Residential Districts*, spaces for manufactured homes shall comply with the criteria set forth in Table 120.04.03.G, *Manufactured Home Space Dimensional Standards*.

Table 120.04.03.G
Manufactured Home Space Dimensional Standards

Standard	Manufactured Home Type I (single-section)	Manufactured Home, Type II (double-section)
Area of Space (square feet)	4,000	5,000
Width of Space (feet)	40	50
Depth of Space (feet)	100	100
Front Yard (in feet, measured from pavement edge of internal street to manufactured home)	20	20
Side Yard (in feet, between manufactured homes or permanent buildings)	25	25

e. *Paved Street*. All manufactured home spaces shall abut upon a paved internal street not less than 24 feet in paved width exclusive of parking.

f. *Walkway*.

i. All manufactured home spaces shall be served by at least a three-foot all-weather surface

ii. All common spaces shall be served by four-foot wide all-weather surface sidewalks.

g. *Parking*. Two paved off-street parking spaces shall be provided for each manufactured home space.

h. *Recreational Area*. Each manufactured home park shall have a minimum of five percent of the total area set aside and developed for recreational purposes. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate which is capable of remaining closed.

i. *Solid Waste and Recycling*. Operators of manufactured home parks shall provide adequate solid waste refuse and recycling containers. Individual roll-out containers and/or large dumpsters may be used. Dumpsters shall be located at least 40 feet from any manufactured home unit and at least 10 feet away from internal residential streets. Recycling containers shall be emptied on a regular basis and shall be the responsibility of the park operator.

j. *Water and Wastewater*. A manufactured home park shall be served by an approved community or public water service. Approved community or public sewer shall be required.

k. *Lighting*. Adequate lighting shall be provided to ensure the safe movement of pedestrians and vehicles at night. Permanent buildings designed for and used by park residents shall remain illuminated to at least the level of 40-foot candles at all times.

l. *Required Buffer Yard and Street Yard*. All manufactured home parks shall provide a Type C buffer yard or Class 4 street yard, as applicable, on all property boundaries and along all street frontages. Refer to § 121.04, Trees, Landscaping, and Buffering.

6. **Design and Installation Standards for individual Manufactured Homes**.

a. *Dimensional Standards*. Any manufactured home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and requirements to which a conventional single-family residential dwelling on the same lot would be subject. The provisions of this Section shall not apply to a Manufactured Home Park where the lots are not subdivided into separate tracts of land.

b. *Roof Pitch*. A minimum 3:12 roof pitch is required for all Type I units. Type II units are not required a minimum roof pitch.

c. *Skirting*. A continuous masonry curtain wall or foundation, unpierced except for ventilation and access, shall be installed under the outer perimeter of the dwelling from its base to the ground so as to be compatible with surrounding residential land uses. (Note: See North Carolina State Building Code). The provisions of this Subsection shall not apply to a Manufactured Home Park where the lots are not subdivided into separate tracts of land.

d. *Foundation*. The dwelling shall be attached to a permanent foundation system in compliance with the N.C. State Building Code as may be amended, and the following requirements:

   i. All wheels, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit. Hitches may remain, but shall be screened from view unless located within a manufactured home park.

   ii. The foundation shall be excavated and shall have continuous skirting or backfill leaving no uncovered open areas excepting vents and crawl spaces. The foundation shall be exposed no more than 12 inches above grade.

   iii. For homes which are narrower than 17 feet in width, the unit shall be oriented on the lot so that its long axis is parallel to the street.

   iv. For homes which are narrower than 17 feet in width, the unit shall be oriented on the lot so that its long axis is parallel to the street.

120.04.03.H Townhouse

1. **Zero-Foot Setback**. Townhouses are allowed to have a zero-foot setback from interior side lot lines shared by lots containing the same contiguous structure of the townhome. Interior side lot lines shared with lots not containing the same contiguous structure of the townhome must have a minimum setback greater than zero.
2. **Example**. For example, a townhome with a side yard interior setback of "0 / 10" in Section 120.02.01, *Residential Districts*, shall have a zero-foot setback from lot lines with shared walls, while the portion of the contiguous building built on exterior lots shall be set back a minimum of eight feet from the side lot line that doesn't share a wall.

120.04.03.I Group Living

1. **State Licensing**. Prior to submission of an application for a certificate of zoning compliance, an owner/operator of a Group Living Use shall have received a license from the State of North Carolina for the operation of such a facility.
2. **Location**. No Group Living Use shall be located within 1,000 feet from any Hazardous Waste Facility.
3. **Security Fencing**. Group Living Uses that provide care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation, shall provide a security fence, with a minimum height of five feet, along the perimeter of any portion of the site that is accessible to these patients.

120.04.04 Nonresidential Limited Use Standards

120.04.04.A Community Amenities Use

1. **Corner Lots**. Community Amenities are permitted on corner lots only.
2. **Maximum Floor Area**. The structure housing a Community Amenity shall be a maximum of 6,000 square feet in gross floor area.
3. **Street Classification**. The property shall front a street classified as a collector or a thoroughfare.

120.04.04.B Day Care Use

1. **Permit Application**. The following shall be submitted with the application for a zoning compliance permit or certificate of zoning compliance:
   a. *License*. A copy of the North Carolina. state license issued to the facility. A written approval from the Harrisburg Fire Marshal's Office will be required prior to Zoning approval and issuance of permit.
   b. *Drive Permits*. Evidence that the North Carolina Department of Transportation has issued driveway permits for the facility (may submit copies).
2. **Location**. Such areas shall be located not less than 1,000 feet from any Hazardous Waste Facility; and shall be enclosed with a fence, with a minimum height of five feet.
3. **Access and Loading/ Unloading**.
   a. *Access*. Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of clients. Standards for access and off-street parking/loading are set forth in § 121.03, *Parking, Loading, Stacking, and Access*.
   b. *Street Classification*. The use shall front a street classified as a collector or a thoroughfare.

120.04.04.C Campground, Private

1. **No Permanent Residences**. Campgrounds shall not be used as permanent residences except for one owner or manager and up to three permanent maintenance personnel.
2. **Towed Vehicles**. Towed vehicles within the Campground shall not exceed eight feet in width.
3. **Tenure**. No person, other than the owner or operator shall stay in any Campground more than 90 days per calendar year.
4. **Minimum Area and Dimensions**.
   a. *Area*. Camp sites shall be a minimum of 1,250 square feet and at least 25 feet in width.
   b. *Dimensions*. Camp sites shall be spaced so that there is at least: 10 feet between sites; eight feet from the interior roadways; 50 feet from exterior roadways; and 15 feet from property lines.
5. **Parking**. Parking spaces and interior roadways shall be paved or treated to reduce dust.
6. **Utilities**.
   a. *Wastewater*. Sewage facilities shall be connected to a public sewer collection and treatment system, unless alternative systems are permitted by state law.
   b. *Underground*. All utilities shall be located underground.
7. **Walkways**. Walkways to concentrated activity areas (such as a laundry room, restrooms, etc.) within the campground area shall be at least four feet wide with an all-weather surface.
8. **Ground Cover**. All unpaved areas within the campground must have vegetative ground cover which is adequate to prevent erosion and blowing dust.
9. **Trees**. One tree of a species identified in the Suggested Plant List shall be provided for each two camping spaces. Such trees shall be located in front of those spaces.
10. **Solid Waste**. All trash collection areas shall be completely screened from view at any public right-of-way or property line.
11. **Buffers**. Adjoining residentially zoned or used areas shall be screened by a minimum Class "C" buffer yard as described in Section 121.04.03, *Buffer Yard Landscaping*.

12. **Attendant**. Each campground shall provide an on-site attendant 24 hours per day.
13. **EC District**. Campgrounds in the ED district shall only be permitted north of Mallard Creek in order to provide camping facilities in close proximity to the Speedway.

120.04.04.D Cemetery or Crematory

1. **Crematories**. Pursuant to NCGS Chapter 90, Article 13F, any crematories may be established in a commercial or industrial zoning district if it is adjacent to a funeral establishment.
2. **Setbacks**.
   a. *Structures*. The minimum setback for all structures, excluding gatehouses, is 100 feet from any exterior property line. Gatehouses shall be excluded from any minimum building setback.
   b. *Graves*. The minimum setback for any grave or burial plot is 50 feet from any exterior property line, except that any grave or burial plot shall be allowed within three feet of a property line of an abutting parcel that contains an existing cemetery.

120.04.04.E Club, Private

1. **Applicability**. The provisions of this section shall apply to any private club to the extent not preempted by NCGS § 18B-901. Private clubs located completely within motels and hotels shall be exempt from the provisions of this Section, provided that they encompass no more than 25 percent of the gross floor area of the motel or hotel.
2. **Spacing Requirements**. No private club shall be established within 1,000 feet of any of the following:
   a. Any Residential Zoning District, any Elementary School, Middle School, or High School;
   b. Any Child Care Center or Child Care Facility;
   c. Any Religious Institution; or
   d. Any other existing private club.
3. **Floor Plan**. In addition to the submittal requirements in the Town's Development Guidebook, an application for Zoning Clearance for a private club shall include a floor plan of the structure in which the private club is located. The floor plan shall delineate separately the areas of the structure which are used for the dispensing of food and beverages, entertainment, and dancing.
4. **Standards in the CD District**.
   1. *Capacity*. Seating capacity or building occupancy shall not exceed 200 seats or persons.
   2. *Gross Floor Area*. Institutions shall not exceed 3,000 square feet in gross floor area.
   3. *Outdoor Storage*. No outdoor storage is allowed.
   4. *On-Street Parking*. No on-street parking shall be allowed.

120.04.04.F Public Assembly

1. **Capacity**. Seating capacity or building occupancy shall not exceed 350 seats or persons.
2. **Gross Floor Area**. Institutions shall not exceed 3,000 square feet in gross floor area.
3. **Outdoor Storage**. No outdoor storage is allowed.
4. **On-Street Parking**. Outside of the MU district, no on-street parking shall be allowed.
5. **Street Classification**. The property shall front a street classified as a collector or a thoroughfare.

120.04.04.G Solar Energy System

1. **Purpose**. The purpose of this Subsection is to facilitate the construction, installation, and operation of Solar Energy Systems (SESs) in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of these standards to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the state's energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution, and aid North Carolina in meeting its Renewable Portfolio Standard. These standards are not intended to abridge safety, health or environmental

requirements contained in other applicable codes, standards, or ordinances. These standards shall not be deemed to nullify any provisions of local, state or federal law.

2. **Level 1 Solar Energy System**. Level 1 SESs include the following:
   a. *Roof-Mounted*. Roof-mounted on any code-compliant structure;
   b. *Small Ground-Mounted*. Ground-mounted on an area of up to 50 percent of the footprint of the primary structure on the parcel but no more than 1 acre;
   c. *Covering Paved Areas*. Covering permanent parking lot and other hardscape areas; and
   d. *Integrated*. Building-integrated solar (i.e., shingle, hanging solar, canopy, etc.).
3. **Level 2 Solar Energy System**. Level 2 SESs are ground-mounted systems not included in Level 1 that meet the area restrictions listed below, based on zoning district:
   a. AG, RL, RM, RH: SES ≤1/2 acre;
   b. MU, CC, O-I, NC, GC: SES ≤10 acres; and
   c. CD, EC: SES of any size.
4. **Level 3 Solar Energy System.** Level 3 SESs are systems that do not satisfy the parameters for a Level 1 or Level 2 Solar Energy System.
5. **Applicability**.
   a. *New SES*. These standards apply to the construction of any new SES within the jurisdiction of the Town.
   b. *Exception*. Modifications to an existing SES that increases the SES area by more than five percent of the original footprint cumulative over a 10-year period or changes the solar panel type (e.g. photovoltaic to solar thermal) shall be subjected to these standards.
   c. *Maintenance*. Maintenance and repair are not subject to this ordinance.
6. **Minimum Setbacks**. Table 120.04.04.G-1, *Setbacks for SESs*, provides parcel line setbacks to ground mounted SES equipment, excluding any security fencing, poles, and wires necessary to connect facilities of the electric utility.

Table 120.04.04.G-1, Minimum Setbacks for SESs

Zoning District	Level 1	Level 2	Level 3		
			Front[1]	Side[1]	Rear[1]
AG, MU, CC, O-I, NC, GC, CD, EC	Per Zoning District[2,3]	Per Zoning District[1,2]	30'	15’	25’
RL			50’	50’	50’
RM			Per Zoning District*		
RH					

TABLE NOTES:
[1]100’ setback for SES equipment, excluding any security fencing, to any residential dwelling unit. If the SES is on a working farm where the primary residential structure of the farm is on an adjacent lot then this 100’ setback will not apply to this primary residential structure.
[2]Ground-mounted SES must comply with district front yard limitations and setbacks, or otherwise not impair sight distance for safe access to or from the property or other properties in the vicinity
[3]Level 1 roof mounted SESs are not subject to screening requirements typically applied to accessory utility systems (HVAC, dumpsters, etc.).

8. **Height Limitations**. According to Table 120.04.04.G-2, *Maximum Height for SESs*, the height of systems will be measured from the highest natural grade below each solar panel.

Table 120.04.04.G-2, Maximum Heights for SESs

Zoning Districts	Level 1	Level 2	Level 3
Agricultural/Residential	Roof-mounted: Per zoning district Ground-mounted: 20’	20’	20’
Residential, low density		20’	20’
Residential Medium Density		20’	20’
Residential High Density		20’	20’
Commercial/Business		20’	20’
Light Industrial		20’	20’

Table 120.04.04.G-2, Maximum Heights for SESs			
Zoning Districts	Level 1	Level 2	Level 3
Heavy Industrial		20’	20’
Office/Institutional		20’	20’
* This excludes utility poles and any antennas constructed for the project.			

9. **Aviation Notification**. The requirements below apply only to Level 1, 2 & 3 systems over-half an acre in size.
   a. *Map Analysis*. The applicant shall submit a map analysis showing a radius of five nautical miles from the center of the SES with any airport operations within this area highlighted with the permit application.
   b. *Intent to Construct*. The applicant shall, for consideration of potential impacts to low altitude military flight paths, send notification of intent to construct the SES to the NC Commanders Council at least 30 days before the Public Hearing for a Level 2 SES and at least 45 days before starting construction for applicable Level 1 and Level 2 SES's. Notification shall include location of SES (i.e. map, coordinates, address, or Parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). The applicant shall submit proof of delivery of notification and date of delivery with the permit application.
   c. *SGHAT*. The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used per its user’s manual to evaluate the solar glare aviation hazard. The applicant shall send the full report for each flight path and observation point, as well as the contact information for the Director, to the authority indicated below at least 30 days before the Public Hearing for Level 3 SES's and at least 45 days before starting construction for Level 1 and level 2 SESs. The applicant shall submit proof of delivery of notification and date of delivery with the permit application.
   d. *NPIAS*.
      i. Airport operations at airports in the National Plan of Integrated Airport Systems within 5 nautical miles of the center of SES: provide required information to the Federal Aviation Administration’s Airport District Office (ADO) with oversight of North Carolina.
      ii. Airport operations at airport not in the NPIAS, including military airports, within 5 nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports.
   e. The applicant shall rerun any applicable SES design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal in the SGHAT tool and shall send the new full report without undue delay to the contacts specified in Paragraph d., NPIAS, above.
10. **Level 1 Solar Energy Requirements**. Level 1 SESs are a permitted use provided they meet the applicable height, setback, aviation notification, and related district standards.
11. **Levels 2 And 3 Solar Energy Requirements**.
   a. *Additional Standards*. These requirements are in addition to height, setback, aviation notification, and applicable district standards.
   b. *Site Plan*. A site plan shall be submitted to the Zoning Director demonstrating compliance with:
      i. Setback and height limitations as established in this Section;
      ii. Applicable Zoning District requirements such as lot coverage; and
      iii. Applicable solar requirements per this Section.
   c. *Visibility*.
      i. SESs shall be constructed with buffering as required in Section 121.04.03, *Buffer Yard Landscaping*. For the purposes of this Section, SES 2 and 3 uses shall be considered a Class 5 use, and shall be buffered as such according to Table 121.04.03-1, *Buffer Yard Chart*.
      ii. Signs shall comply with § 121.05, *Signs*.
      iii. If site lighting is provided, the requirements of § 121.06, *Outdoor Lighting*, and a site lighting plan shall be submitted as well.
   d. *Decommissioning*.

i. The applicant shall submit a decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following with the permit application.
   A. Defined conditions upon which decommissioning will be initiated (e.g. end of land lease, no power production for 12 months, etc.)
   B. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations
   C. Restoration of property to condition prior to development of the SES
   D. The timeframe for completion of decommissioning activities
   E. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
   F. The party currently responsible for decommissioning
   G. Plans for updating this decommissioning plan

ii. Before issuance of a Certificate of Compliance, the applicant shall provide evidence that the decommissioning plan was recorded with the Register of Deeds.

120.04.04.H Wireless Telecommunications Service

1. **Purpose**. The purpose of this Subsection is to:
   a. *Residential Protection*. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
   b. *Location Management*.
      i. Encourage the location of towers in nonresidential and less developed areas;
      ii. Strongly encourage joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
      iii. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
   d. *Visual Impact*. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
   e. *Enhanced Service*. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
   f. *Health and Safety*.
      a. Consider the public's health and safety in regard to communication towers; and
      b. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
2. **Applicability**. The provisions of this Section apply to any new Wireless Telecommunications Tower or Antenna, except as provided below. The use of land for wireless telecommunication service antenna or tower shall be permitted as set forth in Table 120.02.01-2, *Permitted Uses by Residential ;Zoning District and Development Type*, and Table 120.02.02-1, *Permitted Uses by Nonresidential and Mixed Use Zoning District and Development Type*, subject to the standards below.
3. **General Requirements**.
   a. *Principal or Accessory Use*. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
   b. *Lot Size*. In the event that a tower or antenna is installed and/or leased on a portion of a lot, the lot in its entirety will determine any and all district development regulations that the structure may be subjected to; including but not limited to: setback, lot-coverage, and other such requirements.
   c. *Inventory of Existing Sites*. Each applicant for an antenna and/or tower shall provide the Director with an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town, Cabarrus County, the City of Kannapolis, or the Town of Mt. Pleasant. Said information shall include specific information about the location, height, and design of each tower. Each applicant shall also provide a one- year build out plan for all other proposed wireless communications facilities

within the Town. The Director may share such information with other applicants applying for administrative approvals or Special Use Permits under this UDO or with other organizations seeking to locate antennas within the jurisdiction of this UDO provided, however, that the Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

d. *Aesthetics*.

i. Towers shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness.

ii. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings located adjacent to the tower or antenna site.

iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure. This is in order to make the antenna, and related equipment, as visually unobtrusive as possible.

e. *Lights*. No tower or antenna shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, daytime strobes or steady nighttime light or other illumination devices, except as required by the FAA, FCC, or the Town. This restriction against lights shall not apply to towers which have been combined with light standards for illumination of ball fields, parking lots, playgrounds, or other similar public uses. If lighting is required, the lighting sources and design shall be designed to create the minimum practicable penetration of areas outside the boundaries of the lot or parcel.

f. *State or Federal Requirements*. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with the revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

g. *Building Codes; Safety Standards*. To ensure the structural integrity of towers and antennas, the owners of such facilities shall ensure that they are maintained in compliance applicable with standards contained in the State Building Code.

h. *Fall Zone*. No tower or antenna shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any tower or antenna, not located a distance equal to the height of the tower plus 50 feet away from all habitable structures, property lines, or other towers, shall be designed to withstand the maximum forces expected from wind and ice when the tower is fully loaded with antennas, transmitters and other equipment. Compliance with this requirement shall be certified by a professional engineer licensed by the State of North Carolina in a report describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.

i. *Essential Services*. Wireless telecommunications towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

j. *Signs*. Signs on a tower, or on any portion of the premises leased for wireless communication use, shall be limited to those needed to identify the property and the owner and to warn of any danger. Signs which advertise for commercial purposes are prohibited. All signs shall comply with the requirements of § 121.05, *Signs*.

4. **Permit Requirements**.

a. *Zoning Clearance*. No wireless telecommunications tower or antenna shall be erected or established unless and until a Zoning Clearance permit has been issued pursuant to Section 125.02.05, *Zoning Clearance*.

b. *Use Tables*. A stealth antennae which does not exceed 65 feet in height is permitted as of right, notwithstanding any provisions of the Use Tables in § 120.02, *Zoning Districts and Standards*, which requires a Special Use Permit. This provision does not permit antennas in any zoning district where they are expressly prohibited by the Use Tables.

c. *Special Use Permit Standards*. In addition to the procedures, standards and criteria set forth in Section 120.04.06, *Special Use Standards*, Special Use Permits for towers and antennas shall be issued in accordance with the following provisions:

i. Towers or antennas 65 feet or more from the average ground level shall require a Special Use Permit. This applies to mounted antennas, referring to the total height from the base of the building or other structure to the top of the antenna.

ii. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of North Carolina.

iii. In determining whether to issue a Special Use Permit, the Board of Adjustments shall consider, in addition to any other standards in this UDO governing Special Use Permit, the following factors:

A. Height of the proposed tower;

B. Proximity of the tower to residential and mixed-use structures and district boundaries;

C. Nature of uses on adjacent and nearby properties;

D. Surrounding topography;

E. Surrounding tree coverage and vegetation;

F. Design of the tower, with particular reference to design characteristics that reduce or eliminate visual obtrusiveness;

G. Proposed ingress and egress; and

H. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Paragraph 5, *Availability of Suitable Existing Towers, Other Structures, Or Alternative Technology*, below.

5. **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology**. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Director, or Board of Adjustment (if Special Use Permit is required), that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can accommodate the applicant's proposed tower or antenna. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed tower or antenna may consist of any or all of the following:

a. *No Existing Towers or Structures*. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

b. *Insufficient Height*. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. *Insufficient Strength*. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. *Electromagnetic Interference*. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

e. *Unreasonable Expense*. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs required by the owner of existing tower or structure that exceed new tower development are presumed to be unreasonable.

f. *Other Factors*. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. *Alternative Technologies*. The applicant demonstrates that alternative technologies, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, that does not require the use of towers or structures, are unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

h. *Separation*. Towers shall be separated a distance, as measured from the base, equal to at least the minimum standards established in Table 120.04.04.H-1, *Separation Requirements from Offsite Uses/Areas*, and Table 120.04.04.H-2, *Separation Distances Between Towers*, from any preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the preexisting tower and the base location, pursuant to a site plan, of the proposed tower.

Table 120.04.04.H-1, Separation Requirements from Offsite Uses/Areas	
Single-family or duplex residential units [1]	200 feet or 300% of tower height, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary plat approval which is not expired [2]	
Vacant unplatted residentially zoned land [3]	100 feet or 100% of tower height, whichever is greater
Existing multi-family residential units greater than duplex units	
Non-residentially zoned lands or non-residential uses	None, only setbacks apply

1. Includes modular homes and mobile homes used for living purposes.
2. Separation measured from base of tower to closest building setback line.
3. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan and any multi-family residentially zoned land greater than a duplex.

Table 120.04.04.H-2, Separation Distances Between Towers		
	Monopole 65 ft. in height or greater	Monopole less than 65 ft. in height
Monopole 65 feet in height or greater	1,500 feet	750 feet
Monopole less than 65 feet in height	750 feet	750 feet

i. *Security Fencing*. Towers shall be enclosed by security fencing not less than six feet in height and no more than eight feet in height, constructed of vinyl, block, masonry, or wood material, and shall be equipped in such a manner as to deter climbing. Chain link may be used if the fence is completely screened by evergreen plantings.

j. *Landscaping*. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. Plant materials forming the visual buffer may be existing on the subject property or installed as part of the proposed facility, but existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible. The Director may waive these requirements in locations where the view of the tower base is obstructed by existing buildings or natural topography and cannot be viewed from adjacent property or a public street.

6. **Buildings or Other Equipment Storage**.

a. *Accessory Equipment Structures*. The equipment cabinets and other support structures used in association with towers or antennas shall comply with the following provisions:

i. Equipment cabinets and/or other structures shall comply with all applicable building codes.

ii. Guys and accessory buildings shall satisfy the minimum zoning district setback requirements.

b. *Location of Accessory Equipment Structures*. Equipment cabinets and/or structures shall be no greater than 14 feet in height or 300 square feet in gross floor area. The entry or access side of a cabinet and/or structure shall be gated by a solid, sight- obscuring gate that is separate from the cabinet and/or structure. Such access way shall not face residentially or mixed-use zoned property.

7. **Co-Location**.

a. *Good Faith*. Applicants and permittee shall make a good faith effort to share wireless communication structures, facilities and sites where feasible and appropriate. Good faith effort shall include sharing technical information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an exception to the duty of good faith.

b. *Third-party Technical Review*. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Director may require the applicant to obtain a third-party technical study at the applicant's expense. The Director may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.

c. *Exceptions*. No co-location may be required where the shared use would or does result in significant interference with the broadcast or reception capabilities of the existing wireless communication facilities or the failure of the facilities to meet federal standards for emissions.

d. *Violation; Penalty*. Failure to comply with co-location requirements may result in denial of a permit request or revocation of an existing permit.

8. **Removal of Abandoned Antennas and Towers**.
   a. *Abandonment*. Any antenna or tower that is not operated for a continuous period of one year shall be considered abandoned, and the owner of such facility shall physically remove the antenna or tower within 90 days of receipt of notice from the Board of Adjustment notifying the owner of such abandonment. If there are two or more users of a single tower or antenna, then this provision shall not become effective until all users cease using the tower or antenna for the prescribed period. "Physically remove" shall include, but not be limited to:
      i. Removal of antennas, mount, equipment shelters and security barriers from the subject property;
      ii. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations; and
      iii. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after condition.
   b. *Authority to Remove*. The town shall have the authority to call the performance bond required in Subsection c., *Require Bond*, below, and use the funds to remove an abandoned antenna, tower, or accessory equipment structures.
   c. *Require Bond*. A performance bond shall be set for 1.25 times the estimated cost of removal of all towers, antennas, and accessory equipment structures that are approved. The performance bond shall be filed prior to issuance of a Zoning Clearance. This amount will be determined by a removal company and certified by a North Carolina Licensed Engineer. For every year following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI) Index.

9. **Nonconforming Uses**.
   a. *No Expansion of Nonconforming Use*. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
   b. *Preexisting Towers*. Preexisting towers constructed prior [insert original adoption date of this Section] shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Section.
   c. *Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas*. Notwithstanding this Section, bona fide nonconforming towers or antennas that are not latticed or guyed that are damaged or destroyed by weather events or other non-manmade causes are not required to conform to the requirements of this Section provided the type, height, and location of the tower on-site shall be of the same type and intensity as the original facility. Any destroyed lattice or guyed tower shall be replaced with a monopole structure only. If no permit is obtained or if the permit expires, the Director may deem the tower or antenna abandoned.

120.04.04.I Brewpub, Microbrewery, Microwinery, Microdistillery, or Microcidery

1. **Hours of Operation**. No outdoor amplified sound will be permitted after 11:00pm. All activities shall comply with the Town of Harrisburg Noise Ordinance.
2. **GC Zoning District**.
   a. In the GC zoning district, no brewpub, microwinery, microdistillery, or microcidery shall be located within 100 feet of any religious institution or Educational Facility as measured from parcel edge to parcel edge. In all other districts, the state minimum distances shall apply.
   b. In the GC zoning district, such uses shall have a tap room that is oriented to the street or main pedestrian entrance of the building. A minimum of 500 square feet shall be provided for the tap room and this area shall be open for business at least one quarter of the time each week the business facility is open.

120.04.04.J Reception Facility

1. **Minimum Lot Size**. A minimum lot size of five acres is required.
2. **Abutting Streets**. The use shall be located on a parcel with frontage on a major or minor thoroughfare.

3. **Structure**. A residential structure that is used for a reception facility shall not be altered in any way that changes its general residential appearance.
4. **Off-Street Parking**. Two parking spaces for the owner/operator, plus one for every four seats shall be required. Parking shall be temporary parking on grass and shall not be visible from the street or shall be on the driveway. No on-street parking is permitted.
5. **Room Rental**. Reception facilities with guest room rental shall comply with the applicable requirements of Subsection 120.04.04.M, *Bed & Breakfast Inn or Short-Term Rental*.
6. **Meals**. Other than to members of reception, no meals shall be served to the general public unless expressly approved as part of the Special Use Permit or site plan application.
7. **Accessory Uses**. Accessory uses with a reception facility include those set forth in Section 120.04.08, *Temporary Use and Structure Standards*.
8. **Signage**. Signs for reception facilities shall meet the requirements of § 121.05, *Signs*, and the requirements set forth below.
    a. *Ground Sign*. Signs shall be limited to one ground sign per establishment.
    b. *Measurements*. The ground sign shall not exceed eight square feet in area nor shall it exceed five feet in height. If such signs shall be illuminated, they shall be externally illuminated.
    c. *No Additional Signs*. No additional signs shall be permitted on the property.
9. **Noise Control**. All activities and events occurring on the property of the reception center shall meet the required noise control ordinance as stated in Chapter 91, *Noise Control*, of the Town of Harrisburg Code of Ordinances.

120.04.04.K Electronic Gaming Establishment

1. **Applicability**. The provisions of this Section shall apply to principal or accessory uses.
2. **Separation from Other Establishments**. No electronic gaming establishment shall be located within 1,500 feet of any other electronic gaming establishment, residentially used property, religious institution, public or private elementary or secondary school, cemetery, public park, or Day Care use category.
3. **Number of Terminals**. Each location approved for the use as an electronic gaming establishment shall have no more than 20 computer terminals.

120.04.04.L Office

1. **Corner Lots**. In the RH district, Offices are permitted on corner lots only.
2. **Maximum Floor Area**. In the RH district, the structure housing an Office shall be a maximum of 6,000 square feet in gross floor area.
3. **Street Classification**. In the RH district, the property shall front a street classified as a collector or a thoroughfare.
4. **Drive-Through Commercial**. Drive-through commercial establishments are prohibited in the RH, MU, and CC districts.

120.04.04.M Bed & Breakfast Inn or Short-Term Rental

1. **Location**. Bed and breakfast inns and short-term rentals that are not accessory to a residential use shall only be established in accordance with Table 120.02.02-2, *Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type.*
2. **Structure**. A structure that shall be used for a bed and breakfast inn or short-term rental shall not be altered in any way that changes its general residential appearance.
3. **Receptions/Private Parties**. A bed & breakfast inn or short-term rental proposing to host receptions, private parties, or similar activities shall require a Special Use Permit.
4. **Room Rental**. No long-term rental of rooms shall be permitted. The maximum length of stay shall be 30 days.
5. **Guest Rooms**. All guest rooms shall be located within the principal structure.
6. **Meals**. Other than to registered guests, no meals shall be served to the general public unless expressly approved as part of a Special Use Permit. No cooking facilities shall be permitted in the guest rooms.
7. **Accessory Uses**. Accessory uses associated with a bed and breakfast inn or short-term rental include those as set forth in Section 120.04.07, *Accessory Use and Structure Standards*.

8. **Area Regulations**. Area regulations for minimum lot size, applicable setbacks, building height, and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located.
9. **Maximum Number of Guest Units**. The maximum number of guest bedrooms for a proposed bed and breakfast inn or short-term rental shall be five, unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging
10. **Signs**.
    a. *Generally*. Except as modified below, signs for bed and breakfast inns or a short-term rental shall meet the requirements of § 121.05, *Signs*.
    b. *Ground Signs*. Signage shall be limited to one ground sign per establishment.
    c. *Sign Area, Height, and Illumination*. Ground signs shall not exceed five square feet in area nor five feet in height. Such signs shall not be illuminated.
    d. *Additional Signs*. No additional permanent signs shall be permitted on the property.

120.04.04.N Shopping Center

1. **MU and NC District**. The maximum gross floor area for any single structure in the TND development type of the MU district or in the NC district shall be 25,000 square feet.
2. **GC District**. The maximum gross floor area for any single structure in the GC district shall be 135,000 square feet.
3. **MU and CD District**. The maximum gross floor area for any single structure in the TOD development type of the MU district or in the CD district shall be 80,000 square feet.

120.04.04.O Sexually-Oriented Business

1. **Purpose and Findings**.
    a. *Purpose*. The Town Council of the Town of Harrisburg finds that this Subsection is necessary in order to protect the Town from the potential secondary effects of sexually-oriented businesses including crime, the protection of the Town's retail trade, the prevention of the blighting of neighborhoods and the maintenance of property values, protecting and preserving the quality of the Town's neighborhoods and the Town's mixed-use and nonresidential districts, the protection of the Town's quality of life, the increased threat of the spread of sexually transmitted diseases, and the protection of the peace, welfare and privacy of persons who patronize sexually-oriented businesses. Experience in this Town as well as in cities and counties within and outside of North Carolina including the County of Los Angeles, the City of Garden Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix Arizona; have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The Town recognizes and relies upon the experience of these other cities and counties in adopting sexually-oriented business regulations including the County of Los Angeles (as discussed in Smith v. County of Los Angeles 211 Cal. App. 3d 188 (1989)); City of Renton, Washington (as discussed in City of Renton v. Playtime Theatres, Inc.475 U.S. 41 (1976)); the City of Seattle Washington (as discussed in Northend Cinema v. City of Seattle 90 Wash. 2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in Movie & Video Work v. Board of County Commissioners 723 F. Supp. 695 (S.D. Fla. 1989)) in support of this Section. The Town also recognizes and relies upon the studies done by:
        i. The 1979 Adult Use Study by the Phoenix Planning Department;
        ii. Tucson, Arizona (1990);
        iii. The 1991 report to the City of Garden Grove by Drs. McCleary and Meeker on the relationship between crime and adult business operations;
        iv. The City of Los Angeles in 1977);
        v. The 1984 "Analysis of Adult Entertainment Businesses in Indianapolis" by the Department of metropolitan Development;
        vi. Minneapolis, Minnesota (1980);
        vii. Cleveland, Ohio (1977);
        viii. Oklahoma City, Oklahoma (1986);

ix. Austin, Texas' study on effects of adult businesses;
x. Amarillo, Texas (1977);
xi. Beaumont, Texas (1982);
xii. Houston, Texas (1983); and
xiii. Seattle, Washington (1989).

b. *Findings*. The Town Council believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified.
i. Crime rates tend to be higher in residential areas surrounding sexually-oriented businesses than in industrial areas surrounding sexually-oriented businesses;
ii. Areas within close walking distance of single and multiple-family dwellings should be free of sexually-oriented businesses;
iii. Sexually-oriented businesses should be located in specific areas of the Town which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This necessary to:
A. Ensure that the impact on such sensitive uses by adverse secondary effects caused by sexually-oriented businesses are mitigated to the maximum extent possible;
B. To prevent ad hoc decisions with respect to a potential sexually-oriented business site which does not meet the criteria set forth herein; and
C. To provide certainty to the residents of the Town and sexually-oriented business operators with respect to potential adult use sites.
iv. The image of the Town as an attractive place to reside will be adversely affected by the presence of sexually-oriented businesses in close proximity to residential uses, schools, religious institutions and parks;
v. The existence of sexually-oriented businesses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas;
vi. A reasonable regulation of the location of sexually-oriented businesses protects the image of the community and its property values and protects its residents from the adverse secondary effects of sexually-oriented businesses while providing those who desire to patronize sexually-oriented businesses an opportunity to do so in appropriate areas in the Town; and
vii. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually-oriented businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that sexually-oriented businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for sexually-oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.
viii. The Town Council recognizes and relies on the findings set forth in the 1986 North Carolina Attorney General's Report on Pornography in support of this Section including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters.
ix. The Town Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:
A. Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in sexually-oriented businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of sexually-oriented businesses on the site of the sexually-oriented business;
B. Evidence has demonstrated that performers employed by sexually-oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

C. Evidence indicates that performers at sexually-oriented businesses have been found to engage in acts of prostitution with patrons of the establishment; and

D. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the Town has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at sexually-oriented businesses.

x. The Town Council has determined that the establishment of a sexually-oriented business development permit process is a legitimate and reasonable means of ensuring that:

A. Operators of sexually-oriented businesses comply with the reasonable regulations of this Section;

B. The recognized secondary impacts of a proposed sexually-oriented business in a specific location are mitigated; and

C. Operators of sexually-oriented businesses have specific guidelines with respect to where they can establish or operate a sexually-oriented business.

xi. It is not the intent of the Town Council in adopting this Section to suppress any activities protected by the First Amendment, but rather to enact a content-neutral regulations that address the secondary effects that sexually-oriented businesses have on the Town.

xii. The Town Council desires to protect the rights conferred by the United States Constitution to sexually-oriented businesses in a manner that ensures the continued and orderly development of property within the Town and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of sexually-oriented businesses.

xiii. The Town Council and Planning and Zoning Board have held duly noticed public hearings, to receive input and testimony from the public concerning the adoption of this Section.

2. **Authorization**. These regulations are authorized by NCGS § 160D-902.
3. **Applicability**. The provisions of this Section apply to any sexually-oriented business/adult establishments.
4. **Locational Standards**.
   a. *Other SOBs*. No sexually-oriented business or adult establishment shall be located within 2,000 feet of any other sexually-oriented business or adult establishment.
   b. *Sensitive Uses*. No sexually-oriented business or adult establishment shall be located within 2,000 feet of a public or private elementary or secondary school, Day Care use category, public or private recreation center, religious institution, or a public ;park.
5. **Signs and Displays**. Signs shall be regulated in accordance with § 121.05, *Signs*, except that no sexually-oriented printed material, slide, video, photograph, written text, live show, or other sexually-oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

120.04.04.P Fuel Sales

1. **Accessory Uses**. The following uses shall be considered accessory to Convenience Stores or Gas Stations:
   a. Car washes;
   b. Gasoline pumps and canopies;
   c. Automatic teller machines (ATM's);
   d. Restaurants located within the Primary Building;
   e. Sales of prepackaged beverages, snack foods, tobacco products, and other retail merchandise.
2. **Location**.
   a. *Principal Structure*. The site shall have frontage on a thoroughfare or collector road.
   b. *Service Equipment*. No above-grade equipment for the vehicular service of fuel, oil, or other petroleum product, shall be closer than 25 feet to any public right-of-way and 10 feet to any exterior property line. Pump or charging island canopies shall not be located closer than 10 feet to a public right-of-way or an exterior property line.
3. **Maximum Square Footage for Principal Structure**.

a. In the GC district: No maximum.
b. In all other districts that allow convenience stores: 2,000 leasable square feet for enclosed structure.

120.04.04.Q Manufactured / Modular Home and Storage Building Sales

1. **Site Plan Requirements**. In addition to the site plan requirements in the Town's Development Guidebook, the site plan shall define display areas, storage and repair areas, office, and parking areas, landscaping materials, and materials used to obstruct off-site views. Other accessory uses (such as sales of items not described in this Subsection) may not locate on the site unless the use has been designated on the site plan. In the case of manufactured and modular home sales, the number of home display pads shall be noted on the plan.
2. **Setbacks**. All display pads shall be located at least 30 feet from any property line or public street right of way line. Setbacks for permanent structures such as an office shall be located in accordance with § 120.02, *Zoning Districts and Standards*.
3. **Type of Manufactured Home**. All manufactured homes displayed for sale (not in screened storage or repair areas) shall conform to all Federal Manufactured Home Construction and Safety Standards and/or building requirements and/or codes for Manufactured Homes and bear the required United States Department of Housing and Urban Development (HUD) tag and/or data plate.
4. **Required Paving**. All travel lanes, access lanes, areas, sidewalks, and parking spaces shall be paved. Storage, repair areas, and display pads for all model manufactured or modular homes and storage buildings may be gravel.
5. **Storage and Repair Areas**. Storage and repair activities shall be completely screened from off-site views. Homes or buildings not for immediate sale, or replacement or discarded parts and accessories shall also be screened from off-site views
6. **Walkways**. Walkways a minimum of four feet in width shall be constructed throughout the site so as to provide complete pedestrian connections from the parking area to each displayed item (pad) and the office.
7. **Signs**. Signs shall conform to § 121.05, *Signs*. In addition, each display item may have a sign not to exceed three square feet in area which gives information about the item.
8. **Display Pads**. All manufactured or modular homes and storage buildings shall be located on a pre-determined display pad (shown on the site plan) equaling no more than 120% of the structure's footprint. Display pads may be gravel.
9. **Manufactured or Modular Home Display Areas**. A minimum separation of at least 10 feet shall be maintained between display pads. Display homes shall be level and blocked. Display homes that are visible off-site shall be provided with some type of material (skirting, low fence or landscaping) around the base which will prevent open views underneath the manufactured home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
10. **Storage Building Display Areas**. A minimum separation of at least five feet shall be maintained between display pads.
11. **Landscaping Requirements**. In addition to the landscaping requirements in § 121.04, *Trees, Landscaping, and Buffering*, the display area for manufactured and modular home sales shall include the installation of one ornamental tree or shade tree, two medium shrubs, and six small shrubs per display pad. The location of the plantings shall be determined by the Director but the intention is to provide each space with a permanent, residential appearance. Portions of any display area not included in individual display pads shall be grassed or mulched and suitably landscaped. No display area may be entirely paved.

120.04.04.R Vehicle Sales and Rental

1. **Accessory Uses**. In addition to the accessory uses set forth in Section 120.04.07, *Accessory Use and Structure Standards*, the following accessory uses are permitted for any vehicle sales and rental establishment:
   a. Sales, office, parts, service, storage, and body shop facilities accessory to new vehicle sales and rental establishments.
   b. Storage, body shop, washing, fueling, painting facilities, and air quality certification.
   c. Temporary automobile sales offices and display areas (interior or exterior). Such uses shall be allowed for a period not to exceed two years from the date approved by the Town. The period may be extended for up to an additional one year if the permanent facility is under construction prior to expiration of the initial two-year period but not yet complete.

2. **Display Area**.
   a. *Surface Area*. The outdoor vehicle display area shall not exceed 60,000 square feet of continuous paved surface.
   b. *Continuous*. For purposes of this Section, a paved surface shall not be considered "continuous" if it is separated by a Type A buffer yard (as set forth in Section 121.04.03, *Buffer Yard Landscaping*) along the boundary between the display areas. The buffer yard may be penetrated by a driveway of not less than twelve or more than eighteen feet in width for every 150 feet in buffer yard length.
   c. *Vehicle Display or Storage*. No vehicles may be displayed or stored on or within required buffer yards, including required street yards.
   d. *Markings*. Paved areas reserved for the storage or display of vehicles for sale shall not be required to be striped for individual vehicle spaces. However, off-street parking for employees and patrons shall be required to conform to the design provisions of § 121.03, *Parking, Loading, Stacking, and Access*.
3. **Not Permitted.**
   a. *Shopping Centers*. Vehicle sales and rental establishments shall not be permitted in, or as part of, shopping centers or multi-tenant facilities.
   b. *Individual Owners*. The sale of motor vehicles by individual owners shall not be permitted in shopping centers, multi-tenant facilities or on commercial business lots not specifically permitted for car sales.

120.04.04.S Contractor Office

1. **Purpose**. The purpose of this Subsection is to allow for contractor offices to be located in lower intensity nonresidential districts and prevent any negative impacts that this use could have on surrounding residentially zoned properties (i.e. expansive storage, parking of heavy equipment, other non-office activities).
2. **Storage**. All storage must be confined within the principal structure.
3. **Accessory Storage Units**. No accessory storage units are permitted.
4. **Storage Area**. Interior storage may not exceed 25 percent of the ground level square footage of the principal ;structure.
5. **Heavy Equipment**. Storage of heavy machinery or equipment, such as any non-transportation oriented heavy construction vehicles, shall not be permitted.
6. **Manufacturing**. Manufacturing of any goods or products shall not occur within the principal structure.
7. **Office**. The principal use of the building shall be for office purposes.

120.04.04.T Micromanufacturing

1. **Gross Floor Area**. The maximum gross floor area of a micro-manufacturing facility in the shall be 2,000 square feet in the MU and CC districts and shall not exceed 10,000 square feet in the GC district.
2. **Outdoor Storage**. No outdoor storage is permitted.

120.04.04.U Resource Extraction

1. **Purpose**. The purpose of this Subsection is to establish standards for resource extraction uses to protect any adjacent residential property from smoke, dust, and noise, and to minimize the effect of scarification of the landscape.
2. **Applicability**. This Subsection apply to any mining or extractive uses as identified in North American Industrial Classification System (NAICS) Industry Group 21.
3. **Compliance with State Regulations**. All resource extraction uses shall conform to NCGS § 74-46. The applicant shall, if disturbing more than one acre of land, obtain, or be in the process of obtaining, a mining permit issued by the North Carolina Department of Environment and Natural Resources Regional Office.
4. **Reclamation Plan**. The applicant shall submit a reclamation plan together with the Special Use Permit application.
5. **Setbacks**. Minimum setbacks in § 120.02, *Zoning Districts and Standards,* shall apply to the extent of land-disturbing activity and the placement of mining machinery or structures.
6. **Barrier Required**.

a. *Perimeter Barrier*. A barrier shall be provided around the perimeter of a mine or quarry. The barrier shall consist of either an earthen berm, a solid fence and landscaping, existing topographical features, or any combination of the above. The barrier shall be constructed so as to completely block the view of the mining/quarrying operations from any point on an adjacent property line or public right-of-way, except at points of ingress and egress.

b. *Entrance Gate*. The operation shall provide an entrance gate to prevent vehicular access during non-operational hours.

7. **Exemptions**.

a. *Earth Moving*. Earthmoving activity disturbing less than one acre of land shall be exempt from the provisions of this Subsection.

b. *Site Grading*. Site grading, as part of a construction project, moving earth from one area of a lot or development to another shall be exempt from the provisions of this Subsection, regardless of the area disturbed.

c. *Borrow Pits*. Borrow pits are exempt from the provisions of this Subsection.

120.04.04.V Self-Service Storage

1. **Purpose**. The purpose of this Subsection is to set standards for the establishment and maintenance of safe and attractive mini-warehouse or self-service storage developments that will remain a long-term asset to the community.
2. **Minimum / Maximum Lot Sizes**.

a. *Minimum Lot Size*. One acre

b. *Maximum Lot Size*. Five acres in all districts except that ED shall have no maximum lot size.

3. **Building Height**. Except in the GC district, building height shall not exceed one story. For purposes of this Subsection, one story shall mean and refer to a maximum interior ceiling height of 10 feet, which may include a maximum of eight feet with an additional two feet to accommodate a garage-type sliding or roll up door. In the GC district, height maximums are governed by the standard allowances as set forth in Table 120.02.02-3, *Dimensional Standards by Zoning District*.
4. **Landscaping and Buffering**.

a. A Type B buffer yard as prescribed in Section 121.04.03, *Buffer Yard Landscaping*, shall be provided around the perimeter of the mini-warehouse self-service storage development.

b. All areas on the site not covered by pavement or structures shall be brought to finished grade and planted with turf or other appropriate ground covers and shall conform to the standards and planting requirements of § 121.04, *Trees, Landscaping, and Buffering*.

5. **On-site Manager or Security System Required**. No facility herein provided for shall be used or maintained unless and until an on-site manager shall be provided for such facility, or a security system has been installed.
6. **Commercial Activity Prohibited**. It shall be unlawful for any owner, operator or lessee of a self-service storage facility to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units, or to permit such activities to occur on the property.
7. **Residential Use Prohibited**. No portion of any self-service storage shall be used, on a temporary or permanent basis, as a dwelling.
8. **Item Repair and Storage of Flammable Liquids Prohibited**. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within a self-service storage facility. All mini-warehouse self-service storage rental contracts shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.
9. **Outside Storage**. No outside storage shall be permitted except the storage of recreational vehicles per Paragraph 12, *Vehicular Storage,* below.
10. **Accessibility**.

a. *Ingress/Egress*. Vehicular ingress/egress shall provide for safe access by customers and emergency vehicles.

b. *Interior Travel Lanes*. Interior travel lanes shall have a minimum width of 12 feet for one-way and 24 feet for two-way travel lanes. The minimum travel lane width for fire and life safety access shall be 20 feet.

11. **Off-Street Parking Standards**. Parking shall be provided by parking/driving lanes adjacent to the manager's office.
12. **Vehicular Storage**. Required parking spaces shall not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage.
13. **Accessory Uses**. Sales of customary equipment and supplies, such as hand trucks, straps, tapes, packaging materials, boxes, etc. are permitted through the main office only.

120.04.04.W Demolition Landfill

1. **Applicability**. This Section applies to any demolition landfill.
2. **Standards**.
   a. The disposal area of a demolition landfill shall not exceed one acre.
   b. The disposal area shall not exceed five feet above average grade in height.
   c. The landfill shall accept and dispose of demolition debris generated on land that the applicant owns in a landfill that is located on the same property.
   d. The landfill shall be located at least one quarter-mile from any other landfill of any type.
   e. The perimeter of the landfill shall be at least 50 feet from the property boundary.
   f. The perimeter of the landfill shall be at least 500 feet from the nearest drinking water well.
   g. The waste disposal area of the landfill shall be at least four feet above the seasonal high groundwater table.
   h. The landfill shall comply with all applicable federal, State, and local laws, regulations, rules, and ordinances.
   i. The applicant shall comply with the siting criteria set forth in 15A NCAC § 13B.0564.
   j. Demolition debris may be disposed in a landfill to which this Section applies without being separated into demolition debris components. No waste other than that generated by the demolition of a building or other structure shall be disposed of in the landfill.
   k. The owner or operator shall establish sufficient controls to ensure that the refuse remains within the disposal area, and that the refuse cannot be removed by winds, stormwater, or other foreseeable natural or man-made forces.
   l. No building shall be located or constructed immediately above any part of a demolition landfill. No construction, except for site preparation and foundation work, shall be commenced on land on which a demolition landfill is located until the landfill is closed.
3. **Closure**.
   a. *Plat*. Within 30 days of the closure of the landfill, or at least 30 days before the land, or any interest in the land, on which the landfill is located is transferred, whichever is earlier, the owner or owners of record of the land on which the landfill is located shall file with the Register of Deeds of Cabarrus County a survey plat of the property that meets the requirements of NCGS § 47-30. The plat shall accurately show the location of the landfill and shall reference this Section. A certified copy of the plat showing the book and page number where recorded shall be filed with the Director at the same time that the certified copy of the notice required by Paragraph b., *Notice*, this section is filed with the Director.
   b. *Notice*. Within 30 days of the closure of the landfill or at least 30 days before the land, or any interest in the land, on which the landfill is located is transferred, whichever is earlier, the owner or owners of record of the land on which the landfill is located shall file with the Register of Deeds of Cabarrus County a notice that a landfill for the disposal of demolition debris has been located on the land. Where state law requires an identical notice, compliance with the state requirements shall constitute compliance with this Section. The notice shall include a description of the land that would be sufficient as a description in an instrument of conveyance. The notice shall list the owners of record of the land at the time the notice is filed and shall reference the book and page number where the deed or other instrument by which the owners of record acquired title is located. The notice shall reference the book and page number where the survey plat required by Paragraph a., *Plat*, is recorded. The notice shall reference this Section, shall describe with particularity the type and size of the building or other structure that was demolished, and shall state the dates on which the landfill opened and closed. The notice shall be executed by the owner or owners of record as provided in

NCGS Chapter 47. The Register of Deeds shall record the notice and index it in the grantor index under the name of the owner, or names of the owners, of the land. The owner shall file a certified copy of the notice showing the book and page number where recorded, together with a certified copy of the survey plat as required by Paragraph a., with the Director. Unless a filing fee is required for the North Carolina Department of Environmental Quality, the owner shall pay a filing fee to the Director within 15 days after the notice is recorded.

c. *Site Work After Closure*. The owner or operator of the landfill shall close the landfill within 30 days after the demolition is completed or terminated. The owner or operator shall compact the demolition debris and cover it with at least two feet of compacted earth. The cover of the landfill shall be graded so as to minimize water infiltration, promote proper drainage, and control erosion. Erosion of the cover shall be controlled by establishing suitable vegetative cover.

120.04.04.X Salvage Yard

1. **Applicability**. The provisions of this Section shall apply to:
   a. Any Salvage Yard with outdoor storage; and
   b. Any Industrial Use as listed in Table 120.02.01-2, *Permitted Uses by Residential and Zoning District and Development Type*, and Table 120.02.02-2, *Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type*, involving outdoor storage of salvage as a primary use or an accessory use.
2. **NCGS**. The use shall comply with NCGS § 136- 144.
3. **Stacking of Materials**. Materials shall not be vertically stacked so as to be visible from the public right-of-way or any buffer yard as required in Section 121.04.03, *Buffer Yard Landscaping*.
4. **Setbacks**. No yard or storage lot shall be placed or maintained within a required yard setback.
5. **Tires**. All tires not mounted on a vehicle shall be neatly stacked or placed in racks. If stacked, the stacks shall not be stacked over six feet in height.
6. **Waste**. No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises.
7. **Hazardous Materials**. Gasoline, oil, or other hazardous materials removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations.
8. **Other Regulations**. All other regulations of the state of North Carolina and the Town of Harrisburg such as, but not limited to, building codes, fire codes, weed regulations, and health regulations shall apply to the operation of all such uses.

120.04.05 Conditional Zoning

A. **Applicability**. All zoning requirements that apply to the general use district are also applicable to the corresponding conditional use district unless adopted conditions are more restrictive.

B. **Consent**. With the applicant's written consent, the Town Council may agree to conditional zoning conditions that address additional fees, design requirements, and other development considerations.

120.04.06 Special Use Standards

A. **Generally**. Special Use Permit approval is a quasi-judicial procedure whereby the Board of Adjustment (BOA) verifies that a special use, as denoted in the use tables in § 120.02, *Zoning Districts and Standards*, complies with the requirements of this UDO and is appropriate for the location in question.

B. **Purpose**. The purpose of a Special Use Permit review is to ensure that a use generally deemed incompatible with permitted uses in a given zoning district can be considered for approval with certain conditions placed on the use as denoted in in this Section.

C. **Applicability**. An application is required for the establishment of a new special use, a change to a special use, or the expansion of a special use that has not been approved.

D. **General Criteria**. In determining whether to approve, approve with conditions, or deny a special use, the (BOA) shall consider any applicable standards from § 120.04, *Land Use Standards*, and the provisions of this Section in making its final decision. The BOA shall consider the following general criteria for each use below in addition to specific standards listed per use:

1. *HALUP*. The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the HALUP;
2. *Ingress and Egress*. Adequate measures will be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads;
3. *Nuisances*. The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
4. *Orderly Development*. The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;
5. *Health, Safety, and Welfare*. The establishment, maintenance, and operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare; and
6. *Other Provisions*. The proposed use complies with all other applicable provisions of this UDO.

120.04.07 Accessory Use and Structure Standards

120.04.07.A General Provisions

1. **Generally.** Permitted accessory uses and structures are set forth in Table 120.04.07.A-1, *Permitted Accessory Uses and Structures*, below. If a Primary use is listed as prohibited in a zoning district but is permitted as an Accessory Use, the use is permitted only as an accessory use to a principal use or principal building on the same property.
2. **Permitted Accessory Uses.** The uses listed in Table 120.04.07.A-1, below, shall be permitted by right (unless noted otherwise) in any of the listed zoning districts.

Table 120.04.07.A-1, Permitted Accessory Uses and Structures

Accessory Use	Zoning Districts
Accessory Dwelling Unit	Permitted by Right Subject to Limitations in Subsection 120.04.07.B, *Standards*, according to Table 120.02.01-2, *Permitted Uses by Residential Zoning District and Development Type*
Agricultural Structure	Permitted by Right Subject to Limitations in Subsection 120.04.07.B in AG, RE, RL
Family Care Home or Family Child Care Home	Permitted by Right in All Residential Zoning Districts Special Use in CC, O-I, and NC
Garage or Carport (noncommercial)	Permitted by Right in All Zoning Districts
Greenhouse (noncommercial)	Permitted by Right in All Residential Zoning Districts
Home Occupation	Permitted by Right Subject to Limitations in Subsection 120.04.07.B in All Residential Zoning Districts
Off-Street Parking and Driveway	All Zoning Districts
Portable On-Site Storage	Permitted by Right Subject to Limitations in Subsection 120.04.07.B in All Zoning Districts
Recycling Facilities and Drop Off Sites	Permitted by Right Subject to Limitations in Subsection 120.04.07.B in All Zoning Districts
Satellite Dish	Permitted by Right in All Zoning Districts
Bed & Breakfast Inn or Short-Term Rental (Host-Occupied)	Permitted by Right Subject to Limitations in Subsection 120.04.07.B in All Residential Zoning Districts
Sign	Permitted by Right subject to § 121.05 in All Zoning Districts
Storage Building (residential)	Permitted by Right in All Zoning Districts
Swimming Pool (subject to the standards of subsection H, below)	Permitted by Right Subject to Limitations in Subsection 120.04.07.B in All Residential Zoning Districts
Tennis Court	Permitted by Right in All Zoning Districts

Table 120.04.07.A-1, Permitted Accessory Uses and Structures	
Accessory Use	**Zoning Districts**
Wireless Telecommunications Antenna or Tower (subject to §120.04.03, Limited Use Standards)	Special Use subject to Section 120.04.05 in All Zoning Districts
Other Telecommunication Antenna or Tower	Permitted by Right in All Zoning Districts
Any other structure or use customarily incidental to the permitted primary use or structure	Permitted by Right in All Zoning Districts

3. **Establishment.** Accessory uses and structures shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established.
4. **Dwelling**. Accessory buildings shall not be used for dwelling purposes, except as provided in Section 120.04.07.B, *Standards*.
5. **Location.**
   a. *Required Setbacks*. Except as may be required for a specific accessory use or structure in Subsection 120.04.07.B, *Standards*, an accessory structure shall be located a minimum of five feet from a side or rear property line.
   b. *Distance from Principal Structure*. No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks for the principal structure.
   c. *Residential Lots Below Two Acres.* For residential lots not exceeding two acres, detached accessory buildings shall not be located in the front yard and shall not occupy more than 30 percent of the required rear yard.
   d. *Residential Lots Two Acres or More*. For residential lots that are two acres or more, detached accessory buildings may be located in the front yard but not closer than 75 feet from the front property line/street right-of-way. Detached accessory buildings may be closer than the distance specified above if they are not visible from a public street.
   e. *Non-residential Accessory Structures.* The location of permitted accessory structures associated with a non-residential use shall be governed by the same dimensional regulations as set forth for the principal use structure(s).
   f. *Double Frontage Lots.* Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.
6. **Height.** Accessory buildings shall not exceed:
   a. The standard height regulations of the zoning district as set forth in Chapter 120.02, *Zoning Districts and Standards*, where accessory structure is located within the buildable lot area;
   b. Fifteen feet in height, where the accessory structure is located within a principal structure setback yard.
7. **Size**. An accessory building shall not exceed the ground floor area of the principal building.
8. **Materials.** No accessory use of a structure shall be permitted that involves or requires any construction features or materials, which are not primarily residential in nature or character.
9. **Lighting**. Exterior lighting for accessory uses and/or structures shall be placed so as to not directly or reflect light upon adjoining land.
10. **Exemptions.** The following uses/structures shall be exempt from the provisions of this Section:
    a. Fencing and walls; However, in no case shall a rear or side yard fence exceed seven feet. Front yard fences shall not exceed five feet in height. Recreational facility fences are exempt from the height restrictions listed in this section
    b. Mailboxes;
    c. Plant materials;
    d. Any structure or improvement, once installed, is at grade or less than one foot above grade.

120.04.07.B Standards

1. **Approval of Accessory Uses and Structures**. The standards in this Section apply to accessory uses and structures that are listed as permitted subject to limitations or that require a Special Use Permit in Subsection 120.04.07.A, *General Provisions*.
2. **Accessory Dwelling Units (ADUs).**
   a. *Zoning Districts.* ADUs are allowed in accordance with the use tables in § 120.02, *Zoning Districts and Standards*.
   b. *Housing Standards.* ADUs shall comply with all applicable local, State, and Federal housing codes.
   c. *Number.* Only one ADU shall be permitted per lot.
   d. *Size of Unit.* The ADU shall not exceed 50 percent of the square footage of the livable area of the primary structure or 1,100 square foot of gross floor area, whichever is less.
   e. *Location of the ADU on the Lot.* A detached ADU shall be sited to the rear of the principal building, as depicted in Figure 120.04.07.B, *ADU Location*. In the AG or RE zoning districts, the Accessory Dwelling unit may be sited to the side of the principal building only if the lot exceeds 10 acres in size.
   f. *Manufactured Homes.* A manufactured home shall not be pulled up to or attached to a primary residence and considered an ADU. A manufactured home, as a principal or accessory dwelling unit, shall be permitted only in the MH Manufactured Home Overlay District.
   g. *Parking.* Adequate off-street parking shall be provided for any vehicles owned by occupants of the ADU.
   h. *Utilities.* Where there is no public sanitary sewer service to the ADU, County Health Department shall approve sanitary sewer services provided to such ADU prior to its construction.
   i. *Owner-Occupied Restriction.* ADUs shall only be allowed on parcels that contain owner-occupied single-family dwelling units that are allowed as a principal permitted use.

Figure 120.04.07.BADU Location

FIGURE NOTES:
Yellow shaded in structures indicate ADU locations

3. **Agricultural Structure**. All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than 150 feet from a dwelling unit. This requirement shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.
4. **Home Occupation**.
   a. *Accessory to Dwelling*. A home occupation is permitted as an accessory use to any dwelling unit in accordance with the following standards.
   b. *Accessory Structures*. A home occupation business is allowed in a permitted accessory structure.
   c. *Floor Area*. A home occupation shall occupy no more than 25 percent of the total floor area of the residential structure.

d. *Residential Character*. The business shall not change the essential residential character of the dwelling and/or lot.

e. *Employment*. The use shall employ no more than one person who is not a resident of the dwelling. The owner may apply for a Special Use Permit in accordance with Section 125.04.03, *Special Use Permit*, in order to have one additional employee who is not a resident of the dwelling.

f. *Hours of Operation*. The business shall not operate outside of the hours of 7:00 AM to 7:00 PM. This time limitation shall apply to the actual operation of the business on site, and shall not apply to preparation time for business, including leaving or returning to the home.

g. *Equipment*. The home occupation shall not utilize mechanical, electrical, or other equipment which produces excessive noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside of the dwelling or accessory structure.

h. *Outdoor Storage*. Outdoor storage of equipment, except for equipment of a type that could be reasonably associated with the principal use, is prohibited.

i. *Commercial Vehicles*. Only one commercial vehicle will be allowed in connection with the conduct of the home occupation.

j. *Signs*. One wall sign that is a maximum of one square foot in area is permitted.

k. *Prohibited Uses*. The following uses are prohibited from home occupation:

   i. Uses in the following use categories: Heavy Industrial, Indoor Entertainment, Light Industrial, Outdoor Entertainment, and Vehicle Sales and Service;

   ii. Furniture refurnishing;

   iii. Gymnastics facilities;

   iv. Medical offices;

   v. Animal services;

   vi. Athletic studios or outdoor recreation;

   vii. Sales-Oriented Uses where the customer needs to come to the home occupation to make a purchase;

   viii. Mortuaries;

   ix. Body piercing and/or tattoos;

   x. Therapy with more than one client at a time;

l. Any use that draws more than one client or customer to the dwelling at the same time on a regular basis; and

m. The Director has the authority to allow or disallow a use based on the impact the use will have on the surrounding residential area.

5. **Portable On-Site Storage**.

a. *Exemptions*.

   i. The above restrictions do not apply to any parcel greater than five acres in size.

   ii. The Temporary Use Permit fee may be waived in the case of damage as a result of fire, storm, flood, or other disaster events.

   iii. Any commercial or residential construction site with active Zoning and Building Permits may have as many storage units as are needed on the site without restrictions or permits.

   iv. *Tenure*. A unit may remain on the parcel for a maximum of 90 days per calendar year without obtaining a Temporary Use Permit. A written reason, timeline, and completion date must be submitted by the applicant prior the issuance of the permit.

   v. *Location*.

      A. A unit shall be placed in the side or rear yard only. However, the unit may be placed in the front yard if side and rear areas are not accessible, as determined by the Director (unless the unit adversely impacts safety, sight triangles, or emergency response access). The unit shall not be placed in any recorded easement or in the street right-of-way.

      B. A unit shall be placed a minimum of five feet from side and rear property lines. There is no minimum spacing between units.

vi. *Number*. There shall be a maximum of two portable on-site storage units per parcel at any one time.

vii. *Generally*. The following requirements apply to any residential zoned or used property upon which a portable on-site storage unit is to be placed.

6. **Recycling Facilities and Drop Off Sites**.

a. *Unattended Clothing Donation Containers.* Unattended clothing donation containers are prohibited unless located at the operational site of a company or organization that collects used clothing for resale or donation as a primary business function.

b. *Removal of Prohibited Clothing Donation Containers*. Prohibited clothing donation containers that exist at the time this section is adopted shall be removed within 30 days of adoption.

7. **Short-Term Rental (Host-Occupied)**.

1. *Host Occupation*. A short-term rental property shall be considered host-occupied if the property is the host's primary residence for a minimum of 183 days per calendar year.

2. *Housing Type*. A short-term rental shall only take place in a single-family detached dwelling.

3. *Tenure*. A short-term rental tenant shall not stay more than 29 consecutive days in duration.

4. *Number of Tenant Rooms*. A short-term rental shall have no more than two tenant rooms.

5. *Number of Occupants*. Each short-term rental tenant room shall be limited to a maximum of two adults, over 18 years old.

6. *Signs*. One wall sign that is a maximum of one square foot in area is permitted.

7. *Insurance*. Each short-term rental host shall obtain and maintain, at the host's sole expense, liability insurance to cover the injury or death of a tenant while the tenant is in, on, or about the short-term rental property.

8. *Parking*. Each short-term rental shall provide one off-street parking space for each tenant room.

8. **Solid Waste Storage Areas**.

a. *Lids*. Solid waste dumpsters or other large containers for solid waste storage shall have a lid to minimize the potential contamination of stormwater runoff. These provisions shall apply to all nonresidential and mixed use development, multifamily residential developments and/or single-family attached residential developments, which do not use roll-out containers for curbside solid waste pickup.

b. *Materials*. Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site.

c. *Screening*. Solid waste dumpsters or other large containers for solid waste or recycling storage shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), shall be of solid opaque construction, six-foot high with latching gates providing access, and shall be composed of materials that are consistent and compatible with those of the principal building(s) on the site. No solid waste storage area shall be located in any front building yard setback or any street yard or buffer yard.

d. **Retail Operations in the EC District**. Retail sale of items or products manufactured or stored by the primary use are permitted subject to the limitation that interior retail operations may not exceed 20 percent of the individual business's gross floor area of the site. Outdoor display areas shall not exceed 10 percent of the individual business's gross square footage.

e. **Food Truck Courts**.

i. *Associated Use Categories*. Food truck courts are permitted as accessory uses to uses in the following use categories:

A. Community Amenities;

B. Educational Facilities;

C. Medical Facilities;

D. Parks and Open Areas;

E. Public Assembly;

F. Entertainment, Indoor;

G. Entertainment, Outdoor;

H. Office; or

I. Retail Repair, Sales, and Service.

ii. *Placement*. The food truck court shall not be located in any required setback, sight triangle, or buffer.

iii. *Permission*. The operator of a food truck shall obtain, in writing, and have on hand, the property owner's permission to operate on the property.

9. **Swimming Pools.** A private swimming pool along with incidental installations, such as pumps and filters, is permitted in any residential zoning district subject to the following standards.

a. *Location*.

i. The swimming pool and incidental installations shall be located in other than the front yard.

ii. The swimming pool shall be set back from all lot lines a distance of not less than five feet

b. *Screening*. If any pool contains at least 450 square feet of water surface area or has a depth of 36 inches or greater at its shallowest point, the pool shall be enclosed from adjoining lots by the Principal Building, an Accessory Building, a solid wall, or a protective fence of not less than four feet in height. In the alternative, a pool cover shall be provided and shall be installed whenever the pool is not in use.

c. *Impervious Surface*. In-ground pools shall count toward the lot coverage limitations for the zoning district.

120.04.08 Temporary Use and Structure Standards

120.04.08.A General Provisions

1. **Generally**. Permitted temporary uses and structures are set forth in Table 120.04.08.A, *Permitted Temporary Uses and Structures*. Standards for temporary uses and structures are set forth below and in Section 120.04.07.B, *Standards*.
2. **Purpose.** The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Director is required pursuant to Section 125.02.10, *Temporary Use Permit*.
3. **Permitted Temporary Uses**. The uses listed in Table 120.04.08.A below, shall be permitted by right (unless noted otherwise) in any of the listed zoning districts.

Table 120.04.08.A, Permitted Temporary Uses and Structures

TP = Temporary Permitted Use | TS = Temporary Special Use | -- = Prohibited Use | Maximum Events per Year / Days per Event (Duration Column)

Temporary Use	Duration	Zoning Districts										
		Homestead and Residential					Non-Residential and Mixed-Use					
		AG	RE	RL	RM	RH	MU	CC	O-I	NC	GC	CD, EC
Amusement Enterprises	1 / 21	--	--	--	--	--	--	--	TP	--	TP	TP
Commercial Outdoor Sales Event	4 / 7	--	--	--	--	--	TP	TP	--	--	TP	--
Contractors' Office (Temporary)	See 120.04.07.B	TS	TS	TS	TS	TS	TS	TS	TP	TS	TP	TP
Fireworks Stand	1 / 45	TP	--	--	--	--	--	--	TP	TP	TP	TP
Food Truck	365 / 1	--	--	--	--	--	TP	TP	TP	TP	TP	TP
Outdoor Circus, Carnival, Exhibition,	1 / 30	--	--	--	--	--	--	--	--	--	TS	TS

Table 120.04.08.A, Permitted Temporary Uses and Structures												
TP = Temporary Permitted Use | TS = Temporary Special Use | -- = Prohibited Use | Maximum Events per Year / Days per Event (Duration Column)												
Temporary Use	Duration	Zoning Districts										
		Homestead and Residential					Non-Residential and Mixed-Use					
		AG	RE	RL	RM	RH	MU	CC	O-I	NC	GC	CD, EC
or Show												
Real Estate Office in a Construction Trailer or Temporary Modular Unit	See 120.04.07.B	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP
Real Estate Office in a Model Home	See 120.04.07.B	TP	TP	TP	TP	TP	TP	TP	--	--	--	--
Religious Event	1 / 60	TP	--	--	--	--	--	TP	TP	TP	TP	TP
Seasonal Sale of Agricultural Products	4 / 30	TP	--	--	--	--	--	--	--	--	TP	TP
Sidewalk Vendor	3 / 45	--	--	--	--	--	--	--	--	--	TP	--
Single Family Dwelling in Temporary Structure	See 120.04.07.B	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP
Temporary Residence in Mobile Home During Construction of New Home	See 120.04.07.B	TP	TP	TP	TP	TP	--	--	--	--	--	--

4. **Review Criteria.** All temporary uses listed in this Section require a Temporary Use Permit. The Director shall not approve or modify and approve an application for a Temporary Use Permit unless the following general criteria, specific regulations and time limitations are met in addition to standards for any particular temporary use as specified in Section 120.04.07.B, *Standards*.
   a. *Compatibility with/Effect on Surrounding Area.* The allowance of such use shall not be detrimental to the public health, safety, and general welfare, and the use shall be consistent with the purpose and intent of this UDO and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.
   b. *Location (Permission Required)*. The use shall not be on publicly or privately owned property unless the applicant first obtains written approval from the owner.
   c. *Traffic.* The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon *traffic circulation in the area.*
   d. *Parking and Access*. Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
   e. *Property Line Setbacks.* Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall items be displayed, or business conducted within the public right-of-way, except that this Section shall not apply to the CC or MU district.
   f. *Signs.* Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. See Section 121.05.05, *Temporary Signs* for specific standards for signs.
   g. *Number per Parcel.* Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time.
   h. *Utilities*. Temporary uses must provide sufficient potable water and adequate sewage disposal.

i. *Outdoor Lighting*. All light sources must be directed inward to the site and downward and away from adjacent properties. Refer to § 121.06, *Outdoor Lighting*.

j. *Public Convenience and Litter Control*.

a. Adequate public restroom facilities and waste containers shall be required on-site.

b. After the temporary use is finished, the site shall be returned to its condition prior to the temporary use being established, including, but not limited to, removal of all litter and any other facilities related to the use, at no expense to the Town.

5. **Period of Time Between Permits.** The period of time an expired Temporary Use Permit on a parcel and application for another Temporary Use Permit on that parcel shall be at least three months. This restriction shall not apply to real estate development and constructed related temporary uses as set forth in Subsection 120.04.07.B, *Standards*.

6. **Similar and Compatible Uses not Specified.**

a. *Authority.* If a particular temporary use is not listed in this UDO, the Director shall have the authority to grant a temporary use permit for a "similar and compatible use".

b. *Similar and Compatible Uses*. Similar and compatible uses not specified are those uses which are similar and compatible with those allowed as temporary uses in this Section.

c. *Use Determination*. Determination of what constitutes similar and compatible shall be made by the Director. In such instances, the applicant shall provide the following information:

i. Type of use;

ii. Number of employees;

iii. Parking/circulation needs/hours of operation; and

iv. Duration of operation.

d. *Appeals.* If the Director determines that the use is not similar and compatible, the applicant may appeal the decision to the Planning and Zoning Board of Adjustment in accordance with Section 125.04.04, Appeal of Administrative Decisions.

120.04.08.B Standards

1. **Approval of Temporary Uses and Structures**. The standards in this Section apply to temporary uses and structures that are listed as permitted subject to limitations or that require a Special Use Permit in Subsection 120.04.07.A, *General Provisions*.

2. **Temporary Retail Sales Uses.**

a. *Fireworks Stands.* Limited to only non-residential zones for a period of time not to exceed 45 days. A maximum of one structure, not to exceed 120 square feet in area, shall be allowed. The structure must be portable and completely removed at the end of the permit period. Any sales of fireworks shall be regulated in accordance with NCGS 14-410 and 14-414 and NC Fire Code.

b. *Seasonal Sale of Agricultural Products (including Christmas Trees)*. Temporary Use Permits are required for all Roadside Stands in non-residential zoning districts. Such sales are limited to a period of time not to exceed four consecutive months per calendar year. A maximum of one building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the period.

c. *Sidewalk Vendors*. The sale of food, beverages, or merchandise from a stand or from a person may be allowed in the GC zoning district, and shall be limited to a period not to exceed 90 continuous days per calendar year in a given location. Even if at any time the vendor does not occupy the permitted site, the 90-day limit shall not be extended.

3. **Real Estate Development and Construction-related Temporary Uses.**

a. *Contractors Office and Equipment/Storage Sheds.* Placement of such as a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year if approved by the Director. A construction trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the

site within thirty days of issuance of a Certificate of Compliance and Occupancy or completion of the construction project, whichever occurs first.

b. *Real Estate Office in a Construction Trailer or Temporary Modular Unit.* Temporary structures, such as construction trailers or temporary modular units may be used as real estate sales offices in any new residential construction project for the sale of units within that project only. Such a temporary use may be allowed in all zoning districts. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted (as a sales office) per builder. Each individual trailer or modular unit shall be located on an individual lot. In no case shall multiple permits be issued for the same Parcel Identification Number (PIN). The permit shall be valid until the project is completed or for a period of two years from the time of the recording of the most recent final plat. All temporary structures shall be removed within 30 days of the completion of the project.

c. *Real Estate Office in a Model Home.* Temporary structures, such as a real estate office in a model home, are limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the Director. The number of employees utilizing the office at any one time may not exceed five. A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

d. *Single Family Dwelling in Temporary Structure*. During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the Certificate of Zoning Compliance for a non-residential structure or the first residential unit if within a residential development.

e. *No Recreational Vehicles.* No Recreational Vehicles shall be permitted as a Temporary Use or Structure.

f. *Temporary Residence in Mobile Home During Construction of New Home.* In the event that a new single-family home is being constructed on a parcel where a mobile home currently exists, the mobile home may remain for the duration of the building process for the new home. Said mobile home shall be removed within 30 days of the date of the last final inspection, as required by North Carolina Building Codes and/or any other applicable codes. Said inspections include, but are not limited to: final building, electric, plumbing and/or mechanical inspections for occupancy of the structure.

g. *Amusement Enterprises*. Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed 21 days within any calendar quarter. This classification excludes events conducted in a permanent entertainment facility.

h. *Religious Events.* Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed 60 days.

4. **Commercial Outdoor Sales Event**. Such activities may be conducted outside for a period of not more than seven consecutive days. If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four feet must remain unobstructed for pedestrian use. A Temporary Use Permit for promotional activities may be renewed four times during any calendar year, for a maximum of 28 days per calendar year.

5. **Special Events and Activities.** Special events and activities conducted on public property such as school sites and public parks shall be exempt from the provisions of this Section of the UDO but must comply with any guidelines, regulations and permitting process required by the authorizing agency (e.g. School District or a Parks and Recreation Department).

§ 120.05 Measurements and Allowances

Contents:

120.05.01 Measurements (4.7, Figure 4.7-1)
120.05.02 Specific Allowances (4.7, Figure 4.7-1)

120.05.01 Measurements

Table 120.05.01, *Measurements*, below, provides the method of measurement for the developmental standards in this UDO. Standards related to each type of measurement in this Section are established in the tables in §120.02,*Zoning Districts and Standards*.

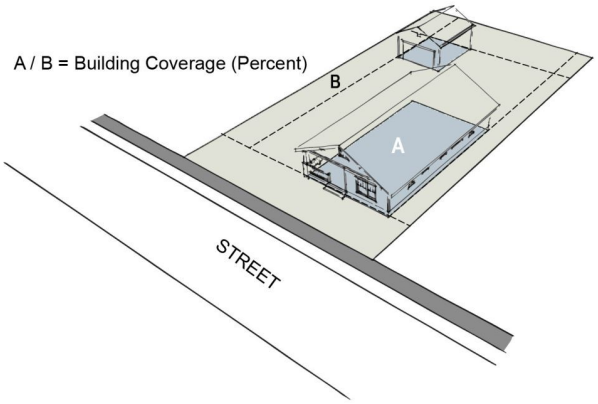
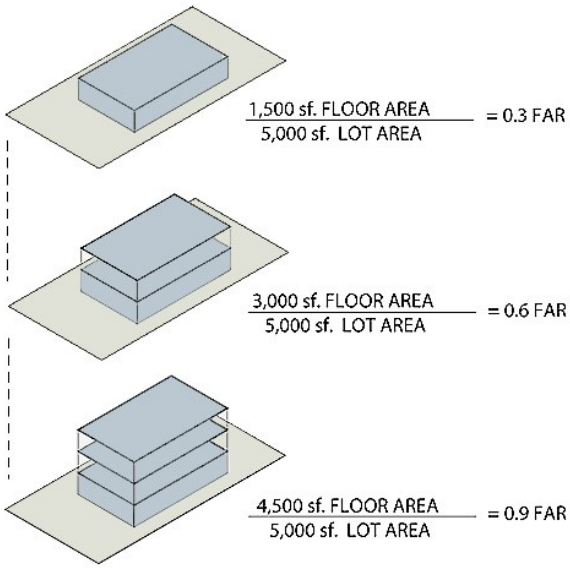
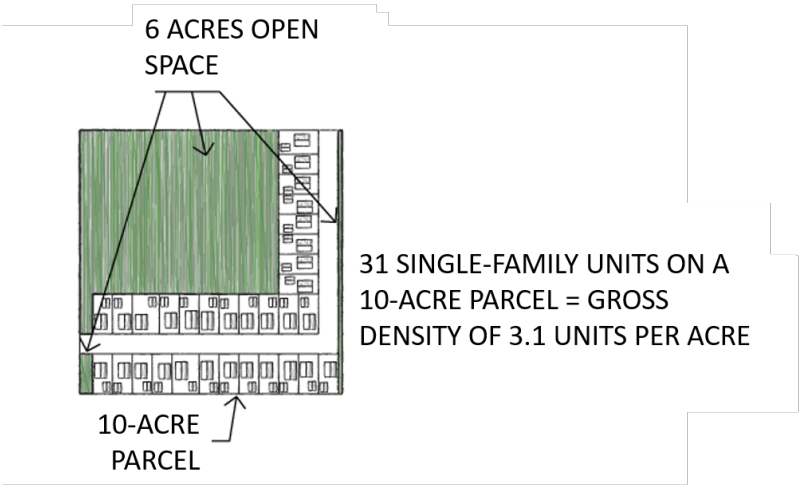
Table 120.05.01, Measurements		
Measurement	Methodology	Illustration
Lot Coverage	The area of a parcel occupied by permanently anchored primary and/or accessory buildings, including in-ground pools, walkways, driveways, decks, and patios.	
Floor Area Ratio	The gross floor area of all buildings on a lot, divided by the lot area.	
Gross Density	The number of dwelling units divided by gross acres, with gross acres being total site area.	

Table 120.05.01, Measurements

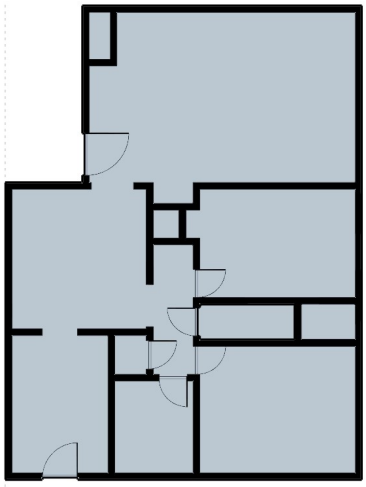
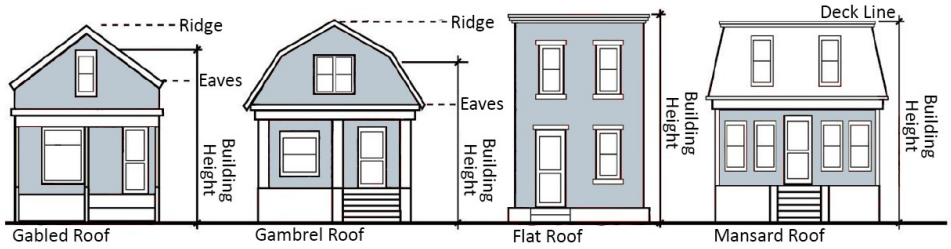
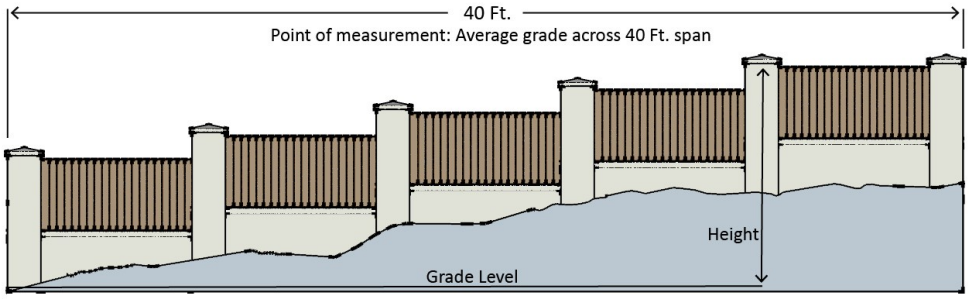
Measurement	Methodology	Illustration
Gross Floor Area	The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building.	
Height	**Buildings:** The vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof.	
	Walls or Fences: The vertical distance from the grade level of that portion of a parcel immediately abutting a wall or fence to the highest point of the wall or fence.	

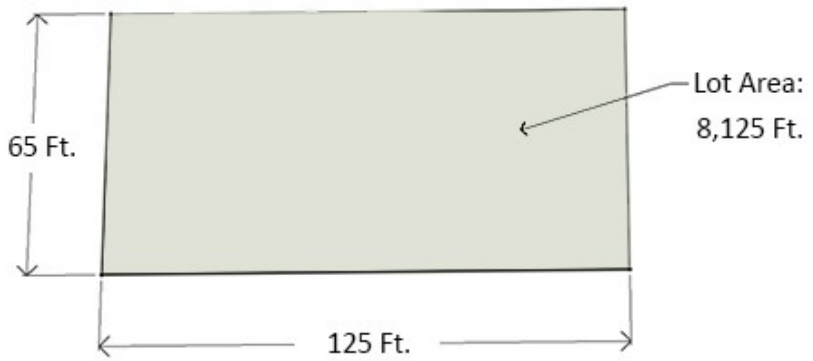
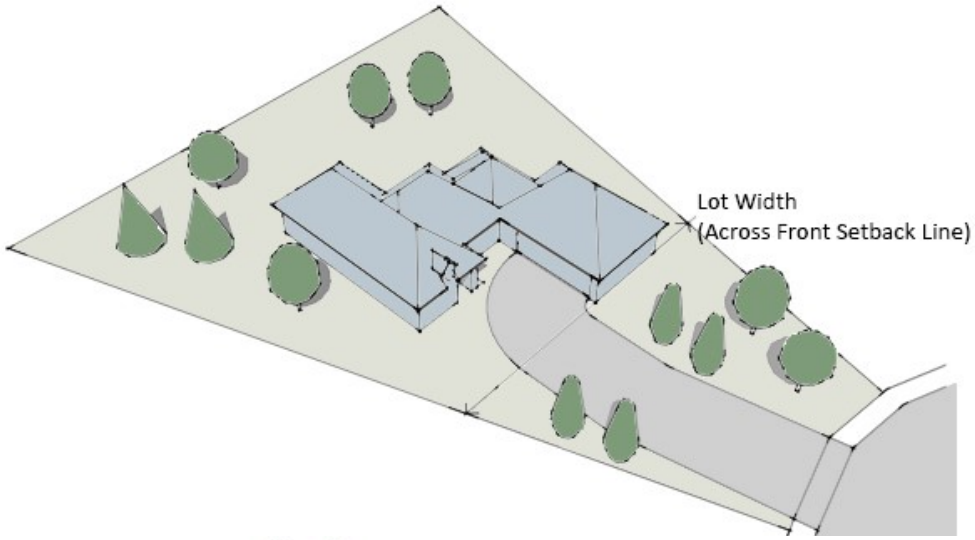
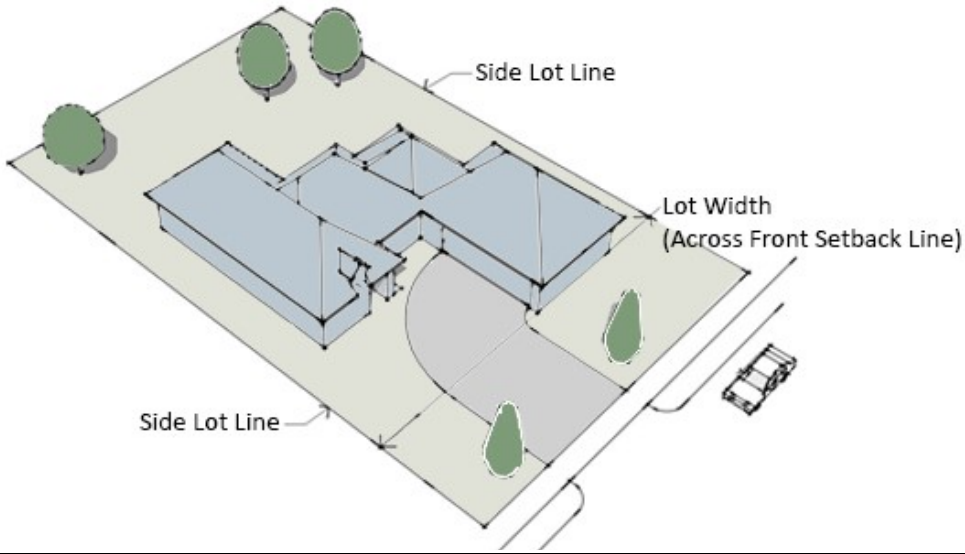
Table 120.05.01, Measurements		
Measurement	Methodology	Illustration
Lot Area	The total horizontal area included within property lines.	
Lot Width	For an interior parcel, the horizontal distance between the side property lines, measured at the required front setback line. For a cul-de-sac parcel, the horizontal distance between the side property lines measured at the front setback line.	 

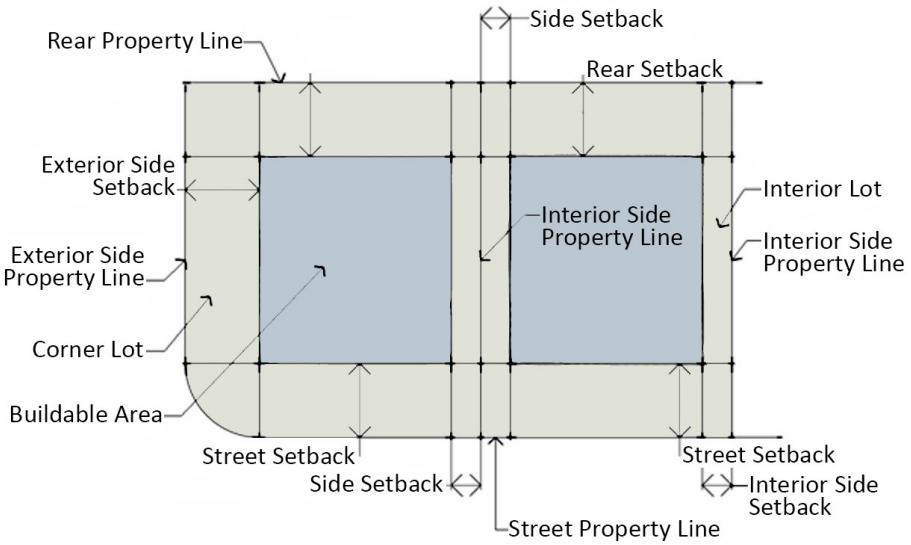
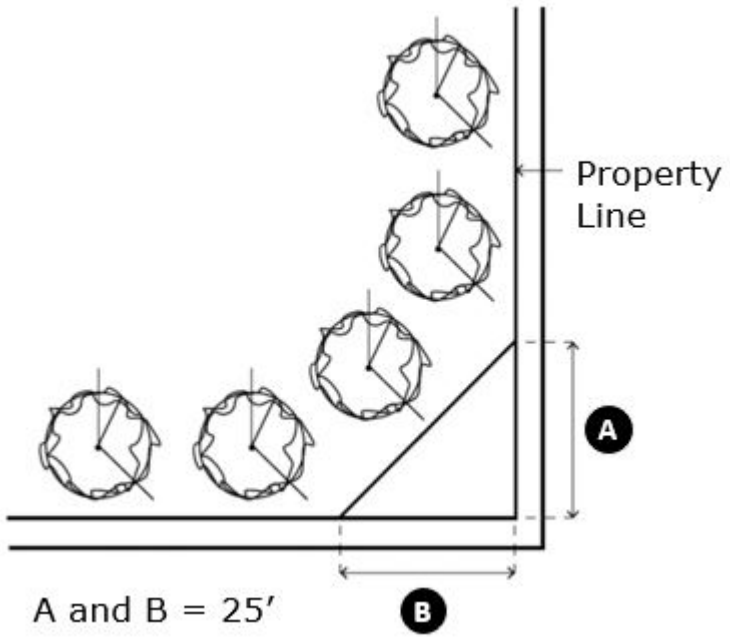
Table 120.05.01, Measurements		
Measurement	Methodology	Illustration
Setback	The horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward. The front and side setback lines span the entire width of the property. The interior side and exterior side setback lines extend from the required front setback line to the required rear setback line.	
Sight Triangle	The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway. The horizontal dimensions of this triangle are measured 35 feet along the property line from the intersection involving an arterial street; 25 feet for an intersection involving a collector or local street or a street and driveway; and 15 feet along both the street and alley line from the intersection of a street and an alley. The vertical dimensions of this triangle are 2 feet (A) to 6 feet (B) above finished grade.	

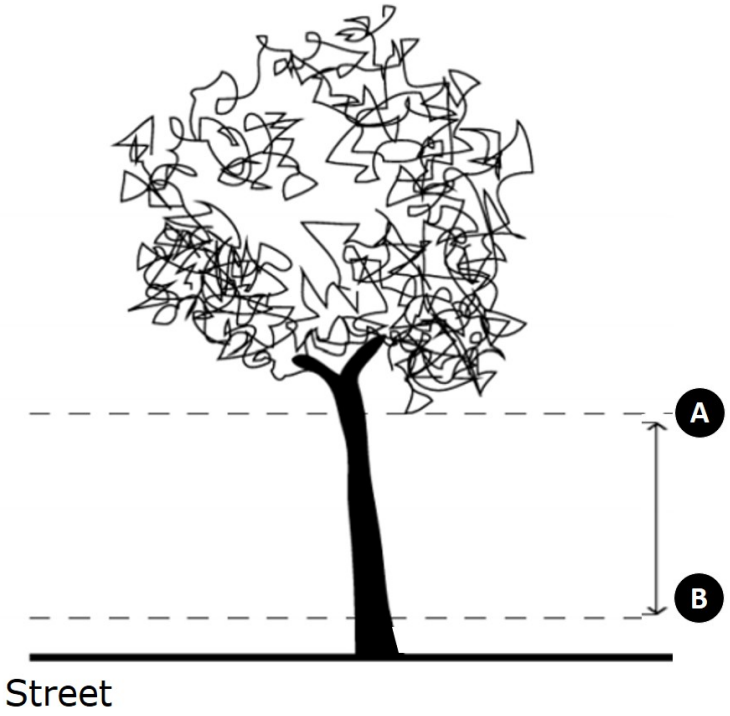
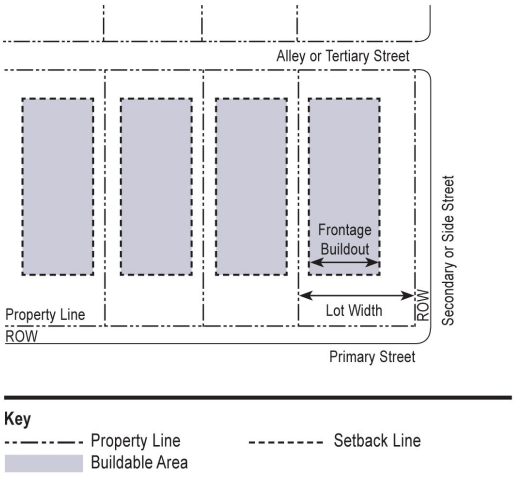
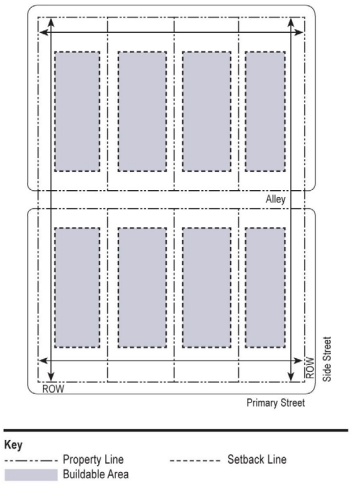
Table 120.05.01, Measurements		
Measurement	Methodology	Illustration
		
Frontage Buildout	The minimum percentage of the lot width which must be occupied by building façade within the Build-To-Zone. For example, a property which is 100 feet wide with a Frontage Buildout of 60% would require that at least 60 feet of façade length be maintained in the Build-to-Zone. Any additional length of front façade would be allowed to step back further from the Build-to-Zone, if desired. The intent of this requirement is to encourage development to maximize their front façade exposure along the Street.	

Table 120.05.01, Measurements		
Measurement	Methodology	Illustration
Block Perimeter	The sum of the lengths of the lot lines bordering the public right of way, not including the alley.	

120.05.02 Specific Allowances

A. **Lot Averaging**. Lot averaging is a design technique that replaces minimum lot dimensions with an average lot width and size. On an optional basis, the lot area and width dimensions in § 120.02, *Zoning Districts and Standards*, may be averages for each zoning district. Lot averaging may only be applied where both of the following conditions apply:

1. *Greater than 90 Percent*. No lot in a development shall have a lot area or lot width that is less than 90 percent of the lot area or lot width specified in § 120.02.
2. *Equal to or Greater*. The average lot area and average lot width in the development shall be equal to or greater than the lot area and lot width specified in § 120.02.

B. **Setbacks**. The following features may encroach into a required building setback:

1. *Outdoor Seating*. Outdoor seating associated with a Restaurant use category may project a maximum of five feet into a required front setback, provided the space is at grade and is separated from the right-of-way by landscaping or a vertical barrier;
2. *Bay Windows*. Bay windows or other structural overhangs, not to exceed three feet;
3. *Chimneys*. Chimneys, not to exceed two feet;
4. *Heating and Cooling*. Heating and cooling units, not to exceed three feet;
5. *Architectural Features*. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed two feet;
6. *Stairs*. Steps, stairs or fire escapes (non-enclosed), not to exceed six feet;
7. *Decks and Porches*. Uncovered, unenclosed decks, terraces, stoops or porches, but in no case closer than five feet to any property line;
8. *Fences and Walls*. Fences and Garden/Yard Walls; and
9. *Accessory Structures*. Any permitted accessory structure or use customarily incidental to the permitted primary use or building as allowed in accordance with the use tables in § 120.02 and Section 120.04.07, *Accessory Uses and Structures*.

C. **Reduced Front Yard Setback in Developed Areas**. The minimum front yard setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front setback on such a lot may be less than the required front setback but not less than the average of the existing front setbacks on the developed lots within 300 feet of each side.

D. **Height.**

1. *Exceptions to Height Restrictions*. Zoning district height limits shall not apply to belfries, cupolas, spires, domes, monuments, airway beacons, structures for essential services, windmills, flagpoles, chimneys, or chimney flues. Height limits shall not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.
2. *Setback Plane*. Where a multi-family, nonresidential, or mixed use building adjoins a property with a single-family dwelling or duplex, the building may be increased beyond the maximum permitted height if the setback nearest the adjoining single-family dwelling or duplex is increased one foot for each one foot of height above the maximum permitted height as depicted in Figure 120.05.02, *Setback Plane*.

Figure 120.05.02, Setback Plane

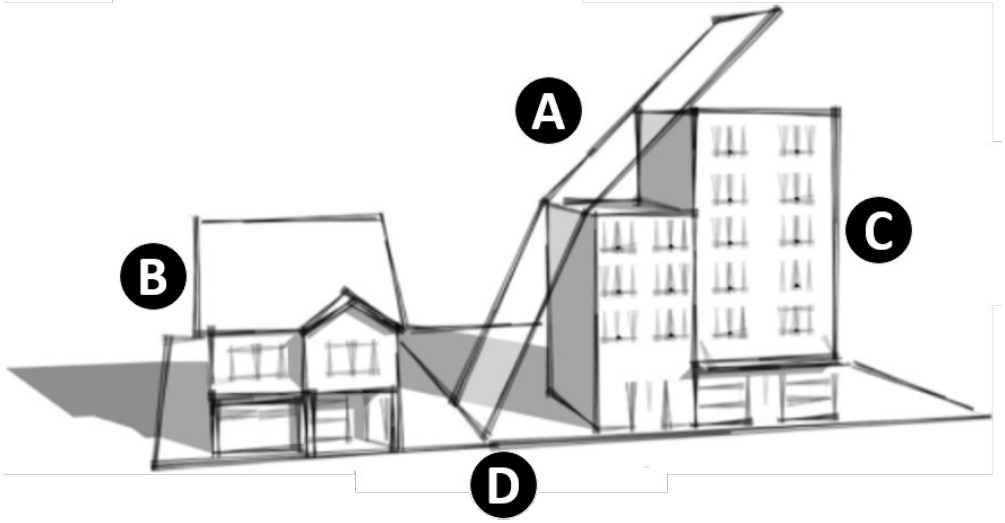


FIGURE NOTES:
A = 1:1 setback plane; B = Single-family dwelling or duplex; C = multi-family, nonresidential, or mixed use building; D = Property line

E. **Building Coverage and Impervious Area**.

1. *Building Coverage*. The square footage of structures that house permitted Agricultural and Animal Related Uses as defined in § 128.02, *Definitions*, does not count toward the maximum building coverage limitation.
2. *Impervious Area Bonus*. Properties that utilize a green roof or on-site water collection and micro-storage via barrels, rain gardens, vegetated gardens, or reuse for irrigation purposes may increase the allowable impervious area by up to 10 percent of the lot area.

CHAPTER 121: BUILDING AND SITE DESIGN (CROSS-REFERENCE TO E.2. ARCHITECTURAL DESIGN STANDARDS)

Contents:

§ 121.01 Applicability and Purposes
§ 121.02 Building Design
§ 121.03 Parking, Loading, Stacking, and Access
§ 121.04 Trees, Landscaping, and Buffering
§ 121.05 Signs
§ 121.06 Outdoor Lighting

§ 121.01 Applicability and Purposes

Contents:

121.01.01 Applicability (New)
121.01.02 Purposes (New)

121.01.01 Applicability

A. **Generally.** The standards of this Chapter apply to new development, redevelopment, substantial improvement, and expansions of use, sites, and buildings, as shown on Table 121.01.01, *Building and Site Design Standards Applicability*.

B. **Timing of Compliance**. The County will not issue a Certificate of Compliance and Occupancy until all site improvements required in this Article are constructed in conformance with the approved permit or plan required in Chapter 125, *Development Review Procedures*.

Table 121.01.01, Building and Site Design Standards Applicability

Type of Development	Sections of this Article				
	§ 121.02, Building Design	§ 121.03, Parking, Loading, Stacking, and Access[1]	§ 121.04, Trees, Landscaping, and Buffering	§ 121.05, Signs	§ 121.06, Outdoor Lighting[1]
	♦ = Section Applies				
New residential, nonresidential or mixed-use development or change in use from residential to nonresidential or mixed-use	♦	♦	♦	♦	♦
Increase in apartment units, manufactured home pads, GFA , or impervious surface by 50 percent or more[1]	♦	♦	♦	♦	♦
Increase in apartment units, manufactured home pads, GFA or impervious surface by 25 to 49 percent[2]	♦	♦	♦		♦
Change in use requiring 10 or more additional parking, loading, or stacking spaces		♦	♦		♦
Increase in apartment units, manufactured home stands, GFA or impervious surface by less than 25 percent[2]		♦	♦		♦
Change from a nonresidential or mixed-use to another nonresidential or mixed-use that increases peak hour trips by 25 percent or more or generates 100		♦			♦

Table 121.01.01, Building and Site Design Standards Applicability					
vehicles trips or more (entering/existing combined) during either the adjacent road's peak hours(s) or the Development's peak hour(s), whichever is less[3]					
Construction of a new sign or structural modification of an existing sign				♦	

TABLE NOTES:
[1]Refer to Section 121.03.04, *Off-Street Loading*, and Section 121.03.05, *Stacking*, for specific applicability thresholds for off-street loading and stacking.
[2]Cumulative over a 5-year time period.
[3]As determined by one of the following methods:
A. An estimation based on the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) methodology for typical land uses, or
B. Traffic counts made at similar traffic generators located in the Town, or
C. Actual traffic monitoring conducted during the peak hour of the adjacent roadway traffic for the property.

121.01.02 Purposes

A. **Building Design**. The purpose of § 121.02, *Building Design*, is to address the quality and sustainable design of buildings and building sites in order to:
   1. *Character*. Preserve and enhance a community character that conveys a positive, lasting impression on both residents and visitors;
   2. *Functionality*. Provide buildings that are functional, safe, and attractive;
   3. *Public Realm*. Establish the physical and functional relationships between buildings and the public realm; and
   4. *Form*. Prescribe the rules related to building massing, form, and design.

B. **Parking, Loading, Stacking and Access.** The purpose of § 121.03, *Parking, Loading, Stacking, and Access*, is to:
   1. *Adequate Space*. Ensure that adequate vehicle use areas are provided for new land uses and major alterations to existing uses;
   2. *Environmental Impacts*. Minimize the negative environmental and urban design impacts that can result from excessive parking, driveways, and drive aisles within parking lots;
   3. *Bicycle Parking*. Ensure that adequate off-street bicycle parking facilities are provided and promote parking that offers safe and attractive pedestrian routes;
   4. *Design*. Establish standards and regulations for safe and well-designed vehicle use areas that minimize conflicts between pedestrians and vehicles within parking lots and surrounding land uses; and
   5. *Reductions and Credits*. Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in context-sensitive locations.

C. **Trees, Landscaping, and Buffering**. The purpose of § 121.04, *Trees, Landscaping, and Buffering*, is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve natural resources, trees, and native plants. Planting yard regulations are established to minimize potential conflicts between abutting developments, enhance the appearance of buildings and parking lots, and create a unified and attractive streetscape. These requirements will be applied to all new development, redevelopment or building expansion projects including streetscaping of rights-of-ways. These minimum requirements will:
   1. *Erosion and Infiltration*. Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
   2. *Nuisances*. Mitigate air, dust, noise, heat and chemical pollution;
   3. *Heat Island.* Reduce the “heat island” effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement;
   4. *Streetscape*. Establish a landscape theme including street trees and streetscape designs to be used throughout the Town to promote the overall character and identity of the community;

5. *Entryways*. Address the design of entryways into the Town to express the community's values;
6. *Native Plants*. Reserve existing native vegetation as an integral part of the wildlife habitats, and incorporate native plants and ecosystems into landscape design;
7. *Conservation*. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;
8. *Healthy Plants*. Promote planting techniques that ensures long term health of plant materials;
9. *Screening*. Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering from uncomplimentary land uses;
10. *Professional Design and Installation*. Maintain and increase property values by requiring site appropriate landscaping to be incorporated into development that is designed and installed by a qualified landscape professional; and

D. **Signs**. The purpose of § 121.05, *Signs,* is to:
1. *Constitution*. Encourage the effective use of signs as a means of communication in the Town while preserving the rights of free speech under the First Amendment to the United States Constitution;
2. *Economic Development*. Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
3. *Safety*. Improve pedestrian and traffic safety;
4. *Adverse Effects*. Minimize the possible adverse effect of signs on nearby public and private property; and
5. *Enforcement*. Enable the fair and consistent enforcement of these sign restrictions.

E. **Outdoor Lighting**. The purpose of § 121.06, *Outdoor Lighting*, is to provide direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties. Lighting intensities should be controlled and assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists.

§ 121.02 Building Design

Contents:

121.02.01 General Provisions (11.1, Appendix B-8, Appendix E)
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121.02.01 General Provisions

A. **Introduction**. The Town of Harrisburg sees the interaction between the built environment and the public as a crucial ingredient in maintaining a certain sense of place. As a part of this, the visual aspects overall building design and placement shall be scrutinized when considering a proposed development. This Section outlines design standards for building façades. These standards seek to increase the prospect of compatibility between buildings, styles, and generations. Designers shall infuse their individual talents and creativity into each project for these standards to be successful.

B. **Generally**.
1. *Applicability*. Unless otherwise specified, the general provisions of this Subsection shall apply to all multi-family, nonresidential, mixed use, city center, and industrial buildings in addition to the specific standards in Subsections 121.02.03, *Multi-Family and Single-Family Attached*, through 121.02.06, *Industry*.
2. *Zero Lot Line*. The general provisions of this Subsection do not apply to zero lot line houses or single-family attached. Refer to Subsection 121.02.02 or 121.02.03 for applicable standards for these building types.

3. *Flexibility in Administration*. Because these standards cannot cover every possible scenario that may arise, the Director is authorized to make determinations on development applications that may vary from the written standards so long as the determination meets the intent of this Section and Subsection.

C. **Materials**.

1. *Percentages*. Building walls shall incorporate brick, cast stone, formed concrete, or other long-lasting masonry material acceptable to the Director over a minimum percentage of surface area (excluding windows, doors, and curtain walls). The remainder of wall area may incorporate other materials. Minimum percentages are required as follows, and as illustrated in Figure 121.02.01-1, *Materials*:
   a. Commercial and mixed-use buildings: 75 percent of surface area minimum on all sides of the building visible from a public right-of-way or residential property; and
   b. Multi-family and single-family attached with two or more units: 40 percent of surface area minimum on all sides of the building visible from a public right-of-way or residential property.
2. *Consistency*. All buildings on the same parcel, including gasoline pump canopies, sign bases, and drive-thru canopies shall be consistent in terms of architectural style and the use of similar materials.
3. *Variations*. Differing buildings, businesses, or activities within the same development, as opposed to the same specific parcel, may be distinguished by utilizing variations of the same architectural style and materials.
4. *Sides and Backs*. Sides and backs of buildings visible from the public right-of-way shall be as visually attractive as the front by using the same materials and architectural detailing throughout. Sides adjacent to undevelopable land and tree save areas that are not visible from the public right-of-way may use different materials and architectural detail as approved by the Director.
5. *Prohibited Materials*.
   a. No building elevation may be primarily covered (exposed) with sheet or corrugated aluminum, iron or steel, plain concrete, plain concrete block, or exterior panelized plywood.
   b. Except, however, such materials may be used as secondary exterior finish materials if they cover no more than 10 percent of the surface area. Buildings designed for planned expansion may use architectural metal panels on the wall(s) to be removed for expansion of the building.
7. *Alternative Materials*. The Director may approve alternative building materials not specified in this Subsection if the Director determines that, compared to the listed materials, the alternative:
   a. Is substantially equal to or better in quality, durability, and appearance and will not violate any provision of this Section;
   b. Is proposed in order to achieve a minimum bronze certification in Leadership in Energy and Environmental Design ("LEED"), and the materials qualify for LEED points under both the "energy and atmosphere criteria" and the "materials and resources criteria" of the LEED checklists; or
   c. Is part of a building that is certified by the Environmental Protection Agency as designed to earn an ENERGY STAR rating, and the materials substantially improve the energy efficiency of the building compared to materials that are permitted in this Subsection.

Figure 121.02.01-1, Materials

FIGURE NOTES:
A = Primary material (masonry) | B = Accent material

D. **Composition**. Elements within each segment of a building façade, defined by a different roof height, shall be generally symmetrical or, if asymmetrical, have a balanced appearance. A symmetrical condition is achieved when façade elements and openings are repeated in the same positions on either side of a central vertical line for that segment, as illustrated in Figure 121.02.01-2, *Composition*. An asymmetrical but balanced condition is achieved when facade elements are not exactly duplicated on either side of a central vertical line for that segment, but are have similar elements between one another that provide for visual interest.

Figure 121.02.01-2, Composition

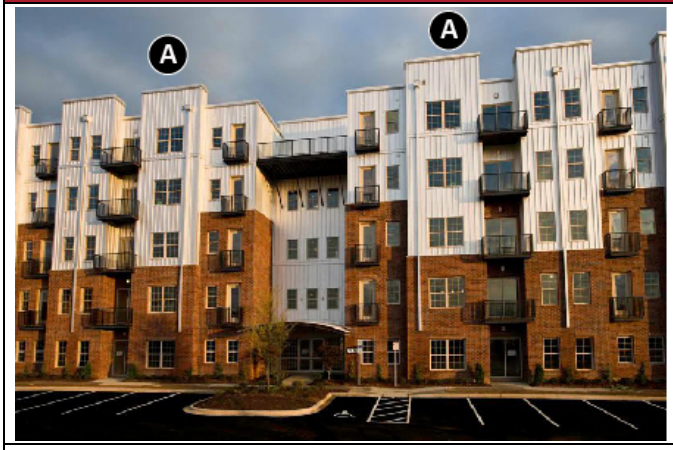


FIGURE NOTES:
A = Symmetrical building elements | B = Asymmetrical building elements

E. **Scale**. Façades shall incorporate a minimum of two continuous details refined to the scale of 12 inches or less within the first 10 feet of the building wall, measured vertically at street level, as illustrated in Figure 121.02.01-3, *Scale*.

Figure 121.02.01-3, Scale

FIGURE NOTES:
A = Clearly defined storefront height | B = Repeating horizontal pattern in material for scale

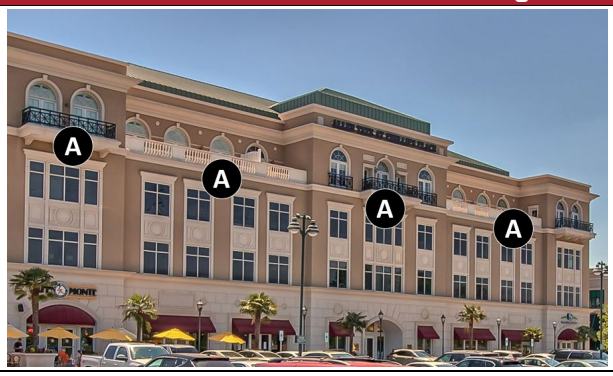
F. **Proportion**. As illustrated in Figure 121.02.01-4, *Proportion*, the frontage of buildings shall be divided into architecturally distinct sections, with each section taller than it is wide. Windows and storefront glazing shall be divided to be either square or vertical in proportion.

Figure 121.02.01-4, Proportion

FIGURE NOTES:
A = Repeating building modules | B = Windows square in proportion

G. **Rhythm**. A minimum of one significant detail or massing component, including, but not limited to, windows, doors, dormers, or roof peaks, shall be repeated no less than three times along each applicable elevation, as illustrated in Figure 121.02.01-5, *Rhythm*. The scale of the chosen element shall relate to the scale of the structure.

Figure 121.02.01-5, Rhythm



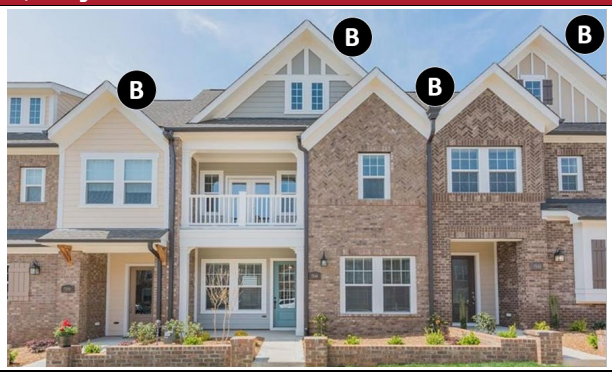


FIGURE NOTES:
A = Repeating Window Patterns | B = Repeating Roof Forms

H. **Transparency**. Façades of all nonresidential and mixed use structures that are primary access frontages or that face a public right-of-way shall incorporate windows over a minimum percentage of the surface area of street fronting façades.

1. *Percentages*. As illustrated in Figure 121.02.01-6, *Transparency*, minimum percentages for different levels are required as follows:

   a. Ground level of retail repair, sales, and service uses 25,000 square feet in area or less: 50 percent of surface area minimum;

   b. Ground level of office and other commercial uses 25,000 square feet in area or less: 35 percent of surface area minimum;

   c. Ground level of any commercial use over 25.000 square feet: 25 percent of surface area minimum; and

d. Upper level of all uses: 20 percent surface area minimum, including false second stories as required in Paragraph 121.02.04.C.4.

2. *Measurement*. Transparency of the ground level shall be calculated within the first 15 feet of the building wall, measured vertically at finished grade.

3. *Multiple Facades*. In cases where a building has more than two façades fronting a street or primary travel way, the transparency requirement shall only be required on two façades based on pedestrian traffic and vehicular visibility.

4. *View into Building*. All ground level windows shall provide direct views to the building's interior or to a lit display area extending a minimum of three feet behind the window. Ground level windows shall extend above an 18 to 24 inch base. Glass on windows and doors on the first floor shall be clear. Lightly tinted glass in neutral colors above the first floor is permitted. Such tinting is required to provide a visible light transmission percentage in excess of 85 percent. Mirrored glass is prohibited. The Director may exempt the transparency requirement from facades that enclose spaces that are sensitive to light. Window frames shall still be provided; however, the Director may permit tintings of the windows

Figure 121.02.01-6, Transparency

FIGURE NOTES:
A = Ground Level Windows | B = Upper Floor Windows

I. **Articulation**.

1. *Components*. For buildings over 4,000 square feet in gross floor area or with any building facade that is greater than 100 feet in width, the building façade shall have a clearly identifiable base, body, and cap with horizontal elements separating these components, as illustrated in Figure 121.02.01-8, *Articulation*. The component described as the body shall constitute a minimum of 50 percent of the total building height.

2. *Blank Walls*. In order to add architectural interest and variety and to avoid the effect of a single long or massive wall with no relation to human scale proportions, the following standards shall apply:

a. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding 20 feet.

b. All building walls shall include at least two of the following:

1. Change in plane;

2. Change in texture or masonry pattern; or

3. Windows.

3. *Consistency with Front Facade*. All sides, including the rear, of the building shall include materials and design characteristics consistent with those of the front.
4. *Canopies and Awnings*. In the event that canopies, awnings, or other similar appurtenances are used, the following standards shall apply:
   a. Awnings shall be constructed of canvas or a similar material.
   b. Such appurtenances shall be constructed of materials designed to complement the streetscape and the structure.
   c. Any appurtenance may extend from the building up to 80 percent of the width of the sidewalk area or nine feet, whichever is less.
   d. In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of street lights or street signs.
   e. A minimum overhead clearance of eight feet from the sidewalk shall be maintained.

Figure 121.02.01-8, Articulation

FIGURE NOTES:
A = Base | B = Body | C = Cap

J. **Color**.

1. *Color Palette*. The applicant shall provide a project-based palette related to color of buildings in a development. Proposed color schemes shall incorporate a base primary color for each building. Each building within a development is not required to be of the same base primary color, but the color shall be compatible with other selected colors on the site. In the case of buildings that are entirely comprised of brick, stone, or concrete, the base color may be the natural color of the material.
2. *Maximum Number*. A maximum of two primary colors for each building segment with a maximum of two secondary accent colors shall be provided. If accent colors are to be used, they too shall be described on the color palette and used throughout the development.

Figure 121.02.01-9, Color

FIGURE NOTES:
A = Primary Color | B = Secondary Color | C = Secondary Color

K. **Access**. Structures shall be sited so that the primary access is from the street front sidewalk leading to the parking area. In the event that a structure is located on a State Numbered Highway, the Director may permit the primary access to be located facing the parking area. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access which may be provided. Doors shall provide a sense of entry and be designed to add variety to the streetscape through the use of recessed entries, projecting elements, porches, columns, and/or other architectural features.

L. **Amenity Area**. Projects containing groups of buildings to be devoted primarily to office and/or retail activities shall incorporate amenity areas into the site design. Amenity areas include, but are not limited to, public plazas, promenades, water features, clock towers, courtyards, squares or small parks on the site. Design elements to be included in the amenity areas are seating walls, benches, outdoor dining/gathering areas, decorative fountains or water features, clock towers and/or garden areas. Since the purpose of these amenity areas is to serve as pocket recreational areas and to help foster a sense of community, additional elements shall be considered if the applicant demonstrates to the Director that the design meets the intent of this Section.

M. **Mechanical Equipment**. All rooftop mechanical and electrical equipment shall be completely screened from view from all public streets and adjacent properties. All screening walls/parapets shall be constructed and designed of materials compatible to that of the primarily structure and shall be incorporated into the design of the structure. Metal screening walls shall not be permitted. To the greatest extent possible, mechanical appurtenances shall be located within the structure. Appurtenances such as heating and air conditioning equipment, coolers, etc. shall be screened entirely from public view and shall be designed and finished to match adjacent building materials. In addition to design elements, landscape materials shall be incorporated to provide additional screening and/or softening of equipment areas.

N. **Sustainability Bonus**.

1. *Purpose*. The standards in this Subsection are established to encourage conservation of natural resources, increased energy efficiency, and use of sustainable practices in the development process. To encourage responsible development practices, this Subsection provides sustainable development incentives.

2. *Applicability*. The incentives in this Subsection are available to new development, redevelopment, and substantial improvement of property within the Town.

3. *Minimum Amount of Points Required*.

a. Development subject to the standards of this section shall achieve the following minimum number of points from the menu of options shown in Subsection 4, *Sustainability Practices*, below.

1. Minimum Requirements for Residential Development

a. 10 to 29 units: 3 points.

b. 30 or more units: 4 points.

2. Minimum Requirements for Mixed Use and Nonresidential Development.

a. 10,000 to 25,000 square feet: 3 points.

b. More than 25,000 square feet: 4 points.

b. Developments that exceed the minimum number of points listed in Paragraph 3, *Minimum Amount of Points Required*, may claim the incentives listed in Paragraph 5, *Sustainability Incentives*, below.

4. *Sustainability Practices*. The sustainable development practices listed in Table 121.02.01-1, *Sustainability Points System*, below, may be offered by an applicant for proposed development in order to achieve the points listed in Paragraph 3, *Minimum Amount of Points Required*, above.

Table 121.02.01-1, Sustainability Points System

Sustainability Practice	Points Earned
Location of Development	
Development in the MU or CC Districts	.75
Development of the Conservation or Planned Development Types	.75
Alternative Energy and Energy Conservation	
Inclusion of all of the Following: ▪ Use of only Energy Star qualified central heating and air conditioning systems throughout the structure; ▪ Use of only solar or tankless water heating systems throughout the structure; and ▪ Roof eaves or overhangs of three feet or more on southern or western elevations.	1.00
Fifty percent or more of energy generated on-site by solar panels	1.00
Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	0.75
Use of a white roof or roofing materials with a minimum reflectivity rating of 60 percent or more	1.50
Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclable generated on-site	0.75
Passive Solar	
Orient a minimum of 50 percent of new buildings with one axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	1.50
Orient a minimum of 25 percent of new buildings with one axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	0.75
Transportation	
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	0.25
Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	1.00
Provide an electric vehicle level 2 charging station that is made available to those using the building	0.75
Provide an electric vehicle level 3 charging station that is made available to those using the building	1.00
Include showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	0.50
Vegetation	
Retain at least 20 percent of existing tree canopy of trees above 8" DBH	0.75
Limit turf grass to 40 percent of the landscaped area.	0.25
Water Conservation	
Design all areas required to be landscaped in accordance with this UDO as an integrated system to meet on-site stormwater quality requirements for the lot through incorporation of low-impact development design principles and use of best management practices for on-site stormwater management. These areas shall use vegetated pervious surfaces or other measures such as permeable pavements to infiltrate the capture of water volume on-site. Piped connections from	2.00

Table 121.02.01-1, Sustainability Points System	
Sustainability Practice	**Points Earned**
roofs and downspouts and other impervious areas to storm drains are prohibited. Piped conveyances on lots must discharge to pervious areas.	
The use of low-impact development techniques, including but not limited to grass buffers and swales, bioretention (rain garden or porous landscape detention, sand filters, and permeable pavement systems), to meet stormwater management requirements of the Town.	1.00
Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof that can support plantings and capture and hold rain water	2.00
All showerheads and handheld showers achieve 2.0 GPM or less	0.50
All lavatory faucets flow rate is 1.5 GPM or less at 60 PSI	0.50
All toilets are 1.28 GPF or less	0.50
All toilets have dual activated flushing	1.00

5. *Sustainability Incentives*. Developments that exceed the minimum number of points listed in Paragraph 3, *Minimum Amount of Points Required*, may claim the incentives listed below, with each incentive redeemable for one point in excess of the number of points required for the development.

   a. A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the applicable zoning district.

   b. An increase in the maximum allowable height by up to one story or 10 feet beyond the maximum allowed in a nonresidential or mixed use development, subject to approval of the Fire Marshal.

   c. A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent.

   d. An increase in the maximum allowable sign area or maximum height for a wall or ground sign by 10 percent.

121.02.02 Zero Lot Line

A. **Purpose**. The purpose of this Section is to provide reasonable design standards for detached single family dwelling development with zero lot lines, where permitted in accordance with Chapter 120, *Zoning Districts and Land Uses*. In a zero lot line development, houses are shifted to one side of the lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations are done at the same time. Because the exact location of each house is predetermined, greater flexibility in site development standards are possible while assuring that the single-family detached character of a neighborhood is maintained.

B. **Applicability**. The provisions of this Section apply to zero lot line houses where permitted in accordance with Chapter 120, *Zoning Districts and Land Uses,* based on the threshold established in §121.01, *Applicability and Purposes.*

B. **Easements.**

1. *Eaves*. The eaves on the side of a zero lot line house may project a maximum of 18 inches over the adjacent property line. In this case, a maintenance easement as described in 2, *Maintenance Easement*, below, shall be recorded on the deed for the lot where the projection occurs.

2. *Maintenance Easement*. An easement to allow for maintenance or repair is required when the eaves or side wall of a zero lot line house are within four feet of the adjacent property line, as depicted in Figure 121.02.02, *Maintenance Easement*. The easement on the adjacent property shall provide at least five feet of unobstructed space between the furthermost projection of the zero lot line house and the further edge of the easement.

Figure 121.02.02, Maintenance Easement

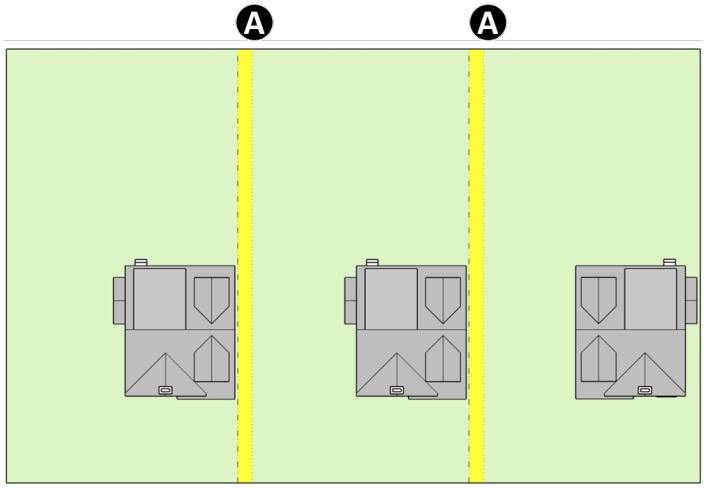


FIGURE NOTES:
A = Maintenance easement on property adjacent to zero lot line house, even if the adjacent property itself is not zero lot line.

B. **Privacy**. If the side wall of the zero lot line house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not permitted. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are permitted

C. **Building Separations**. In no case shall the reduced setbacks result in a distance of less than 10 feet between principal residential structures.

D. **Subdivision Plat Notes**. The reduced setbacks and easements required in this Subsection shall be pre-determined and shall be clearly denoted on the preliminary subdivision plat and final plat.

Table 121.02.02, Design Standards for Zero Lot Line Developments

Lot Size	See Section 120.02.01, *Residential Districts*
Density	See Section 120.02.01, *Residential Districts*
Minimum Frontage on a Public Street	Less than 40 units: see Sect. 4.7 40 or more units: 80 feet
Lot Width	See Section 120.02.01, *Residential Districts*
Front Setback or Street Side Setback	See Section 120.02.01, *Residential Districts*
Rear Setback	See Section 120.02.01, *Residential Districts*
Separation between Buildings	10 feet
Common Open Space	See Section 120.02.01, *Residential Districts*

121.02.03 Multi-Family and Single-Family Attached (11.2.9)

A. **Purpose**. The purpose of this Subsection is to provide reasonable design standards for multi-family and single-family attached buildings with three or more units ("applicable building types" for the purposes of this Subsection) that:

1. Provide design flexibility;
2. Accommodate affordable housing for current and future residents of the Town;
3. Protect the health, safety and general welfare of the general public and occupants of the units;
4. Protect the property values of surrounding dwelling units;
5. Promote a pedestrian-friendly, walkable streetscape; and
6. Provide for aesthetically pleasing development patterns.

B. **Applicability**.

1. *Applicable Building Types*. The provisions of this Section apply to multi-family and single-family attached buildings where permitted in accordance with Chapter 120, *Zoning Districts and Land Uses,* based on the threshold established in §121.01, *Applicability and Purposes*.
2. *MU and TND Districts and Planned Development Type*. Applicable building types in the MU district, TND overlay district, or in the Planned development type shall comply with the standards in Subsection 121.02.04, *Nonresidential and Mixed Use*.

C. **Off-street Parking and Access Standards**.

1. *Access to Public Streets*. Developments with 40 or more dwelling units shall have direct primary access on a major or minor thoroughfare as shown on the Community Thoroughfare Plan. Developments with 100 or more dwelling units shall have two direct entrances onto at least one Major and/or Minor Thoroughfare as shown on the Community Thoroughfare Plan.
2. *Off-street Parking*.
   a. No parking space shall be located in the required setbacks, except for the rear setbacks.
   b. No off-street parking space shall be located closer than 10 feet to any residential building wall.
3. *Accessway/Driveway Design*.
   a. No driveway shall be located closer than 15 feet to any wall of a residential building.
   b. All proposed drives shall be improved in accordance with Subsection 121.03.07, *Right-of-Way, Design Standards, and Driveway Regulations*.
   c. For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments. Median design shall be in conformity with the standards in the Town of Harrisburg Engineering Design Standards.

D. **Common Open Space**.

1. *Applicability*. Common open space areas shall be required in accordance with Chapter 120, *Zoning Districts and Land Uses*, except as provided below.
2. *Proximity to Public Park*. The Director may waive up to 50 percent of the open space requirement if all units within the development are located within 1,000 feet of a public park as measured along a public sidewalk, trail, or bikeway.
3. *Mixed Use*. The open space requirements of this Subsection shall not apply to multi-family residential developments that are second floor units above first floor commercial development, or to any residential developments in the CC zoning district which are above the first floor.

E. **Open Space Characteristics**. Land designated as open space shall be maintained as active open space and may not be separately sold, subdivided, or developed except as provided below.

1. *Open Space Provisions and Maintenance Plan Required*.
   a. Any areas reserved as open space shall be indicated on a site plan. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this UDO. The plan shall:
      i. Designate areas to be reserved as active open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site; and
      ii. Specify the manner in which the open space shall be perpetuated, maintained, and administered.
2. *Spacing and Dimensional Limitations*. In order to ensure that all designated open space has suitable size, location, dimension, topography and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least 30 feet across its narrowest dimension.
3. *Use of Stormwater Detention Basins*. Retention areas or detention basins which are required as part of this UDO shall not qualify as an open space area unless 50 percent or more of the active and usable area is above the 10-year storm and is designed for multiple uses and the area(s) conforms to the requirements of paragraphs a and b below.

a. Retention or detention areas shall meander through the development as a greenbelt, rather than as a single basin. Retention areas shall be improved so as to be useable and accessible. Retention areas shall not be inundated so as to be unusable for their designated recreational purposes.

b. Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming and contouring is required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three-to-one slope regardless of surface treatment.

F. **Preservation of Open Space**. Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained by the owner(s) of the development or a homeowner's association (in the case of a single-family attached development) which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event that any private owner of open space fails to maintain same according to the standards of this UDO, the Town Council may, following reasonable notice and demand that deficiency of maintenance be corrected, direct appropriate Town staff, or a contractor, to enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

G. **Pedestrian Facilities**. Walkways shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash or recycling disposal, adjoining sidewalks, or greenways and on-site amenities such as recreation areas. These interior walkways shall be constructed in accordance with the standards for sidewalks as set forth in Town of Harrisburg Engineering Design Standards.

H. **Bus Shelter**. A shelter shall be constructed in location(s) (including at the perimeter of a development site) for public school bus(es) to pick-up/drop-off children as required by the Cabarrus County School system. The shelter shall be a constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up, according to the school system. The shelter shall be included in the sidewalk design to ensure adequate access.

I. **Greenways**. If a multi-family residential development occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the developer shall be responsible for developing the greenway as part of the development process. The greenway shall, at a minimum, meet the standards set forth in Subsection 122.02.11, *Open Space and Park Design and Dedication*. All proposed trails shall be a minimum width of 10 feet and shall be paved. In addition, a 25-foot wide easement shall be provided to the Town of Harrisburg for any trail systems that are part of the proposed Town greenway systems.

J. **Building Design**.

1. *Building Spacing*.

   a. *Within Development*. The minimum spacing between buildings is 20 feet, plus one foot for each one foot of building height in excess of 30 feet.

   b. *Outside of Development*. The minimum spacing between a multi-family building and a single-family detached building is 250 feet.

2. *Exterior Design*. In order to provide interesting and aesthetically attractive multi-family developments and to avoid monotonous, “barracks”-style buildings, the following standards shall apply:

   a. Multi-family buildings shall have a multifaceted exterior form in which articulated facades are combined with window and door placements, as well as other detailing, to create an interesting and attractive architectural design that is comprised of more than flat walls with minimal features.

   b. Buildings shall be arranged on multi-family sites in patterns that are not strictly linear. Adjacent buildings shall not be located in continuous straight lines. Limited linear building placements, which are part of an arrangement to define common space such as a courtyard, are acceptable.

   c. Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.

3. *Transitions*. Building height may not exceed two stories when adjacent to an AG, RE, or RL district.

4. *Scale*. Individual buildings within a multiple-family complex shall vary in building height (in stories) and scale (number of units).

5. *Rooflines*. Roof forms and rooflines shall be broken into a series of smaller building components when viewed from the street. Individual segments of the roof with no change in slope or discontinuity may not exceed 40 percent of the facade (measured horizontally).

K. **Utilities and Lighting**.

1. *Underground Utilities*. All utility lines shall be located underground within the development and all frontages along the streets.
2. *Lighting*. Outdoor area lighting shall comply with §121.06, *Outdoor Lighting*. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

L. **Recycling Facilities**. Developments of applicable building types shall be required to provide a container(s) for the collection of recyclable materials. Such a container shall be subject to approval by the Town's Public Works Director.

M. **Unit Ownership**. Developments in which property is proposed to be conveyed in unit ownership shall comply with the North Carolina Unit Ownership Act. Common areas, parking, landscaping, open space, and driveway facilities shall be under common ownership.

121.02.04 Nonresidential and Mixed Use

A. **Purpose**. The design of nonresidential and mixed use building sites significantly contributes to the character, aesthetic value, and visual impression of the community for those who visit or pass-through the Town. This experience is created through quality site and building design standards.

B. **Applicability**.

1. *Generally*. This Subsection applies to buildings or sites containing mixed or nonresidential uses in the MU, O-I, NC, GC, and CD districts based on the threshold established in §121.01, *Applicability and Purposes*.
2. *CC and EC Districts*. Refer to Subsections 121.02.05, City Center, or 121.02.06, Industry, for buildings or sites

C. **General Design Standards**.

1. *Parking Location*. A building with more than half of required off-street parking located between the building and the street shall:
    a. Increase the parking lot yard from 10 percent to 20 percent net area of landscaping, as provided in Subsection 121.04.02, *Development Landscaping;* and
    b. Increase the landscape area plantings from one shade tree, or two ornamental trees, and eight small shrubs per each 10 parking spaces to the same number of plantings per five parking spaces.
2. *Front Orientation*. The front elevation of principal buildings and buildings on outparcels, including the main entrance, shall be oriented to face at least one public street. Buildings shall have a pedestrian access from a public street in addition to public access from the parking lot.
3. *Drive-Throughs*.
    a. The drive-through lane shall be primarily configured in a loop internal to the site, as illustrated in Figure 121.02.04-1, *Drive-Through Configurations*, with the entry and the exit to the ordering area taking place in the same general location on site. On internal lots, the building shall be between the drive-through lane and the street. On corner lots, the lane may be located between the building and the street; however, it shall not encircle the building and shall have enhanced features as described in Paragraph 3.b, below.
    b. Where it is not feasible to configure drive-through facilities or lanes as required in Paragraph 3.a, above, the proposed configuration shall be reviewed and acted upon by the Director. Enhanced landscaping, knee walls, or a combination of both shall be applied as approved by the Director and shall be located between the drive-through and the street.
    c. Stacking spaces shall comply with the requirements of Section 121.03.05, *Stacking*.

Figure 121.02.04-1, Drive-Through Example Configurations

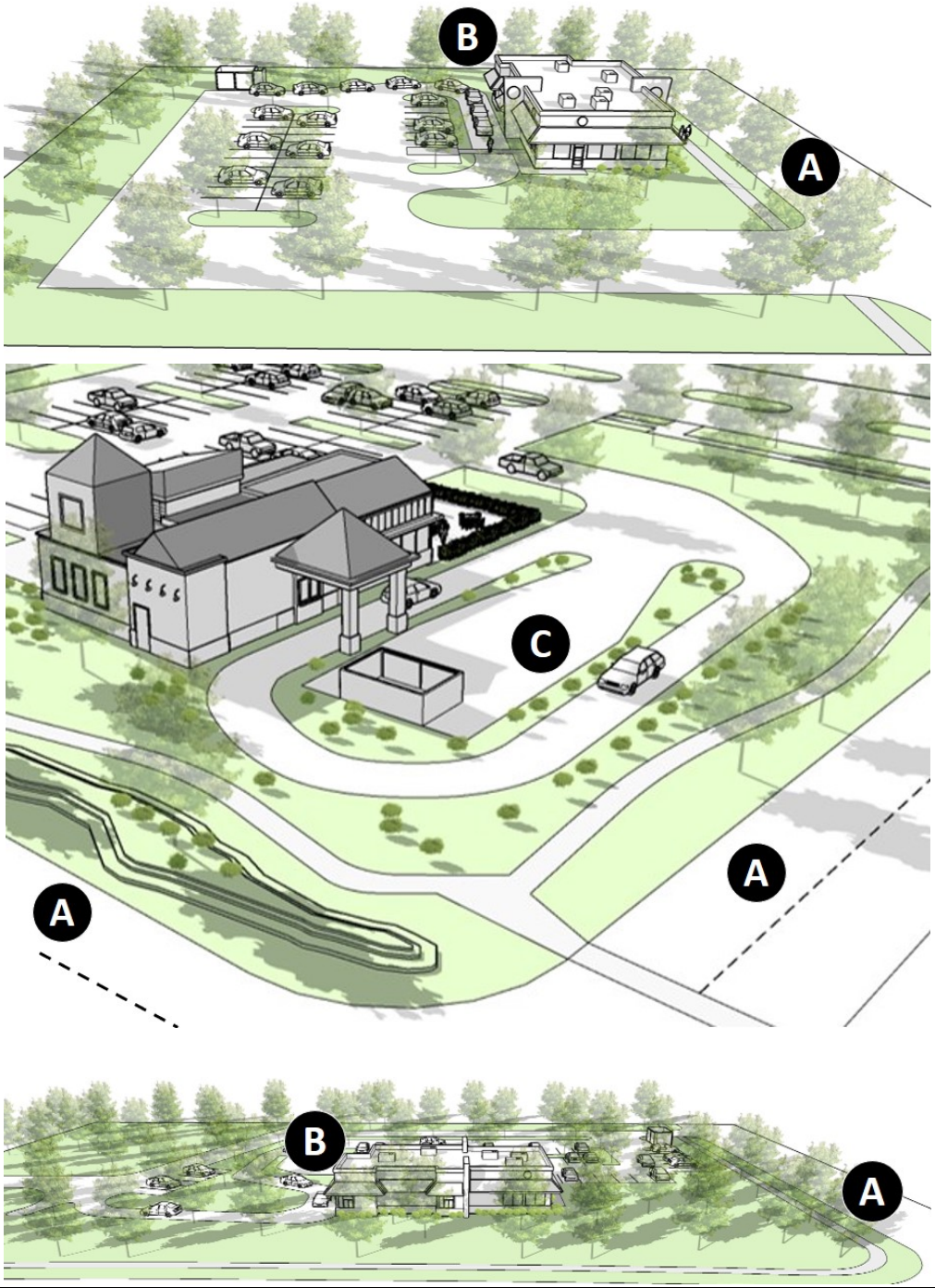


Figure Notes:
A = Public Street | B = Drive-Through on Internal Lot | C = Drive-Through on Corner Lot

4. *False Second Stories*.

   a. All nonresidential and mixed use buildings over 4,000 square feet in gross floor area or with any building facade that is greater than 100 feet in width that do not already have a habitable second story shall have a false second story that complies with the maximum height limit for the zoning district, as illustrated in Figure 121.02.04-2, *False Second Story*, that has the following design elements:

      1. Transparent or opaque windows in the mid-section of the facade;

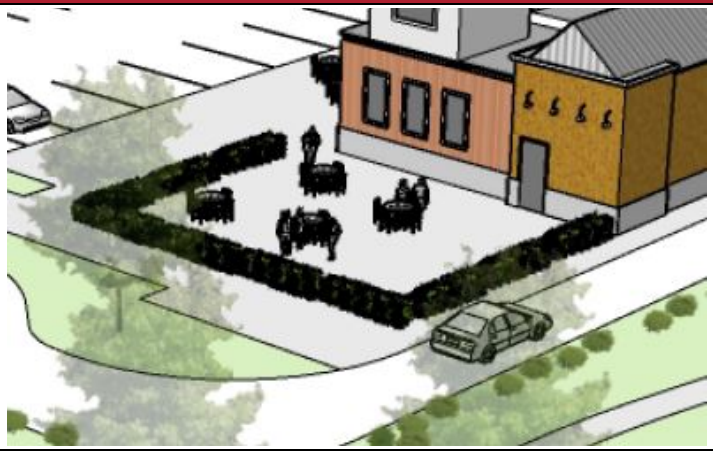
2. Clerestory windows in the upper-section of the facade;
3. Shading devices such as shutters or canopies;
4. Juliet balconies; and
5. Other features that the Director approves.

Figure 121.02.04-2, False Second Story

FIGURE NOTES:
A = Vertically-Oriented Windows | B = Clerestory Windows | C = Shading Devices | D = Juliet Balcony

5. *Outdoor Dining*.
   a. A decorative fence, wall, or similar perimeter barrier in combination with landscaping shall be erected and maintained between an outdoor dining area and a public street, stacking area, or private drive, as illustrated in Figure 121.02.04-3, *Outdoor Dining with Barrier*. The fence, wall, or barrier shall be at least three feet in height and may be composed of wood, wrought iron, or other materials acceptable to the Director.
   b. Outdoor waste and recycling receptacles for customers shall be provided, conveniently located, regularly serviced, and maintained.

Figure 121.02.04-3, Outdoor Dining with Barrier



6. *Amenity Area.* Projects containing groups of buildings to be devoted primarily to office and/or retail activities shall incorporate amenity areas into the site design. Amenity areas include, but are not limited to, public plazas, promenades, water features, clock towers, courtyards, squares or small parks on the site. Design elements to be included in the amenity areas are seating walls, benches, outdoor dining/gathering areas, decorative fountains or water features, clock towers and/or garden areas. Since the purpose of these amenity areas is to serve as pocket recreational areas and to help foster a sense of community, additional elements shall be considered if the applicant shows that the design meets the intent of this section.

D. **Mixed Use Design Standards**.

1. *Blocks and Street Network*. Blocks in a mixed use development shall comply with Subsection 122.02.04, *Blocks,* and the street network shall comply with Subsection 122.02.03, *Street Network and Design*.
2. *Arrangement*. Mixed use buildings shall be located in the core of the development or nearest the arterial or collector street(s). These buildings shall be separated from an AG, RE, RL, or RM district by neighborhood commercial or single-family attached or detached dwelling of no more than two stories. If uses within the core are separated from adjacent development by a local or collector street, the density or gross floor area may be no greater than 120 percent of the adjacent use. Development separated by an arterial street may increase up to 150 percent of the density or gross floor area of the adjacent development. (See Figure 121.02.04-4, *Prototypical Mixed Use Development*)

Figure 121.02.04-4, Prototypical Mixed Use Development Example

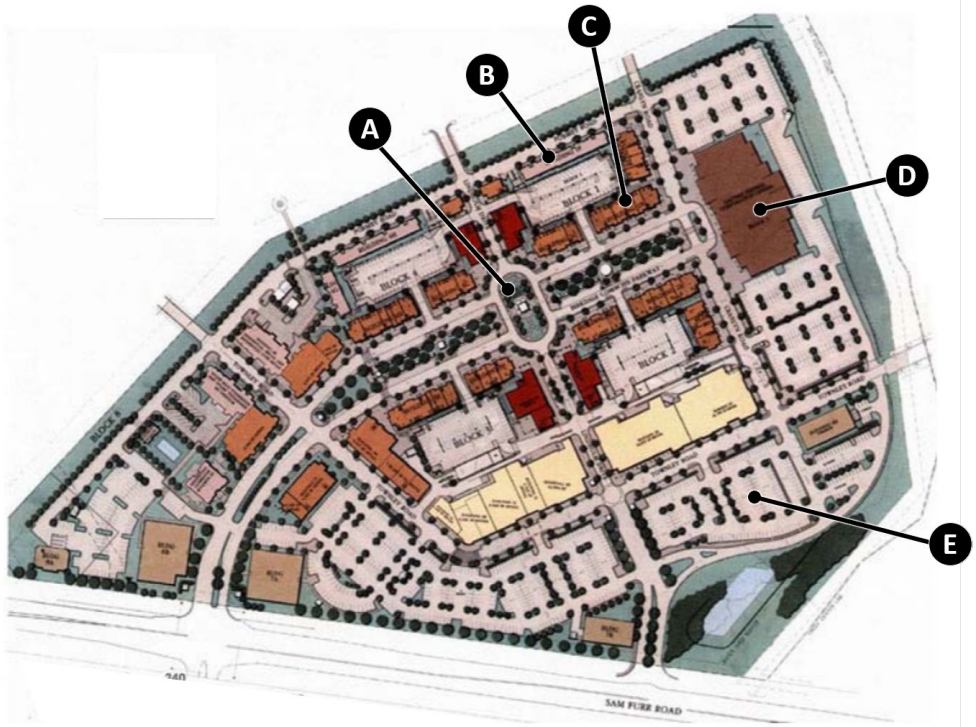


FIGURE NOTES:
A = Centrally Located Open Space | B = Townhouse or Multi-Family | C = Mixed Use Buildings | D = Commercial Use | E = Side Street Surface Parking

3. *Fenestration*.
   a. *Transparency*. Street-facing facades shall have at least 30 percent transparency on the ground floor. Glass curtain walls and reflective or dark-tinted glass are prohibited.
   b. *Blank Walls*. Windowless walls greater than 250 square feet in surface area shall have a design treatment such as striated brick patterns, tile insets, sculptural forms, decorative panels framed by molding, artwork, planted trellises, or other such adornments.
4. *Height*. Mixed use buildings shall be a minimum of two stories in height and false upper stories, as allowed in Paragraph 4, above, are prohibited.
5. *Gross Floor Area*. The gross floor area of a single-use nonresidential building shall not exceed 25,000 square feet. There are no maximum floor area requirements for mixed use buildings.
6. *Primary Entrance and Secondary Entrance*. Buildings shall generally have the primary entrance on a street-facing facade. Where such arrangement is not feasible, the Planning Director may approve enhanced architectural elements including, but not limited to, awnings, pedestrian level architectural lighting, enhanced landscaping, and sidewalk connections around buildings. Where the primary entrance cannot be visible on a street-facing facade, then, at minimum, a secondary entrance shall be visible on a street-facing facade.

7. *Pedestrian Amenities*.
   a. *Street Furniture*. Public seating, trash receptacles, and directional kiosks shall be of uniform design. Sidewalk widths, street trees, landscaping, public art, street furniture, and other amenities shall provide for a minimum passable sidewalk width of five feet.
   b. *Sidewalks*. Sidewalks shall connect to existing perimeter sidewalks and to all building entrances; parking courts, garages, or structures; civic spaces; and any other pedestrian destinations.
8. *Open Space*.
   a. *Amount Required*. The minimum required open space is 20 percent of the gross site area of the development.
   b. *Types of Open Space*. A minimum of 15 percent of the required open space shall be for active use, with the remaining area as active or passive space such as greenways, vegetated wetlands, riparian areas along creeks or streams.
   c. *Greenways and Parklets*.
      1. *Greenways*. If a nonresidential or mixed use development occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the developer shall be responsible for developing the greenway as part of the development process. The greenway shall, at a minimum, meet the standards set forth in Subsection 122.02.11, *Open Space and Park Design and Dedication*. All proposed trails shall be a minimum width of 10' and shall be paved. In addition, a 25-foot wide easement shall be provided to the Town of Harrisburg for any trail systems that are part of the proposed Town greenway systems.
      2. *Parklets*.
         a. *Example*. Parklets, as illustrated in Figure 121.02.04-5, *Parklet Example*, are permitted in order to achieve the open space requirements.
         b. *Description*.
            i. Parklets are permanent or temporary sidewalk extensions that provide seating, plantings, and other pedestrian amenities.
            ii. Parklets are typically installed in parallel, on-street parking spaces and extend out from the sidewalk at the level of the sidewalk to the width of the parking space.
         c. *Location and Size*.
            i. *Minimum Area*. 180 square feet
            ii. *Maximum Area*. 360 square feet
            iii. *Minimum Planted Area*. 25 percent
            iv. *Encroachment*. A temporary or permanent encroachment permit is required
            v. *Protection*. A perimeter barrier shall be established with a minimum height of 36 inches and a maximum height of 42 inches.

Figure 121.02.04-5, Parklet Example

E. **Campus Development (CD) District Design Standards**.

1. *Supplemental Use Regulations*.

   a. Permitted retail repair, sales, and service uses shall be subject to the following requirements:

      1. No use or establishment may exceed (or occupy) more than 70,000 square feet of gross leasable floor area.
      2. No more than 30 percent of any property or group of properties may be used for retail repair, sales, and service uses.
      3. No more than 10 percent of any property or group of properties may be used for retail repair, sales, and service uses until such time that 20 percent of said property (or properties) is used for non-retail uses.

   b. Permitted Vehicle sales and service uses shall be limited exclusively to such activities related to professional auto racing.

   c. Major Utilities shall be screened as set forth in §121.04, *Trees, Landscaping, and Buffering*.

   d. Structures and uses required for operation of a public utility or performance of a governmental function are permitted, provided no uses involving extensive storage, or with storage as the principal purpose shall be permitted.

2. *General Design Standards.*

   a. Sites in CD Districts may be divided by streets, alleys, rights-of-way, or easements, but shall be so located and arranged as to permit a unified design for the overall development.

   b. Common, accessible open space shall be required for all CD district sites, whether subdivided, or not. The open space shall be pedestrian oriented and include such amenities as park benches, walking trails and gazebos. Parking or vehicular access within these areas shall be prohibited. The open space shall comprise at least 20 percent of the gross project area which may include buffer requirements. No additional open space shall be required for individual building sites within a Campus Development project other than the required buffers and setbacks.

c. Walkways a minimum of five feet in width shall be included on both sides of all new interior access streets and parking area designs. walkways may be constructed at the time of development or may be phased in over a period of several years as portions of a project are developed.

d. All CD projects shall have access to at least one major or minor thoroughfare or connection to an existing approved site having such access where Site Plan and/or Subdivision approval has been previously granted.

e. All new interior streets shall be built in conformance with Chapter 122, *Subdivision Standards*. Where practical, all such roads shall be designed to ultimately connect to adjacent, undeveloped property that is also zoned CD to allow for a connected, continuous street system when the adjacent property develops.

f. All building sites and/or buildings within any Campus Development project shall be accessed on interior streets, not on thoroughfares or collectors. Exception to this provision is offered where a lot of record exists at the time of this amendment.

g. In general, the plan shall provide a unified and well-organized arrangement of buildings, service areas, parking, pedestrian, and landscaped common areas providing for maximum comfort and convenience of visitors and employees with a minimum of conflicts with vehicles. More specifically, the following pedestrian design requirements shall apply to all development in the CD District:

1. Individual building sites within CD developments shall include provisions for pedestrian-scale amenities such as benches, picnic tables, courtyards, plazas, water attractions and trash receptacles. These enhancements are essential to creating an efficient and functional environment as well as promoting a "sense of place." Such area(s) may include covered malls for general pedestrian use, exterior walkways, outdoor seating areas, and the like where the facilities are available for common use by employees and visitors. Required open space, buffer areas and setback yards as well as improved deck, patio and roof areas may be used to meet this requirement.

2. All buildings or building clusters within the development shall be connected with linkages other than roads (sidewalks, bikeways and walking paths). Unless topographic or other physical constraints exist, these linkages shall be provided between adjacent sites whether developed or undeveloped. Pedestrian access may be provided at any suitable locations within the district, but shall, where practicable, be separated from vehicular access points in order to reduce congestion, marginal friction, and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movements safely.

3. Loading and maintenance areas shall be so located and arranged as to prevent interference with pedestrian movement within the site. All loading shall be from the rear or side of the building, but not facing a public street.

4. Paving materials in pedestrian areas (including crosswalks and sidewalks) shall only include brick, concrete (aggregate exposed finish), concrete pavers, brick pavers and similar materials.

5. If a campus development occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the developer shall be responsible for developing the greenway as part of the development process. The greenway shall, at a minimum, meet the standards set forth in section 6.5.3.7.4 of this Ordinance. All proposed trails shall be a minimum width of 10’ and shall be paved. In addition, a 25’ easement shall be provided to the Town of Harrisburg for any trail systems that are part of the proposed Town greenway systems.

6. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets which provide access to the campus development.

3. *Landscaping Buffering and Screening Requirements*. Developments in the CD district shall comply with the provisions of §121.04, *Trees, Landscaping, and Buffering*, and the following:

a. Developments shall utilize existing topography such as hills, ridges and berms to screen parking and maintenance areas to the maximum extent possible.

b. All CD projects shall provide for the installation of a median-type entranceway for all entrances on major or minor thoroughfares. The median shall be grassed and suitably landscaped and conform to the design standards of this UDO.

4. *Architectural Style and Appearance Requirements*. These standards are not intended to restrict imagination, innovation or variety, but rather to help focus on design principles that will result in creative and cohesive approaches to architecture and building design.

a. Building designs in the CD District shall promote a diversity in style while striving to define a distinct character and maintain a high quality development standard. New buildings shall be built sensitive to the scale, form and proportion of other buildings in the same project. A human scale shall be achieved at entrances to all buildings through the creative use of windows, doors, canopies and columns. In the application of provisions of this Subsection, the Director may require the submittal of photographs and/or architectural renderings.

b. Buildings shall include similar architectural styles but should not be identical throughout the development. All sides of an individual building shall be treated in an architecturally similar manner. More specifically, at least two of the following three "unifying elements" shall be presented in each building (including accessory buildings and those buildings located on outparcels) and to the greatest extent practical, in other architectural features of the development (walls, fences, signs, etc.):

1. Building Materials. If selected, the dominant material (and its color) shall be stated in writing with the Site Plan submittal. Such materials shall apply to at least 30 percent of each ground mounted signs as well.
2. Colors. If selected, the dominant color or pattern of colors shall be stated in writing with the Site Plan submittal. A maximum of three colors may be designated as the unifying element but the maximum number of colors throughout the development are not limited.
3. Architectural Features. If selected, the dominant architectural feature(s) shall be stated in writing with the Site Plan submittal. These features include but are not limited to: roof treatment (style, color and material), façade treatments or building form (overhangs, canopies, arcades, protected walkways, entrance treatments).

c. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added shall visually match the appearance of those on the existing building. In such cases, the requirements of Subsection 126.01.03, *Nonconforming Building or Structures*, shall not apply. However, if the exterior finishes and materials on the existing building do not meet the above standards, any material that meets the above standards may be used.

d. The use of unusual shapes, colors or other characteristics that would cause a building to create aesthetically unpleasant visual disharmony with other buildings in a CD district development, shall be avoided.

e. If several entrances are located in one building, similar treatment of each entrance, materials and windows shall be provided.

f. All roof-mounted equipment, including HVAC systems, satellite dishes and other communication equipment, shall be screened from adjacent street or parking area views in one of the following ways (solar heating panels are exempt from this standard):

1. A parapet as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; or
3. The equipment is set back from the street-facing perimeters of the building three feet for each foot of height of the equipment.

g. To avoid the visual monotony created by large, blank building elevations, the elevation shall be separated by a projection or structural relief such as:

1. Constructing a porch with a roof;
2. Incorporating fascias, canopies, arcades, or other multidimensional design features to break up large wall surfaces on their street facing elevations;
3. Setting part of the facade back at least three feet from the rest of the façade;
4. Creating a visually distinct ground floor;
5. Providing for changes in material or texture; or
6. Installing a row of windows on the building's street facing elevation.

5. *Utilities.*

a. For new commercial development and redevelopment involving tear-down and new construction along major thoroughfares as provided in the Community Transportation Plan, all utilities in both public and private rights-of-ways shall be placed underground and aerial crossing of utilities on the major

thoroughfare is prohibited, except when extreme conditions of underlying rocks or other conditions prevent this requirement from being met and only as approved by the Director.

b. In cases where the expense to bury said utilities is deemed to be unreasonable based on extreme conditions, the Town may negotiate a fee-in-lieu arrangement with the project developers in lieu of requiring burial, the fee will be based on the actual cost estimate provided by the applicant, to be reviewed and approved by Town Engineer and calculated at 125% of the cost. Any such agreement shall be a part of a development agreement governing the subject property and the collected fee shall be deposited in a special revenue fund by the Town to be used to bury utilities along Highway 49. The burying of utilities shall be completed, or the fee-in-lieu paid to the Town, prior to a Certificate of Compliance and Occupancy being issued for structures.

121.02.05 City Center (11.5)

A. **Scope**. In addition to all other applicable standards within this UDO, sites and buildings within the CC District are regulated in accordance with specific standards listed below.

B. **Design Standards**.

1. *Principal Entrances*. All buildings shall have their principal entrance opening to a street, square, plaza, or sidewalk. The principal entrance shall not open onto an off-street parking lot. Pedestrian access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through an improved surface.
2. *Off-Street Parking*. No off-street surface parking shall be permitted in front of a principal structure. Not more than two rows of parking may be permitted on the sides of the structure. Off-street surface parking areas that are screened from the view of public streets by the principal structure shall be exempt from the parking lot screening requirements of this UDO.
3. *Off-Street Loading*. Loading/unloading areas shall be located only to the rear or interior side of the building.
4. *First Floors*. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on not less than 50 percent of the length of the first floor street frontage. Not less than 50 percent of the length and 25 percent of the surface of the primary structure(s) shall be in public entrances or windows (including retail display windows). Where windows are used, they shall be transparent. Solid walls shall not exceed 20 feet in length. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access which may be provided.
5. *Recessed Entries*. Doors shall be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. An entryway shall not be less than one square foot for each 1,000 square feet of floor area, and in all cases shall not be less than 15 square feet.
6. *Maximum Setback Waiver*. The maximum setback allowed in Chapter 120, *Zoning Districts and Land Uses*, may be waived by the Director for an area not to exceed 90 percent of the frontage in order to accommodate courtyards.
7. *Pedestrian Activity*. In order to promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, the following uses shall be regulated as follows:
   a. The first floor (street level) of any new multi-story building shall devote the first floor area to retail repair, sales, and service uses, as permitted in Chapter 120, *Zoning Districts and Land Uses*. Such buildings shall include said uses along not less than 50 percent of its street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.
   b. None of the following use(s) shall be located within 400 feet of another such use, as measured from the exterior boundaries of the buildings, or not more than one shall be located along any single block frontage, whichever is less.
      1. Drive–through window facilities including those for automated tellers, banks, cleaners, liquor stores, and restaurants;
      2. Fuel sales;
      3. Shopping centers; and
      4. Vehicle sales and service uses.

121.02.06 Employment Centers (11.7)

A. **Scope**. In addition to all other standards within this UDO, sites and buildings within the EC district are regulated in accordance with specific standards listed below.

B. **Design Standards**. The following design standards minimize the impacts of industrial development on the surrounding community and enhance the appearance for industrial development in the EC district:

1. *Off-Street Loading*. Loading and unloading areas shall not be not visible from any public street. Screening of such areas shall be required in accordance with §121.04, *Trees, Landscaping, and Buffering*. If such areas face a parcel which is zoned or developed residentially, the rear setback shall be increased by 50 percent.
2. *Nuisances*. All noises, noxious odors, vibrations, emissions of smoke, dust, or gases shall be controlled so as not to be detrimental or cause a nuisance to nearby residential or commercial areas.
3. *Greenways*. If an industrial development occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the developer shall be responsible for developing the greenway as part of the development process. The greenway shall, at a minimum, meet the standards set forth in Subsection 122.02.11, *Open Space and Park Design and Dedication*. All proposed trails shall be a minimum width of 10 feet and shall be paved. In addition, a 25-foot wide easement shall be provided to the Town of Harrisburg for any trail systems that are part of the proposed Town greenway systems.
4. *Sidewalks*. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets which provide access to the industrial development.
5. *Building Materials*.

    a. *Perimeter and Abutting Sites*. Buildings within 350 feet, in whole or in part, of a perimeter roadway or a major thoroughfare interior to an industrial park shall comply with Subsection 121.02.01, *General Provisions*.

    b. *Interior Sites*. Buildings that are located a greater distance than 350 feet of a perimeter roadway or a major thoroughfare are not subject to Subsection 121.02.01.

    c. *Location of Overhead Doors*. Overhead doors may not be parallel to an arterial street or highway when the building site is within 350 feet of such street or highway.

121.02.07 Crime Prevention Through Environmental Design

A. **Purpose**. The purpose of this Subsection is to create safe, attractive, and economically viable environments that are properly designed to reduce the incidence and fear of crime, particularly in denser environments such as the Planned Development type.

B. **Applicability**. The provisions of this Section shall only apply to Planned Development Types, as established in Section 122.03.05, *Planned*, and as further regulated in Chapter 120, *Zoning Districts and Land Uses*. In no case shall landscaping, as required in § 121.04, *Trees, Landscaping, and Buffering*, be diminished in order to achieve compliance with this Section.

C. **CPTED Principles**. The following principles of Crime Prevention Through Environmental Design (CPTED) requirements shall apply to applicable development:

1. *Provisions of Natural Surveillance*.

    a. The placement and design of physical features to maximize visibility between a building and public rights of way. This shall include building orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences or walls, signage, and other physical obstructions.

    b. The placement of persons and/or activities to maximize surveillance possibilities.

2. *Provision for Natural Access Control*.

    a. The use of sidewalks, pavement, lighting and landscaping to clearly guide the public to and from entrances and exits.

b. The use of fences, walls or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored acres.

3. *Provision of Territorial Reinforcement*. The use of pavement treatments, landscape, art, signage, screening and fences to define and outline ownership of property.
4. *Maintenance*. The use of low-maintenance landscaping and lighting treatment to facilitate the CPTED principles of natural surveillance, natural access control and territorial reinforcement.
5. *Natural Surveillance and Visibility*. Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.
6. *Lighting Levels*. Lighting on site, at all building entrances, and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.
7. *Territorial Reinforcement and Space Delineation*. Landscaping, sidewalks, lighting, fencing and building features placed to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.
8. *Natural Access Control*. Entrances, exits, signs, fencing, landscaping, and lighting located to distinguish between public and private areas, control access, and to guide people coming to and going from the site.

D. **Administration**. The Director shall perform crime prevention review for all applicable projects in consultation representatives of the Police Department.

§ 121.03 Parking, Loading, Stacking, and Access

Contents:

121.03.01 General Provisions (8.1)
121.03.02 Parking Ratios & Design (8.3, 8.4.2.3)
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121.03.05 Stacking (8.4.2.3, Table 8.1-6, Banks; Convenience Stores; Restaurants)
121.03.06 Access (11.6.3.6; 15.1.7; 10.1.7)
121.03.07 Right-of-Way, Design Standards, and Driveway Regulations (C.4; C.7; Appendix D, 8.2)

121.03.01 General Provisions

A. **Applicable Regulations and General Maintenance**. A vehicle use area shall:
1. *Standards*. Comply with the design and construction standards in this Section;
2. *Refuse and Debris*. Be maintained free of refuse or debris; and
3. *Availability*. Be available for the off-street parking, loading, or stacking function required for the facility.

B. **Exemption**.
1. *Generally*. The standards of this Section shall not apply to:
a. Detached single-family dwellings or duplex developments on individual lots of record (except that single-family units and duplexes shall maintain an area large enough to accommodate two off-street parking spaces); or
b. The CC, City Center district, TND, Traditional Neighborhood Development, and TOD, Transit-Oriented Development.
2. *Stand-Alone Parking*. Parking areas that constitute the principal use of a site shall comply with all of the provisions of this Section except for the minimum or maximum number of spaces as required in Section 121.03.02, *Parking Ratios & Design*.
3. *Paving for Assembly Uses*. Paving of parking areas and access ways for Public Assembly and Outdoor Entertainment uses may be waived if the applicant presents evidence to the Director that these spaces will not be used regularly on a daily basis or at least five times per week. Parking areas for which paving is waived shall maintain a turf surface. All parking areas for which paving is waived shall meet the minimum

requirements of Volumes I-C and V of the North Carolina State Building Code for Accessibility and for Fire Prevention. All parking lots shall be constructed with proper drainage.

C. **Parking Users and Orientation**.

1. Parking areas shall balance the needs of both the automobile and the pedestrian. Off-street parking areas shall be designed to minimize breaks in the pedestrian environment and the visual continuity of the streetscape. Parking areas shall primarily be located to the rear of the proposed structures to minimize visibility. In the event that a proposed development includes multiple structures, parking areas may be permitted in "front" of the internal buildings.
2. If the Director determines that relegating parking to the side and rear of the building is infeasible, parking and vehicle access may be allowed between the structure and the street. If parking or vehicle access is permitted between the street and structure, complete visual separation shall be achieved through the use of dense evergreen vegetation, a "knee wall" that is a minimum of four feet tall and comprised of masonry materials consistent with that of the structure, or a combination of the two. In no case, however, shall large expanses of parking be permitted between any street and structure.

D. **Multiple Uses.** In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the minimum parking, loading, and stacking standards shall apply to each use or structure, resulting in a total parking, loading, or stacking requirement when summed, except as exempted in this Section.

E. **Lighting and Noise**. The following standards shall apply to all vehicle use areas.

1. *Lighting*. Lighting shall comply with § 121.06, *Outdoor Lighting*.
2. *Noise*. An area used for primary circulation, frequent idling of vehicle engines, or loading activity shall be designed and located to minimize the effects of noise, pollution, and vehicle lights on an adjoining property.

F. **Associated Building, Use, or Structure**.

1. *Vehicle Use Area Required*. Vehicle use areas shall be maintained and continued as long as the associated building, use, or structure is continued. No person shall utilize such building, use, or structure without providing the vehicle use areas required in this Section. In addition, it shall be unlawful to discontinue, reduce, or remove the required vehicle use areas apart from the discontinuance of the building, use, or structure, without establishing alternative facilities that meet these requirements.
2. *On-Site and Off-Site Parking*. Except for allowances for off-site parking as established in Section 121.03.02, *Parking Ratios & Design*, a required vehicle use area shall be located on the same site as the use for which the vehicle use area is required.

G. **Buffer Yard**. A vehicle use area shall require a buffer from adjacent properties, based on the land use or zoning district, in accordance with Section 121.04.03, *Buffer Yard Landscaping*.

H. **Maneuvering Space**.

1. *Prohibited*. No vehicle use area shall be designed so that a vehicle is required to maneuver into a public right-of-way or overhang or encroach into an adjacent property under separate ownership or pedestrian crossing area in order to park, load, unload, or stack, except:
   a. In the case of single-family and duplexes where backing onto the public right-of-way is permitted; or
   b. Where a cross access easement as described in Section 122.02.06, *Easements*, is in place.
2. *Barrier*. In order to prevent overhang or encroachment described in Paragraph 1, *Prohibited*, above, a vehicle use area shall include a permanent six-inch curb, wall or other physical barrier. Such physical barrier shall be located a minimum of two feet from the right-of-way or property line.

I. **Dedication of Spaces**. Vehicle use area spaces shall not interfere with one another nor shall they be used interchangeably to meet one another's requirements.

J. **Insufficient Vehicle Use Area**. The Director may require a landowner to provide additional vehicle use area spaces even if the number of spaces provided meets the minimum requirement for the established use, if customers, employees, or delivery vehicles are consistently required to park or unload on the street where on-street loading is prohibited or on other properties due to a lack of available vehicle use area.

K. **Surfacing and Drainage**. All vehicle use areas shall be graded, surfaced, and maintained so that water does not accumulate, flow, or drain onto abutting public or private property. The surfacing of vehicle use areas shall consist of asphalt, concrete, pervious paving, or other such paving material approved by the Director of Public Works.

L. **Overflow Parking**. Overflow parking areas, event parking areas, and/or low-traffic storage yards shall use turf. Overflow parking shall be defined as off-street parking in excess of the minimum required by Section 121.03.02, *Parking Ratios & Design*, which is designed not to be used more than 10 times per year. A low-traffic storage yard means a storage area generating less than 30 ADT (average daily trips).

M. **Sight Triangles**. Sight Triangles for intersections of driveways and public streets shall be regulated in accordance with Section 120.05.01, *Measurements*.

N. **Striping**. Off-street parking areas, as required by this Ordinance, shall be striped in accordance with the dimensions as set forth in Section 121.03.02, *Parking Ratios & Design*.

121.03.02 Parking Ratios & Design (8.3, 8.4.2.3)

A. **Generally**. Off-street parking spaces shall be provided for the uses listed in Table 121.03.02-1, *Minimum and Maximum Vehicle Parking Spaces*. Lots containing these uses or building types shall provide the minimum number of off-street parking spaces, and parking spaces may not exceed the maximum number of spaces. Spaces required for compliance with the Americans with Disabilities Act (ADA) shall be counted toward fulfilling the total number of spaces required by this Section, after applicable reductions pursuant to Subsection D, *Modification to Required Number of Spaces*.

B. **Residential Parking**. Parking spaces for Household Living use types or specified building types that are located in private garages, carports, or individual driveways do not have to be marked. An area on a private residential lot is considered a parking space if:

1. *Dimensions*. The area is at least 9 feet wide and 20 feet deep in dimension and is not part of an access drive to a private garage or carport;
2. *Encroachment*. The area does not encroach upon a public sidewalk;
3. *Surface*. The area has an improved hard surface; and
4. *Access*. The area is accessible from the street or alley.

C. **Mixed-Use District**. The minimum and maximum parking requirements in the TND development type of the Mixed-Use district shall be reduced by 50 percent. The minimum and maximum parking requirements in the TOD development type of the Mixed-Use district shall be reduced by 75 percent.

Table 121.03.02-1, Minimum and Maximum Vehicle Parking Spaces

Use Category	Specific Use	Minimum Spaces	Maximum Spaces
Agricultural and Residential			
Agricultural and Animal-Related	Animal Boarding or Shelter	1 per 500 sf GFA	N/A
	Farmer's Market or Fruit / Vegetable Stand	1 per 600 sf of market area	N/A
	Pet Care Service (with or without outdoor kennels)	1 per 500 sf GFA	N/A
	Veterinarian Office or Hospital, Large Animal	1 per 1,000 sf GFA	N/A
	Veterinarian Office or Hospital, Small Animal	1 per 500 sf GFA	N/A
	All Other Agricultural and Animal-Related Uses	N/A	N/A
Household Living	Accessory Dwelling Unit	1 per unit	1 per unit
	Duplex	2 per unit	2 per unit
	Multi-family Dwelling	1.5 per unit	2.5 per unit
	Single-Family Attached Dwelling or Townhouse	1 per unit	N/A
	Single-Family Detached Dwelling	2 per unit	N/A

Table 121.03.02-1, Minimum and Maximum Vehicle Parking Spaces			
Use Category	Specific Use	Minimum Spaces	Maximum Spaces
	Single-family Manufactured Home Park	2 per pad	2 per pad
	Single-family Manufactured Home Subdivision	2 per unit	N/A
	Single-Family Modular Home	2 per unit	N/A
Group Living	Family Care Home	2 per unit	N/A
	All Other Group Living Uses	0.3 per room	1 per room
Institutional and Civic			
Community Amenities	All Community Amenities	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA
Day Care	All Day Care Uses	1 per 400 sf GFA	1.5 per 400 sf GFA
Educational Facilities	School, Technical or Trade	1 per 250 sf GFA	1 per 200 sf GFA
	University or College	1 per 5 students	1 per 3 students
	All Other Educational Facilities	1 per classroom	2 per classroom
Government Facilities	Correctional Institution	1 per 1,000 sf GFA	N/A
	All Other Government Facilities	1 per 300 sf GFA	1 per 125 sf GFA
Medical Facilities	Medical and Dental Office	1 per 300 sf GFA	1 per 150 sf GFA
	All Other Medical Facilities	1 per 400 sf GFA	1 per 100 sf GFA
Parks and Open Areas	Campground, Private	1 per 6 camp sites, plus 4 per laundry & shower facility	N/A
	Cemeteries, Crematories, & Mausoleums	See Subsection F., *Special Study*	N/A
	Country Club	1 per 3 seats, plus 1 per 300 sf of retail area	1 per 1.5 seats, plus 1 per 300 sf GFA
	Zoo	See Subsection F., *Special Study*	N/A
	All Other Parks and Open Areas	1 per 4 seats	1 per 2 seats
Passenger Terminals	Park-and-Ride Facility	N/A	N/A
	All Other Passenger Terminals	See Subsection F., *Special Study*	N/A
Public Assembly	Club, Private	1 per 3 seats	1 per 50 sf GFA
	Convention Center / Visitors Bureau	See Subsection F., *Special Study*	N/A
	All Public Assembly Uses	1 per 8 seats	1 per 1.5 seats
Social Service	All Social Service Uses	See Subsection F., *Special Study*	N/A
Utilities	Wireless Telecommunications Tower	N/A	N/A
	All Other Major Utilities	See Subsection F., *Special Study*	N/A
	All Minor Utilities	N/A	N/A
Commercial			
Entertainment, Indoor	Amusement Arcade	1 per game table, video game or other amusement device	N/A
	Bowling Center	2 per lane	4 per lane
	Electronic Gaming Establishment	1 per game table, video game or other amusement device	N/A
	Reception Facility	See Subsection F., *Special Study*	N/A
	Tattoo Parlor, Body Piercing	1 per tattoo or piercing station	1.5 per tattoo or piercing station
	All Other Indoor Entertainment	1 per 6 seats	1 per 50 sf GFA
Entertainment,	Golf Course or Miniature Golf	1 per hole	2 per hole

Table 121.03.02-1, Minimum and Maximum Vehicle Parking Spaces			
Use Category	Specific Use	Minimum Spaces	Maximum Spaces
Outdoor	All Outdoor Entertainment	1 per 600 sf of outdoor recreation area	1 per 500 sf of outdoor recreation area
Offices	Bank or Credit Union (with drive-through)	1 per 250 sf GFA	1 per 200 sf GFA
	Bank or Credit Union (without drive-through)	1 per 275 sf GFA	1 per 225 sf GFA
	All Other Office Uses	1 per 1,000 sf GFA	1 per 200 sf GFA
Overnight Accommodations	Bed & Breakfast Inn or Short-Term Rental	1 per guest bedroom, plus 1 for owner/operator	1 per guest bedroom, plus 2 for owner/operator
	All Other Overnight Accommodations	1 per room plus 1 per 800 sf of public meeting area and restaurant space	1 per room plus 1 per 400 sf of public meeting area and restaurant space
Parking, Commercial	All Other Commercial Parking Uses	N/A	N/A
Retail Repair, Sales, and Service Uses	Funeral Home	1 per 4 seats	1 per 2 seats
	Lawn and Garden Supply (with or without outdoor display or storage)	1.5 per 375 sf GFA of sales or service building area	1 per 375 sf GFA of sales or service building area
	Shopping Center (25,000-400,000 sf GFA)	1 per 300 sf GFA	1 per 200 sf GFA
	Shopping Center (400,001-600,000 sf GFA)	1 per 500 sf GFA	1 per 200 sf GFA
	Shopping Center (over 600,000 sf GFA)	1 per 600 sf GFA	1 per 200 sf GFA
	All Other Retail Sales and Service	1 per 500 sf GFA	1 per 200 sf GFA
Restaurant	Restaurant, Limited-Service (delivery, carryout, drive-thru)	1 per every 3 seating accommodation	1 per 50 sf GFA
	All Other Restaurants Uses	1 per every 3 seating accommodation plus sufficient stacking area to accommodate any drive-through lane(s)	1 per 50 sf GFA, plus sufficient stacking area to accommodate any drive-through lane(s)
Sexually-Oriented Business	All Sexually-Oriented Businesses	See Subsection F., *Special Study*	N/A
Vehicle Sales and Service Uses	Automobile Repair, Major or Minor	1 per 400 sf GFA including all service areas	1 per 300 sf GFA including all service areas
	Fuel Sales	6 per 1,000 sf GFA,	10 per 1,000 sf GFA
	Manufactured / Modular Home and Storage Building Sales	1 per 275 sf GFA of office area, plus 1 per every 2 employees	N/A
	Truck Stop, Travel Plaza, Car Wash	1 per 500 sf GFA including wash bays/tunnels and retail areas	1 per 375 sf GFA including wash bays/tunnels and retail areas
	Vehicle Sales and Rental	1.5 per 300 sf GFA of sales area, plus 1 per vehicle stored on site	1 per 300 sf GFA of sales area, plus 1 per employee
	All Other Vehicle Sales and Service Uses	See Subsection F., *Special Study*	N/A
Industrial			
Heavy Industrial	All Heavy Industrial Uses	2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift	N/A
Light Industrial	Contractor's Office (with or without outdoor storage)	1 per 600 sf GFA	N/A
	Micromanufacturing	1 per 1,000 sg GFA	1 per 300 sf GFA

Table 121.03.02-1, Minimum and Maximum Vehicle Parking Spaces			
Use Category	Specific Use	Minimum Spaces	Maximum Spaces
	All Other Light Industrial Uses	2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift	N/A
Resource Extraction	All Resource Extraction Uses	See Subsection F., *Special Study*	N/A
Self-Service Storage	All Self-Service Storage Uses	1 for every 200 rental spaces (2 required)	N/A
Warehousing and Storage	All Warehousing and Storage Uses	1 per 500 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	N/A
Waste Related Service	Salvage Yard	1 per 2 employees at peak shift, plus 1 per 5,000 sf of land area devoted to material storage, plus 1 for each company vehicle at peak shift	N/A
	All Other Waste Related Service	2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift	N/A
Wholesale Trade	Building Material Supply (with or without outdoor storage)	1.5 per 375 sf GFA of sales or service building area	1 per 375 sf GFA of sales or service building area
	All Other Wholesale Trade (without outdoor storage)	1 per 500 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	N/A

TABLE NOTES:
sf = Square Feet
GFA = Gross Floor Area
N/A = Not applicable; there is either no minimum, no maximum, or both no minimum and no maximum

D. **Parking Structures Exempted.** The maximum parking requirements shall not apply to parking spaces within an above-ground or an underground parking structure. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area of the building.

E. **Multiple Uses.** In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure, resulting in a total parking requirement when summed, except as exempted in this section.

F. **Modification to Required Number of Spaces.**

1. *Increase*. In unusual circumstances, the standard minimum parking requirement in Table 121.03.02-1, *Minimum and Maximum Vehicle Parking Spaces*, may not be appropriate. The Director shall have the authority to vary the parking requirement, either upward by 10 percent, if one or more of the following circumstances exists:
   a. *Automobile Ownership*. Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use.
   b. *Demand*. The parking demand varies throughout the day in relation to parking supply.
   c. *Operational Aspects*. The nature of operational aspects of the use warrants unique parking arrangements.
2. *Decrease*. The Director shall have the authority to vary the parking requirement downward for developments that contain a mix of uses on the same parcel, as set forth in Table 121.03.02-2, *Shared Parking Allowances by Land Use,* below in accordance with the following methodology:
   a. Determine the minimum parking requirements in accordance with Table 8.1-6 for each land use as if it were a separate use;
   b. Multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 121.03.02-2;
   c. Calculate the total for each time period (Columns);

d. Select the Column with the highest total; and

e. Use this number as the required minimum number of parking spaces.

Table 121.03.02-2, Shared Parking Table

(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential[1]	60%	90%	80%	90%	100%
Office or Industrial[2]	100%	10%	10%	5%	5%
Retail Repair, Sales, and Service	60%	90%	100%	70%	5%
Overnight Accommodations	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment, Indoor Entertainment, Outdoor, or Sexually-Oriented Business	40%	100%	80%	100%	10%
All Others	100%	100%	100%	100%	100%

TABLE NOTES:
[1]Residential Use Types are: Household Living and Group Living
[2]Industrial Use Types are: Heavy Industrial, Light Industrial, Warehousing and Storage, Waste-Related Use, and Wholesale Trade

Table 121.03.02-3, Illustrative Shared Parking Reduction Calculation

EXAMPLE: A mixed-use site has 50 townhouses, 10,000 square feet of general office space, and 25,000 square feet of retail space. Separately, these uses would require 185 parking spaces ((50 units. x (1.5 sp. / unit)) + (10,000 sf. x (1 sp. / 1,000 sf.)) + (30,000 sf. x (1 sp. / 300 sf.)) = 185). However, combined, they could share 159 parking spaces. (159 being the largest total below)

(A) Use Type	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential 75 spaces	60% x 75 = 45	90% X 75 = 68	80% x 75 = 60	90% x 75 = 68	100% x 75 = 75
Office or Industrial 10 spaces	100% x 10 =10	10% x 10 = 1	10% x 10 = 1	5% x 10 = 1	5% x 10 = 1
Retail Sales and Service 100 spaces	60% x 100 = 60	90% x 100 = 90	100% x 10 = 10	70% x 100 = 70	5% x 25 = 1
COLUMN TOTALS	115	159	71	139	77

TABLE NOTE:
The largest number, 159, is the number of parking spaces required. This example is a 14 percent reduction compared to individual calculations.

E. **Off-Site Parking**.

1. *Distance from Use*. In nonresidential and mixed use zoning districts, off-site parking may be up to 500 feet from the principal structure;

2. *Written Agreement*. A written agreement between the owners and lessees is executed for a minimum of 10 years, approved by the Director, recorded, and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered to contain nonconforming site improvements. Future expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this UDO.

F. **Special Study**.

1. **Generally**.

a. *Specific Uses*. Certain uses require a Special Study in Table 121.03.02-1, *Minimum and Maximum Vehicle Parking Spaces.* These uses have widely varying parking demand characteristics, making it impossible in this UDO to specify a single off-street parking standard.

b. *Submittal, Credits, and Reductions*. An applicant may also submit a special study to support a request to reduce the number of required parking spaces required for any use to less than that set out in Table 121.03.02-1 or allowed by right in Subsection D, *Modification to Required Number of Spaces*. The special study shall include and support all requested reductions in parking.

2. **Special Study Requirements**.

a. *Qualifications*. A special study shall be conducted by a qualified transportation planner or traffic engineer at the applicant's expense.

b. *Analytical Requirements*. The special study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable professional estimates and include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

3. **Application of Study**. Upon receiving a special study that meets the requirements of this Section, the Director may rely on the recommendations of the study to establish off-street parking requirements for the proposed development.

G. **Compact Car Spaces.** This Section shall apply only to retail shopping centers/superstores of 25,000 square feet or more. Not more than 20 percent of the off-street parking spaces required by this Section shall be designed as compact car parking spaces. Each compact car parking space shall be a minimum of eight feet wide and 16 feet long. Compact car parking spaces shall be clearly marked or posted for “Compact Cars Only.” All other provisions of this Section relating to off-street parking requirements shall be met.

H. **Electric Vehicle Charging Station**. Each off-street electric vehicle charging station with a rating of 240 volts or higher shall count as 1.5 off-street parking spaces toward satisfaction of the minimum required off-street parking requirements, for a maximum credit of 10 percent of required spaces.

I. **Proximity to Greenway or Bicycle Path**. Parking lots that directly connect to a greenway or bicycle path as required by the Bicycle, Pedestrian, and Greenway Plan shall receive a credit of 10 percent of required spaces. Walkways in compliance with the requirements of Subsection 121.03.06, *Access,* shall provide the connection from the parking lot to greenway or bicycle path.

J. **Parking Dimensions**. Parking space and aisle dimensions shall comply with the standards established in Table 121.03.02-4, *Parking Area Dimensional Standards*.

Figure 121.03.02-1, Standard Parking Dimensions

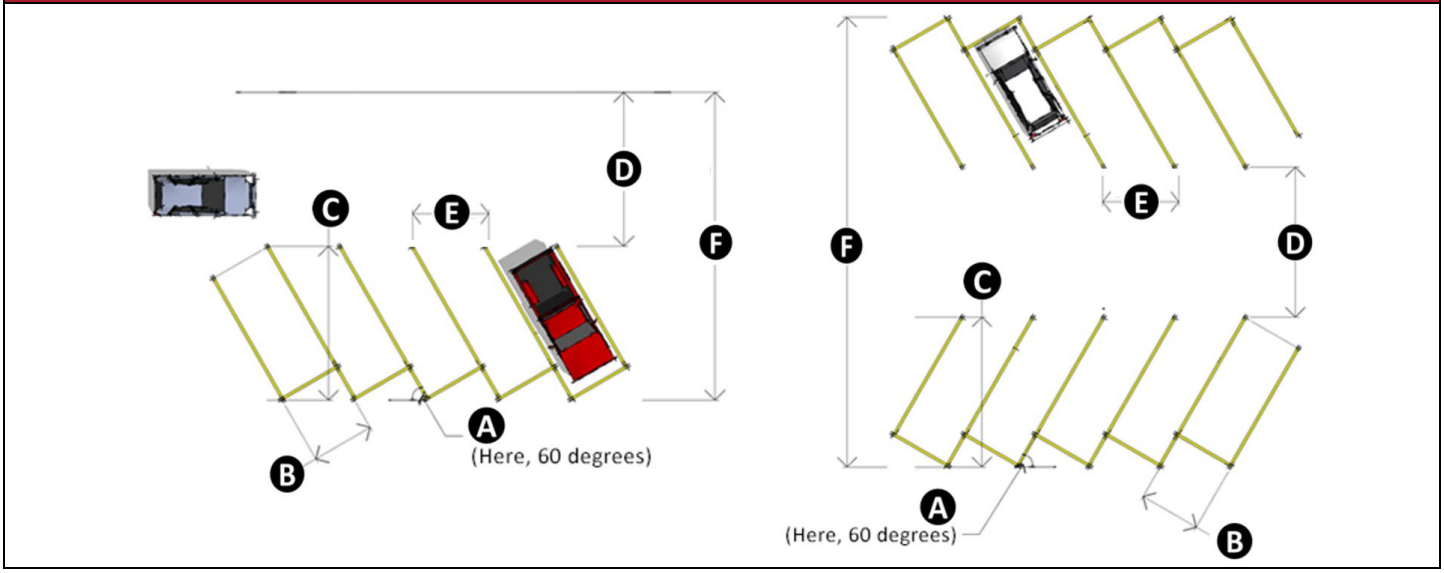


Table 121.03.02-4, Parking Area Dimensional Standards

A	B	C	D	E	F
For standard-size vehicles					
45°	9.0	18.0’	12.0’ ONE-WAY	13.0'	51.0’
60°	9.0	18.0’	18.0’ ONE-WAY	10.0'	58.0’
90°	9.0’	18.0’	24.0’ TWO-WAY	9.0'	60.0’
For compact-size vehicles (see Subsection G, *Compact Parking*, above)					
45°	8.0	16.0’	12.0’ ONE-WAY	11.0	1.5’ / 3.0’
60°	8.0	16.0’	18.0’ ONE-WAY	9.0	1.5’ / 3.0’
90°	8.0’	16.0’	24.0’ TWO-WAY	8.0	1.5’ / 3.0’

Note: Parallel parking spaces shall be 9’ by 26’ with a 20’ two-way access, or a 12’ one-way access.
Key (See Figure 121.03.02-2, *Standard Parking Dimensions*):

A. Parking Angle
B. Stall Width
C. Stall Depth
D. Aisle Width
E. Width of Stall Parallel to Aisle
F. Parking Bay Width

K. **Parking Location**.

1. *Generally*. Parking areas shall balance the needs of both the automobile and the pedestrian. Off-street parking areas shall be designed to minimize breaks in the pedestrian environment and the visual continuity of the streetscape. Additionally, no more than two rows of parking may be permitted on the side of a mixed use or nonresidential structure. Off-street parking areas shall primarily be located to the rear of the proposed structures to minimize visibility. In the event that a proposed development includes multiple structures, parking areas may be permitted in “front” of the internal buildings.
2. *Parking Between Building and Street*. If the Director determines that relegating parking to the side and rear of the building is infeasible, parking and vehicle access may be allowed between the structure and the street. If parking or vehicle access is permitted between the building and street, complete visual separation shall be achieved through the use of a Class 6 street yard. If the parking lot below the public street grade/view with screening that complies with Section 121.04.02, *Development Landscaping*, then the Class 6 street yard shall not be required.

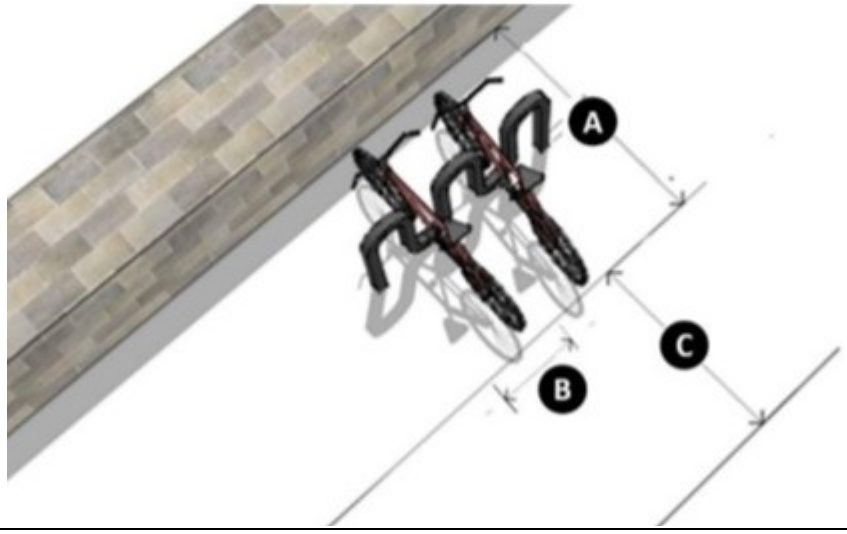
L. **Bicycle Parking**.

1. *Ratios*. Table 121.03.02-3, *Minimum Bicycle Parking Spaces*, below, shows the bicycle parking requirements for use categories or specific uses in the CC and MU zoning districts that are permitted, permitted with limitations, or require a Special Use Permit. Unlisted uses do not require bicycle parking.
2. *Location*. The location for required bicycle parking shall comply with the following:
    a. *Close Proximity to Building*. At least 50 percent of all required bicycle parking shall be located within 50 feet of the principal building entrance; and
    b. *Remainder*. The remaining required bicycle parking may be located:
        1. In a secure location within 50 feet of other building entryways other than the principal entrance;
        2. At employee-only entrances;
        3. Within a building; or
        4. In a covered vehicle parking facility within 50 feet of a building entrance.
3. *Standards*. The following standards apply to required bicycle parking.
    a. *Dimensions*. The following standards apply to all required bicycle parking:
        1. As depicted in Figure 121.03.02-2, *Bicycle Parking Dimensions*, a bicycle parking space shall be a minimum of six feet deep (A) and two feet wide (B) with a five-foot access area adjacent to the set of spaces (C).
        2. All bicycle parking spaces shall be constructed in accordance with the latest version of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.
    b. *Support*.
        1. Bicycle parking racks shall support the bikes in a stable, upright position, without damage to wheels, frame, or other components.
        2. Bicycle parking racks shall support the frame of the bicycle and at least one wheel. Racks shall allow the frame and one wheel to be locked to the rack. Racks shall be securely anchored. Racks shall accommodate a wide variety of sizes and types of bicycles.
    c. *Access*.
        1. Access shall be provided to each required bicycle space. Aisles shall have a width of at least three feet to the front, rear or side of the bicycle spaces.
        2. Racks shall be placed a minimum of 24 inches away from walls and other elements that may create an obstacle to accessing the bike parking spaces.

Table 121.03.02-5, Minimum Bicycle Parking Spaces

Use Category or Specific Uses	*Minimum Spaces*
Multi-family Dwelling	1 per 3 units
Townhouse	1 per 3 units
Educational Facilities	1 per classroom
Community Amenities	1 per 5 required parking spaces, minimum of 2
Medical Facilities	1 per 5 required parking spaces, minimum of 2
Parks and Open Areas	1 per 5 required parking spaces
Entertainment, Indoor	1 per 4 required parking spaces, minimum of 4
Entertainment, Outdoor	1 per 3 required parking spaces, minimum of 5
Offices	1 per 5 required parking spaces, minimum of 2
Retail Repair, Sales, and Service	1 per 4 required parking spaces, minimum of 4
TABLE NOTES: No single use shall be required to provide more than 10 bicycle parking spaces	

Figure 121.03.02-2, Bicycle Parking Dimensions



121.03.03 Accessible Parking

A. **Generally**. Accessible parking spaces shall be a minimum of the following, as depicted in Figure 121.03.03, *Accessible Parking Dimensions*:

1. 13 feet by 18 feet for a single non-van space (8 feet in width in addition to a five-foot access aisle);
2. 16 feet by 18 feet for a single van space (8 feet in width in addition to an eight-foot access aisle); or
3. 24 feet by 18 feet for a double van space, or a non-van and van double space (eight feet in width for each space with an eight-foot access aisle between spaces).

B. **Building Code**. Accessible parking spaces shall comply with the most recently adopted North Carolina State Building Code.

C. **Design**. Accessible parking spaces shall be configured so that users are not required to travel behind cars when traversing from the parking space to the front door of the structure.

Figure 121.03.03, Accessible Parking Dimensions

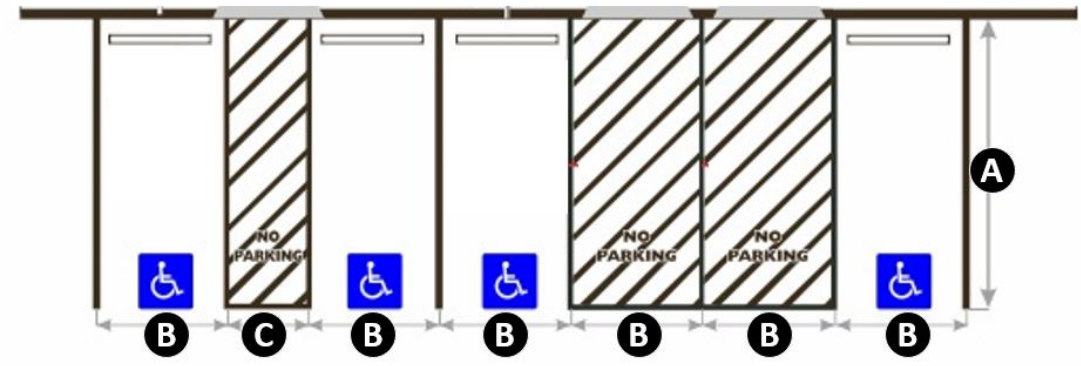


FIGURE NOTES:
A = 18 feet; B = 8 feet (standard)/11 feet (van); C = 5 feet (add 3 feet of width to accommodate vans)

121.03.04 Off-Street Loading

A. **Scope**. There shall be provided off-street loading spaces of not less than the minimum requirements specified in this Section in connection with any nonresidential or mixed use building, structure, or use which is to be erected or

substantially altered to provide adequate space for off-street loading, unloading and the maneuvering of shipping and delivery vehicles in accordance with the following:

B. **Location**.

1. *Same Lot*. Off-street loading areas shall be located on the same lot as the principal use and be designed to have minimal impacts on pedestrian areas.
2. *Orientation*. Loading and unloading areas shall be placed, to the greatest extent possible, to the rear of the structure and shall be screened from the view of any street and/or any residentially developed or residentially zoned property. Additionally, loading/unloading spaces shall be located such that interference with traffic on streets and or internal driveways is minimized. In the event that a loading dock is necessary to support the proposed use, the dock shall be located to the rear of the structure and shall not be visible from any street and/or residentially developed or residentially zoned property.

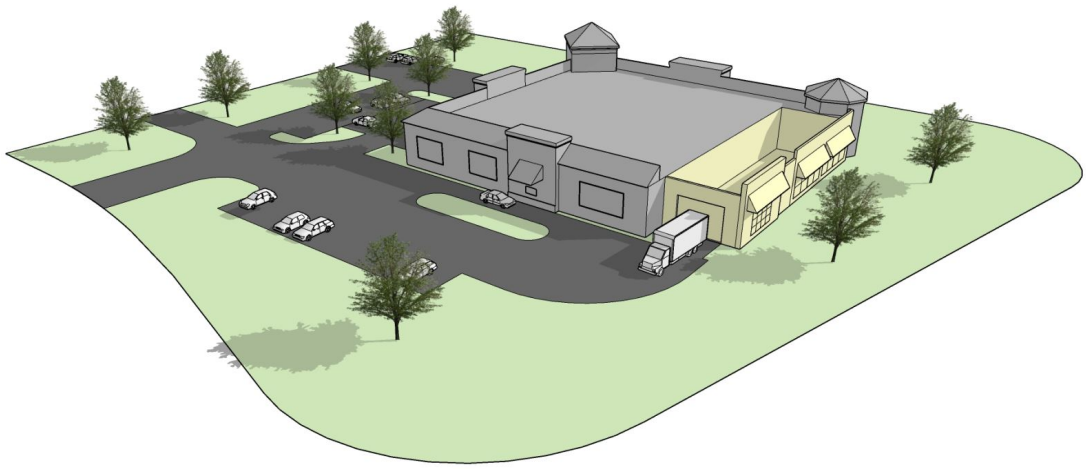
C. **Design**. To minimize impacts, off-street loading areas shall comply with the following standards.

1. *Lighting*. Any lighting used to illuminate off-street loading or unloading areas may not glare on any right-of-way or adjacent property.
2. *Location*. Not be located within 40 feet of the nearest point of intersection of any two streets with no loading dock visible from a thoroughfare or collector street right of way;
3. *Screening*. All loading areas shall be effectively screened in one of the following manners on each side adjoining or fronting on any property situated in a residential zoning district:

   a. The loading area shall be enclosed by a roofed or unroofed and a wall between the principal building and the property boundary line (as depicted in Figure 121.03.04, *Illustrative Example of Enclosed Loading*, below). The walls of the enclosure shall be tall enough to completely screen the delivery vehicle and shall be designed and constructed with architectural elements such as windows, awnings, or other features that complement the exterior of the principal building. The portion of the buffer between the enclosed loading and the property line may be reduced by one level with the remainder of the buffer yard being the type required by Table 121.04.03-1, *Buffer Yard Chart*, for the applicable character district.

   b. Alternatively, the loading area shall be screened along its length by a buffer per Section 121.04.03, *Buffer Yard Landscaping*, that has one additional level of opacity (for example, from a Type B buffer yard to a Type C buffer yard) than required by Table 121.04.03-1 and, additionally, the loading area shall contain an eight-foot tall masonry wall that is designed and constructed to complement the primary exterior finish materials or design of the principal building.

Figure 121.03.04, Illustrative Example of Enclosed Loading



D. **Surfacing**. Off-street loading areas shall be surfaced with pavement, concrete, or equivalent and designed to properly drain.

E. **Use Restrictions**. No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading space. In addition, this area shall not be used in the count for off-street parking spaces for the use.

F. **Size and Number of Spaces**. The uses required to provide off-street loading/unloading space and the quantity and size of said space required shall be:

1. *Retail Repair, Sales, and Service Uses.* One loading space with minimum dimensions of 12 feet by 25 feet for every 20,000 square feet of Gross Leasable Area rounded off to the nearest 20,000.
2. *Office Uses and Overnight Accommodations Uses Over 50,000 Square Feet.* One loading space with minimum dimensions of 12 feet by 25 feet for every 50,000 square feet of Gross Leasable Area rounded to the nearest 50,000. This requirement shall only apply to Office and Overnight Accommodation uses with or 50,000 square feet of gross leasable area.
3. *Industrial and Wholesale Trade Uses.* These uses shall provide the loading spaces with a minimum dimension of 12 feet by 25 feet in accordance with Table 121.03.04, *Loading Space Ratios*.

Table 121.03.04, Loading Space Ratios

Gross Leasable Area	Minimum Loading Spaces Required
Up to - 50,000 sq. ft.	1 space
50,000 - 120,000 sq. ft.	2 spaces
120,000 - 220,000 sq. ft.	3 spaces
220,000 - 350,000 sq. ft.	4 spaces
350,000 - 550,000 sq. ft.	5 spaces
550,000 - 850,000 sq. ft.	6 spaces
Each additional 400,000 sq. ft.	1 additional space

121.03.05 Stacking

A. **Generally.** Stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service window. The position in front of a drive-through station (e.g., a service window, ATM, or station at a drive-through bank) is counted as a stacking space.

B. **Required Stacking Spaces.** All drive-in and drive-through facilities shall provide vehicle stacking in accordance with Table 121.03.05, *Required Vehicle Stacking Requirements,* and as depicted in Figure 121.03.05, *Vehicle Stacking Illustration*.

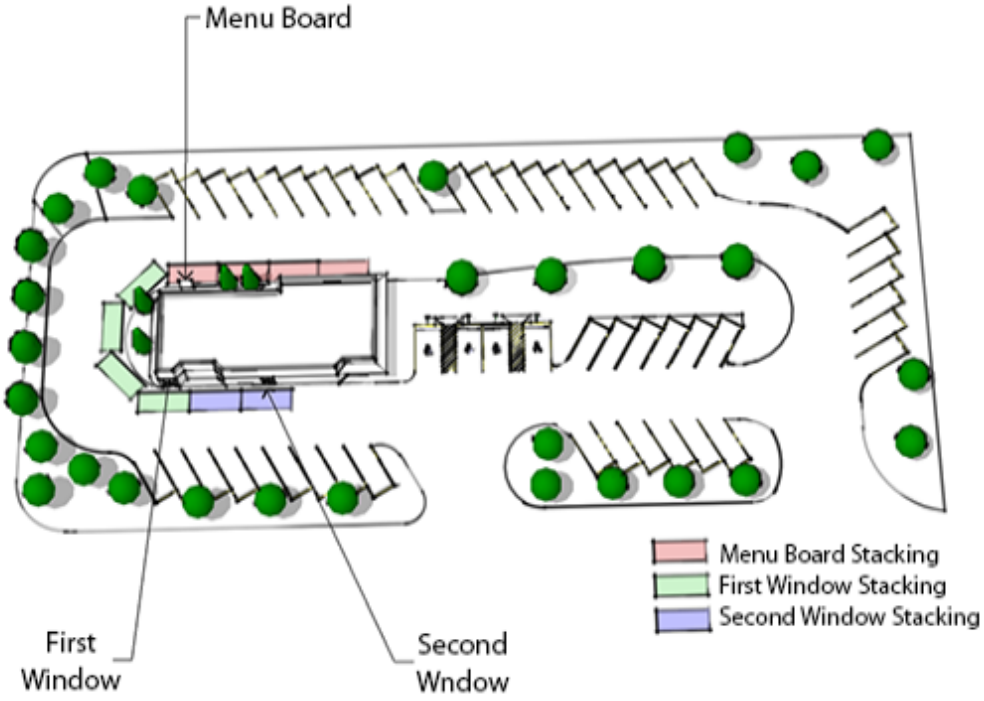
Table 121.03.05, Required Vehicle Stacking Spaces

Use with Drive-Through	Stacking Requirement
Restaurant, Fast Food	4 spaces behind menu board, 4 spaces behind first window, 2 spaces behind second window, including position at second window (see Figure 121.03.05, *Vehicle Stacking Illustration*)
Financial Institution	For single drive-through lane: 6 spaces For multiple drive-through lanes: 4 spaces per window/kiosk For ATMs (attached to a building or stand-alone): 3 spaces per window/kiosk
Pharmacy	4 spaces per drive-through station
Convenience or Grocery Store	4 spaces per drive-through station
Dry Cleaner	2 spaces per drive-through station, including position at window
Car Wash	For automatic washes: 2 spaces per bay at entrance; two vehicles per bay at exit For self-service washes: 2 spaces per bay at entrance; 2 spaces per bay at exit For full-service washes: 2 spaces per bay at entrance; 2 spaces per bay at exit
Fuel Sales	2 spaces per fuel pump (1 per side)
Gated Parking Lots	2 spaces per gate
Public Uses	2 spaces per window/kiosk

C. **Design.**

1. *Striping*. Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic circulation.
2. *Location*. Stacking areas shall not be located between the facade of a building and the public street upon which the building fronts.
3. *Bypass Lane*. Stacking lanes shall be designed with an abutting 10-foot wide bypass lane.

Figure 121.03.05, Vehicle Stacking Illustration



D. **Width.** The minimum pavement lane width for a stacking space shall be eight feet.

E. **Other Uses.** Uses other than those set out in Table 121.03.05, *Required Vehicle Stacking Spaces*, that propose drive-through service shall provide a number of stacking spaces as approved by the Director, based on a functional comparability to a use that is listed in Table 121.03.05.

F. **Reduction of Stacking Requirements.**

1. *Mobile Pick-Up*. Where no menu boards are on-site and the establishment only accepts online orders, a minimum of two stacking spaces is required behind the first window and a minimum of two stacking spaces are required behind the second window. Where only one window is present, a minimum of three stacking spaces are required.
2. *Reduction of Spaces or Dimensions*. The Director may approve a reduction of the stacking requirements of this Section upon demonstration by a qualified traffic engineer that a reduction in the stacking requirements is appropriate for the applicant's proposed use given its proposed intensity or context.
3. *Minor Adjustment*. Minor deviations of these requirements that reduce the stacking distance by less than one stacking space may be approved by the Director without a demonstration by a licensed traffic engineer if the applicant demonstrates that strict compliance with this Section is impracticable or would lead to a lower quality of site design.

121.03.06 Access (11.6.3.6; 15.1.7; 10.1.7)

A. **Direct Access**. All off-street parking must have direct access to a public right-of-way through an alley, driveway, or permanent access easement.

B. **Street Classification**. Entries for parking shall be placed along a collector street, where practicable.

C. **Moving Other Vehicles**. Except for where valet or tandem parking is utilized, all required parking shall be designed so that vehicles enter or leave a parking space without having to move any other vehicle.

D. **Turn-Arounds**. Any parking row that does not provide two means of vehicular egress must provide, at the closed end, a space designated as a turn-around area. This space must be located at the end of a parking row, be designed with a minimum dimension of 10 feet in width by 10 feet in depth, and include a "No Parking" sign.

E. **Cross Access**.

1. *Generally*. Cross access for vehicle circulation shall be provided between abutting nonresidential or mixed use development, in accordance with Section 122.02.06, *Easements*.

2. *Adjacent Vacant Properties*. Where connections to abutting nonresidential or mixed-use parcels are possible, but the adjacent property is undeveloped, the parcel proposed for development shall include a stub-out of driving aisles and sidewalks at a location that allows for two-way vehicular connection and pedestrian connection on the abutting parcel (i.e., one that allows for reasonable development of both parcels) in the future.

F. **Walkways**.

1. For developments with over 60,000 square feet of gross floor area, raised walkways a minimum of six feet in width shall link residential and commercial developments, common areas, and parking areas to the building. If a proposed development includes multiple buildings in the site design, then an overall connectivity plan shall be provided for the development, including crosswalks and other safety features designed to encourage walking as an alternative to vehicular transportation. Walkways shall be a minimum of five feet wide and shall have a minimum six-foot landscaped buffer area between the road or access way and the walkway itself. Walkways shall remain as unobstructed as possible by items such as plantings or trash receptacles.

2. Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the buildings. This may be achieved in smaller lots by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking areas should channel pedestrians from the car to the perimeter of the lot. A paving material that is different in color and/or texture from that of vehicular areas shall delineate these pedestrian travel ways and shall be clearly marked. Small posts or bollards incorporating lights may also serve the same purpose.

G. **Campus Developments.** All building sites and/or buildings within the CD, Campus Development zoning district shall be accessed on interior public or private streets, not on thoroughfares or collectors, except where a lot of record exists at the time of this amendment.

H. **Access Points.** Access point(s) shall be developed as follows:

1. *Lots of Record.* Any lots of record at the time of the adoption of this Ordinance shall be allowed one access point. However, if lots of records are corner lots then the access point shall be located on the road of minor classification no closer than 125 feet or the greatest possible distance from the intersection with the thoroughfare.

2. *Driveway Permit Required*. A driveway permit is required prior to the construction of any new access point to a publicly maintained street. Said permits are issued by the NCDOT for a connection to any State Highway (19A NCAL §§ 2B.0601-2B.0605). A driveway permit is required in accordance to the standards of Section 121.03.07, *Right-of-Way, Design Standards, and Driveway Regulations*, to connect to a Town maintained street. Applicants for preliminary subdivision plat or site plan approval shall submit copies of any driveway permit applications with the application for development approval.

3. *Corner Lots.* Corner lots fronting on two thoroughfares may have one access point from each thoroughfare. However, the access shall meet the 125-foot distance requirement, or the greatest possible distance.

4. *Additional Access Points.* An additional access point may be approved, at the discretion of the Director, for access to nonresidential or mixed use property. The approval of this additional access point shall require the construction of both a left turn and deceleration lane to serve that entrance. The area of these lanes used for vehicular storage shall be of standard lane width (12 feet) and adequate in length to store a standard tractor-trailer and two automobiles. In no event shall adjacent access points be closer than 100 feet to each other, as measured from the nearest curbs or edges of pavement, excluding any area of the access flared to improve vehicle ingress or egress. This requirement may be waived if no other access to the property would be possible. The additional access point shall be no more than 32 feet in width, and shall be defined by a curb on both ends of the access point. A standard sight triangle (10' by 70') shall be maintained on the portion of curb

adjoining the access point. No structure, sign, planting, etc. shall be placed in the sight triangle that would interfere with the tractor-trailer being able to enter or exit the property in one continuous movement.

121.03.07 Right-of-Way, Design Standards, and Driveway Regulations (C.4; C.7; Appendix D, 8.2)

A. **Driveway Regulations.**

1. *Purpose*. The purpose of this Section is to provide:
   a. Owners of abutting property with the maximum service feasible, consistent with the safe and efficient use of Town streets;
   b. A uniform ordinance for the design, location, operation and construction of driveways throughout the Town; and
   c. Maximum safety and protection to the public through the regulation of vehicles entering and exiting public streets.
2. *Applicability*. This Section shall apply to all driveways or access points planned to connect to a Town maintained street. The provisions of this Section shall regulate only that portion of a private driveway that connects to a public street and extends to the edge of a public right-of-way.
3. *Driveways on Major Thoroughfares.* The Town's intent is to further increase safety and decrease congestion along specified major thoroughfares. In order to accomplish these objectives, certain goals have been identified. These goals are:
   a. To prohibit driveways within a certain distance of intersecting streets unless alternate access is not available,
   b. To decrease the number of driveways along major thoroughfares, and
   c. To increase the distance between adjacent driveways along major thoroughfares.
4. *Enforcement*. This Section is to be administered by the Town of Harrisburg Public Works Director and/or his/her designee(s). The issuance of a Driveway Permit as prescribed by this Section shall be issued by the Harrisburg Public Works Director /or his/her designee(s) for driveways that access a street maintained by the Town and issued by the North Carolina Department of Transportation for driveways that access a street maintained by the state.
5. *Safety*. The safety and efficiency of a roadway is impacted by the amount and type of interference experienced by the vehicles moving on it. Some interference may result from other vehicles on the roadway, moving in either the same or the opposite direction. The major form of interference, however, is from vehicles entering, leaving, or crossing the roadway at intersecting streets and driveways. In order to reduce interference with traffic flow, minimize accidents and assure the best overall utilization of the roadway by the motoring public, it is necessary to regulate vehicles entering and leaving roadside developments and intersecting streets.
6. *Right of Access*. The Town of Harrisburg recognizes the legal rights of the abutting property owners to have access to their property. However, it must also consider the right of other roadway users to travel with relative safety and freedom interference. Since these rights are at times in conflict, it is the Town's responsibility to reconcile and, to the extent feasible, satisfy the needs and desires of all roadway users.

B. **Driveway Design Standards.**

1. *Driveway Width*. The width, in feet, or a driveway approach and curb return flare or radius shall be within the minimum and maximum limits as specified in Table 121.03.07-1, *Design Standards for Driveway Width*, below. All driveway approach widths shall be measured at the street right-of-way line and the width of any driveway shall not increase when crossing the right-of-way except at properly designated curb returns. The width and radius of street type driveways and width of private street entrances shall be determined by the Public Works Director within the limits of this ordinance.

Table 121.03.07-1, Design Standards for Driveway Width				
Land Use/Driveway Type	Driveway Width, Ft.		Flare/Radius, Ft.	
	Minimum	Maximum	Minimum	Maximum
Residential-Single Family	12	20	1	3
Multi-family	24	36	10	30
Commercial/Industrial	24	36	5	10
Commercial/Industrial one-way	15	20	5	10
Private Street Entrance	24	48	30*	30*
Street Type Driveway	24	36	10	30
* radius only				

2. *Number and spacing of driveway approaches*. Driveways shall be allocated and spaced as outlined in Table 121.03.07-2, *Driveway Spacing*, below, provided all other requirements of this article are met. Single-family and duplex developments on individual lots of record shall be exempt from these standards. However, driveways associated with these uses shall not be located within any site triangles.

Table 121.03.07-2, Driveway Spacing		
Road Classification	Minimum Separation Between Driveways	Minimum Separation Between Driveways and intersecting Streets
Local Streets	40 feet	60 feet
Collector Streets	120 feet	120 feet
Major and Minor Thoroughfares	400 feet	250 feet
TABLE NOTE: Access separation between driveways shall be measured from inside edge to inside edge of driveway. Access separation between a driveway and intersecting street shall be measured from the nearest edge of the driveway to the intersecting right-of-way lines. The maximum number of driveways allowed for any parcel prior to subdivision of property shall be three and shall meet the minimum spacing requirements of this ordinance.		

3. *Driveway Design.*
   a. All residential driveways shall be at least 18 feet in length from the edge of the pavement where the structure begins to the edge of the pavement where the sidewalk or street begins. At no time shall vehicles be parked over sidewalks or encroach into streets. Parking shall also not be allowed on the grass in residential development. All single-family residential homes require two parking spaces per unit per Section 121.03.02, *Parking Ratios and Design*. If additional parking is needed due to the size of the homes (i.e. based on the number of bedrooms), the developer shall install overflow parking on each parcel to accommodate additional vehicles or design an overflow parking lot within the development. Design of overflow parking is subject to review by the Director.
   b. All driveway approaches shall be a concrete apron section (“ramp” type), except that street type driveway entrances may be required for public or private developments that have parking spaces for 200 or more vehicles or when special conditions exist as determined by the Public Works Director. The concrete apron shall be installed to the right-of-way line or at least 10 feet from the edge of the roadway and/or back of curb.
   c. Ramp type driveway approaches may use either a standard drop curb opening or curb radius from the street curb to the inside sidewalk line. If a curb radius used, the top elevation of the curb radius must be held level with the elevation of the street curb, and the driveway apron must be raised to meet the elevation of the curbline at the inside sidewalk line.
   d. Driveway approaches shall cross the sidewalk area at the sidewalk grade established by the Public Works Director. The sidewalk shall be constructed separately from the driveway apron. The driveway angle shall be 90 degrees, unless engineering considerations dictate otherwise, as approved by the Public Works Director.
   e. Where special pedestrian or vehicular hazards may be encountered, driveway approaches may be restricted to one- way operation. Such driveways shall be clearly signed and marked as one-way driveways using pavement arrows and directional signs. Failure to erect and maintain such signs or the

failure to use these driveways in accordance with the signing and marking shall be considered a violation of this article.

4. *Medians and Islands.* Medians or islands may be permitted for street type driveways and private street entrances only, upon approval of the Public Works Director and subject to the following conditions:
   a. The raised median or island shall be constructed on private property to the rear of the right-of-way line;
   b. The minimum width of the median or island as measured nearest the right-of-way line (excluding the nose) shall be six feet or as required by the Town of Harrisburg Public Works Director.
   c. The minimum length shall be 50 feet;
   d. For street type driveways with a median or island, the combined width of pavement of the separated driveway segments shall not exceed 48 feet;
   e. Medians and islands shall not be permitted for ramp-type driveways.
5. *Location of driveway approaches.* All driveway approaches shall have a minimum side clearance as specified in Table 121.03.07-3, *Driveway Approaches*, and meet the following standards:
   a. All driveway approaches shall have a minimum corner clearance of 60 feet.
   b. At street intersections where the radius is 60 feet or more, driveway approaches may encroach upon either end of the radius for a distance up to five percent of the total length of the arc of the curb radius, thereby leaving at least 95 percent of the arc length of the radius free from driveway encroachment, provided that all other requirements of this article are met.
   c. No driveway approach shall be permitted to encompass any municipal facility, including but not limited to traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, utility poles, fire alarm supports, meter boxes, and sewer cleanouts. The driveway approach must be located a minimum of three feet from any such facility.
   d. Landowners of adjacent property, may, by written mutual agreement, construct a joint driveway to service both properties provided that all other requirements of this article are met with the exception of the side clearance restriction.
   e. All work done and all materials used in the construction of driveway approaches shall conform to the current "Standard Specifications for Concrete Sidewalk and Driveway Approaches, Town of Harrisburg" as established by the Public Works Director.
   f. Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving the relocation, alteration, or reconstruction and such driveway approaches shall be subject to the provisions of this article.
   g. When the use or layout of any property is changed, making any portion or all of the driveway approach unnecessary, or when the driveway is nonconforming, the owner of the abutting property shall, at his expense, replace all necessary curbs, gutters, and sidewalks, or correct all nonconforming features within 30 days after written notice from the Public Works Director. Failure to do so may result in a penalty being imposed as described in Section titled Permit Required.

Table 121.03.07-3, Driveway Approaches

Land Use	Minimum Side Clearance
Single Family Residential	5 feet
All others	10 feet

E. **Turn Lanes, Tapers, Deceleration Lanes.** Turn lanes, tapers, and/or deceleration lanes may be required by the Public Works Director where it is anticipated that the volume of traffic using the proposed driveway(s) or street(s) may significantly interfere with the flow of traffic on the abutting public street. Request for turn lanes, deceleration lanes and transition tapers shall be considered as part of the driveway permitting process and must be shown on the submitted site plans, in addition to the other required site plan elements. In addition, the following requirements must be met:

1. *Turning lanes serving multiple entrances.* Dedication and construction of turning lanes to serve one or more entrances into a development shall be required in any Special Use or driveway permit or subdivision approval for a use or development which is adjacent to a two-lane public street with average daily traffic (AT) exceeding

5,000 vehicles per day, or a four-lane or larger public street with AT exceeding 10,000) vehicles per day, if any one of the following conditions are also present:

a. The use of development requires 50 or more off-street parking spaces.

b. The use of development will generate more than 100 trips during the peak hours of 7-9 AM, 11 AM-1 PM, and 4-6 PM. Data shall be based on the Institute of Transportation Engineers Manual titled "Trip Generation" and based upon the highest land use permitted by the zoning classification as affected by any restrictions imposed by any Special Use Permit or other legally enforceable restriction.

c. The use of development, as it may be affected by such restrictions, is reasonably expected to generate more than 25 truck (more than 13,000 G.V.W.) trips per day through a single driveway.

d. The use or development, as it may be affected by such restrictions, creates special safety or traffic conditions due to limited sight distance and/or posted speeds in excess of 35 miles per hour along the adjacent public street. Such conditions shall be determined in writing by the Public Works Director.

e. The use of development consists of at least 50 attached or detached residential dwelling units.

2. *Side Clearance.* The Public Works Director may require additional side clearance to accommodate the required turn lanes, deceleration lanes and/or tapers.

3. *Costs.* The cost of all required turn lanes, deceleration lanes and transition tapers shall be paid for by the property owners. Property owners shall not be entitled to any claims or reimbursement for expenditures involved in construction on public rights-of-way. All construction improvements required herein shall be the property of the Town of Harrisburg.

F. **Standards for Directional Signs and Pavement Markings for Designated Entrance and Exit Driveways**. The driveway ordinance imposes strict limitations on the number, location, and spacing of driveways on designated major thoroughfares; however, it allows for two one-way driveway approaches to be considered as a single driveway approach provided that the approaches are clearly signed and marked using directional signs and pavement arrows. Other provisions of the ordinance require signs and markings where special pedestrian or vehicular hazards necessitate the one-way operation of driveways. The following standards apply to all instructional or directional signs and pavement markings used to designate private driveways as entrance and exits.

G. **Pavement Arrows**. Pavement shall be marked with arrows as follows:

1. *Location.* A sufficient number of pavement arrows designating the appropriate direction of traffic shall be installed in the driveway approach and driveway so that they are clearly visible from the street.

2. *Size*. Pavement arrows shall be a minimum of 8 feet in length and shall conform in size and proportion to the standards set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).

H. **Roadside Drainage Requirements.** A well-functioning roadside drainage system is important to maintaining the structural integrity of the roadway and providing a safe driving surface during storm events. Roadside drainage is accomplished using either a ditch system including adequately sized and constructed driveway pipes, a curb and gutter system with well-designed curb inlets and drainpipe system, or some combination of both systems. Modifications to existing drainage systems must be evaluated and approved by the Town of Harrisburg Town Engineer prior to construction, and are permitted as a part of the right-of-way construction permit system. Standards shall be as follows:

1. *Piping Existing Ditches.* The design and cost for piping existing roadside ditches is the responsibility of the property owner unless it is included as part of a neighborhood capital improvement project funded by the Town of Harrisburg. Piping ditches will only be allowed if the following criteria are achieved:

a. The hydraulic capacity of the existing ditch system will not be reduced or diminished.

b. The culvert pipe shall be of size adequate to carry the anticipated flow in the ditch as determined by the Town of Harrisburg and shall not be smaller than 15-inches inside diameter.

c. The flow from and to adjacent properties will not be inhibited.

d. All pipe materials and installation meet Town of Harrisburg and NCDOT standards. No pipe with broken joints or other defects is allowed.

e. A swale can be maintained over the pipe to prohibit sheet flow of water from the property onto the road surface, and adequate inlet grates are included in the design and installation. In no case shall the construction cause water to flow across the pavement, or to pond on the shoulders or in the ditch, or result in erosion within the right-of-way.

f. A minimum cover of 8-inches can be maintained over the top of the pipe. If vehicular traffic will cross the pipe, a minimum cover of 24-inches must be maintained, or Class IV reinforced concrete pipe must be utilized.

g. Pipe installation must be inspected by the Town prior to back-filling the pipe and inlet boxes.

h. All grates and frames shall meet NCDOT standards for traffic bearing, and must be pre-approved by the Town of Harrisburg.

i. Drainage collected by ditches, gutters, or pipes on private property shall not be discharged into the road drainage system unless expressly approved by the Town of Harrisburg. The applicant may be required to submit a drainage study to the Town justifying the drainage system proposed and the pipe or sewer sizes to be used. Natural drainage laws and practices must be observed.

j. Water quality shall not be adversely affected by any piping activity.

2. *Pipe Construction Options.* All commercial or industrial sites are responsible for the design, construction and cost associated with all drainage improvements in accordance with these regulations. All residents have two options for construction of the ditch pipe, once a permit has been issued. The Town will contract with a licensed contractor following payment of all estimated costs associated with the project to the Town by the owner. The project will then be completed based upon the Contractor's schedule. The second option is for the resident to hire a licensed contractor who will complete the project according to the submitted plans. The contractor will be responsible to schedule inspection by the Town prior to placing any backfill into the excavation, so that all pipe joints, bedding, and inlet construction can be inspected. Failure to obtain the proper permit and/or inspection may result in the pipe being removed at the owner's expense.

3. *Acceptable Piping Materials.* All pipe located within the street right-of-way must be reinforced concrete pipe unless the Town Engineer accepts an alternative material.

4. *Acceptable Grates and Frames*. All grates and frames must be cast iron and must meet Town of Harrisburg and NCDOT standards. Each casting shall be permanently imprinted with the image of a fish and the following statement: "Dump No Waste! Drains to Rivers."

5. *Vertical Separation*. Water and sewer utilities shall be separated by a minimum vertical distance of 18 inches.

I. **Street and Utility Repairs.** Operations requiring the cutting and removal of roadway and sidewalk surfaces or operations interfering with the normal flow of vehicular or pedestrian traffic shall be subject to the guidelines set forth in Part VI of the MUTCD. The following standards shall apply:

1. *Cutting requirements.* Prior to cutting of the street, sidewalk or curb and gutter, a street cut permit is required to be obtained from the Public Works Director. No street cut permits will be issued for streets that have been resurfaced within the last two years, unless there is an emergency situation or other physical constraints and approved by the Public Works Director.

2. *Costs*. Cost of replacing the asphalt, concrete or other materials and other related costs such as street cleaning, sidewalk cleaning, etc. as a result of the above described work will be paid by the grantee of the permit. A copy of the permit must be kept at the job location.

3. *Time requirement.* Street cuts and sidewalks should be completely repaired in an expedient manner. Cuts must be filled with stable material (asphalt, concrete or approved equal) to within 1 ½ inches of finished grade within 3 days of initial work. Finished roadway surfaces, sidewalks and curbs must be restored within 30 days of initial work. If circumstances justify, the Public Works Director may grant an extension of these time requirements.

J. **Use and Protection of property.** Standards for use and protection of property are as follows:

1. *Use of Rights-of-Way.* Rights-of-way of streets may not be used for private or commercial purposes. The area to which the driveway provides access shall be sufficiently large to store any vehicles using the driveway completely off the right-of-way and must be of sufficient size to allow the necessary function to be carried out completely on private property. Refer to Table 122.02.04-2, *Cross Sectional Design Standards for Streets*, for an illustration of a right-of-way cross section, including areas between the sidewalk edges.

2. *Raised Curb Requirements.* Except for driveway approaches to residences, a six-inch raised curb shall be constructed a minimum distance of three feet behind the street right-of-way line in the vicinity of street corners, sidewalk safety zones, entrance driveways and other points in such a manner as to prevent vehicles from crossing sidewalks other than by means of a driveway as herein prescribed, to prevent vehicular overhang on the right-of-way and to provide for proper drainage and control of water on private property.

3. *Parking and Loading.* Parking areas and loading areas shall be constructed and properly curbed so that all movements to park and un-park, and load and unload will take place back of or within property lines. In the central business area, the Public Works Director is hereby granted the authority to waive requirements set forth in this subsection after all engineering investigation and provided the following conditions are present:
   a. The area is within the parking exempt area of the Town;
   b. The waiver requested arises from peculiar physical conditions not ordinarily existing in other areas of the Town;
   c. Due to the nature or operation of the business on the applicant's property the requirements of the above causes unnecessary hardship;
   d. The waiver requested is not against the public interest, safety, convenience, and general welfare; and
   e. The granting of the waiver will not adversely affect the rights of adjacent property owners.
4. *Free of Obstruction.* Except as may be provided for under the Town of Harrisburg Code of Ordinances, Title IX, Chapter 93, Streets and Sidewalks,, no part of the right-of-way or the area between the curb or edge of pavement and the property line shall be used to place private signs, fences, wall post lights, or any other item. All such items shall be placed on private property in such a manner as not to interfere with vehicular or pedestrian traffic or visibility.
5. *Protecting the Public from Injury*. Whenever any person or firm shall do or undertake any of the items set forth in this article it shall be the duty of such person(s) to protect from harm and damage all persons or vehicles which may be using any street, sidewalk, right-of-way or other public area where such work is in progress. To that end, all persons or firms shall erect and maintain suitable barricades, signs, lights, flares and other appropriate warning devices at the proper locations where such work is in progress in accordance with the current policy and regulations for street construction and maintenance operations within the Town of Harrisburg, as established by the Public Works Director and in accordance with the MUTCD.

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§ 121.04 Trees, Landscaping, and Buffering

Contents:

121.04.01 General Provisions
121.04.02 Development Landscaping (7.3; 7.5; 7.6; 7.7)
121.04.03 Buffer Yard Landscaping (7.4)
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121.04.05 Alternative Compliance (New)
121.04.06 Installation and Maintenance (7.8)

121.04.01 General Provisions

A. **Landscape Plan Requirements.** Landscape plans shall accompany any application for site plan approval. Such plans shall be submitted in conformance with the requirements as follows:
   1. *Generally*. A general landscaping delineation indicating the treatment of materials used for open space, landscaped buffers, and common ownership (Minimum scale of 1" = 40 and maximum scale of 1" = 60').
   2. *Existing*. Existing vegetation that will be used to satisfy landscaping requirements, including;
      a. Vegetation to remain and to be installed shall be shown on the landscape plan;
      b. Show existing vegetation and label existing vegetation to be removed on the grading plan;
      c. Tree protection fencing, including groups of trees and individual trees standing apart from any woods;
      d. Tree survey data for groups of individual and freestanding trees, including survey data of the initial ten interior feet of buffer edge abutting construction area;
      e. Delineate critical root zone (CRZ) for any plants within 10 feet of the edge of the perimeter of the existing vegetation area; and
      f. Limits of preservation for significant existing vegetation.

3. *Proposed*. Proposed vegetation that will be used to satisfy landscaping requirements, including;
   a. Plant schedule, in chart form, to include scientific and common name, size at time of installation, method of containment (container size, etc.), quantity, and comments;
   b. Symbols designating type, size, and location, with center of each tree noted (shrubs and groundcover can be shown as a mass);
   c. Landscape beds and architectural planting surrounding existing and/or proposed structures on the site; and
   d. Any planting within designated buffer areas that is required to satisfy ordinance requirements, with widths dimensioned.
4. *Utilities and Rights-of-Way*. Existing and Proposed Utility Easements, Rights-of-way, and Electrical Lines:
   a. Easements for underground utilities shall be combined with driveways and internal roads wherever possible to minimize the disturbance of preserved areas of native vegetation;
   b. Adequate in size to include room for trence wall sloping or benching, equipment access, and deposition of soil;
   c. Associated clearing area for installation and/or relocation; and
   d. Associated Grading Areas for road widening with grading contours shown for any buffer yard utilizing a berm or adjacent to a retaining wall.
5. *Hardscape*. Hardscape Items (such as sidewalks, plazas, benches, fountains, trash cans, light poles, etc.). If more detail is needed, submit a separate hardscape plan.
6. *Buffers*. Location and width of landscaped buffer strips, including height of berms.
7. *Plantings*. Location, name, and size of all existing trees, shrubs, groundcover and other plant materials that are to be incorporated as part of the landscape plan.
8. *Scale and Labeling*. Planting areas drawn to scale with a list of the botanical and common names, number, and size of all plants designated for each area.
9. *Maintenance*. Maintenance plan including responsible parties and referencing perpetuity requirements.
10. *Irrigation*. If irrigation must be used, the following shall be provided:
    a. Location and sizes of irrigation facilities adequate to maintain the planting areas. (Use of automatic watering systems is encouraged).
    b. Scaled drawing with maximum scale of 1” = 30’;
    c. The irrigation designer’s name, address and phone number should be on the plan;
    d. Water supply location (meter, well, etc.), size and static pressure reading before any pressure reduction;
    e. On-site pump location (where applicable);
    f. Backflow prevention device (location, size, winterization techniques to be used, and installation specifications);
    g. All irrigation components shall be clearly shown as well as the sprinkler throw pattern of each head;
    h. Irrigation zones shall be labeled by number and identified as a turf, shrub or flower bed zone;
    i. The total square footage of irrigated area of each type of zone (turf, shrub or flower bed), shall be clearly indicated on the plan and on the water budget form;
    j. A completed Water Budget Form supplied by The Town of Cary detailing the irrigation schedule for April through October (run times per cycle, cycles per day, and days per week for each station) and projected water usage per month;
    k. Recommended maintenance schedules for the system; and
    l. Irrigation systems should be designed by a person having a current CIA/IA “Certified Irrigation Contractor” (CIC), Certified Irrigation Designer” (CID) status or a Professional Engineer or a Landscape Architect.

B. **Plant Materials Standards.**

1. *Plant Variety.* All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals. In order to reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site.

2. *Prohibited*. Invasive non-native species as listed by the North Carolina Invasive Plan Species for the Piedmont are prohibited plant material.
3. *Sizes*. All required plants shall meet the size and variety requirements in *Table* 121.04.01*, Minimum Plant Sizes and Varieties*.

Table 121.04.01, Minimum Plant Sizes and Varieties		
Plant Type	Minimum Size or Varieties	Minimum Height
Shade Trees	2.0-inch caliper	10 feet
Ornamental Trees	1.5-inch caliper	6 feet
Evergreen Tree	NA	6 feet
Shrubs	3-gallon container	3 1/2 feet

C. **Plant Locations**. All plantings shall comply with the following:

1. *Public Right-of-Way.* A permit shall be obtained from the Town Engineer prior to planting any street tree or landscape material in the public right-of-way, this includes required streetscape plantings. In all cases trees shall be a minimum of 50 feet from all stop signs, 25 feet from any other traffic signs, and 20 feet from all street lights.
2. *Sight Triangle*. No landscaping may be planted in violation of the visibility triangle established in Section 120.05.01, *Measurements*. Corner lots, and in situations where driveways and alleys intersect with street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist or pedestrian.
3. *Easements*. Shade trees shall not be placed within any public utility easement or under utility lines. The presence of overhead power lines requires street yard trees to be ornamental trees as depicted in Figure 121.04.01, *Ornamental Tree Substitution*. Larger shade tree varieties are encouraged where overhead power lines are not present. Any landscaping within a public utility easement shall require an encroachment agreement stating the responsible party for replacement if a utility company removes the landscaping.

Figure 121.04.01, Ornamental Tree Substitution

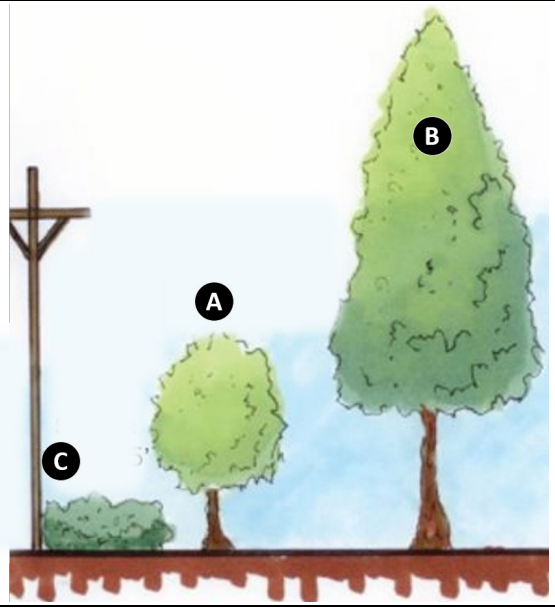


FIGURE NOTES:
A = Ornamental Tree; B = Shade Tree; C = Public Utility Easement / Utility Line

4. *Fire Safety and Utilities*. Landscaping shall meet minimum clearances from all fire hydrants and building sprinkler systems as required by the fire department and in all cases, landscaping shall be a minimum of five feet from all fire hydrants and utility appurtenances.

5. *Spacing*. In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.
6. *Retaining Walls*. Where retaining walls are part of required landscaping, such walls shall be segmented every 20 linear feet to allow for planted areas that shall be a minimum of five feet in width. Retaining walls shall be a maximum of four feet in height.

D. **Plant Substitutions**. The following substitution of tree planting requirements may be made:
1. *Shade.* One shade tree may be substituted in place of 10 required shrubs.
2. *Ornamental.* One ornamental tree may be substituted in place of five required shrubs.
3. *Substitution*. One shade tree may be substituted in place of two required ornamental trees. Ornamental trees may not be substituted for required shade trees.
4. *Grasses*. Three ornamental grasses may be substituted for one required shrub.
5. *Documentation and Approval*. Plant substitutions shall require a statement of the reason for replacement and shall be subject to administrator approval.

121.04.02 Development Landscaping

A. **Planting Yards.** The purpose of planting yards is to aesthetically enhance and separate different land uses and zoning districts from each other, as well as to beautify individual sites, the roadside or streetscape, and are intended to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, and unsightly buildings or parking areas. Planting yards shall include bufferyards as described in Section 121.04.03 and the following described below.

B. **Building Yards**. The purpose of building yards is to aesthetically and visually enhance the appearance of buildings with the following standards:
1. *Where Required*. Building yards shall be provided along the portion(s) of the building facing any adjacent off-street parking area, excluding loading/unloading areas.
2. *Measurement*.
   a. Minimum dimensions shall apply, and be measured, horizontally.
   b. Widths shall be measured from the respective building front wall.
3. *Corners*. Where building yards turn at building corners, the length measurements determining plant quantities shall not be required to overlap.
4. *Widths*.
   a. Building yards shall be of different types, based upon the size of the structure around which the building yard is to be located, as established in Table 121.04.02-1, *Building Yard Landscape Requirements*.
   b. The width of the building yard and the density of plantings shall increase as the size of the structure around which the building yard is to be located increases.
5. *Walkways*. Entrance walkways to buildings may cross building yards. The width of the entrance walkway shall not be calculated as part of the length of the building yard for purposes of determining the total required landscaping, provided, however, that the width deducted for the entrance walkway shall not exceed the width of the entrance to the building.
6. *Categories*. There shall be four different categories of building size for purposes of determining the building yard type. Table 121.04.02-1 identifies the building yard required for a given development, based on the size of the structure around which the building yard is to be located, and specifies the required plantings and dimensions of the respective building yard.

Category 1

Less than 2,500 Square Feet to 9,999 Square Feet Gross Floor Area (GFA)

Category 2

10,000 Square Feet to 99,999 Square Feet GFA

Category 3

100,000 Square Feet GFA and over

Table 121.04.02-1, Building Yard Landscaping Requirements				
Building Yard Category	Minimum Width	Min. Required Shade Trees	Min. Required Ornamental Trees	Min. Required Small or Medium Evergreen Shrubs
1	8 feet	N/A	1 per 30 lin. feet	8 per 30 lin. feet
2	10 feet	1 per 50 lin. feet	1 per 50 lin. feet	12 per 30 lin. feet
3	12 feet	1 per 40 lin. feet	1 per 40 lin. feet	14 per 30 lin. feet

C. **Parking Lot Yards**. The purpose of parking lot yards is to aesthetically and visually enhance the appearance of parking lots with the following standards:

1. *Location*. Parking lot yards shall be located around and within parking lots and shall be of different sizes, based upon the size of the respective parking lot. The size of the parking lot yard shall increase as the size of the respective parking lot increases.
2. *Measurement*. Minimum parking lot yard widths, as listed below shall apply, and be measured, horizontally.
   a. Parking lot with less than five spaces: No parking lot yard required;
   b. Parking lot with five to 20 spaces: 5 feet in width;
   c. Parking lot with 21 to 50 spaces: 10 feet in width; and
   d. Parking lot with more than 50 spaces: 15 feet in width.
3. *Interior Parking Lot Landscaping Area*. Parking lots in the MU, CC, and EC districts shall provide a minimum 10 percent net area of landscaping on the interior or exterior of parking lots. Parking lots for multi-family developments and in the O-I, NC, GC, and CD districts shall provide a minimum 20 percent net area of landscaping on the interior or exterior of parking lots.
4. *Plantings*. Landscaped planting areas and islands for parking lot yards shall have one shade tree, or two ornamental trees, and eight small shrubs per each 10 parking spaces. Furthermore, the perimeter of all vehicular use areas shall be screened per the requirements of Figure 121.04.02-1, *Vehicular Use Area Planting Standards,* Figure 121.04.02-2*, Parking Area Screening Techniques,* and Figure 121.04.02-3, *Perimeter Buffering Techniques*.
5. *Planting Areas and Islands*. Planting areas and islands shall be not less than nine feet in width and shall include a minimum of 150 square feet of open planting area for ornamental trees and 300 square feet for shade trees. Shrubs, or ground covers may be planted within the required open planting area for trees without increasing the area. Planting areas and islands shall have a minimum prepared depth of 18 inches. All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings. Planting areas may be aligned or staggered and may be installed as islands or linear strips as depicted in Figure 121.04.02-4, *Examples of Parking Lot Layouts*.
6. *Tree Location*. Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.
7. *Alternative Location*. In instances where the strict interpretation of this Section will seriously limit the function of the parking area, increase stormwater runoff, or create ponding or pooling of water so as to impair the habitability of buildings or interfere with traffic circulation, the Director may permit a portion of the required landscaping to be located near the perimeter of the lot.

Figure 121.04.02-1, Parking Lot Yard Planting Standards per 100 Linear Feet

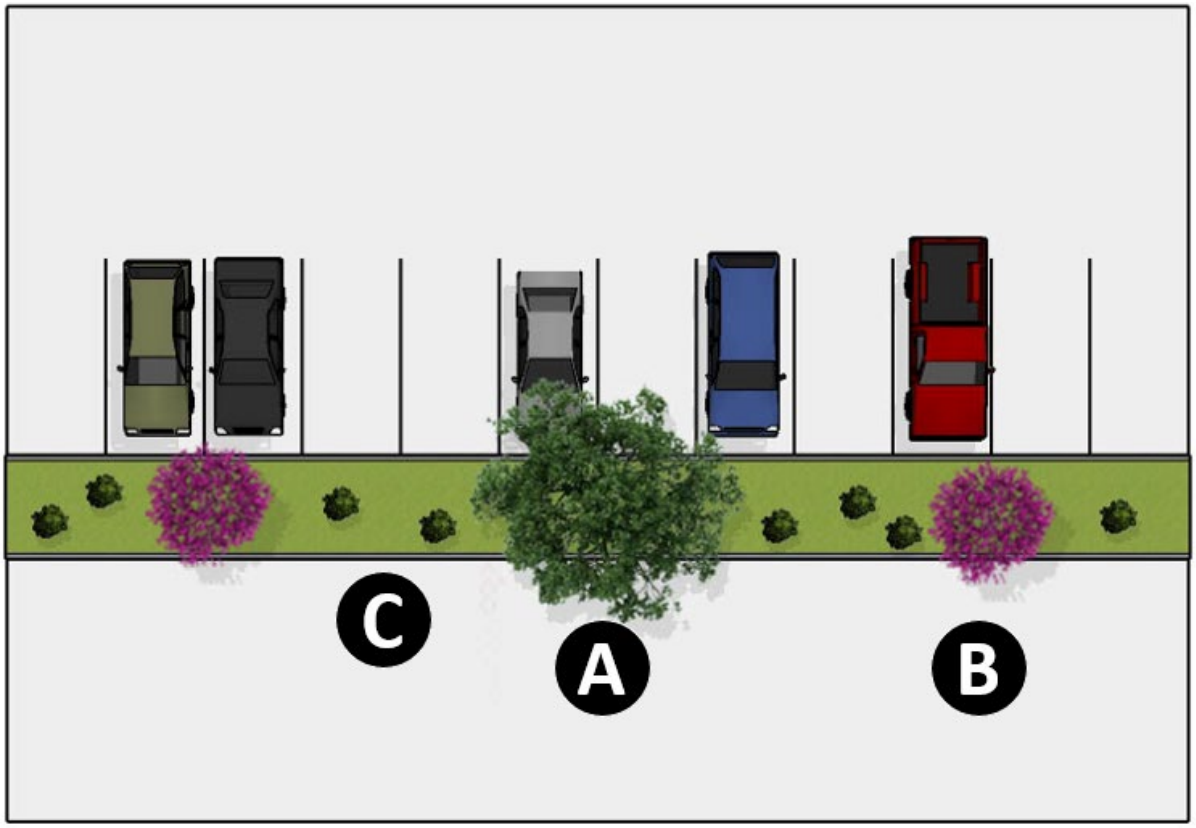


FIGURE NOTES:
A = 1 Canopy Tree; B = 2 Ornamental Trees; C = 8 Shrubs;

1. Screening is not required for 100% of the length of the parking area.
2. 25% of the driveway length may remain unscreened.
3. Sidewalks and driveways that cut through the screen, connecting the Vehicle Use Area to streets and other properties, are not included in the calculations.
4. Screening emphasis should be on parking area for vehicles vs. drives.
5. Narrow breaks may be permitted within the perimeter screen to allow for pedestrian access.

Figure 121.04.02-2, Parking Area Screening Techniques

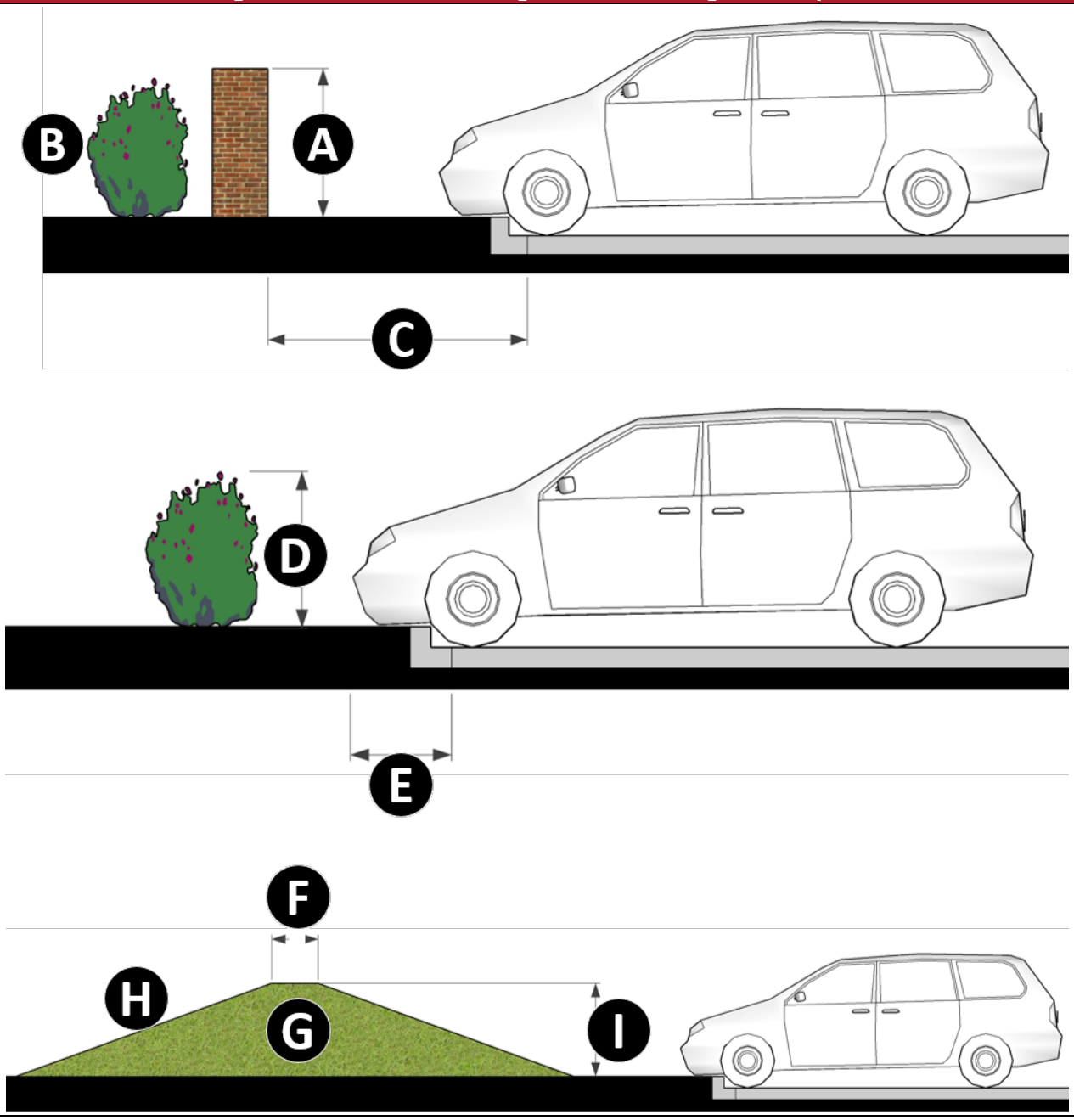


FIGURE NOTES:
A = Opaque screening to be provided to a minimum height of 3'-0" | B = Evergreen vegetation required on side of wall visible from street or access easement | C = Minimum of 4'-0" of clearance between wall and curb or wheel stop | D = Evergreen vegetation shall be a minimum of 3'-0" in height after 3 years | E = Minimum of 2'-8" of clearance between planting area and curb or wheel stop | F = Top of berm width shall, at minimum, equal half of berm height | G = Groundcover required | H = 2:1 maximum slope | I = 4'-0" maximum height above toe of berm.

1. Berms may be used in combination with planting to meet height requirements.

Figure 121.04.02-3, Perimeter Buffering Techniques

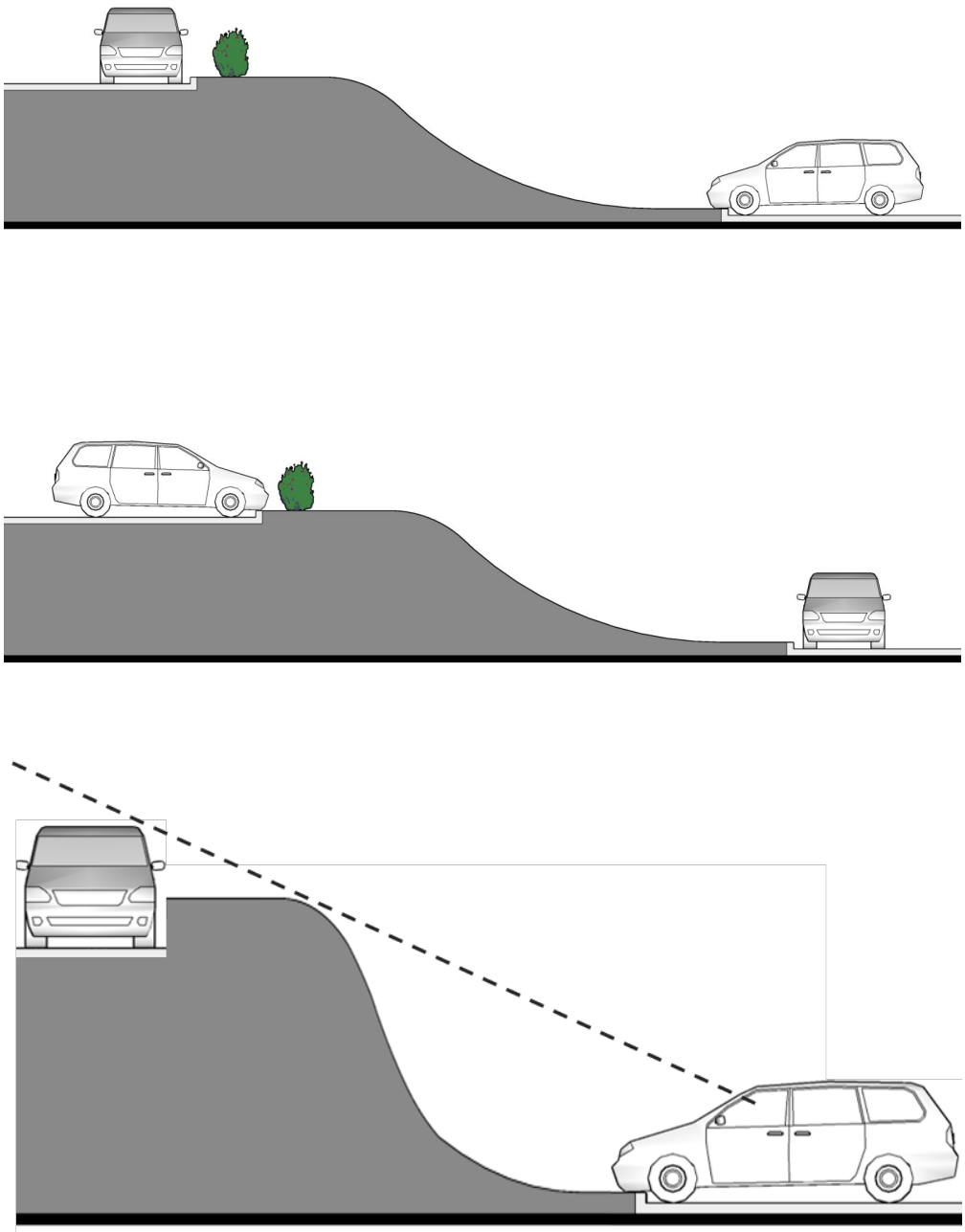


FIGURE NOTES:

1. Screen shall be located where it will most effectively screen from street or access easement.
2. Topography may be used to screen without the benefit of vertical screening devices.

Figure 121.04.02-4, Example of Parking Lot Layout

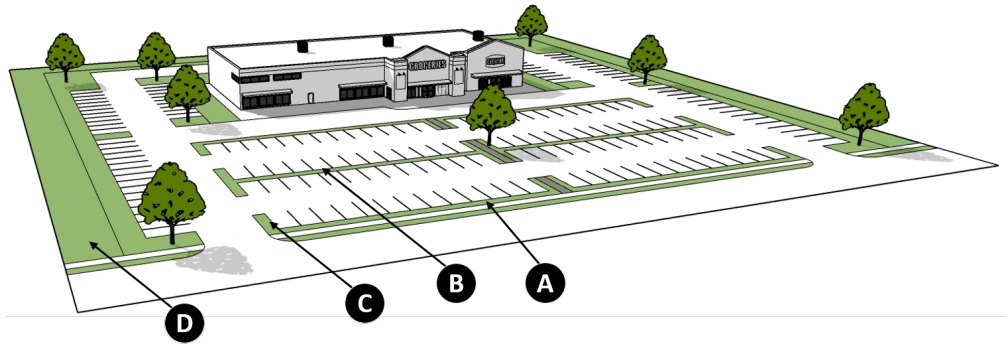


FIGURE NOTES:
A = Street Yard; B = Parking Area Landscaping; C = Parking Island; D = Perimeter Buffer

C. **Street Yards.** The purpose of street yards is to provide continuity of vegetation along the street right-of-way of non-local streets, creating a pleasing view from the road, and establishing a transition from vehicular thoroughfares, pedestrian areas or the built environment with the following standards, as conceptually depicted in Figure 121.04.02-5, *Street Yard Typical Example*.

1. *Single-Family Subdivisions*. New single-family home subdivisions shall require street yards, provided, however, that the street yard may be located in the right-of-way in the required planting strip between the curb and the sidewalk in accordance with the design specifications in this UDO.
2. *Measurement*.
   a. Minimum dimensions shall apply, and be measured, horizontally.
   b. Widths shall be measured from the respective right-of-way/property line.
3. *Street Corners*. Where street yards turn at street corners, the length measurements determining plant quantities shall not be required to overlap. Street yards shall be of different types, based upon the zoning of the property. The width of the street yard and the density of plantings shall increase as the intensity of the development increases.
4. *Community Transportation Plan*. Street yards along key roadways identified in the Community Transportation Plan for future widening shall be of sufficient width to maintain required street yard width after a widening.
5. *Classes*. There shall be five different classes of land uses or zoning districts for purposes of determining the street yard type. The following land use or zoning district classes shall be based upon the specific land use to be developed, which is permitted either by right or by Special Use Permit as listed in the use tables in § 120.02, *Zoning Districts and Standards*, or in the applicable zoning district of the subject property and adjacent properties.

Class 1

AG, Agricultural

Class 2

Group Living use category and Multi-Family Residential uses

Class 3

NC, Neighborhood Commercial

O-I Office and Institutional

Office use category and Institutional, and Civic uses outside of these districts

Class 4

GC, General Commercial

CC, City Center

MU, Mixed Use

CD, Campus Development

PID, Public Interest District

Retail Repair, Sales, and Service uses and Wholesale Trade use categories outside of these districts

Class 5

EC, Employment Center

Light Industrial and Heavy Industrial use categories outside of these districts

Passenger Terminal, Warehousing and Storage, Waste Related Use, and Utilities use categories.

Class 6

RE, Rural Estate

RL, Residential Low

RM, Residential Medium

RH, Residential High

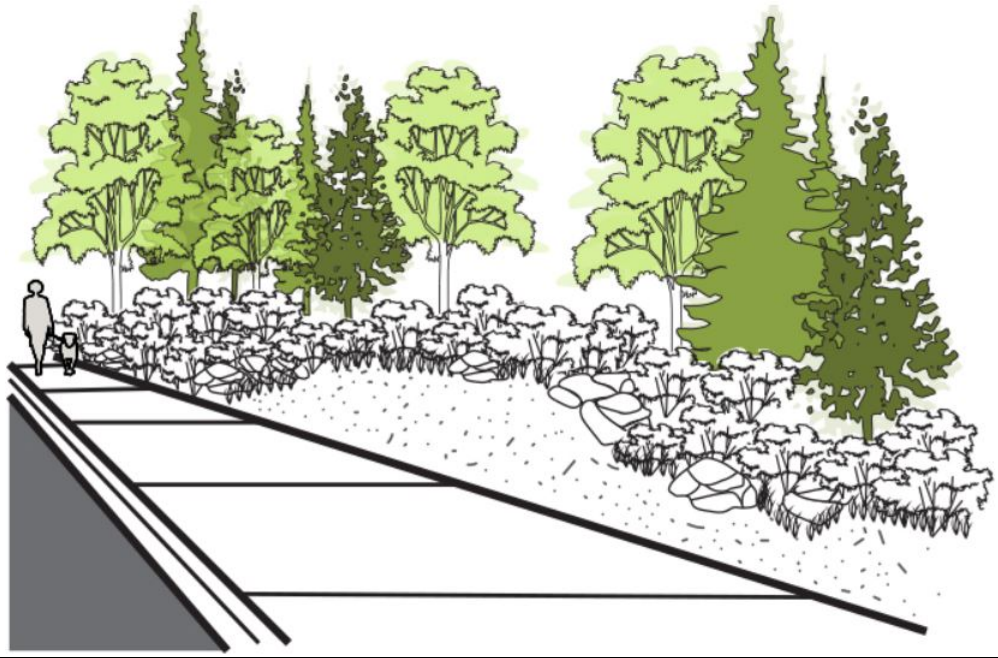
Single- and Two- Family Residential uses outside of these districts

Table 121.04.02-2, Street Yard Landscaping Requirements

Street Yard Class	Minimum Width	Min. Required Shade* Trees	Min. Required Ornamental Trees	Min. Required Shrubs	Six-Foot High Berm Required
1**	6’	3 per 100’	5 per 100’	10 per 100'	No
2	8’	5 per 100’	8 per 100’	20 per 100'	No
3	10’	8 per 100’	10 per 100’	30 per 100'	No
4	10’	10 per 100’	15 per 100’	40 per 100'	No
5	12’	15 per 100’	15 per 100’	50 per 100'	No
6	25	10 per 100'	20 per 100'	30 per 100'	Yes

TABLE NOTES:
* Shade trees may not be planted under over-head power lines; ornamental tree requirements must be doubled in cases where shade trees may not be planted. Refer to Figure 121.04.01, *Ornamental Tree Substitution*.
** This standard shall only apply to new subdivision streets and along existing streets with curb and gutter that provides access to the subdivision.

Figure 121.04.02-5, Street Yard Typical Example



121.04.03 Buffer Yard Landscaping

A. **Purpose.** The purpose of buffer yards is to provide a transitional buffer between zoning districts and/or uses that may differ in development intensity and density, provide a minimum buffer between uses of similar intensity and density and provide land space buffer between back-to-back lots within a subdivision. These landscaped planting yards are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses.

B. **Standards.**

1. *Generally*. Buffer yards shall be of different types, based upon the relationship between the two adjacent zoning districts and/or land uses between which the buffer yard is to be located and/or the lots layout within the subdivision.
2. *Width and Plant Density*.
   a. The width of the buffer yard and the density of plantings shall increase as the difference between adjacent zoning districts and/or land uses increases. Minimum dimensions shall apply, and be measured, horizontally.
   b. Widths shall be measured from the respective property line, except where buffer yards are permitted to straddle property lines, as set forth in this Section. Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.
3. *Berm Slope*. A berm required as part of a buffer yards shall have a minimum downward slope of five percent and a maximum upward slope of 25 percent. In order to accommodate a berm, the buffer yard may need to be wider than required in Table 121.04.03-2, *Buffer Yard Landscaping Requirements*. For example, a Type C buffer yard would have to be over 48 feet in width in order to accommodate the berm, but will only require the amount of plantings required for a Type C buffer yard.

C. **Buffer Yard Types.** There shall be five different classes of zoning districts and land uses for purposes of determining the buffer yard type. Land use classes shall be based upon the specific land use or use category to be developed or the existing zoning district in the following groupings of zoning districts, land uses, and use categories.

Class 1

AG, Agricultural

RE, Rural Estate

RL, Residential Low

Single- and Two- Family Residential uses outside of these districts

Class 2

RM, Residential Medium

RH, Residential High

Group Living use category and Multi-Family Residential uses outside of these districts

Class 3

NC, Neighborhood Commercial

O-I Office and Institutional

Office use category and Institutional, and Civic uses outside of these districts

Class 4

GC, General Commercial

CC, City Center

MU, Mixed Use

CD, Campus Development

PID, Public Interest District

Retail Repair, Sales, and Service uses and Wholesale Trade use categories outside of these districts

Class 5

EC, Employment Center

Light Industrial and Heavy Industrial use categories outside of these districts

Passenger Terminal, Warehousing and Storage, Waste Related Use, and Utilities use categories.

D. **Adjacent Land Use Determinations.** Table 121.04.03-1, *Buffer Yard Chart*, identifies the buffer yard type required for a given development, based on the relationship between the adjacent zoning district and/or land uses. Table 121.04.03-2, *Buffer Yard Landscaping Requirements*, contains the required plantings and dimensions of the respective buffer yard types. The width of the buffer yard and the density of plantings increase as the difference in the nature and intensity of development in the respective adjacent land uses increases.

E. **City Center and Mixed Use Districts**. Table 121.04.03-3, *City Center and Mixed Use Buffer Yards*, identifies the buffer yard type required for a given development in the CC, City Center and the MU, Mixed Use zoning districts based on permitted land uses and use categories.

Table 121.04.03-1
Buffer Yard Chart

Buffer Yard Types For Adjacent Zoning District / Land Use Categories					
Zoning District or Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING
1 PROPOSED	A	N/A	N/A (B[2])	N/A (C[2])	N/A (D[2])
2 PROPOSED	A	A	B	C	D
3 PROPOSED	B[1]	B[1]	A	A	C
4 PROPOSED	C[1]	C[1]	B[1]	A	B
5 PROPOSED	D[1]	D[1]	C[1]	B[1]	B

TABLE NOTES:
[1] Complete visual separation is required through the use of densely planted landscaping that would provide complete visual separation within three years of planting. See below for definition of "Visual Separation".
[2] New single-family subdivisions shall provide the required buffer yard, if they abut existing non-residential developments which were constructed

Table 121.04.03-1 *Buffer Yard Chart*					
Buffer Yard Types For Adjacent Zoning District / Land Use Categories					
Zoning District or Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING

before the adoption of this UDO and lack the required buffer yard. If an adjacent non-residential development includes the required buffer yard, none shall be required of the residential subdivision.

[3] All approved development projects consisting of a primary structure/user and outparcels shall maintain that the primary user shall provide the buffer yards for all external boundaries. All outparcels shall be required to maintain a buffer yard between it and the primary user. The primary user is not responsible for an additional buffer yard between it and outparcels.

Table 121.04.03-2 *Buffer Yard Landscaping Requirements*					
Buffer Yard Type	Minimum Width	Min. Required Shade Trees (per 100 linear feet)	Min. Required Ornamental Trees (per 100 linear feet)	Trees Required to be Evergreen (per 100 linear feet)*	Min. Required Evergreen Shrubs (per 100 linear ft.)
A	8’	3	5	2	10
B	15’	5	10	4	20
C	20’ or 15' w/ 6' high berm, fence or wall	10	20	15	30
D	50’ or 25’ w/ 6’ high berm, fence, or wall	15	25’	20	40

TABLE NOTES:
*Evergreen trees shall be interspersed with other required plantings on a regular interval.

Table 121.04.03-3 *City Center and Mixed Use District Buffer Yards*					
Buffer Yard Types For Adjacent Land Use Categories					
Zoning District or Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING
1 PROPOSED	N/A	N/A	N/A (A[2])	N/A (B[2])	N/A (C[2])
2 PROPOSED	A	N/A	B	B	C
3 PROPOSED	A[1]	A[1]	N/A	A	B
4 PROPOSED	B[1]	B[1]	A[1]	N/A	A
5 PROPOSED	C[1]	C[1]	B[1]	A[1]	N/A

TABLE NOTES:
Refer to table notes in Table 121.04.03-1, *Buffer Yard Chart*.

Figure 121.04.03-1
Type A Buffer Planting Standards

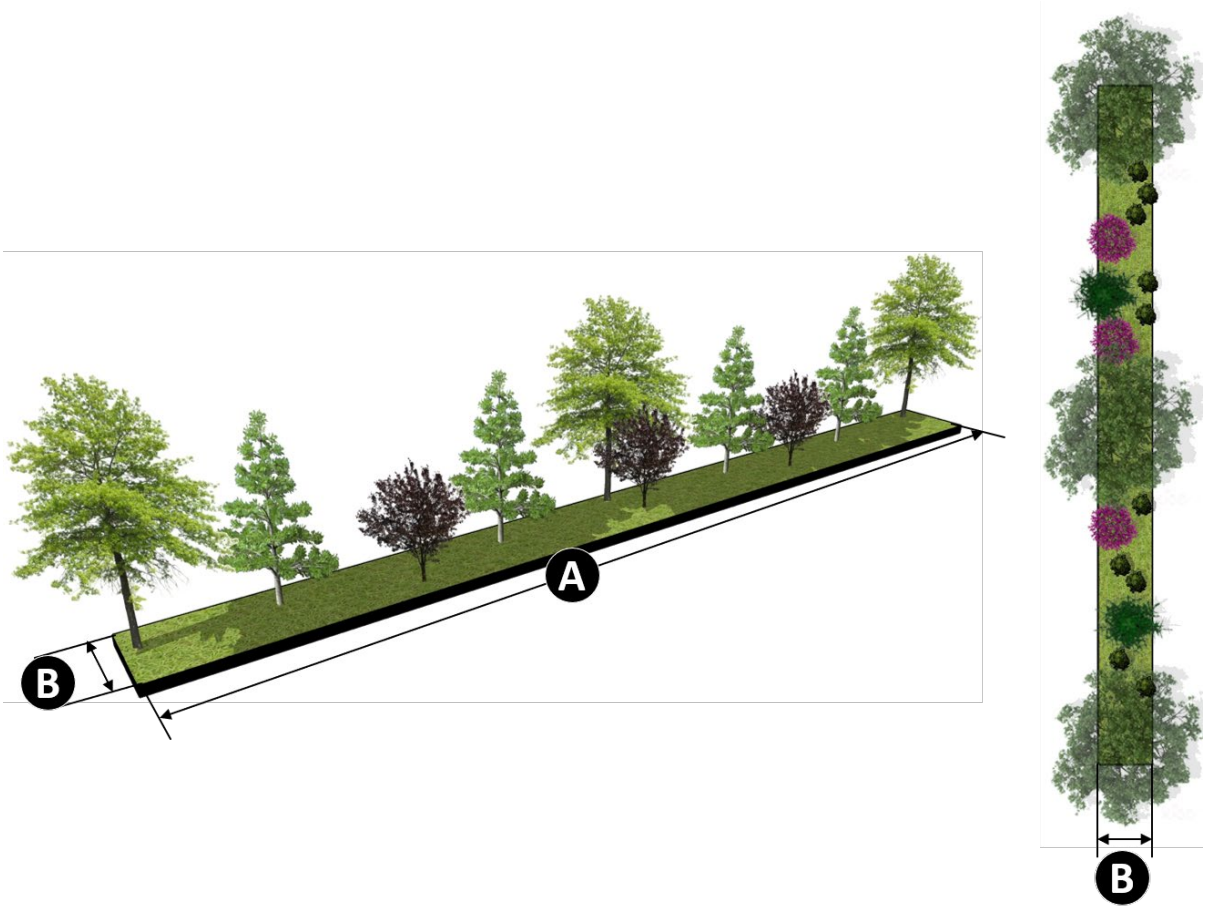


FIGURE NOTES: A = 100 feet;' B = 8 feet

Figure 121.04.03-2
Type B Buffer Planting Standards

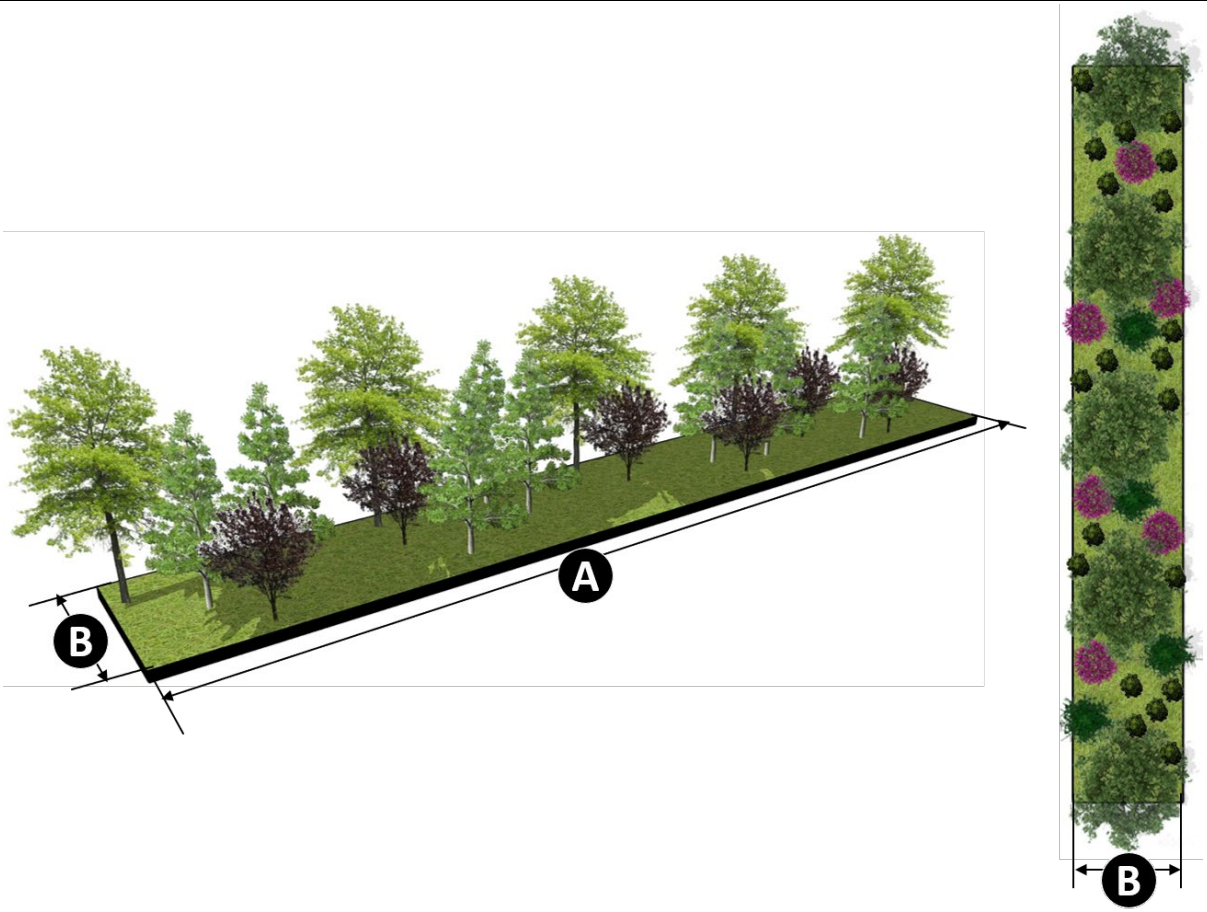


FIGURE NOTES: A = 100 feet;' B = 15 feet

Figure 121.04.03-3
Type C Buffer Planting Standards Without Fence or Wall

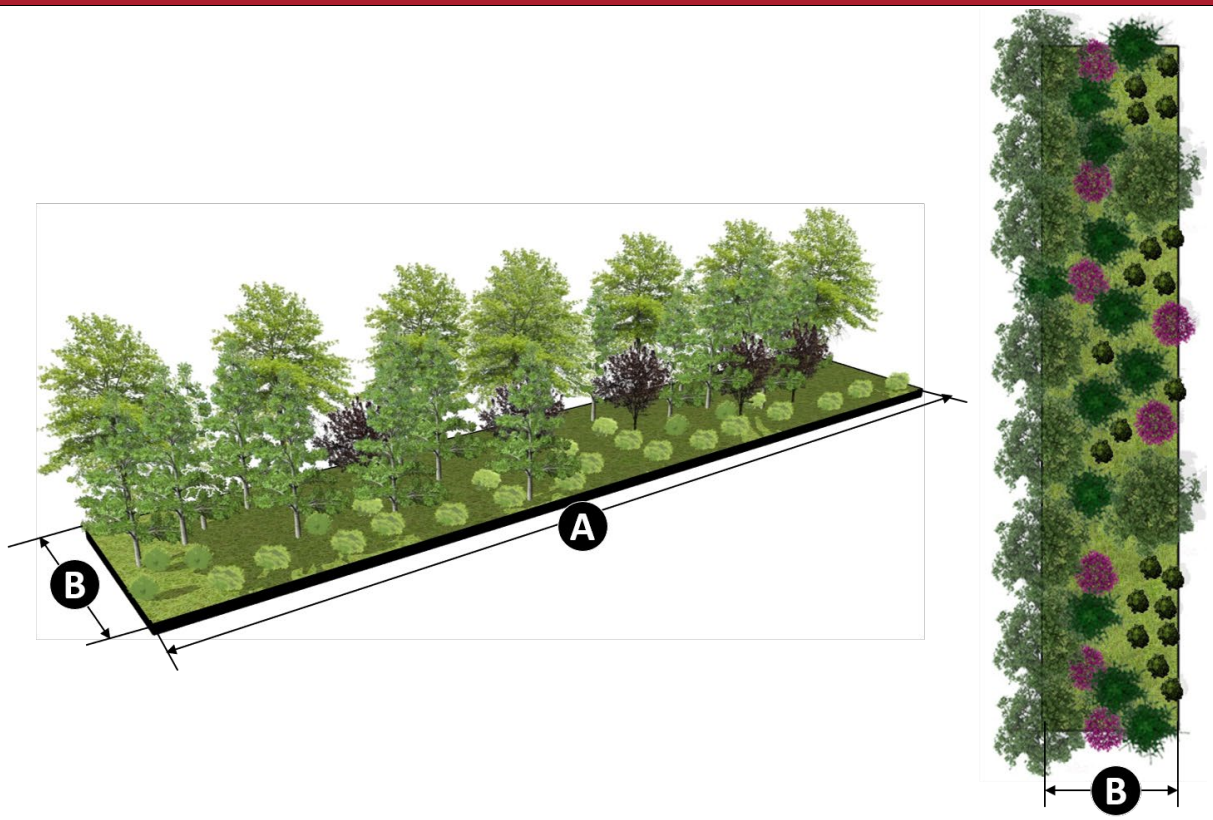


FIGURE NOTES: A = 100 feet;' B = 20 feet

Figure 121.04.03-4
Type C Buffer Planting Standards With Fence or Wall

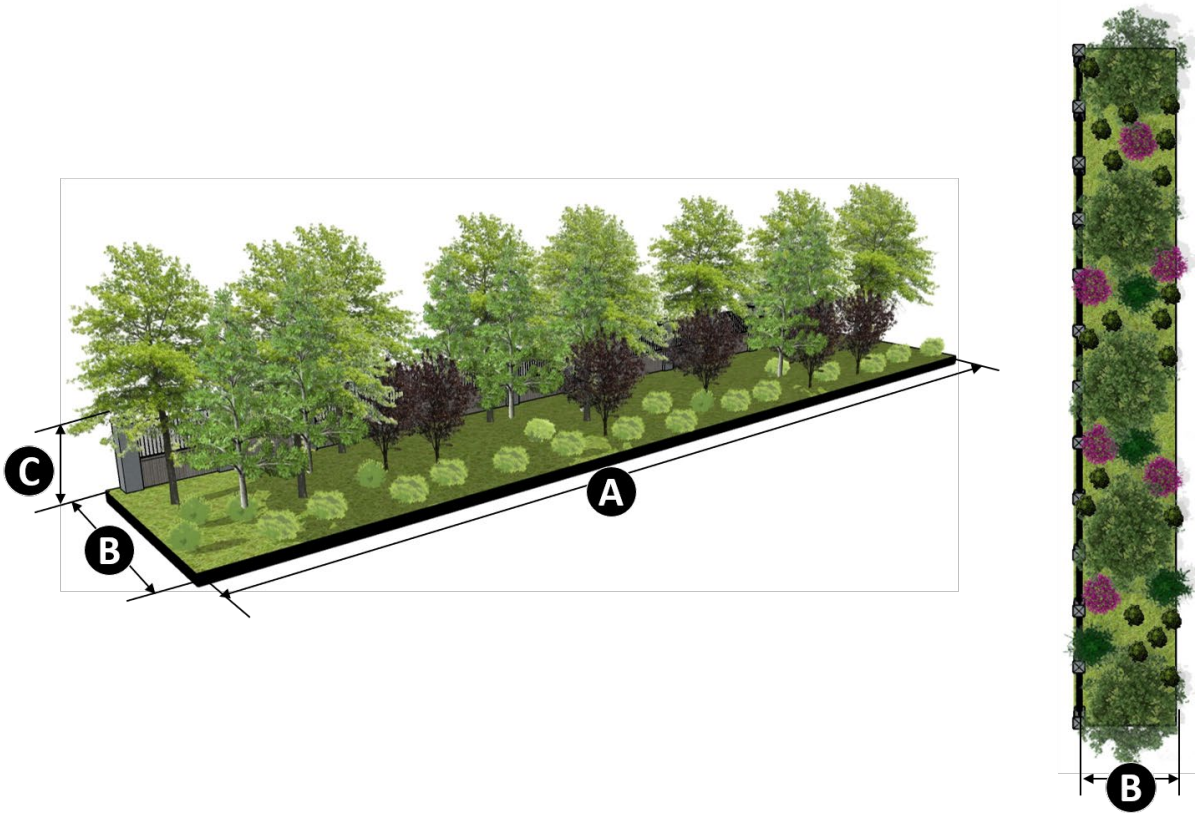


FIGURE NOTES: A = 100 feet;' B = 15 feet; C = 6 feet

Figure 121.04.03-5
Type D Buffer Planting Standards Without Fence or Wall

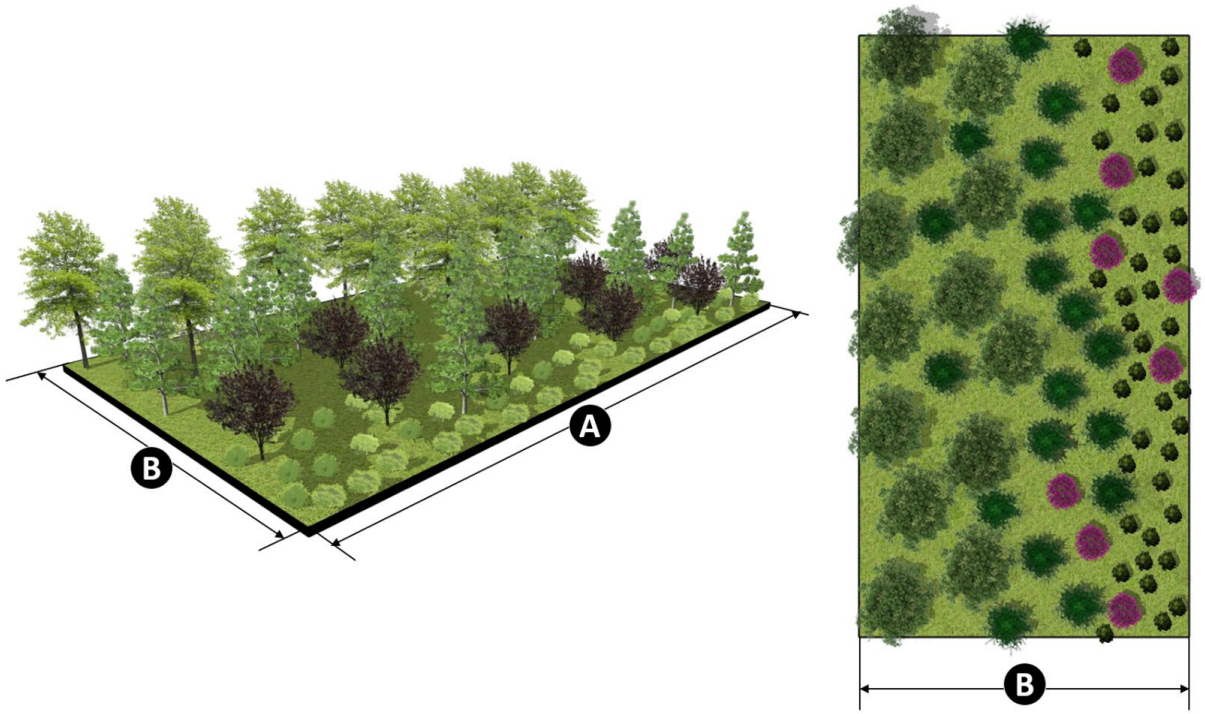


FIGURE NOTES: A = 100 feet;' B = 50 feet

Figure 121.04.03-6
Type D Buffer Planting Standards With Berm

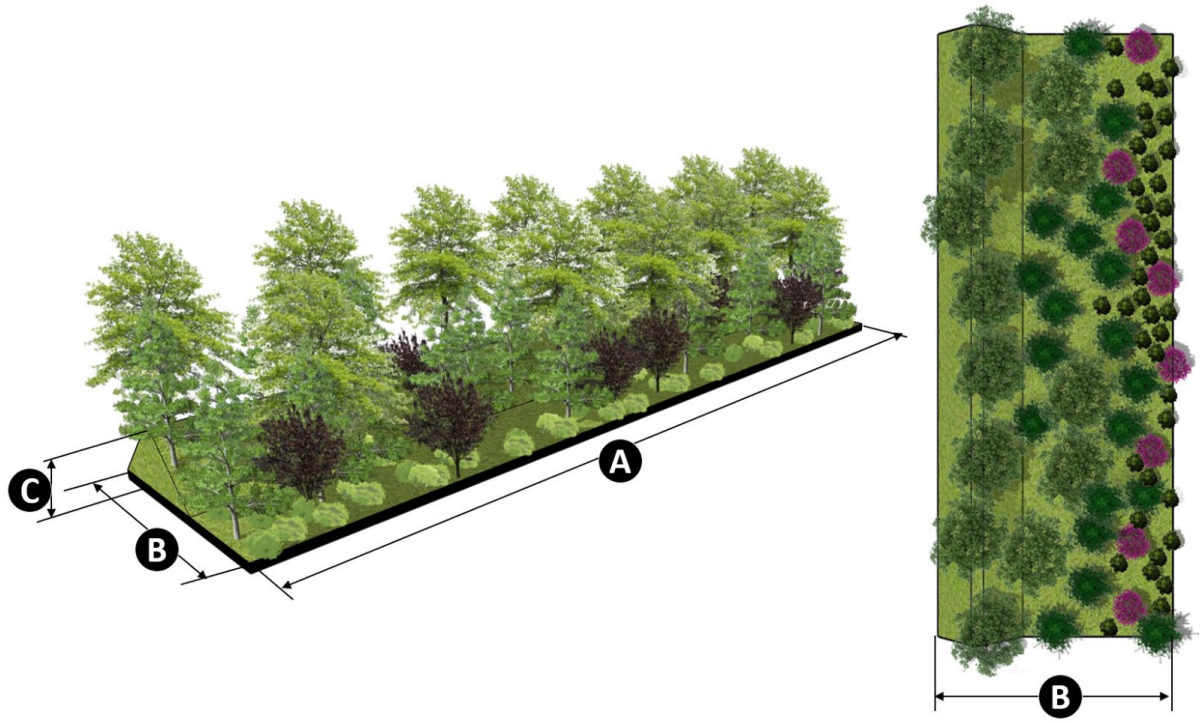
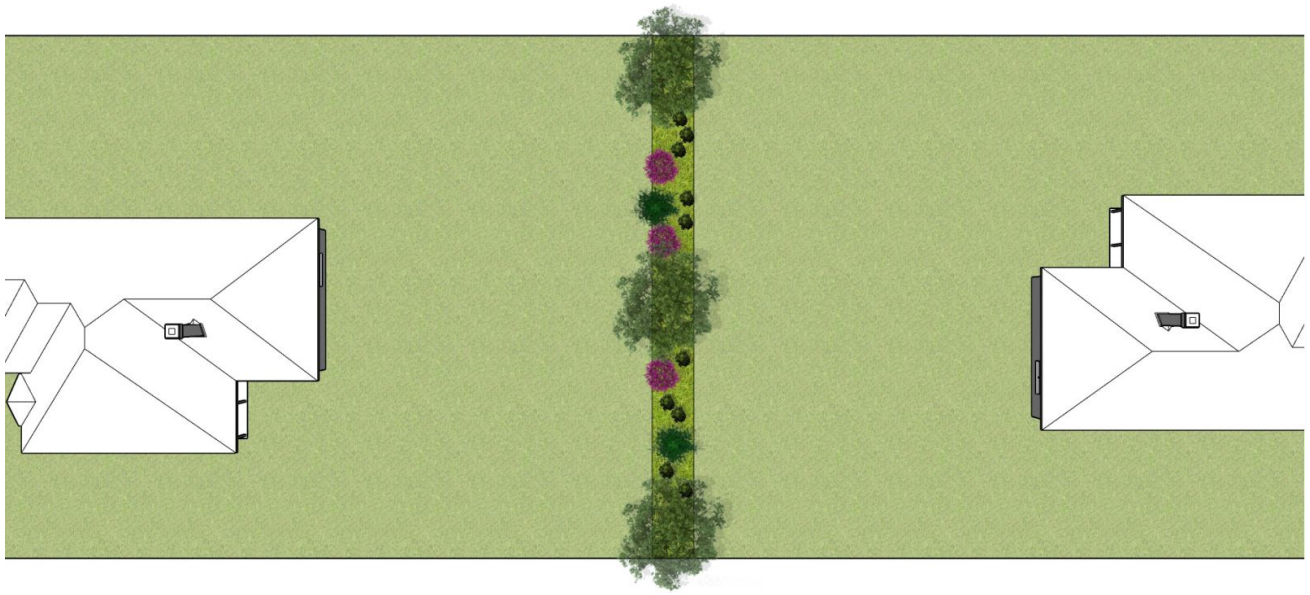


FIGURE NOTES: A = 100 feet;' B = 25 feet; C = 6 feet

E. **Back to Back Residential Lots.** Residential Subdivisions with back to back lots that share a common property line shall have a planted landscape Type A buffer easement a minimum of eight feet in width, equally divided on each lot, as depicted in Figure 121.04.03-7, *Rear Landscape Easement Illustration*. Such buffer easement shall be platted, deeded, and recorded.

Figure 121.04.03-7
Rear Landscape Easement Illustration



F. **Subdivision Entries**. Subdivision entries in the RE, RL, RM, and RH shall have a divided entry with a landscaped median. The median shall be planted with the planting material required for a Type A buffer.

G. **Exemptions.** Certain uses are exempt from the buffer requirements as described in this section. Exemptions include, but are not limited to the following:

1. *Common Ownership*. Lot or parcels, under common ownership, on which the uses or buildings demonstrate compatible design elements and are linked to adjacent lots or buildings by a common system of sidewalks or other pedestrian walkways across property lines;
2. *Separation by ROW*.
    a. Lots or parcels separated by a public street right-of-way greater than 30 feet in width;
    b. Lots or parcels separated by a railroad right-of-way.

H. **Prohibited Uses and Structures**. The following are prohibited within buffer yards:

1. *Buildings and Equipment*. The construction of any structure, including but not limited to decks, patios, internal privacy fences, or the placement of any mechanical equipment within the landscape buffer yard except for equipment necessary for the provision of utilities;
2. *Signs*. Signs, other than subdivision entrance signs;
3. *Recreational Uses*. Active recreational uses, such as playfields, swimming pools, racquetball and tennis courts, or other active, structured recreational uses; and
4. *Vehicle Use Area*. Vehicle use areas or circulation drives.

I. **Permitted Uses and Structures.** The following other uses and structures may be permitted in a buffer yard where the buffer yard width does not exceed the building setback width and provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Section are met:

1. Passive recreation;
2. Sculpture, outdoor furniture, picnic areas, and other hardscape features;
3. Pedestrian, bike, or equestrian trails;

4. Golf courses;
5. Stormwater retention basins;
6. Parks and open space.

J. **Reduction in Required Buffer Yard.** Where a dedicated buffer yard exists on an abutting property, the Director may eliminate the buffer yard requirement for the property to be developed subject to the following:

1. *Written Agreement*.
   a. The adjoining property owners have provided a written agreement restricting the use of the dedicated buffer yard to uses provided for in this Section;
   b. The written agreement also includes maintenance responsibilities of the existing buffer yard consistent with the requirements of this Section; and
2. *Net Buffer Yard*. The "net" buffer yard satisfies the minimum buffer yard requirements of this Section for both properties. The net buffer shall include the cumulative total for both required buffers.

K. **Existing Vegetation.** Existing healthy vegetation may be counted toward required landscaping. In order to do so, the landscape plan shall indicate the type, number and size of existing plants that are sufficient to comply with the respective buffer yard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this UDO shall be required to be listed. The critical root zones of existing vegetation shall be protected during construction, as required in Section 121.04.04, *Tree Protection Standards*.

L. **Application Toward Setback Requirement.** Buffer yard areas shall be counted towards required building setbacks.

M. **Designation of Buffer Yard as Landscaped Area.** Buffer yards shall be designated as landscaped areas on the application for development approval and as landscape easements when shown on a subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.

N. **Buffer Yard on Property Line.** When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.

O. **Visual Separation.** Where complete visual separation is required, it shall be accomplished through the use of landscaping which provides year-round opaque screening. In addition, to provide complete visual separation within three years of planting, when and if needed, landscaping may be combined with earthen berms or masonry walls to accomplish the required visual separation.

P. **Plant Location**. Where fences or walls are part of a buffer yard, plants shall be installed on the outside of the fence or wall, facing toward the neighboring property. Fences and walls shall not decrease the plantable area by more than one foot in width along the buffer yard, including any geo-grid that would limit tree installation.

Q. **Maintenance of Buffer.** It is the intent of the Town that all buffers will be maintained in their natural state and will not be excessively pruned or trimmed except as necessary to maintain compliance with all other town regulations, such as those prohibiting obstruction of roadway sight distances or obstruction to the free use of public sidewalks or streets. Infectious, invasive, exotic, dead, and damaged trees may be removed if no damage is done to other vegetation.

121.04.04 Tree Protection Standards

A. **Purpose.** Preserving existing healthy vegetation on a site during development enhances the visual character of the community by screening and softening the impact of buildings and balancing the scale of buildings in addition to preserving wildlife habitat, controlling surface water runoff, and moderating temperatures. The goal is to preserve existing and significant vegetation to the extent practical and reasonable, while taking unique site conditions and features into consideration. Preservation of trees and existing vegetation ultimately conserves water because of factors such as increased absorption ability and reduced heat effects. The preservation of perimeter buffers and significant vegetation inside the buffers is a goal that warrants flexibility on the Town's part in administering these requirements.

B. **Purpose**. In addition to the requirements of Section 121.04.01.A, *Landscape Plan Requirements*, the purpose of the tree survey is to identify those areas of vegetation, including heritage trees and significant vegetation, before site and/or subdivision plans are so far advanced that it is unreasonable and impractical to modify the plans to

protect the vegetation identified to be saved on the tree survey. Preserving heritage trees or significant vegetation on a site should not prevent a particular site from being developed for reasonable uses, given existing zoning.

C. **Tree Survey Requirements.** A tree survey is a description of the existing vegetation on a site. This is necessary to ensure protection of shade trees and significant vegetation within required protection areas. The applicant shall meet with the Director to determine the areas of the proposed site to be surveyed and the extent of the survey; however, the survey shall, at a minimum, provide the information below. Town staff shall determine whether a tree survey is required as a part of the development review and approval process, based on the criteria of this Subsection. When required, the tree survey shall be prepared for the applicant by a duly qualified land surveyor, when a tree survey is required; however the final decision on selection is made by Town staff. The surveyor shall not have had any involvement with the specific development within the 12 months prior to the tree survey.

1. *When Required*. During the development process, a tree survey is required for the following:

   a. *Conditional Rezoning*. The applicant shall submit a fully completed tree survey to the Director for processing during the conditional rezoning process to ensure the proposed project aims in protecting heritage trees to fully practicable extent. The Director shall review the tree survey for conformance with this Section, and shall make a recommendation to Town Council as part of preliminary plat review.

   b. *Site Plan Review*. The applicant shall submit a tree survey to the Director for processing during minor site plan review. The Director shall review the tree survey for conformance with this Section and shall make a recommendation to Town Council as part of minor site plan review.

2. *Specific Requirements.*

   a. *Document Size and Scale*. No specific size requirements apply to tree surveys. Tree surveys shall be prepared at a scale of one inch equals 100 feet, or a scale for which one inch equals a distance less than 100 feet.

   b. *Qualified Land Surveyor.* The tree survey shall be prepared and certified by qualified surveyor which can be a registered land surveyor, registered landscape architect, urban forester, botanist, or arborist, and shall depict or contain the information set forth below. Incomplete plans shall be returned to the applicant without further review until revised and resubmitted.

3. *Contents Required*.

   a. Legend, title, and revision number;

   b. Location map showing relationship of the area to the town and surrounding area;

   c. Tract boundaries shown by a heavy line including all bearings and distances;

   d. Existing property lines, any structures, water courses, railroads, bridges, culverts, and storm drains on the tract and on adjoining property within 100';

   e. All areas that are to remain undisturbed on the site;

   f. All existing and proposed topography, at two-foot contours, with the limits of grading clearly delineated. Include existing and proposed elevations changes for preserved trees;

   g. The location of each trunk, diameter, general condition, and common name of all trees 30" and greater DBH (diameter at breast height) that are proposed to be preserved and/or removed, transplanted, or located in any disturbed area. Please provide permanent numerical ID tags for the heritage trees that correspond to the tree survey;

   h. A description of the forest stands on site that are outside of protected areas (i.e., buffers, or open space areas), including information on the type of vegetation and size ranges;

   i. If a heritage tree is being removed, the location, diameter, and common name of the trees that will be planted in another location to offset the tree being removed.

   j. Protective fencing plan showing protective fencing and signage.

   k. The number of heritage trees with their diameters and location.

   l. A description of the forest stands on site that are outside of protected areas (i.e., buffers or open space areas), including information on the type of vegetation and size ranges.

4. *Verification*. The Town may retain a certified arborist, at the applicant's expense, to verify the contents of the tree survey.

D. **Tree Protection During Construction.** During development of property, the owner shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction. Any unauthorized disturbance within the boundaries of the tree protection areas shall result in fines as identified in Chapter 127, *Enforcement and Remedies*, in addition to any other fines and replanting requirements for the removal or damage of vegetation within tree protection areas.

E. **Protective Fencing.** All existing trees and vegetation that is to be preserved, including buffers, shall be completely enclosed with a sturdy and visible fence that encircles the critical root zone of the trees or buffers to be preserved before grading begins according to the following.

1. *Where Required*. Required fencing shall be installed a minimum of six feet from the trunk of preserved trees. Fencing of areas adjacent to existing and proposed roadways is required if the preserved tree's critical root zone is within three feet of the public right-of-way. Fencing is required on all Town and Department of Transportation road projects that are adjacent to protected streetscapes or buffers. The applicant and Director shall consider existing site conditions in determining the exact location of any tree protection fencing.

2. *Type of Fence*. All fencing required by this Section shall be four feet orange polyethylene laminar fencing a minimum four feet high and of durable construction. Passive forms of tree protection may be utilized to delineate tree save areas that are remote from areas of land disturbance at the discretion of the Director.

3. *Signs*. Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area (minimum one on each side and/or every 300 linear feet). The size of each sign shall be a minimum of two feet by two feet and shall contain the following language in English and Spanish: "TREE PROTECTION AREA, KEEP OUT."

4. *Designation of Plan and Plats*. The tree protection fencing shall be clearly shown on the site and/or subdivision plan. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area. Fencing shall be maintained until the final site inspection prior to the Certificate of Compliance and Occupancy is scheduled (including any required perimeter buffer for single-family home construction). The fencing shall be removed after the final site inspection for the Certificate of Compliance and Occupancy.

F. **Encroachments into Root Zones.** Permanent encroachments within the critical root zone of a preserved tree shall occur only in rare instances. If such an encroachment is anticipated, the following preventative measures shall be employed:

1. *Clearing Activities.* The removal of trees adjacent to a preserved tree's critical root zone may cause inadvertent damage to the preserved tree. The applicant shall cut trenches that area a minimum of one and one half feet deep along the limits of land disturbance, so as to cut, rather than tear, roots.

2. *Soil.* Where compaction might occur due to traffic or materials through the tree protection area, the area shall first be mulched with a minimum four (4)-inch layer of processed pine bark or wood chips or a six-inch layer of pine straw. Equipment or materials storage shall not be allowed within tree protection areas.

G. **Root Pruning**. Root pruning may be done on existing trees located near proposed construction subject to the following standards.

1. *Location*. Roots may be cut no more than six inches back from new construction and to a depth of two feet only.

2. *Backfill*. Backfill shall be provided with clean, dry soil within hours of root pruning.

H. **Specific Requirements for Heritage Trees.** The intent of this subsection is to protect healthy heritage trees on sites during the development process. With this in mind, flexibility in site design is provided for to offset area used to preserve heritage trees by deducting area from other required landscape/buffer areas. Heritage Trees shall be noted on the rezoning site plan early in the development process or during the site plan review for non-rezoning development projects. No heritage tree may be removed during development, unless the approval criteria of this Section are met and the tree is replaced pursuant to this Section. In support of any application which requests removal of a heritage tree, the applicant shall submit a report from a certified arborist or other such specialist.

1. *Removal of Heritage Trees.* The Director shall approve removal of a heritage tree if the tree is adversely impacted by one of the following and no practical alternative location exists:

a. Required road connections;
b. Required sanitary sewer or storm drain lines;
c. Public infrastructure improvements made by others;
d. Required stormwater treatment devices located in geographically and topographically appropriate areas; or
e. Town design standards that limit the location of buildings and/or other features such as parking and requirements for the building to front on streets.

2. *Replacement of Heritage Trees.*
   a. When a heritage tree is removed during construction, or dies within one year following construction, on a site located outside of the City Center (CC) district, the applicant or developer shall replace such heritage tree on-site, except as allowed in paragraph e., below, with trees of similar type planted at least 30 feet from any other tree such that the total caliper inches of trees planted is no less two times the diameter of the tree removed. The size of such replacement trees at the time of installation shall be a minimum of three inches in caliper. The Director may offer flexibility with the required spacing of the trees depending on the type of tree removed and the type of tree being used as a replacement.
   b. When a heritage tree is removed during construction, or dies within one year following construction, on a site located within the City Center (CC) district, the applicant or developer shall comply with the requirements of this Section except that the total caliper inches of trees planted may be 25 percent less than the diameter of the tree removed if it is not practical to replant the required number and size of trees spaced at least 30 feet from any other tree on the same site or any adjacent property under common ownership. The Director may offer flexibility with the required spacing of the trees depending on the type of tree removed and the type of tree being used as a replacement.
   c. In consultation with the Town staff, acceptable replacement trees shall be determined by a person qualified by training or experience to have expert knowledge of the subject. Alternatively, the valuation of trees removed may be established in accordance with standards established by the International Society of Arboriculture and replaced with landscaping of equal dollar value.
   d. Replacement trees shall be maintained through an establishment period of at least three years, except that single-family detached dwellings on an individual lot shall have an establishment period of only one year. The property owner and developer shall execute a landscape agreement guaranteeing the survival and health of all replacement trees during the establishment period and guaranteeing to replace any replacement tree(s) that does not survive the establishment period in good health as determined by a certified arborist.
   e. Although the Town desires 100 percent on-site tree replacement, if the Director determines that it is impossible or impractical, the remaining balance of required replacement trees shall be planted on the nearest site owned by Town or other public entity (for example, a park, school, or similar property) where the Director determines there is sufficient capacity to accommodate this option. The Director may allow tree replacement on an adjacent privately-owned site where the tree replanting area will be permanently preserved via covenant or easement. Planting shall be carried out directly by the landowner with direction and inspection of the Director or other appropriate Town staff.

3. *Alternatives for Replacement of Heritage Trees.*
   a. A development may meet the total inches required for mitigation in subsection 3, *Replacement of Heritage Trees*, by planting larger shade trees for the required buffers and/or landscaping. Any shade tree that is planted larger than the required minimum size may use the excess inches to count towards the Heritage Tree replacement requirements. This standard is only applicable for non-residential and mixed use developments.
   b. If the developer chooses to protect trees that could otherwise be removed, the inches protected may count towards the mitigation requirements for the removal of Heritage Trees. These areas that are to be protected are called “Tree Save Areas” and shall be protected as outlined above.
   c. The developer may choose to upgrade the size of the required side and rear buffer yards in Section 121.04.03, *Buffer Yards*, in exchange for a reduction of the Heritage Tree replacement requirements. This standard is only applicable for non-residential developments. Upgrading to a Type B buffer grants a reduction of 25 percent of total inches to be replaced. Upgrading to a Type C buffer grants a reduction of

30 percent of total inches to be replaced. Upgrading to a Type D buffer grants a reduction of 35 percent of total inches to be replaced.

4. *Exemptions*. Nonresidential lots that are less than two acres in size are exempt from the requirements set forth under this Section in relation to heritage trees.

I. **Waivers for Emergencies.** During emergencies, such as windstorms, ice storms, fire, or other disasters, the Director may waive the requirements of this Section in order to avoid hampering private or public work to restore order in the Town. This Section shall not be used, however, to otherwise circumvent the requirements of this Section.

J. **Clear Cutting of Trees and Other Vegetation.**

1. The removal or clear cutting of trees and other existing vegetation on undeveloped or under-developed sites within the corporate limits or extra-territorial jurisdiction is prohibited except as otherwise permitted in this Subsection.
2. Any clear cutting or vegetation removal on vacant, undeveloped, or underdeveloped sites shall be done in accordance with an approved site and/or subdivision plan.
3. Any property that has vegetation removed prior to a request for an approved site and/or subdivision plan shall be required to wait a minimum of three years before submitting an application for any development approvals.
4. This provision shall not apply to any property that is being managed in accordance with an approved Forestry Management Plan through the North Carolina Forestry Service, and any such plan shall be submitted as part of the development plan request.

K. **Penalties**. A violation of this Section where dead or fatally damaged trees or stumps are absent after the violation shall subject the violator to a civil penalty of $1,000 plus 35 cents of every square foot of land area where the violation occurred. Where dead or fatally damaged trees or stumps are present after the violation, the civil penalty shall instead be calculated as $1,000 per dead or damaged tree plus $100 per diameter inch per dead or damaged tree. Civil penalties shall be processed as set forth in Chapter 127, *Enforcement and Remedies*.

121.04.05 Alternative Compliance

A. **Generally**. Under the criteria listed below, the Director or Planning and Zoning Board, as appropriate, may review and approve an alternative compliance Landscape Plan upon determining that such plan meets the following criteria.

B. ***Purpose***. The alternative compliance Landscape Plan meets the purpose of this Section; and

C. **Conditions**. Site conditions inhibit creative site design or pose prohibitive constraints to appropriate development as a result of strict compliance with the requirements set forth in this Section in a minimum of one of the following manners:

1. *Shape and Size*. The subject property is peculiarly-shaped, through no action of the owner or previous owner, or contains extensive undeveloped are;
2. *Limitations*. The subject property has space limitations as a result of the locations of existing structures, paved areas, surrounding existing development, and other built features; and
3. *Features*. The subject property contains unique natural features such as soil characteristics, topography, geological characteristics, water features, and significant existing vegetation.

D. **Financial Hardship**. Financial hardship is not justification for alternative compliance.

E. **Final Decision**. The Director may approve the alternative compliance proposal if he or she finds that all three criteria above apply to a property. The Planning and Zoning Board may take final action on alternative compliance proposals where the Director finds that all three criteria do not apply.

121.04.06 Installation and Maintenance

A. **Ground Cover (Organic)**. Organic ground covers shall provide 100 percent coverage on the ground within three (3) years of installation. Except for seeding, grass or turf shall provide 100 percent coverage upon installation. Organic mulch may be used around plantings to maintain soil moisture and prevent the growth of weeds.

B. **Ground Cover (Inorganic)**. Inorganic ground covers consisting of river rock or similar materials may be used provided they do not exceed 20 percent coverage of the required landscape planting area.

C. **Selection of Plant Materials**. All plant material, except Ground Covers, shall be selected from the Appendix A Plant List in the Appendix of this UDO.

D. **Substitution of Plant Materials.** The Director shall have the authority to approve the installation of comparable substitution plant materials to satisfy the requirements of the approved landscape plan when the approved plants and landscape materials are not available at the time that installations are to occur, or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. Significant changes that require the replacement and relocation of more than 25 percent of the plant materials shall require a new landscape plan and approval through the plan review process. Replacement plant materials shall not come from North Carolina Invasive Plan Species for the Piedmont.

E. **Mix of Genus and Species Encouraged.** Except for Street Yard trees, a mix of genus and species of trees, shrubs, ground covering, perennials and annuals is encouraged in order to avoid potential loss due to infectious disease, blight, or insect infestation. Street Yard Trees should be retained a reasonably uniform pattern along both sides of a street within the same block or corridor.

F. **Plant Pit, Hedge Trench, and Shrub Bed Preparation.** Preparation of planting beds shall be done in conformance with Planting Trees and Shrubs Correctly, North Carolina Cooperative Extension Service, (2017).

G. **Site Maintenance During Construction.** Equipment, wood and similar objects shall not be stored or laid upon the critical root zone during or after construction. Chemicals and liquid construction wastes shall not be dumped, poured or spilled in the area of any plant materials. Washing of concrete mixers shall not be done near the site. Trees and shrubs shall be installed in accordance with the following standards and as depicted in 121.04.06-1, *Shrub Bed Detail*, and Figure 121.04.06-2, *Tree Planting Detail*.

1. *Pit Depth*.
    a. Excavate pits with vertical sides approximately the depth of the rootball and with a circular outline which shall be approximately two to three times wider than the rootball. For planting pits, beds or trenches which are to be developed where paving existed previously, all paving and base stone shall be removed as part of the excavation.
    b. Cultivate shrub planting pits to a minimum depth of 18 inches. Ground cover and vine planting pits shall be cultivated to a minimum depth of 12 inches.
2. *Debris Removal*. Remove rock, debris, inorganic compositions and chemical residues from soil in planting pits.
3. *Root Ball*.
    a. Install root ball on a flat, compact surface of undisturbed soil and remove any inorganic ties on top of the rootball.
    b. Leave the top of the tree root ball exposed, to be covered by mulch only.
4. *Wire Basket Removal*. Remove the top 1/3 of wire baskets.
5. *Mulch*. Finish the planting with a minimum 3-inch layer of mulch of pine needles, tree bark or similar materials distributed around the tree trunk.
6. *Annual Maintenance*. Prepare soil, plant, fertilize, mulch, and control insects and disease in conformance with the North Carolina Cooperative Extension Service, *Garden Calendar*.
7. *Plant Re-establishment*. Re-establish native plants salvaged from the site or relocated as a result of grading in conformance with the recommendations of the North Carolina Cooperative Extension Service.
8. *Support*. Support trees and shrubs adequately when planted in order to avoid interference with their typical growing patterns.
9. *Distance from Street Light*. Street trees shall not be planted within 10 feet of a street light.

Figure 121.04.06-1, Shrub Bed Detail

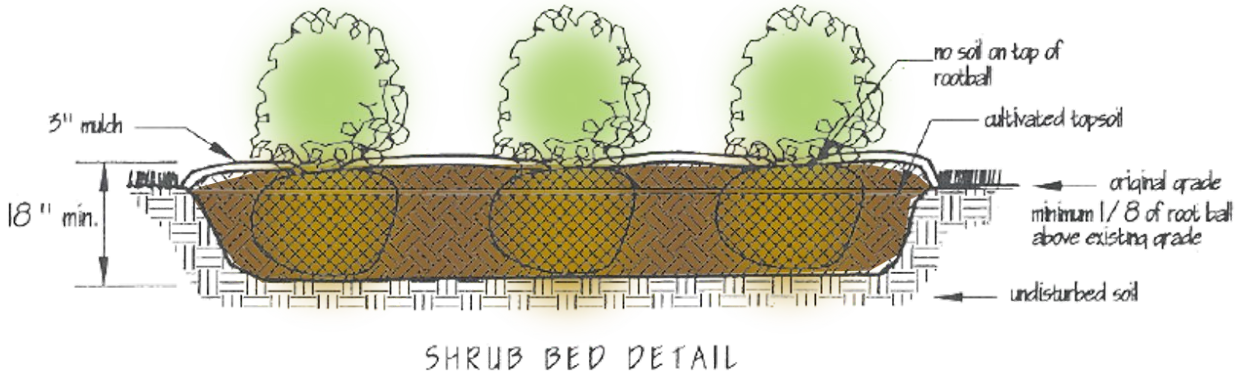
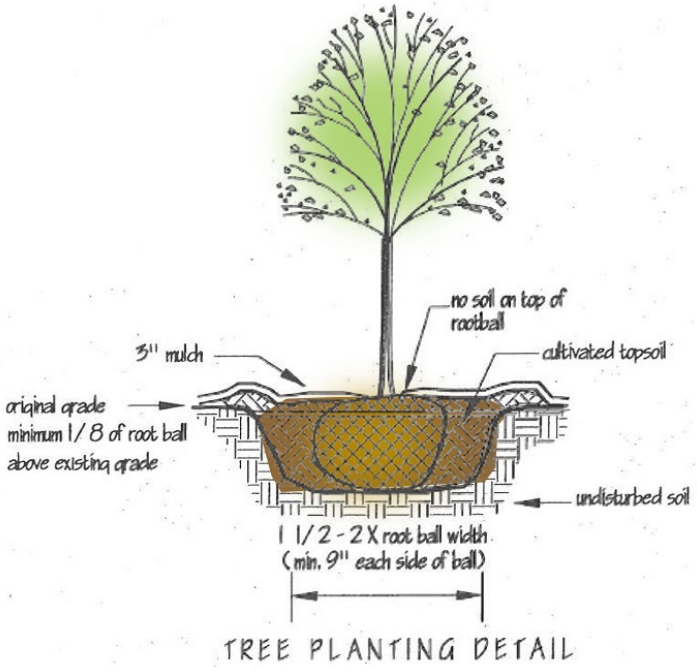


Figure 121.04.06-2, Tree Planting Detail



H. **General Maintenance of Landscaping and Site.**

1. *Responsibility.* The applicant, property owner, and/or subsequent or successor owner, and their agents, including tenants, shall be jointly and severally responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.
2. *Length of Maintenance*. Required landscaping shall be maintained in perpetuity, in accordance with paragraph 1, above. After initial installation, it shall be the responsibility of the owner and/or tenant of the property upon

which the landscaping is installed to maintain all required plantings in a healthy, vigorous and attractive state, or replace dead, diseased or deteriorated plants. Within residential subdivisions, the maintenance of street trees in planting strips between curbs and sidewalks which are within the street right-of-way shall be the responsibility of the respective homeowners association, or the abutting homeowner, in the absence of a homeowners association.

3. *Screen Growth Allowance.* If after three years following installation of required screening plant materials, the plants have not formed an effective screen, or if an effective screen is not maintained, the Director may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Director shall inspect all landscaping and no Certificate of Compliance and Occupancy or similar authorization will be issued unless the landscaping meets the requirements of this Ordinance.
4. *Health Requirements.* All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development permit.

I. **Maintenance and Trimming in Utility Rights-of-way.** Utility crews and companies are encouraged to do directional pruning of branches interfering with utility lines to prevent damage, disfigurement and heavy suckering and reduce future pruning needs. Utility tree trimmers are encouraged to remove branches to laterals (drop-crotching) in order to direct tree growth away from utility lines. Directional pruning includes top trimming, side trimming, under trimming and through trimming.

§ 121.05 Signs

Contents:

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121.05.01 General Provisions

A. **Purpose**. This sign ordinance is adopted under the zoning authority of the Town to further the more general purposes set forth in this Chapter. The purpose of these sign regulations are:

1. To encourage the effective use of signs as a means of communication in the Town while preserving the rights of free speech under the First Amendment to the United States Constitution and State of the North Carolina Constitution;
2. To maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
3. To improve pedestrian and traffic safety;
4. To minimize the possible adverse effect of signs on nearby public and private property; and
5. To enable the fair and consistent enforcement of these sign restrictions.

B. **Applicability.** A sign may be constructed, erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this Chapter. This section 121.05:

1. Establishes a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this section;

2. Allows certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter, but without permit requirements;
3. Prohibits all signs not expressly permitted by this section; and
4. Provides for the enforcement of this section.

C. **Alteration of Sign Face**. The physical alteration of a sign face or supporting structure requires a permit and conformity to all the dimensional requirements of this section. However, repainting of sign or replacement of sign type is considered maintenance or repair and does not require a permit.

D. **Signs on Public Property**. Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this section, is forfeited to the public and subject to confiscation. In addition to other remedies in this section, the Director may recover from the owner or person placing the sign the full costs of its removal and disposal.

121.05.02 Signs Exempt from Regulation

A. **Applicability**. No permit is required for the following signs, if they are not prohibited as defined in § 121.05.03, *Prohibited Sign Types, Materials, Design Elements, and Locations*, and comply with the conditions below. Signs permitted in this section are not considered in determining the total sign area. However, a sign the exceeds the size or does not comply with these requirements is subject to all other provisions of this section.

B. **Building Marker Signs**. A building marker sign is an attached sign that is cut or etched into masonry, bronze, or similar material

C. **Entrance Sign**. An attached sign located on or adjacent to a building entrance, up to six square feet in sign area.

D. **Flags**. Flags attached to a pole of up to 40 feet in height. Maximum size is 60 square feet. Any flag not meeting these conditions is considered a banner sign and regulated in Section 121.05.05, *Temporary Signs*.

E. **Governmental Signs**. Signs posted by local, state, and federal agencies such as regulatory signs and traffic control signs.

F. **Incidental Signs**. Incidental signs are allowed as follows:
1. Signs up to three feet in height and three to six square feet in area, that do not obstruct any vehicular sight triangle, and are located at least 10 feet and up to 15 feet away from the edge of the entrance or exit of a site. Up to two signs per entrance or exit are permitted.
2. Up to nine signs of up to four feet in height and 6 square feet in area that are not illuminated, not located within a public street right-of-way or located closer than 10 feet to the edge of street pavement or within a required sight triangle not attached to trees or utility poles. The property owner may display these signs twice a year for a period of up to 47 days. These do not include portable or roof-mounted signs. The Town may remove signs that violate these provisions.
3. Up to five additional signs of up to six square feet in area.
4. One additional sign of up to six square feet in area that is not illuminated or located within a sight triangle or public right-of-way for up to 70 consecutive days during any calendar year.
5. Arrow dimensions shall be a minimum of 6" long with a shaft width of at least two inches. The arrow head shall be at least twice as wide as the shaft. Business logos shall not exceed 33 1/3 percent of the sign area. Letters shall be black or white on a reflectorized or illuminated background of contrasting color. The first letter of each word shall be uppercase. Minimum letter size, lowercase: six inches and uppercase: eight inches.

G. **Occupant/Street Number Signs**. The Town finds that visible street numbers and occupant identification are essential for emergency service providers to rapidly locate and identify specific buildings when emergency incidents are underway. Non-illuminated signs affixed to buildings, structures, mailboxes, decorative light posts, driveway entrances, or similar structures, that identify the address of the structure or occupant. Occupant/street number signs are placed in a manner that is visible from the street.

H. **Suspended Canopy Signs**. Signs of up to four square feet attached to the underside of canopy/awnings in all districts. One sign is permitted per entity occupying the ground floor space, and those signs shall meet the provisions for clearance as described in the latest edition of The North Carolina State Building Code.

I. **Window Signs**. Signs placed or painted on the interior or exterior of glass windows or doors that occupy up to 30 percent of the glass area of the entire ground floor facade. Window signs that cover more than 30 percent of the glass are considered wall signs and shall meet requirements for wall signs within the appropriate zoning district.

121.05.03 Prohibited Sign Types, Materials, Design Elements, and Locations

The following signs are prohibited within the Town of Harrisburg and its extraterritorial jurisdiction:

A. To promote traffic safety, and to avoid dangerous traffic conditions:
   1. Signs which approximate official highway signs, warning signs, or regulatory devices.
   2. Pavement markings for purposes other than traffic control.

B. Signs displaying blinking, flashing or intermittent lights, animation, and moving parts, except as provided for in Section 121.05.04, *Permanent Signs*.

C. Portable signs (excluding A-frame signs as allowed in Section 121.05.05, *Temporary Signs*.)

D. “Wrap-around” signs or other continuous wall signs that extend around building corners or radii.

E. Facsimile Signs.

F. Feather Banners.

G. Signs placed within any required sight triangle.

H. Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches, and refuse containers, except that the latter two may contain a logotype.

I. Pole signs.

J. Roof signs.

K. Signs placed within or extending into the right-of-way of Town and state-maintained streets and roads, except those signs erected by a duly constituted government body and certain signs permitted in the CC, and MU districts.

L. Abandoned signs.
   1. A sign is "abandoned" if, for a continuous period of 45 days:
      a. No business, service, commodity, accommodation, attraction, event, or other enterprise or activity is operating or conducted on the premises, or
      b. The copy is illegible in whole or substantial part; or
      c. No copy is visible on the sign.
   2. If a sign that is not maintained as required by this subsection, the Director must provide written notice to the sign's record owner of its deficiencies, and the owner has 30 days from the date of the notice to remove the sign or bring the sign into compliance with this section.

M. Indirect illumination, such as floodlights, erected in a manner that causes:
   1. Glare that impairs driver vision on streets or roadways,
   2. Glare that impairs pilot vision approaching or departing Concord Regional Airport runways, or
   3. A nuisance to adjoining property.

N. Signs that obstruct fire escapes, windows, doors, or other openings used as means of egress or as required legal ventilation.

O. Signs containing or consisting of pennants, ribbons, streamers, balloons (or inflatable signs), or spinners.

P. Changeable copy with electronic messages is prohibited on a wall sign, such messages can only be incorporated with on-premise ground signs as outlined in §121.05.04.

Q. Cabinet signs, as depicted in Figure 121.05.03-1, *Cabinet and Channel Letter Signs*, below, as compared to conventional channel letter signs and back-lit channel letter signs, are prohibited.

R. Signs that do not confirm to this Section.

Figure 121.05.03-1, Cabinet and Channel Letter Signs

CABINET SIGN (PROHIBITED)

CONVENTIONAL CHANNEL LETTER SIGN (ALLOWED)

BACK-LIT CHANNEL LETTER SIGN (ALLOWED)

Note: nothing in this section authorizes any sign that is prohibited by state law, such as signs that contain language and/or pictures obscene to the general public (see NCGS 14-190.1).

121.05.04 Permanent Signs (12.5, 12.7)

A. **Applicability**. The Section shall govern regulations for signs permanently installed on a site and which are required to obtain a sign permit in accordance with § 125.02.09, *Sign Permit*.

B. **Wall Signs**

1. *Dimensional and Design Standards.* The maximum permitted sign area, location, characteristics, and number of Wall Signs is determined in accordance with Tables 121.05.04-1, *GC Sign Matrix*, through 121.05.04-5, *AG, RE, RL, RM, & RH Sign Matrix*, and as outlined in this Section.

2. *Wall Signs.* The following additional regulations apply to Wall Signs:

   a. *Signs on Building Walls Which Do Not Face Public Streets*. The permitted wall sign may be placed on a wall that does not face a public street. The maximum allowable size is calculated as if the wall faces a public street. The maximum allowable size for a sign on one wall is not transferable to a wall with less frontage.

   b. *Additional Wall Sign or Canopy Sign Permitted on Corner or Double Frontage Lots*. One additional wall or canopy sign is allowed on the secondary street frontage of lots with more than one street frontage if the secondary frontage is at least 100 feet in width at the street right-of-way.

   c. *Additional Wall Sign or Canopy Sign Permitted to Face Side or Rear Parking Lot.* Lots with parking to the side or rear of a building are allowed one additional wall or canopy sign facing the parking lot, if at least

50 percent of the required parking for the establishment is located to the side or rear of the building and an entrance to the establishment faces the parking lot.

d. *Location Requirements for Wall Signs*. No wall sign may extend more than one foot from the exterior of the wall and no portion of a sign shall extend above the wall on which it is mounted.

e. *Wall Signs on Historic Buildings*

1. Wall signs on historic buildings shall be placed:

a. Within the sign frieze, or

b. A distinct place where the wall sign was intended or designed to be located, or

c. If subsections a or b above do not apply, the wall sign shall be placed below the typical second-floor window area.

2. No wall sign shall extend beyond the space designated in subjection 1, above.

3. The design and coloration of these signs shall be compatible with the character of the building.

C. **Canopy/Awning Signs**. The maximum permitted sign area, location, characteristics, and number of Canopy/Awning Signs is determined in accordance with Tables 121.05.04-1 through 121.05.04-5 and as outlined in this Section. The following additional regulations apply to canopy/awning signs:

1. *Valance and Copy Size for Canopy/Awning Signs*. The valance, or apron, for any canopy shall not exceed 12 inches in height. Individual letters or symbols on these valances shall not exceed 9 inches in height. This provision applies only to valances to which sign copy is affixed.

2. *Illumination for Canopy/Awning Signs*. Illuminated canopy/awning signs shall not have bare bulbs present on or around the sign face.

3. *Canopy/Awning Signs on Historic Buildings*. No canopy/awning sign is permitted on a historic building unless documentation indicates that the sign was used on the building when originally constructed and occupied. The design and coloration of those signs shall be compatible with the building's character.

4. *Clearance Requirements for Canopy/ Awning Signs and Suspended Canopy Signs*. All canopy/awning signs attached to the underside of a canopy/awning shall maintain the minimum clearance above the ground level of any sidewalk or vehicular access area specified in the most recent edition of the North Carolina State Building Code.

5. *Canopy/Awning Signs and Wall Mounted Signs for Combined Developments*. All establishments within combined developments shall use as individual identification signs, exclusively, canopy/awning or wall signs. No mixing of sign types within a combined development is permitted, except that canopies/awnings containing no copy may be used in combination with wall signs.

D. **On-Premise Ground Signs**. The maximum permitted sign area, location, characteristics, and number of On-Premise Ground-Mounted Signs is determined in accordance with Tables 121.05.04-1 through 121.05.04-5 and as outlined in this Section.

1. *Base Design and Landscaping for Ground Signs*. All permitted ground signs shall stand in a bed of landscaping at least 30 square feet in area. This area shall contain low growing materials such as ground covers, perennials, and shrubs, and shall be bordered by acceptable curbing materials as specified in §121.04. The base of the ground sign not part of the calculated sign area shall match the majority material of primary building.

2. *Distance Requirements from Existing Ground Signs.* No proposed ground sign shall be placed within 50 feet of an existing ground sign.

3. *Ground Signs for Combined Developments*. All uses within a combined development (includes more than one establishment or business on a common parcel) shall share the permitted ground-mounted sign(s) that is (are) permitted in accordance with Table 121.05.04-1 through 121.05.04-4. These regulations do not apply to outparcels of the development, as outparcels are separate parcels of land.

4. *Changeable Copy*. Electronic message boards (EMBs) are permitted as part of an on-premise ground sign if:

a. Changeable copy only comprises 50 percent of the allowed sign area.

b. Messages are non-animated, including any primary or secondary effects, and remain fixed for at least 30 seconds per message.

c. Self-luminous message boards do not exceed a luminosity of 5,000 nits between sunrise and sunset, and 150 nits between sunset and sunrise. Those message boards shall use automatic dimming controls, either by photocell (hardwired) or software settings.

d. Self-luminous message boards using LED technology shall provide a minimum LED density of 19/19 mm (bulb cluster spacing on center).

e. All EMBs shall contain a maximum of two colors.

f. An application for a sign permit for a sign containing an EMB includes surface luminosity measurements (day and night) using a calibrated luminosity meter and is shot from the fronting roadway at the closest practical position.

g. The parcel has at least 250 feet of frontage on a boulevard or on a major or minor thoroughfare, as shown on the latest Cabarrus-Rowan MPO Comprehensive Transportation Plan maps.

h. The EMBs are placed on a ground sign with a decorative masonry base.

5. *Drive-Through Signs*. Drive-through signs are limited to 64 square feet in area.

6. *Additional Ground Signs*. Lots with more than one street frontage are allowed one ground sign per frontage if each frontage is at least 100 feet in width at the street right-of-way. No more than one ground signs shall be placed on the same street frontage.

E. **Projecting or Suspended Signs**. The maximum permitted sign area, location, characteristics, and number of Projecting or Suspended Signs is determined in accordance with Tables 121.05.04-1 through 121.05.04-5 and as outlined in this Section. Projecting or suspended signs:

1. Shall not extend more than five feet into the public right-of-way, and

2. Shall not encroach over a motorized vehicle travel way such as a public or private street, alley, or driveway. If a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining, and maintaining in force, liability insurance in an amount of at least $500,000 per occurrence per sign.

F. **Murals.**

1. *Dimensional and Design Standards.* The maximum permitted sign area, location, characteristics, and number of murals is determined in accordance with Tables 121.05.04-1, *GC Sign Matrix*, through 121.05.04-3, *NC, CC, & MU Sign Matrix*, and as outlined in this Section.

2. *Additional Regulations.* The following additional regulations apply to murals:

a. *Location Requirements for Murals*.

i. *Front Building Wall*. Murals are not permitted on the front building wall. The "front building wall" is a building elevation that faces the adjacent street right-of-way and is the primary entrance. Buildings located on a block corner with the primary entrance located diagonally at the building corner to both intersecting streets has two primary front building walls.

ii. *Additional Mural Facing Side or Rear Parking Lot.* Lots with parking to the side or rear of a building are allowed one mural facing the parking lot, if at least 50 percent of the required parking for the establishment is located to the side or rear of the building and an entrance to the establishment faces the parking lot. The area of the secondary signs placed on the primary wall are calculated using the linear footage of the secondary walls and transferred to the primary.

b. *Application*. Murals shall be applied using weather-resistant paint or materials.

c. *Copy*. Up to 30 percent of a mural may include text and logo.

d. *Maintenance*

i. The display surface shall be kept clean, neatly painted, and free from corrosion.

ii. The mural shall be kept in good condition for the life of the mural. A mural is not in good condition when 25 percent or more of the display surface area contains peeling, faded or flaking paint, or is otherwise not preserved in the manner in which it was originally created.

e. *Murals on Historic Buildings*

1. *Placement*. Murals on historic buildings shall be placed:

a. Within the sign frieze, or

b. A distinct place where the mural was intended or designed to be located.

2. *Extent*. No mural shall extend beyond the space designated in Subsection 1, *Placement*, above.

3. *Design*. The design and coloration of murals shall be compatible with the character of the building.

G. **Outdoor Advertising (Billboard) Signs**. The maximum permitted sign area, location, characteristics, and number of off-premise Outdoor Advertising Signs (Billboards) is determined in accordance with the standards in this Section. The following additional regulations apply to Billboards:

1. Billboards are permitted only in the CD and EC districts with the issuance of a Special Use Permit.
2. Billboards are limited to a maximum size of 150 square feet along all streets or roads.
3. Billboards shall be setback at least 50 feet from the public right-of-way, or any legal private access road.
4. Billboards shall not exceed 30 feet in overall height.
5. There shall be only one face per side of the sign. “Double-decker” signs with signs erected one over or above the other and side-by-side signs with signs erected one next to the other are prohibited.
6. Billboards shall be located at least 1,000 feet from any Residential Zoning District or residentially developed property, whether within the jurisdictional limits of the Town or not. The distance is measured radially from the proposed sign location to the nearest point of the residential district or property.
7. Each Billboard shall be located at least 1,000 feet from any Billboard, located on the same or on the opposite side of the street. The distance is measured radially from the proposed sign location to the existing sign location.
8. Billboards shall be at least 100 feet from any existing or proposed building, off-street parking area or other building or structure. The distance is measured radially from the proposed sign location to the nearest point of the building, off-street parking area, or other building or structure.
9. No vegetation in the public right-of-way shall be cut to increase or permit visibility to a Billboard unless approved by the chief engineer of the governmental authority having jurisdiction over that right-of-way.
10. No Billboard shall be located in a required front yard setback.
11. Billboards shall meet 30 PSF wind loading requirements and all supports shall be of steel, aluminum, concrete or other non-combustible material.
12. No Billboard shall be erected closer than 10 feet from any electric conductor and shall comply with all requirements of the National Electrical Code with respect to clearance from overhead electrical conductors.
13. Changeable copy or electronic reader board signs are not allowed as part of any Billboard.

H. **Subdivision Entrance Sign**. A subdivision entrance sign is permitted in association with a residential subdivision with 10 or more lots or with a nonresidential or mixed use subdivision.

Table 121.05.04-1, GC Sign Matrix

Sign Type	Number Allowed	Max. Sign Area	Max. Overall Height	Sign Location
Ground Signs				
Individual Occupant	1 per frontage	50 sf	8 ft	Outside of street ROW & site triangle
Combined Development	1 per frontage	50 sf (+10 sf per additional tenant up to a 100 sf max)	10 ft	Outside of street ROW & site triangle

Table 121.05.04-1, GC Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Overall Height	Sign Location
Subdivision Entrance Sign	1 per entrance road	32 sf	8 ft	Outside of street ROW & site triangle
Wall Signs				
Individual Occupant and Combined Developments	1 per frontage	For buildings with no more than 100 linear feet of frontage (wall which serves as the building's "front") the following shall apply: 1.0 sf per lineal ft. of the building the wall sign is to be attached to up to 50 square feet maximum sign area. For buildings with more than 100 linear feet frontage the following shall apply: 1.0 sf per 2 linear feet of the building the wall sign is to be attached to up to 100 square feet maximum sign area.	not to extend above the vertical wall	n/a
Canopy/Awning Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	12 sf	n/a	n/a
Projecting/Suspended Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	For first floor units Suspended sign-4sf Projecting sign-6sf For the second floor and higher units Projecting sign – 18sf Suspended sign – 4 sf	n/a	No portion of a projecting or suspended sign shall extend more than 5 ft. from building wall
Murals				
Copy / text 0-10%	May be substituted for allowed wall signs on side or rear building elevation only	100% of building wall	n/a	side or rear building elevation only (see subsection F above)
Copy / text 11-20%	May be substituted for allowed wall signs on side or rear building elevation only	Within wall sign allocation above	n/a	side or rear building elevation only (see subsection F above)

Table 121.05.04-2, O-I, CD, & EC Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Overall Height	Sign Location
Ground Signs				
Individual Occupant	1 per frontage	32 sf	8 ft	Outside of street ROW & site triangle
Combined Development	1 per frontage	32 sf (+8 sf per additional tenant up to a 64 sf max)	8 ft	Outside of street ROW & site triangle
Subdivision Entrance Sign	1 per entrance road	32 sf	8 ft	Outside of street ROW & site triangle
Wall Signs				
Individual Occupant and Combined Developments	1 per frontage	1.0 sf per lineal ft. of the building the wall sign is to be attached to up to 50 square feet maximum sign area.	not to extend above the vertical wall	n/a
Canopy/Awning Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	12 sf	n/a	n/a

Table 121.05.04-2, O-I, CD, & EC Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Overall Height	Sign Location
Projecting/Suspended Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	For first floor units Suspended sign-4sf Projecting sign-6sf For the second floor and higher units Projecting sign – 18sf Suspended sign – 4 sf	n/a	No portion of a projecting or suspended sign shall extend more than 5 ft. from building wall
Murals				
Copy / text 0-10%	May be substituted for allowed wall signs on side or rear building elevation only	100% of building wall	n/a	side or rear building elevation only (see subsection F above)
Copy / text 11-20%	May be substituted for allowed wall signs on side or rear building elevation only	Within wall sign allocation above	n/a	side or rear building elevation only (see subsection F above)

Table 121.05.04-3, NC, CC, & MU Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Overall Height	Sign Location
Ground Signs				
Individual Occupant	1 per frontage	16 sf	4 ft	Outside of street ROW & site triangle
Combined Development	1 per frontage	16 sf (+8 sf per additional tenant up to a 32 sf max)	4 ft	Outside of street ROW & site triangle
Subdivision Entrance Sign	1 per entrance road	16 sf	4 ft	Outside of street ROW & site triangle
Wall Signs				
Individual Occupant and Combined Developments	1 per frontage	1.0 sf per lineal ft. of the building the wall sign is to be attached to up to 32 square feet maximum sign area.	not to extend above the vertical wall	n/a
Canopy/Awning Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	12 sf	n/a	n/a
Projecting/Suspended Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	For first floor units Suspended sign-4sf Projecting sign-6sf For the second floor and higher units Projecting sign – 18sf Suspended sign – 4 sf	n/a	No portion of a projecting or suspended sign shall extend more than 5 ft. from building wall
Murals				
Copy / text 0-10%	May be substituted for allowed wall signs on side or rear building elevation only	100% of building wall	n/a	side or rear building elevation only (see subsection F above)
Copy / text 11-20%	May be substituted for allowed wall signs on side or rear building elevation only	Within wall sign allocation above	n/a	side or rear building elevation only (see subsection F above)

Table 121.05.04-4, AG, RE, RL, RM, & RH Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Overall Height	Sign Location
Ground Signs				
Subdivision Entrance Sign	2 per entrance	32 sf	6 ft	Outside of street ROW & site triangle
Neighborhood Bulletin Board or Informational Signs	1 per entrance	16 sf	6 ft	Outside of street ROW & site triangle
Other Uses	1 per premises	16 sf	4 ft	Outside of street ROW & site triangle
Wall Signs				
Residential Subdivisions	not permitted	n/a	n/a	n/a
Other Uses	1 per premises	16 sf	n/a	n/a

Table 121.05.04-5, Billboard Matrix	
Dimensions	
All Roads	150 sf
Overall Height	30 ft
Setbacks from:	
ROW	50 ft
Residential Zone/Use	1,000 ft
Building, parking area, or structure	100 ft
Electricity Conductor	10 ft
Other Billboards	1,000 ft
Design Characteristics	
Changeable Copy	No
Electronic Reader	No

Table 121.05.04-6, Standards for Sign Characteristics				
	AG, RE, RL, RM, RH, MU	CC	O-I, GC	NC, CD, EC
P - Permitted, P/N - Permitted, Non-electronic				
Animated	-	-	-	-
Changeable Copy	P/N (for neighborhood bulletin board/informational signs)	-	P	-
Illumination, Internal	-	P	P	P
Illumination, Indirect	P	P	P	P
Illumination, Indirect, Exposed Bulbs or Neon	-	P	-	-

Table 121.05.04-7, Standards for Wall Sign Increase	
Principal Building Distance Setback from the Required Front Setback (ft)	Allowed Aggregate Wall Sign Area Increase (%)
0 - 49	0
50 - 99	25
100 - 149	50
150 - 199	75
200 - 249	100

Table 121.05.04-7, Standards for Wall Sign Increase	
250 - 299	125
300 - 349	150
350 - 399	175
400 or more	200

121.05.05 Temporary Signs

A. **Applicability**. Each tax parcel is allowed one of the following types of temporary sign if it is located outside of the Right-of-Way and not obstructing sight triangles at intersections:

1. Freestanding sign;
2. Wall banner;
3. Yard banner; and
4. A-Frame sign.

B. **Size, Material, and Aesthetic Requirements.** The size requirements of the allowed types of temporary signs are set forth in Table 121.05.05, *Area for Temporary Signs*.

C. **Freestanding Sign**.

1. *Where Permitted*.
   a. A freestanding sign is permitted only on parcels that contain either:
      1. A use in the Household Living use category where the size of the parcel is a minimum of three acres in size;
      2. Unoccupied space or undeveloped land; or
      3. A use in any other use category, provided that the parcel upon which the sign is displayed has a minimum of 100 feet of frontage on a public street, as measured at the right-of-way.
   b. A freestanding sign shall not be displayed upon a parcel that contains a permanent freestanding sign, including a sign structure that has had its display area removed, unless the parcel includes unoccupied space or undeveloped land.
2. *Permitted Height*. The maximum height of the sign, including any supporting posts or stakes, is limited to eight feet above the adjacent grade.
3. *Number Permitted*. A maximum of two freestanding signs may be displayed on a parcel with a minimum separation of 400 linear feet. If a parcel is located at an intersection with multiple frontages, then one freestanding sign may be displayed per road frontage with a minimum separation of 100 feet as measured in a straight line.
4. *Mounting Standard*. Freestanding signs shall be mounted to and supported by a minimum of two separate posts or stakes.
5. *Number of Sides*. The display area may be either single or dual sided, but shall not consist of more than one distinct component.
6. *Duration*.
   a. A freestanding sign may be displayed without limit to duration upon any parcel that contains only vacant or undeveloped land, including land whose principal use is the production of agricultural commodities or silviculture (forestry).
   b. In all other cases, the duration of display shall be limited to a maximum of two years, provided that this limit shall not apply if the land, and any structure upon such parcel, is not occupied or in active use for purposes other than a use in the Household Living use category at any time during the period of display.

c. Where the display of a freestanding sign is subject to a limit on the duration of display, there shall be a minimum period of separation of 60 days between the removal of the previously permitted sign and the display of a new sign. Such period of separation shall apply in all cases where a sign subject to a limit on the duration of its display is removed, regardless of whether the maximum allowed duration for its display has been reached at the time of its removal.

D. **Banners**. All banners shall meet the following requirements:

1. Temporary banners shall be constructed of a material at least 13 oz vinyl scrim or heavier, or alternatively nine oz vinyl mesh or heavier material.
2. All temporary banners shall be professionally printed, hemmed, have grommets on at least the four connective corners, and be mounted on heavy metal stakes when mounted in the yard. Bungee cord or similar material shall be used to attach the sign to the stakes, to maintain tautness of sign.
3. Temporary banners may be displayed up to four times per calendar year with each display period not exceeding 30 days for a maximum duration of 120 days per calendar year.

E. **A-Frame Signs**. A-Frame Signs shall meet the following requirements:

1. The A-frame sign must be professionally fabricated from the following materials only: plastic, metal, wood, melamine, and/or chalkboard.
2. The size limitations for the message portion on all a-frame signs must be no larger than 6 square feet per side.
3. Messages may be changed on an A-frame sign within a requested set of permit dates if the sign is designed to accommodate those changes, i.e. a wood and chalkboard sign or metal and melamine sign.
4. A-Frame portable signs may be displayed daily provided it is removed and stored indoors at the close of business, or 10 p.m. for 24-hour businesses.

F. **Maintenance**. All temporary signs may be displayed until they become tattered, faded, ripped, or otherwise dilapidated. At that time, the temporary sign must be removed and/or replaced with a new, professionally manufactured sign.

G. **Flexibility**. The Director may approve additional sign area for special cases of unorthodox shapes and materials if the does not exceed the area designated in Table 121.05.05-2:

Table 121.05.05, Area for Temporary Signs

Sign Type	Size (*maximum*)
Freestanding	16 square feet
Wall Banner	32 square feet
Yard Banner	32 square feet
A-Frame	6 square feet per side

121.05.06 Installation and Maintenance (12.2)

A. **Sign Plan Required.** For any lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Director a Sign Plan containing the following. For a combined development or other multi-tenant development, a Sign Plan is required.

1. *Plot Plan*. An accurate Plot Plan of the lot or parcel, at any scale the Director may reasonably require;
2. *Locations*. Location of buildings, parking lots, driveways, and landscaped areas on the lot or parcel;
3. *Sign Areas*. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) or parcel(s) included in the plan under this Chapter; and
4. *Present and Future Signs*. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not. Incidental signs need not be shown.

5. The Director shall review the application in accordance with the criteria established in this Section. The Director shall solicit review comments in accordance with general review procedures.

6. Permanent signs for various development types and special uses are reviewed as part of the site plan.

B. **Sign Area Computations**. The following principles control the computation of sign area and height:

1. *Computation of Area of Single-Faced Signs*. The area of a sign face is computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when that fence or wall otherwise meets UDO regulations and is clearly incidental to the display itself. Refer to Figure 121.05.06, *Sign Area and Height Measurement*.

2. *Computation of Area of Multi-faced Signs*. The sign area for a sign with more than one face is computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and not more than 42 inches apart, the sign area is computed by the measurement of one of the faces.

3. *Computation of Overall Height*. The overall height of a sign is computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be either of:

   a. Existing grade prior to construction; or

   b. Newly established grade after construction, exclusive of any filling, beaming, mounding, or excavating solely to locate the sign. If the normal grade cannot reasonably be determined, sign height is computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the Principal Structure on the lot or parcel, whichever is lower.

Figure 121.05.06, Sign Area and Height Measurement

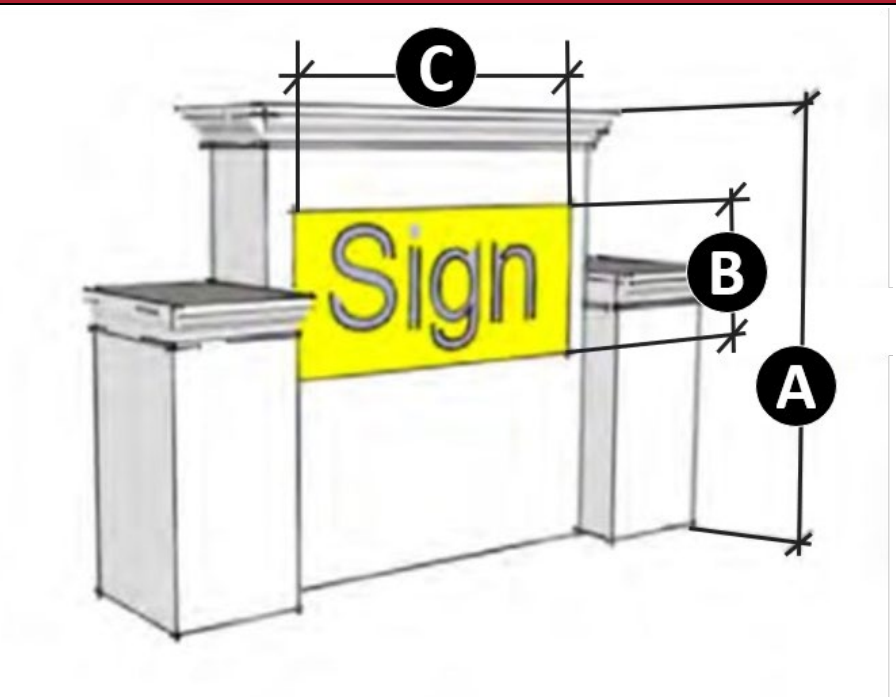


FIGURE NOTES:
A = Sign Overall Height; B = Sign Face Height C = Sign face Width

C. **Design, Construction, and Maintenance.** All signs shall be designed, constructed, and sign maintenance shall occur, in accordance with the following standards:

1. *Structural Condition*. All signs shall be constructed and maintained to retain sound structural condition, and shall comply with all applicable provision of the State Building Code, all applicable electrical codes, and this Chapter, at all times.

2. *Materials and Attachment*. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

D. **Permit Expirations.** Sign Permits are valid for up to six months. Permits may be renewed prior to the end of the six-month period, if necessary. However, if the permit expires, the original cost of the permit is charged as the renewal fee.

§ 121.06 Outdoor Lighting

Contents:

121.06.01 Light Fixture Standards (7.9, Appendix B-14)
121.06.02 Location and Design Standards (7.9)
121.06.03 Street Lighting Policy

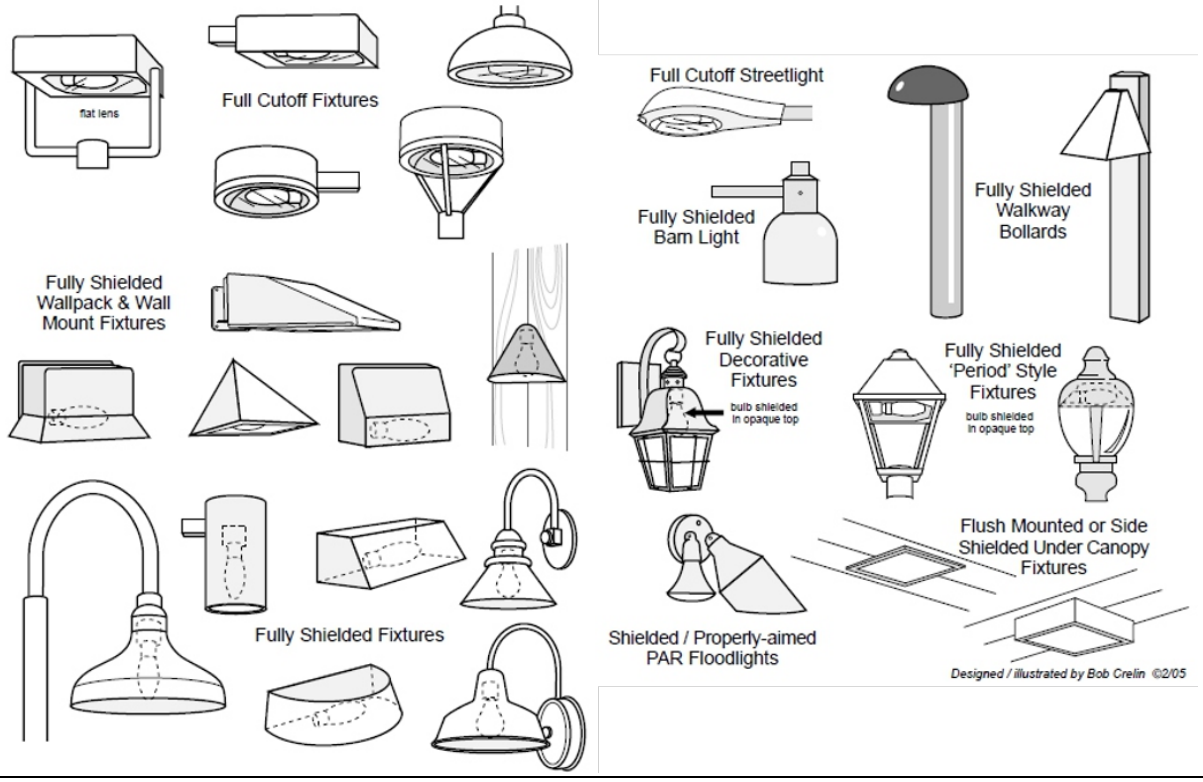
121.06.01 Light Fixture Standards

A. **Generally**. The maximum permitted illumination and the maximum permitted light fixture height of outdoor lighting on private property shall conform to the standards of this Section.

B. **Fixture Type and Standards**.

1. *Architectural Integration*. Exterior lighting shall be architecturally integrated with the architectural character of the building.
2. *Nuisance*. Determination of light fixtures and levels of illumination to achieve a certain function or desired effect shall also reduce or eliminate the hazardous aspects and nuisance of glare and light spillover.
3. *Spillover*. All exterior lighting, with the exception of street lighting, that is used in and around buildings, recreation areas, parking lots, and signs, shall be designed to protect against the spillover of light to adjacent properties or the public right-of-way. Street lighting shall comply with the Town's Street Lighting Policy, as established in Section 121.06.03, *Street Lighting Policy*.
4. *Characteristics*. Lighting may be characterized by the kind of fixtures to be installed (such as shoebox, acorn, or wall pack as depicted in Figure 121.06.01-1, *Fixture Types*); by use or activity being served (i.e. sports activities, utility lighting, lot lighting, or security lighting); or by desired effect, (i.e. spot lighting). Lighting design, location, and fixture selection should be planned to serve the primary lighting objective.
5. *Lighting Plan*. Site Lighting shall be depicted on a Lighting Plan that meets the requirements of the Development Guidebook and shall be submitted as part of all development plan approval process.

Figure 121.06.01, Fixture Types



C. **Cut-Off Requirements and Timers**.

1. *Cut-Off*. Generally, light fixtures shall be "cut-off" fixtures that limit lighting that is visible or measurable at the property line and shall be of constant intensity.
2. *Non Cut-Off*. Fixtures without baffling (non cut-off) may be used only for decorative purposes, provided:
   a. They have lamps that produce no more than 1,500 lumens (approximately equal to a 100 watt incandescent bulb);
   b. They have a maximum height of 18 feet as depicted in Figure 121.06.02, *Maximum Mounting Heights*; and
   c. They use energy-efficient bulbs, such as compact fluorescent ("CF") and light-emitting diode ("LED").

3. *Timer*. Lighting installations shall include timers, dimmers, and /or sensors to reduce overall energy consumption and unnecessary lighting.

121.06.02 Location and Design Standards

A. **Freestanding Fixture Height.**

1. *Generally.* Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of light to produce minimal shadows.
2. *Non-cutoff Lights*. No non cut-off light fixture shall be greater than 18 feet above grade as depicted in Figure 121.06.02, *Maximum Mounting Heights*.
3. *Cutoff Lights.* No cutoff light fixture shall be greater than 35 feet above grade.
4. *Pole Base*. The base of the pole shall be of a color or material that matches that of the primary building or shall be landscaped with shrubs as part of the parking lot landscaping requirements in Section 121.04.02, *Development Landscaping*.

Fixture 121.06.02, Maximum Mounting Heights

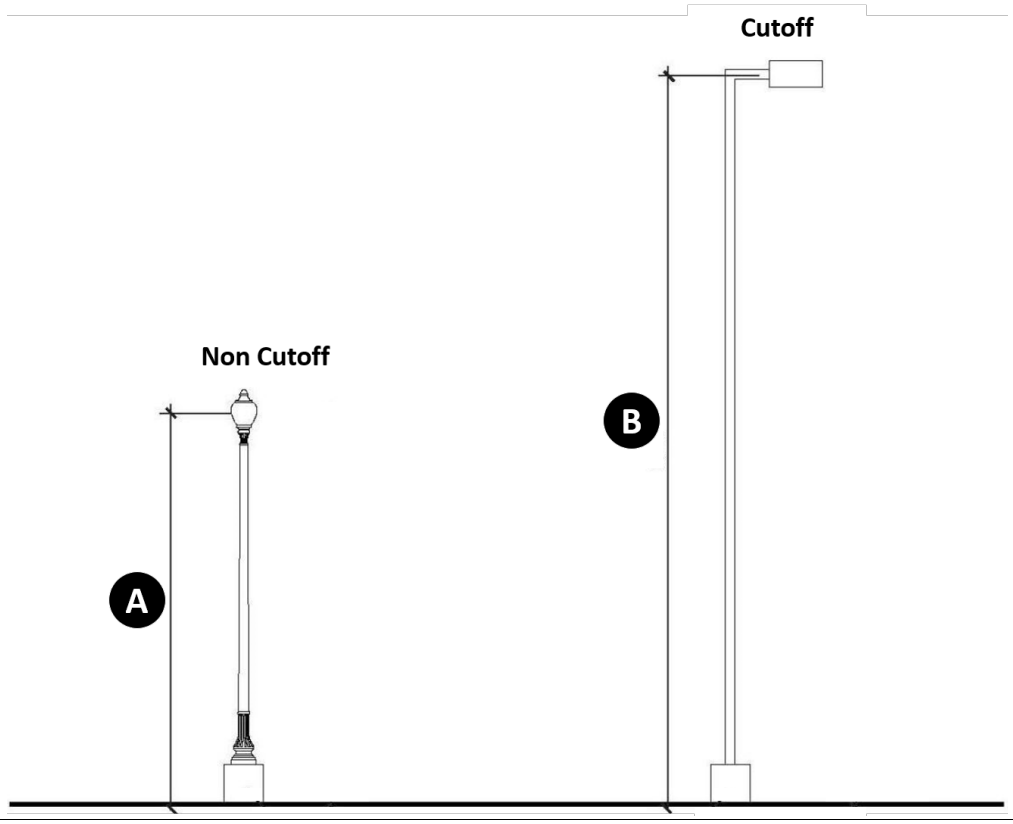


FIGURE NOTES:
A = 18 feet; B = 35 feet

B. **Location.**

1. *Setback*. All outdoor lighting shall be located at least 10 feet from property lines defining rear and side yards or required perimeter buffer areas as required by this UDO.
2. *Placement*. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting to minimum excessive glare.

C. **Illumination.** The average intensity illumination for outdoor lighting shall not exceed six footcandles in intensity as measured at grade.

D. **Canopies and Awnings**. Lighting levels for canopies and awnings of commercial facilities shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the businesses. Lighting fixtures mounted on canopies shall be recessed so that the light's lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained. Canopies shall be constructed of non-light-emitting material.

E. **Exceptions.** Because of their unique requirements for nighttime visibility and limited hours of operation, the lighting of active recreation areas, such as for Outdoor Entertainment uses are exempt from the requirements of this Section.

F. **Prohibited Lighting.**

1. *Flickering*. No flickering or flashing lights shall be permitted.
2. *Buffer Yards*. Light sources should not be located within any buffer yard areas except on pedestrian walkways.

121.06.03 Street Lighting Policy

The Town's Street Lighting Policy establishes standards for the installation and maintenance of decorative street lighting and roadway lighting in the Town.

CHAPTER 122: SUBDIVISION STANDARDS

Contents:

§ 122.01 Applicability and Purposes
§ 122.02 Subdivision Design Standards
§ 122.03 Development Types
§ 122.04 Adequate Public Facilities Standards
§ 122.05 Public Improvements Dedication and Acceptance

§ 122.01 Applicability and Purposes

Contents:

122.01.01 Applicability (1.1.4; 6.1, Appendix B-7)
122.01.02 Purposes (6.1.1, 1.1.4)
122.01.03 Authority and Jurisdiction

122.01.01 Applicability (1.1.4; 6.1, Appendix B-7)

A. **Generally**.

1. *Town Limits and ETJ*. This Chapter shall apply to any subdivision within the corporate limits of the Town or any extraterritorial jurisdiction established pursuant to NCGS. This Chapter sets out regulations for the substantive review of subdivisions of land to serve the needs of all public and private interests within the Town and surrounding areas.
2. *Procedures*. Refer to § 125.05, *Subdivision Review Procedures*, for provisions related to the review and final action on subdivision requests.

B. **When a Subdivision Plat is Required**.

1. *Subdividing Land.* The owner or proprietor of any tract of land who desires to Subdivide land (to create a "Subdivision") shall be required to submit a plat of such Subdivision to the Director, whom is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the Director must be made in accordance with the regulations set forth in this Article.
2. *Subdividing Land without Plat.* No person shall subdivide land without making and recording a plat and complying fully with the provisions of this Article and all other state and local laws and regulations applying to Subdivisions.
3. *Transfer of Ownership.* No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the Register of Deeds, unless such subdivision was created prior to the adoption of this Ordinance and any other subdivision ordinance applicable thereto.
4. *Building Permit or Certificate of Compliance and Occupancy.* No building permit or Certificate of Compliance and Occupancy shall be issued, and no construction of any public or private improvements shall be commenced, for any parcel or plat of land which was created by subdivision after the effective date of this UDO in a manner that does not comply with the requirements of this UDO.
5. *Court Orders*. In any matter in which a court orders the partition of land by dividing the same among the owners, such action shall be exempt from the provisions of this Article, provided that the Town is made a party defendant to said action and gives its consent or fails to file responsive pleadings to said division of the property.
6. *Final Subdivision Plat*. A final subdivision plat shall be approved by the Director before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Director in accordance with these regulations.

C. **When a Subdivision Plat is Not Required.** Pursuant to NCGS §160D-802, a subdivision plat shall not be required for any of the following:

1. *Combination*. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in this UDO;
2. *Large Lots*. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3. *Public Acquisition*. The public acquisition by purchase of strips of land for the widening or opening of streets.
4. *Certain Subdivision*. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this UDO
5. *Wills*. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under NCGS Chapter 29.

D. **Recordation of Unapproved Plat Prohibited.** The Register of Deeds shall not file or record any subdivision plat required by this UDO until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Article.

E. **Sale of Property in Violation of this Ordinance Prohibited**. No land described in this Section shall be subdivided or sold, or transferred until each of the following conditions has occurred in accordance with these regulations:
1. The subdivider or his agent has submitted a conforming sketch plat of the subdivision to the Director; and the subdivider or his agent has obtained approval of the sketch plat, a preliminary plat (when required), and a final plat as provided in this Article; and
2. The subdivider or his agent files the final or conveyance plat with the Register of Deeds.

F. **Rural or Conservation Subdivisions.** Any tract of land to be subdivided for the purpose of residential development within an AG zone or for a conservation subdivision shall comply with the provisions of this Chapter as well as the supplemental standards as set forth in Section 122.02, *Rural or Conservation subdivision Standards*.

122.01.02 Purposes (6.1.1, 1.1.4)

The purposes of this Chapter are to:

A. **Generally**.
1. Provide healthy and safe development patterns and for the efficient use of our resources (land, water, roads, etc.);
2. Implement the HALUP;
3. Promote economic development;
4. Protect the subdivider's and citizens of Harrisburg's needs; and
5. Ensure that development is compatible with and properly integrated into existing and future neighborhoods.

B. **Transportation System**.
1. Provide for the harmonious development of the Town, for the coordination and alignment of streets within subdivisions with other existing or planned streets, or with other features of the Town;
2. Provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will enhance public health, safety, and the general welfare;
3. Provide for connectivity opportunities with streets, greenways, multiuse paths, as applicable; and
4. Provide that, in lieu of required street construction, a developer may be required to provide funds for the Town to construct roads that serve the neighborhood and these funds may be used for roads which serve more than neighborhood within the area.

C. **Open Space**.
1. Provide for appropriate open space for recreation, public facilities, light, and air, or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the neighborhood and/or for residents within the immediate area; and

2. Provide for the dedication or reservation of and rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to NCGS § 136-66.10.

D. **Community Facilities**.

1. Assure that facilities to be accepted and maintained by the Town are properly located and constructed;
2. Facilitate adequate provision of transportation, potable water, wastewater, drainage, schools, parks, and other public requirements;
3. Provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal or county policies and standards and, to assure compliance with these requirements, by requiring the posting of bonds or any other method that will offer guarantee of compliance; and
4. Provide for the reservation of school sites in accordance with comprehensive land use plans approved by the Town and/or Cabarrus County School Board.

E. **Other**.

1. Provide that sufficient data is presented accurately by subdividers to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines; and
2. Require the preparation and recording of a plat whenever any subdivision of land takes place.

122.01.03 Authority and Jurisdiction

The authority and jurisdiction of the subdivision standards of this UDO are described in Section 124.01.03, *Authority and Jurisdiction*.

§ 122.02 Subdivision Design Standards

Contents:

122.02.01 Types of Plats (New; 6.1.8; 6.2; 6.3; 6.4)
122.02.02 Design Principals (New)
122.02.03 Street Network and Design (10.1, Appendix C; 11.2.5.2)
122.02.04 Street Cross Sections (Appendix C)
122.02.03 Street Names and Street Lights (Appendix C)
122.02.04 Blocks (6.6.3)
122.02.05 Lots (6.6)
122.02.06 Easements (6.4.13.2)
122.02.07 Perimeter and Internal Buffer Yards (6.6.8)
122.02.08 Sidewalks and Accessibility (11.2.7; C.4.2.9)
122.02.09 Public Water and Wastewater Systems (14.3.3; Appendix C)
122.02.10 Stormwater Runoff (9.2; Appendix C)
122.02.11 Open Space and Park Design and Dedication (6.5)
122.02.12 Markers and Monuments (new)

122.02.01 Types of Plats (New; 6.1.8; 6.2; 6.3; 6.4)

A. **Generally**. Before any land is subdivided, the owner of the property proposed to be subdivided, or his or her authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include two principal steps for an expedited or minor subdivision and three principal steps for a major subdivision (see Table122.02.01, *Classification of Subdivisions*):

B. **Minor Subdivision** (See Section 125.05.01, *Minor Subdivision*)**.**

1. Sketch Plat; and

2. Conveyance or Final Plat.

C. **Major Subdivision** (See Section 125.05.02, *Major Subdivision*).
1. Sketch Plat;
2. Preliminary Plat; and
3. Final Subdivision Plat.

Table 122.02.01, Classification of Subdivisions			
Classification	Stage	**Designated Agency (Decision-Maker)**	Time Limit For Processing
Minor Subdivision	Sketch Plat	Director	15 Working Days
	Conveyance Plat or Final Plat	Director	15 Working Days
	Recombination Plat	Director	15 Working Days
Major Subdivision	Sketch Plat	Director	15 Working Days
	Preliminary Plat	Town Council, after receiving a recommendation from the Planning & Zoning Board	60-90 days
	Final Plat	Director	15 working days
Construction Plans	--	Director of Public Works or their designee, as delegated by this Ordinance	30 days
Exception from Subdivision Requirements	--	Town Council, after receiving a recommendation from the Planning & Zoning Board	Reasonable period of time, depending on circumstances and scope of application

122.02.02 Design Principals (New)

A. **Generally**. An administrative body may require modifications to proposed subdivision plats that otherwise conform to the standards of this Chapter in order to justify the granting of an Exception in accordance with Section 125.05.03, *Exception*. The principles of this Section shall be applied and interpreted in the context of the other applicable standards that are set out in this UDO.

B. **Compatibility**. The proposed subdivision shall be designed in a way that:
1. *Environment*. Preserves and protects the environmental resources to the benefit of the subject property and abutting properties;
2. *Buffering*. Provides appropriate space for bufferyards and transitions between land uses or obvious changes in density or intensity alongside and rear lot lines as set out in § 121.04, *Trees, Landscaping, and Buffering*;
3. *Common Open Space*. Maximizes the access to and benefit of common open spaces by providing for a connection to or continuation of the open spaces of abutting or adjacent properties and providing for maximum frontage and access to such open spaces;
4. *Connectivity*. Provides appropriate, context-sensitive vehicular and pedestrian linkages, providing access while protecting neighborhood integrity and individual property values;
5. *Storm Water*. Protects neighboring property from undue storm water runoff;
6. *Access*. Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development; and
7. *Level of Service*. Does not reduce the level of service of public infrastructure that are provided to surrounding development.

C. **Tree Preservation**. The subdivision shall be designed to meet the standards of Section 121.04.04, *Tree Preservation Standards*, and so that existing tree masses, large individual trees, and plant materials shall be preserved where practicable.

D. **Topography and Natural Features**. The arrangement of lots and blocks and the street system should be designed to conserve and make the most advantageous use of topography and natural physical features.

E. **Renewable Resources**. The blocks, lots, and buildable areas of a subdivision should be designed to take full advantage of sun and shade, where appropriate, wind, and other sources of renewable energy.

F. **Street Arrangement**. The general arrangement of streets should conform to the functional street classification system and the network alignments of the HALUP.

G. **Visual Qualities**. The system of roadways and sidewalks and the lot layout should be designed to take advantage of the visual, topographical, and environmental qualities of the area.

H. **Full Extension Through Property**. If a development requires the installation of water and sewer utilities, curb and gutter, sidewalk, bike paths, or greenways, such infrastructure shall be extended along the full length of the property. For instance, if curb and gutter is required along a street frontage, it will be provided along the entire length of the frontage. New water and sewer utilities extended to a site for development shall be extended along either the full frontage of the street, or along the full extent of the property, depending on the location of said utilities. Greenways and bike lanes, where required based on the adopted Bicycle, Pedestrian, and Greenway Plan, will be located along the entire frontage of the street, or along the full extent of the property, depending on the location of the infrastructure in relation to the site.

122.02.03 Street Network and Design (10.1, Appendix C; 11.2.5.2)

A. **Purpose**. The purpose of this Section is to prescribe minimum design standards for new public and/or private streets. These requirements may exceed the standards prescribed by the North Carolina Department of Transportation (NCDOT) for the acceptance of streets into the Secondary System of State Highways.

B. **Generally**.

1. *HALUP and Community Transportation Plan.* The streets within the proposed subdivision shall conform in alignment to the Harrisburg Community Transportation Plan and the HALUP. The improvement standards of the Community Transportation Plan shall not apply, except where such a standard has been specifically set forth in the Town of Harrisburg Engineering Design Standards. Whenever a tract to be subdivided embraces any part of a collector street or thoroughfare so designated on a plan approved pursuant to NCGS § 136-66.2, such part of the proposed street or thoroughfare shall be platted by the subdivider in the location and width indicated on such plan or reserved for a future ROW if said street is not used to access the subdivision. Stub streets within previously platted subdivisions shall be connected with streets in the proposed subdivision.

2. *New Lots***.** All new lots, parcels or divisions of land shall be provided access to public or private streets by means of a subdivision street or an entrance either maintained or approved by the State of North Carolina, the Town, or the County.

C. **Street Improvement Standards.**

1. *Public Streets.*

a. *Design Standards Reference*. Public streets shall be designed and constructed in accordance with the Town of Harrisburg Engineering Design Standards.

b. *Dedication*. Pursuant to NCGS § 136-66.2, where a proposed subdivision abuts an existing street or roadway included in the Town or North Carolina Department of Transportation street system, the applicant shall be required to dedicate at least one-half of the land necessary to comply with the minimum width requirements referenced in this Section or the Community Transportation Plan or the applicable regulations of the North Carolina Department of Transportation, whichever is greater, in accordance with § 122.05, *Public Improvements Dedication and Acceptance*.

c. *Improvements*. Where a proposed development abuts an existing street or roadway included in the Town or North Carolina Department of Transportation street system and, where permitted, is designed to utilize such street for frontage and direct access, the developer shall be required to improve such street in accordance with the design requirements of this Section or, if the street is on the State Highway System, the adopted regulations of the North Carolina Department of Transportation. Furthermore, the developer shall be responsible for installing utilities and infrastructure along these public streets, including but not limited to water, sewer, sidewalks, curb and gutter, and bike lanes/bike facilities. The requirement for bike lanes shall be determined by the adopted Bicycle, Pedestrian, and Greenway plan; if shown on the plan, the developer is responsible for improving the street with a bike lane for the entire frontage of the property being subdivided.

d. *Street Classification System*.

1. Classification of an existing or proposed street not already identified in the HALUP and Community Transportation Plan, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be done by the Director in consultation with the Director of Public Works or their designee.
2. The street classification system set forth in Table 122.02.03-1, *Street Classifications*, is hereby adopted for rural and urban streets. Streets may be further categorized pursuant to the HALUP and Community Transportation Plan.

Table 122.02.03-1, Street Classifications

Street Type	Description	ADT*
Freeway/ Expressway	Highway system serving travel, having characteristics of substantial statewide or interstate travel and exist solely to serve traffic	8,000
Major Thoroughfare	Streets that provide for expeditious movement of high volumes of traffic within and through urban streets	8,000
Minor Thoroughfare	Streets that perform the function of collecting traffic from local access roads/streets and carrying it to the major thoroughfare. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through traffic movements and may also serve abutting property.	4,000
Collector	A road that serves intra-county travel corridors and traffic generators and provides access to the Freeway/Expressway system.	3,000
Neighborhood Center Street	A street in a Planned Development Type, Traditional Neighborhood Development, or Transit Oriented Development that provides access to Neighborhood Streets.	2,000
Neighborhood Street	A street that serves residential uses in a Planned Development Type, Traditional Neighborhood Development, or Transit Oriented Development.	1,000
Residential Street	A road that provides service to small local communities and traffic generators and provides access to the Major Collector system.	1,000
Residential Lane	A local street serves to provide access to adjacent land, over relatively short distances.	250
Alley	An alley provides access to adjacent land, typically to the rear of parcels. Alleys are typically used for utilities, garbage service and garage access in residential areas.	100

TABLE NOTES:
* Refers to the minimum Average Daily Traffic (ADT) typically experienced by a given Street Classification.

e. *Determination Criteria*. In determining the classification of a street, factors to be considered include the following existing or proposed features:

1. Facility Geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
2. Access Conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.
3. Traffic Characteristics, including ADT, percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak hour characteristics of traffic.
4. In applying these factors, the Director may refer to Subsection A.2.d, above, and the sources listed therein, which are hereby incorporated by this reference.

f. *Designation Authority*. Utilizing the criteria of Subsection C.1.e, *Determination Criteria*, above, in conjunction with the Community Transportation Plan Map and the narrative descriptions for each roadway

classification provided in Table 122.02.03-1, *Street Classifications*, the Director of Public Works shall determine which of the Community Transportation Plan designations apply to the street under consideration.

2. *Private Streets.*

   a. Private streets that develop as part of a subdivision, or integrated nonresidential, mixed use, or multifamily residential development shall be designed and constructed to the public street standards set forth in this Chapter and in the Town of Harrisburg Engineering Design Standards. Private streets (with established right-of-way) shall only be allowed in TND and PUD developments.

   b. A legally responsible organization (i.e. homeowners association, special district, etc.) as acceptable to the Director shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or a special district shall be approved as to form by the Director.

3. *Internal Street Connectivity Requirements*.

   a. The Town Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.

   b. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.

   c. The street network for any subdivision shall achieve the connectivity ratios required in Table 122.02.03-2, *Internal Connectivity Ratio Requirements* (see example in Figure 122.02.03).

Table 122.02.03-2, Internal Connectivity Ratio Requirements

Development Type	Required Connectivity Ratio
Countryside	0.0
Conventional	1.4
Conservation	1.0
Planned, Traditional Neighborhood, and Transit-Oriented	1.5

   b. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Director determines that there is:

      1. No options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and

      2. Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

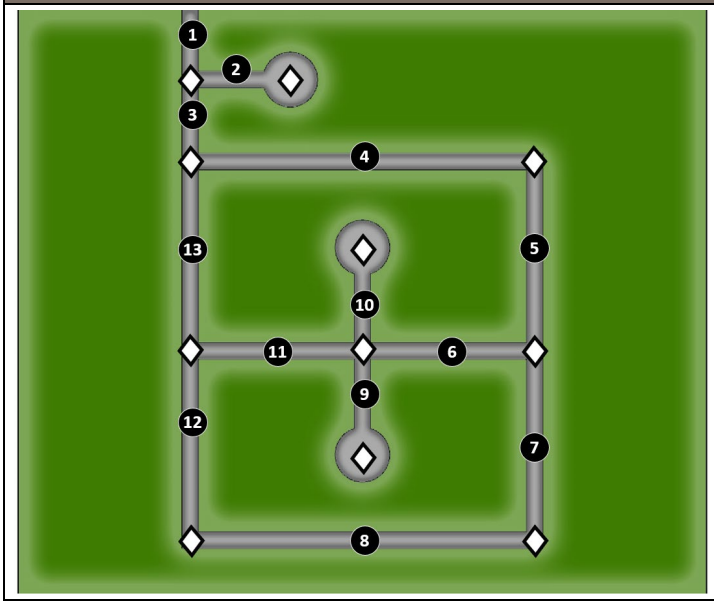
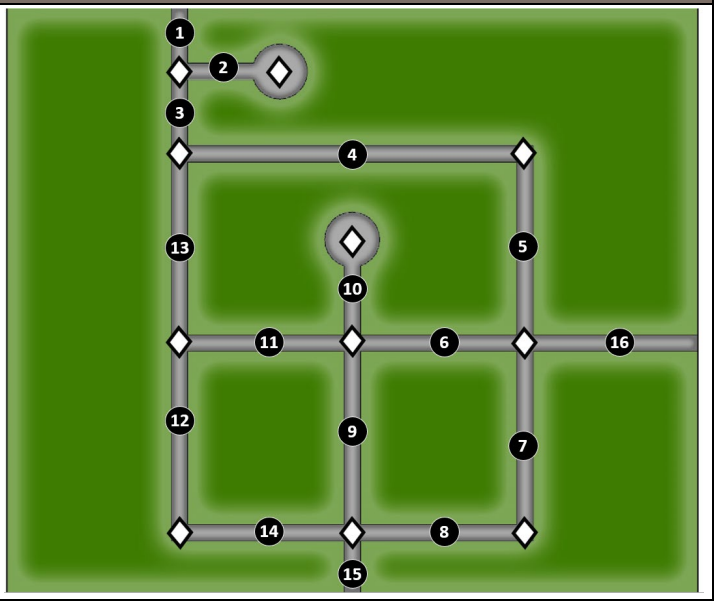
   c. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 150 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.

   d. Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways, and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.

   e. Streets may utilize center islands, medians, speed bumps, or other measures acceptable to the Town Engineer to discourage cut-through traffic.

   f. For purposes of this Subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

Figure 122.02.03, Example of Street Connectivity Ratio

Example 1: Subdivision that does not meet the Ratio (13 links/ 11 nodes = 1.18 ratio)	Example 2: Same development modified to meet Ratio (16 links/11 nodes = 1.45 ratio)
	

4. *External Access Requirements.*
   a. New major subdivisions require sufficient secondary access streets leading to the existing or future street network of major or minor thoroughfares outside of the subdivision in accordance with the North Carolina Building Code Fire Prevention Code of 2018. Secondary access points shall be provided in accordance with Table 122.02.03-3, *External Access Points*.

Table 122.02.03-3, External Access Points

Number of Buildable Lots	Minimum External Access Points
30 or fewer	1
31 to 60	2
61 or more	3

   b. Secondary access streets shall be routed to avoid hazard areas such as floodways.
   c. Where alternate access opportunities are determined not to exist, the Director of Public Works may grant a reduction in spacing standards of up to 20 percent.
   d. If after considering alternatives above, the Director of Traffic of Public Works as well as the Fire Marshal, determines that no feasible alternatives exist, a subdivision with more than 30 units, but no more than 60 units, may be approved on a single access road so long as all dwelling units within the development are equipped throughout with an approved automatic sprinkler system.

5. *Street Hierarchy*. Streets shall be designed to create a hierarchy of streets according to the following standards, provided, however, that the Director of Public Works may recommend design modifications where such modifications are consistent with an adopted access management plan or necessary by reason of natural features or existing development, and do not create safety hazards or increased maintenance costs
   a. Local Streets or Local Roads shall intersect with two streets of equal or higher classification, except where otherwise permitted by this UDO.
   b. Alleys shall only intersect with Residential Collector Streets, Residential Streets, Neighborhood Center Streets, Neighborhood Streets, or Residential Lanes.
   c. The Director may require a street to be of a collector level design where the anticipated ADT will exceed 3,000 vehicles per day and serves to collect and distribute traffic to the major street system identified on the Thoroughfare Plan.

d. Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned development are prohibited.

6. *Street Hierarchy*. Streets shall be designed to create a hierarchy of streets according to the following standards, provided, however, that the Director of Public Works or their designee may recommend design modifications where such modifications are consistent with an adopted access management plan or necessary by reason of natural features or existing development, and do not create safety hazards or increased maintenance costs

   a. Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned development are prohibited.

   b. The Director may require a street to be of a collector level design where the anticipated ADT will exceed 3,000 vehicles per day and serves to collect and distribute traffic to the major street system identified on the Thoroughfare Plan.

   c. Alleys shall only intersect with Residential Collector Streets, Residential Streets, Neighborhood Center Streets, Neighborhood Streets, or Residential Lanes.

   d. Local Streets or Local Roads shall intersect with two streets of equal or higher classification, except where otherwise permitted by this UDO.

7. *Access Management Standards.*

   a. The following standards shall be used to determine the adequacy of lot layouts so that safe and adequate access to each lot is provided. The purpose of regulating the number, spacing and design of vehicular access points is to balance the need for providing access to individual private properties with the need to preserve an adequate level of capacity on the streets providing access. Vehicular access restrictions shall be required to be shown on subdivision plats.

   b. Required spacing between adjacent access locations or a proposed access location and an adjacent street intersection is shown in Table 122.02.03-4, *Driveway Separation Standards*. For existing lots, driveways shall be located at the point of maximum separation if the standards of this section cannot be met.

Table 122.02.03-4, Driveway Separation Standards

Street Classification	Minimum Separation Between Driveways (in feet)	Minimum Separation between Driveways and Intersecting Public Street (in feet)
Major or Minor Thoroughfare	400	250
Collector or Neighborhood Center Street	120	120
Neighborhood Street	Not permitted	N/A
Residential Street, Residential Lane, or Alley	40	60

TABLE NOTES:

- Access separation between driveways shall be measured from inside edge to inside edge of driveway.
- Access separation between a driveway and an intersection shall be measured from the nearest edge of the driveway to the intersecting street right-of-way.
- A maximum of three access points shall be allowed
- Single-family and duplex developments on individual lots of record shall be exempt from these standards. However, driveways associated with these uses shall not be located within any site triangles.

   c. Where lots in a proposed subdivision front on a thoroughfare, options for designing access that meets the standards of this Section shall include:

      1. The use of cross access easements in order to maintain private access points at intervals of no less than 400 feet; or

      2. The use of lower level public streets to provide secondary access in accordance with Section 122.02.05, *Lots*.

d. Notation shall be provided on an approved final plat to restrict vehicular access for lots along the frontage of thoroughfares, nonresidential collectors or higher level streets.

D. **Emergency Vehicle Access**. The purpose of this Section is to ensure that all premises shall be readily accessible for emergency service vehicles, particularly fire-fighting equipment.

1. *Emergency Access Required.* For developments that do not have frontage on a public street, access for fire vehicles and emergency apparatus from a public street shall be provided as follows:

2. *Fire Lane*. Except as provided by this Section, a fire lane shall be required to provide access to any portion of any structure which is more than:
   a. 150 feet from the nearest street right-of-way when the structure is30 feet or less in height; or
   b. 50 feet from the nearest street right-of-way when the structure exceeds 30 feet in height.

3. When fire vehicles and emergency apparatus are provided access to any portion of a structure more than the distance from a street right-of-way specified in above, by means of either buffer yard area or adjoining property, the requirements of this Subsection may be waived by the Director, after consultation with the fire chief.

4. The Town shall not be liable for damage to underground utilities beneath fire access lanes caused by fire fighting equipment.

E. **Fire Protection Access.**

1. *Access Roads.* Approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved into or within the jurisdiction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility or all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.

2. *Exception.* The Director, in consultation with the Fire Marshal, is authorized to increase the dimension of 150 feet where:
   a. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with North Carolina Building/Fire Prevention, Administrative Code requirements and NFPA Standards.
   b. Fire apparatus access roads cannot be installed due to location on property, topography, waterways, non- negotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
   c. There are not more than two Group R-3 or Group U occupancies.
      1. Facilities, buildings or portions of buildings shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved all weather driving surface capable of supporting the imposed load of the fire apparatus.
      2. Fire apparatus access roads for buildings 30 feet or under in height shall have an unobstructed width of not less than 20 feet, except for approved security gates in accordance with Section 503 of the North Carolina Building Code Fire Prevention Code of 2018, and an unobstructed vertical clearance of not less than 13 feet six inches. Such roads for buildings over 30 feet shall have an unobstructed width of 26 feet, and an unobstructed vertical clearance of not less than 13 feet six inches.
      3. The code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.
   d. The required turning radius of a fire apparatus access road shall be determined by the Director, in consultation with the Fire Marshal.

122.02.04 Street Cross Sections

A. **Design Standards for Streets.** Design Standards for the various classes of streets shall apply as shown in Table 122.02.04-1, *Geometric Design Standards for Streets*, and Table 122.02.04-2, *Cross Sectional Design Standards for Streets*.

Table 122.02.04-1, Geometric Design Standards for Streets				
Characteristic	Expressway or Thoroughfare	Collector or Neighborhood Center Street	Residential Lane, Residential Street, Neighborhood Street	Alley
Maximum Grade	See **Community Transportation Plan (CTP)**	6% level 9% rolling 12% hilly 5% within 100 feet of an intersection	0.5% min. grade 12% max. 9% level 12% rolling 5% within 100 feet of an intersection	12% max.
Minimum Horizontal Centerline Curve Radius	See **CTP**	230 feet	150 feet	90 feet
Minimum Tangent Between Reverse Curves	See **CTP**	200 feet	100 feet	0
Minimum Intersection Corner Radius	See **CTP**	30 feet	30 feet, except that a 15' radius may be used with a 25' toe.	35 feet
Typical Design Speed	See **CTP**	25-35 mph	25-35 mph	15 mph

Table 122.02.04-2, Cross Sectional Design Standards for Streets					
Street Classification	Right-of-Way Width (A)	Number of Lanes / Paved Width (B)	Sidewalk or Multi-Use Path (Number / Width) (C)	Planting Strip (Number / Width) (D)	Curb and Gutter (Number / Width) (E)
Major Thoroughfare	Refer to Appendix D, Recommended Typical Sections, of the Community Transportation Plan Technical Appendix				
Minor Thoroughfare	100 feet	4 / 56 feet[1]	1 / 12 feet 1 / 8 feet	2 / 10 feet	2 / 2 feet
Collector	76 feet	3 / 44 feet[1]	2 / 8 feet	2 / 6 feet	2 / 2 feet
Neighborhood Center Street	60 feet	2 / 30 feet[2]	2 / 8 feet	2 / 6 feet	2 / 1 foot
Neighborhood Street	50 feet	2 / 20 feet	2 / 6 feet	2 / 8 feet	2 / 1 foot
Residential Street	60 feet	2 / 24 feet	2 / 5 feet	2 / 6 feet	2 / 2 feet
Residential Lane	50 feet	2 / 20 feet	2 / 5 feet	2 / 6 feet	2/ 2 feet
Alley	20 feet	2 / 16 feet	NA	NA	NA

Figure 122.02.04-1, Cross Sectional Design Standards for Streets

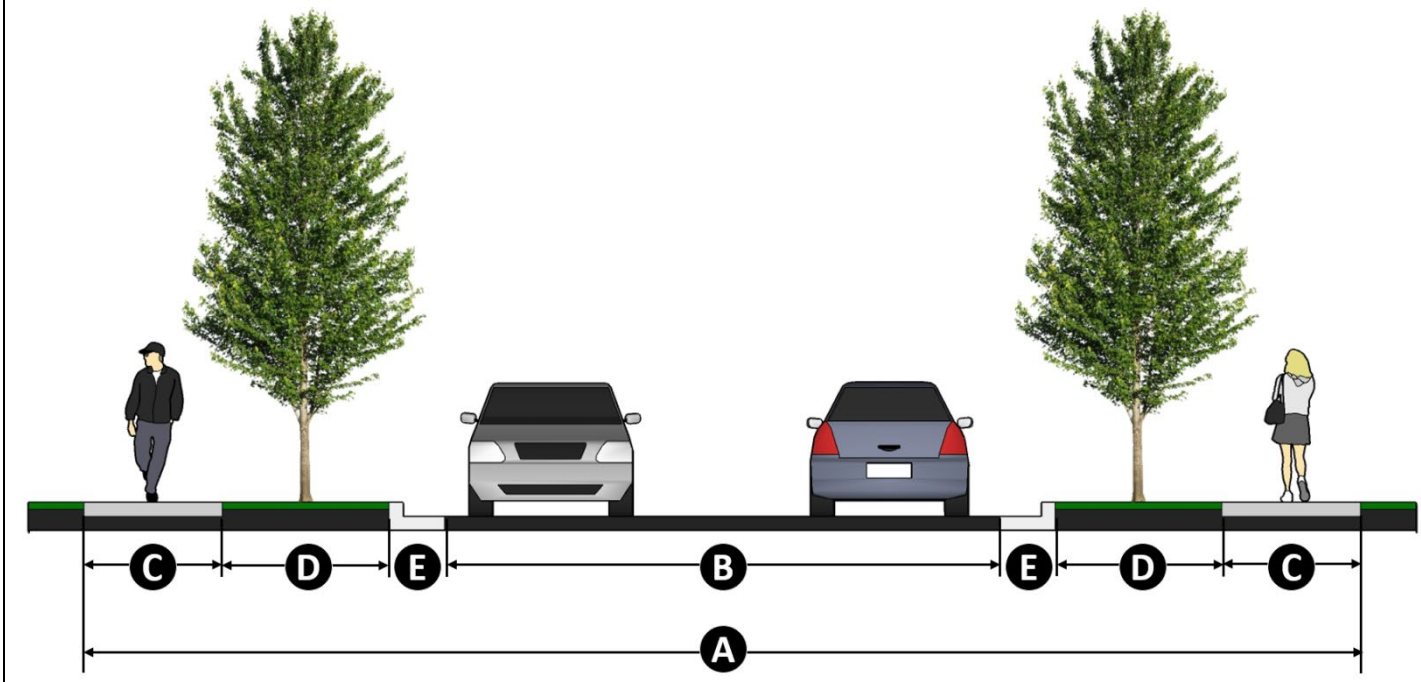


TABLE NOTES:
[1]Including an 8-foot wide median or turn lane
[2]Including a 10-foot wide parking lane one side of the street

B. **Cul-de-Sac Dimensions**. Cul-de-sacs shall have the dimensions established in Table 122.02.04-3, *Cul-de-Sac Design Standards*.

Figure 122.02.04-3, Cul-de-Sac Design Standards

Measurement	Residential	Nonresidential
Center of Bulb to Right-of-Way (A)	60 feet	70 feet
Center of Bulb to Back of Curb (B)	48 feet	50 feet
Back of Curb Radius (C)	35 feet	35 feet
Right-of-Way Radius (D)	25 feet	25 feet
Throat Right-of-Way (E)	60 feet	60 feet
Island Radius (F)	9.5 feet	NA
Number of Lanes / Paved Width (G)	1 / 38.5 feet	1 / 48 feet
Curb and Gutter (Number / Width) (H)	1 / 2 feet	1 / 2 feet
Planting Strip (Number / Width) (I)	1 / 6 feet	1 / 6 feet
Sidewalk (Number / Width) (J)	1 / 5 feet	1 / 5 feet

Figure 122.02.04-2, Cul-de-Sac Design Standards

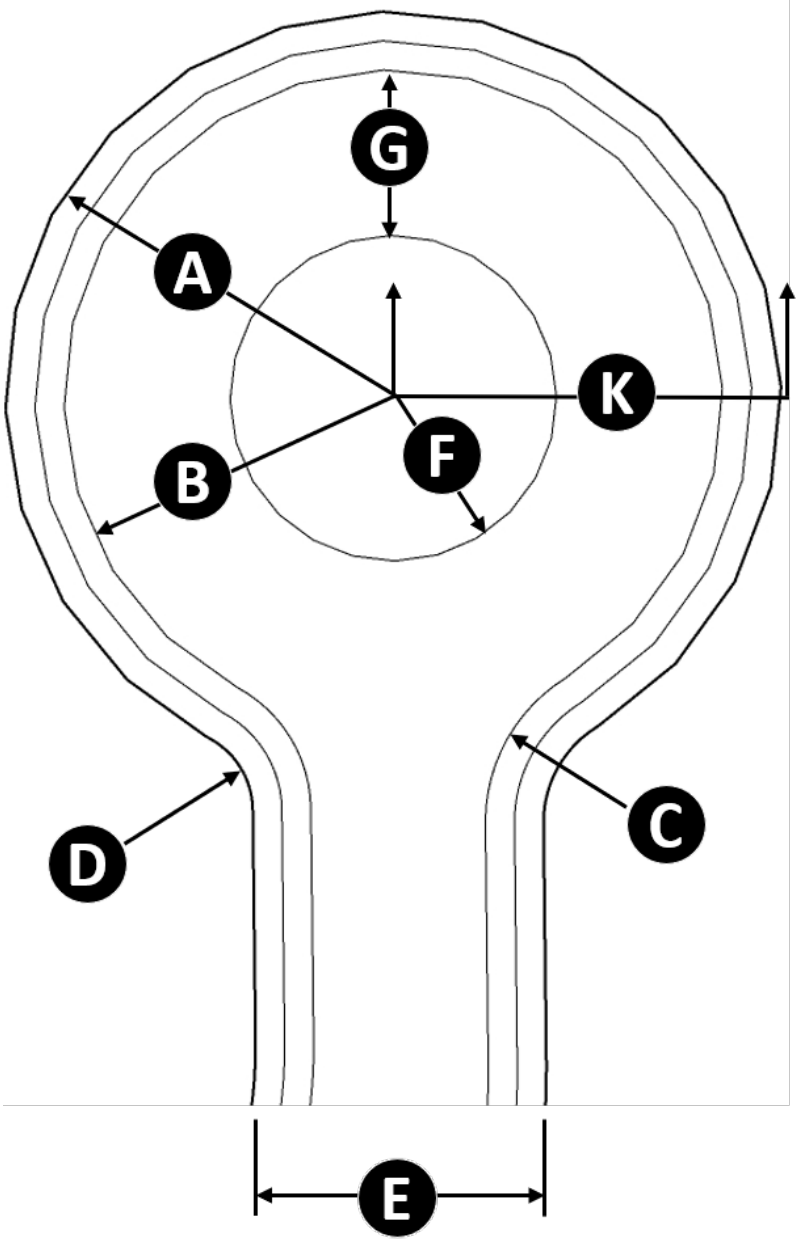
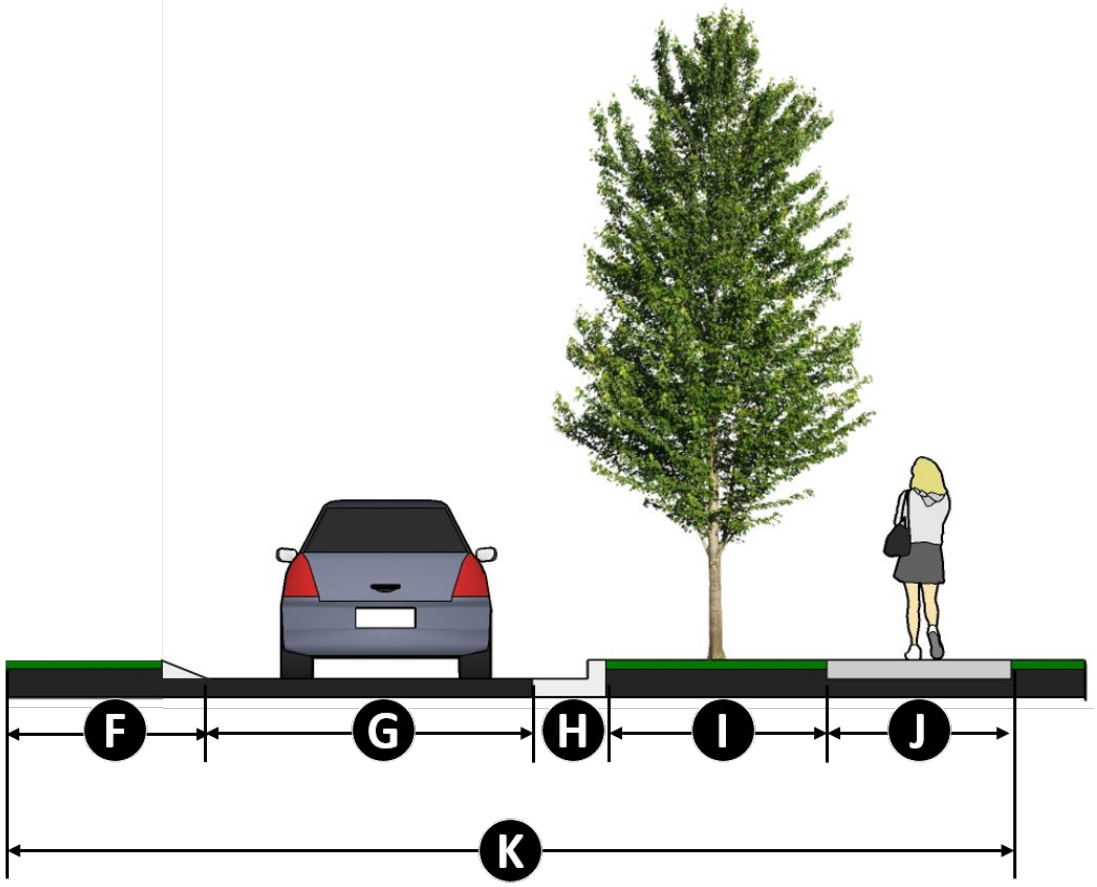


Figure 122.02.04-2, Cul-de-Sac Design Standards



122.02.03 Street Names and Street Lights

A. **Street Names.**

1. *Generally.* Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the Town and Cabarrus County. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to facilitate proper house numbering or to avoid further street name duplication.
2. *Street Name Submittal.* A street name review and confirmation form shall be submitted to the Cabarrus County E911 Addressing Services for review and approval prior to or not later than the Preliminary Plat submittal.
3. *Cul-de-Sacs and Terminating Streets.* Cul-de-sacs or streets terminating in a similar dead-end shall have the "Courts" suffix if oriented east-west or "Places" if oriented north-south.

B. **Street Lights**.

1. *Policies of Electrical Provider*. The applicant shall provide street lights in accordance with the policies of the electrical provider of the subdivision.
2. *Height*. Freestanding light fixtures along all public street systems and internal street systems shall not exceed nineteen feet in total mounted height and shall consist of a decorative fixture that shields the source of light away from neighboring properties.

122.02.04 Blocks

A. **Generally**. The maximum perimeter and length of any block within a subdivision shall not exceed that as shown in Table 122.02.04, *Block Perimeter and Length Requirements*. Block perimeter shall be measured along the

centerline of a street from intersection to intersection and /or intersection to end point, as depicted in Figure 122.02.04, *Block Perimeter Measurement Example*. Block length shall be measured between the centerline of two through streets. Alleys and cul-de-sacs shall not be considered through streets.

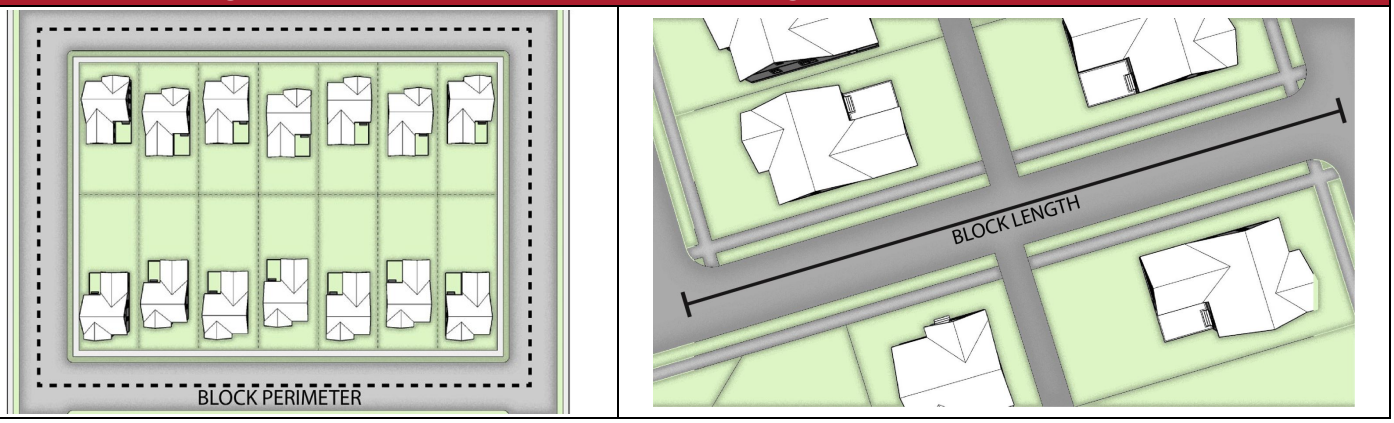
B. **Mid-Block Crossing**. Blocks in the RL, RM, RH, O-I, NC, and GC districts may exceed the maximum in Table 122.02.04 if the developer provides a mid-block pedestrian access easement designed in accordance with Section 122.02.06, *Easements*, to provide access to abutting blocks.

Table 122.02.04, Block Perimeter and Length Requirements

Zoning District and Development Types	Maximum / Average Perimeter (in feet) [1]	Maximum Length
AG, RE, CD, EC, and Countryside and Conservation Development Types in any permitted district	N/A	N/A
RL, RM, RH, O-I, NC, GC	1,800 / 1,400	600
MU, CC, and Planned Subdivision Type in any permitted district	1,500 / 1,200	400

TABLE NOTE:
N/A = Not Applicable
1. "Average" refers to the average block length for the entire subdivision.

Figure 122.02.04, Block Perimeter and Length Measurement Example



122.02.05 Lots

A. **Minimum Lot Standards.** Lots shall meet or exceed zoning district standards and shall be designed for their potential uses, so that adequate buildable area is provided and adequate room for required setbacks (see § 120.02, *Zoning Districts and Standards*), buffer yards (see Section 121.04.03, *Buffer Yard Landscaping*), and other required improvements will exist on the lot.

B. **Lot Frontage Requirements.**

1. *Generally.* Every lot resulting from a subdivision of land shall abut and have direct access to a publicly maintained street or other public rights-of-way legally dedicated, except as provided in this Section.
2. *Maximum Number of Lots.* For proposed subdivisions with frontage on a thoroughfare street, the maximum number of lots to be created shall be limited to five lots. Any proposed subdivision proposing more than five lots shall require the additional lots to be served by a newly constructed internal public street.
3. *Exceptions.* Frontage on a public street shall not be required in the following situations; provided, however, that an easement providing access to the public street shall be recorded and substituted with the application for development approval:
   a. Parcels within nonresidential subdivisions;
   b. Townhome lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the townhome lots;
   c. Lots fronting on approved private streets;

4. *Adequate Frontage*. Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property from public streets for vehicles and utilities and for public safety equipment.

C. **Flag Lots.**

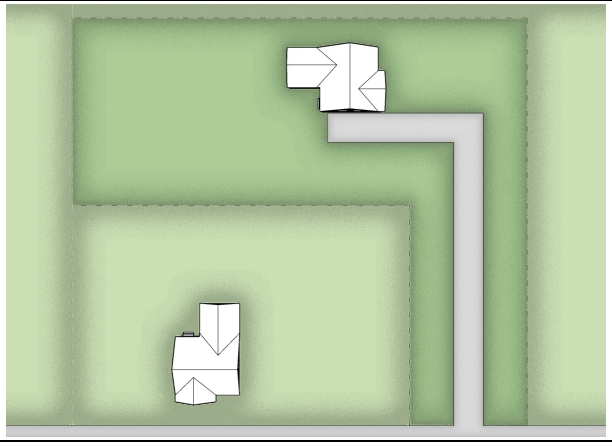
1. *Generally*. Flag lots, as depicted in Figure 122.02.05-1, *Flag Lot*, may be developed on a limited basis in countryside or conventional development types where individual development of each lot is contemplated and the Director determines that no future street access through the property will be needed. The Director may consider flag lots when:
   a. Flag lots may be used to better use irregularly shaped properties;
   b. Parcel sites include physical limitations due to severe topography or other physical constraints;
   c. It is necessary to provide greater protection of natural resources (e.g. streams);
   d. The lots provide suitable land areas and soil for location and operation of utilities; or
   e. The lots eliminate or reduce access to a thoroughfare or collector street.
2. *Exceptions*. Flag lots shall not be permitted in any proposed subdivision except as listed below:
   a. *Maximum Pole Length*. The "pole" portion of the lot shall have maximum length not exceeding 250 feet.
   b. *Minimum Pole Width*. The minimum width of the "pole" portion of a flag lot shall be 15 feet for residential lots and 30 feet for non-residential lots.
   c. *Maximum Number*. The maximum number of flag lots shall be set forth in Table 122.02.05-1, *Maximum Number of Flag Lots*, where the Director finds that the flag lot(s):
      1. Allow for the more efficient use of irregularly shaped parcels of land, or
      2. Where the integrated nature of multiple buildings on a site dictates the need for such lots.

Table 122.02.05-1, Maximum Number of Flag Lots

Size of Subdivision	Maximum Number of Flag Lots
2-20 lots	1 lot
Over 20 lots	1 per 20 lots

TABLE NOTES:
• This table does not apply to the AG District. The AG district does not have a limit on the number of flag lots.
• The Director may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.

Figure 122.02.05 -1, Flag Lot



D. **Cul-De-Sac Lots.** A lot located on a cul-de-sac, as depicted in Figure 122.02.05-2, *Cul-de-Sac Lots*, that does not maintain the minimum required width along the public street frontage shall provide:

1. Lot width of at least 50 percent of the minimum required, but in no case less than 25 feet;
2. Lot area equal to or greater than the minimum lot area (if one is specified); and

3. The minimum required lot width at the building line.

Figure 122.02.05-2, *Cul-de-Sac Lots*

122.02.06 Easements

A. **Generally.** The specific standards for acceptance of easements shall be subject to the technical design standards of this UDO and any other adopted policy or manual of the Town.

B. **Compliance**. All easements shall be in full compliance with this UDO prior to acceptance.

C. **Types of Easements**. During development review, a development review body may require a variety of easements. These easements may be for purposes including, but not limited to:

1. Water;
2. Wastewater;
3. Street lights;
4. Other utilities;
5. Drainage, floodways, and floodplains;
6. Landscape;
7. Emergency access;
8. Vehicle access across properties;
9. Pedestrian access; and
10. Natural resource or open space conservation.

D. **Dedication and Utility Placement**. The subdivider shall dedicate easements to the public that allow every lot within a subdivision to have access to services listed in Subsection C, *Types of Easements*, above. Alternatively, the Director of Public Works may allow such services within the public ;right-of-way.

E. **Encroachment**. No structure, slab, foundation, or other improvement shall be placed within any dedicated public easement without written permission from the Director of Public Works and all impacted franchise utility companies.

1. *Private Easements*. When private easements exist that may potentially interfere with a proposed public dedication or easement, the subdivision shall be designed to mitigate or minimize the number and extent of such conflicts.
2. *Form*. All required covenants and easement instruments shall be submitted on a form acceptable to the Town Attorney.

F. **Locations and Widths of Public Easements**.

1. *Front.* Unless otherwise required in this UDO or as otherwise required by the Director of Public Works, easements that are 10 feet in width shall be provided at the front of all lots.

2. *Unplatted or Separate Ownership*. Where the proposed subdivision abuts an unplatted area or property under separate ownership on which no easements exist, and the subdivider cannot arrange for one-half of the easement to be dedicated by separate instrument, the easement shall be located entirely within the proposed subdivision.

G. **Side Easement**. If conditions exist which make it impractical to serve lots with front easements, easements may be required alongside or rear lot lines. Such easements shall be centered on side lot lines. The width of a side yard easement may be reduced from a total width of 15 feet to a total width of 10 feet, centered on the lot lines, upon approval of the Director of Public Works, and all affected franchised utility companies.

H. **Water and Wastewater Easements**. All public water and wastewater facilities shall be placed in public easements as described in Table 122.02.06, *Minimum Water and Wastewater Easements Required*.

Table 122.02.06, Minimum Water and Wastewater Easements Required

Type of Development	Easement Width (feet)
Individual water or wastewater lines up to 24" in diameter	15
Individual water or wastewater lines greater than 24"	20
Water and wastewater lines up to 24" in the same easement	30
Water and wastewater lines greater than 24" in the same easement	40
Easements along TxDOT right of ways [rights-of-way]	15

I. **Underground**. All utility lines shall be installed underground.

J. **Street Lights**. Where street lights are required or proposed, the subdivider shall provide street light easements necessary to serve such lights where it is not feasible to install the street light wiring in the public right-of-way. Street light easements shall be a minimum of five feet in width, and shall only be utilized for street light wiring.

K. **Drainage / Floodway Easements**. The subdivider shall provide drainage easements along all natural and humanmade drainage channels and floodways that drain two or more lots or tracts of land according to the following standards:

1. *Natural Drainage Channels*. Storm drainage easements shall be provided along existing or proposed open channels with sufficient width for the watercourse to handle the flow from the applicable frequency storm plus a minimum of 20 feet on each side beyond top of bank, for stream buffering, ingress and egress of maintenance equipment, for clearance from fences, for maintenance of the channel bank, and for adequate slopes necessary along the bank.
2. *Enclosed Drainage Systems*. Where enclosed drainage systems are provided that are not within or adjacent to a public street, storm drainage easements a minimum of 20 feet in width shall be provided. Easements shall be centered on the system. Easements shall be wide enough to encompass the system, plus provide ingress and egress for future maintenance operations.

G. **Floodplain Restriction**. The following provisions shall apply in conjunction with Chapter 123, *Environmental Management*.

1. *100-Year Floodplain*. The subdivider shall provide floodplain restrictions where necessary along natural drainageways and lakes. Floodplain restrictions shall encompass the area between the dedicated channel and the water surface elevation resulting from a 100-year design frequency storm. The area encompassing the dedicated channel and the floodplain restriction shall be referred to as the 100-year floodplain. The width of the floodplain shall be substantiated by a drainage study, drainage calculations, or other criteria submitted to and approved by the Town.
2. *Storm Drainage Easement*. Within the 100-year floodplain, the subdivider shall provide storm drainage easements that contain stormwater resulting from the 100-year frequency storm less the amount of stormwater carried in an enclosed system, if any. The width of the easements shall be substantiated by a drainage study, drainage calculations, or other criteria submitted to and approved by the Director of Public Works.
3. *Floodplain Restriction Statement.* The applicant shall place the Floodplain Restriction statement in the appendix of this UDO in the dedication instrument whenever an easement is proposed for a floodplain.

H. **Emergency Access Easements**. The subdivider shall provide emergency access (fire lane) easements where necessary to provide adequate protection for a structure.

1. *Dimensions*. Emergency access easements shall have a minimum width of 28 feet and a minimum height clearance of 14 feet. Any emergency access easement shall either connect at each end to a dedicated public street or be provided with a turnaround having a minimum diameter of 80 feet with an additional distance of 10 feet on all sides clear of permanent structures. The driving surface within emergency access easements shall be designed and constructed according to standards established for local public streets.
2. *Location*. All structures shall be located within 150 feet of a dedicated and improved emergency access easement or public street.

I. **Cross-Access and Shared Access Easements**. As depicted in Figure 122.02.06-1, *Cross-Access and Shared Access, t*he subdivider shall provide shared access (A in the Figure below) and cross-access (B in the Figure below) easements, for multifamily, nonresidential, and mixed use developments that front on locally maintained thoroughfares or collector streets, subject to the following standards. Driveway separation and width on locally maintained collector and arterial streets shall comply with Section 122.02.03, *Street Network and Design*.

1. *Separate Ownership*. Where adjacent properties are separately owned and not part of the same development, the Town may require shared access or internal cross access easements, or both, as the properties are platted. As such, a development review body may grant a subdivider temporary individual access (C in the Figure below) if:
   a. The subdivider demonstrates that the adjacent landowner refused a reasonable offer with regard to cross-access;
   b. The subdivider demonstrates that the proposed temporary access will not materially affect the safe and efficient flow of traffic; and
   c. The subdivider records a covenant to ensure that the connection will be provided and access will be consolidated upon the earlier of:
      1. Approval of a plat of the adjacent property, if providing such connection is a requirement of the approval for the adjacent property; or
      2. The subject parcel and the adjacent parcel coming under common ownership.
2. *Common Ownership or Phased Subdivisions*. Phased subdivisions, subdivisions under the same ownership, or parcels that are consolidated for the purposes of development and comprised of more than one building shall provide cross access and shared access easements as follows.
   a. The property proposed for development shall include cross-access easements with connections to abutting cross-access points or, if the abutting property is undeveloped or without cross-access points, stub-outs at locations on the property that allow for a connection in the future. In addition, if the abutting property is undeveloped or is without a driveway suitable for sharing, the property proposed for development shall include a shared access easement on its perimeter, in a location suitable for sharing access to the street with the abutting property in the future.
   b. The subdivider shall record a covenant to allow for future connection of shared access and cross-access stub-out easements to comparable facilities on abutting parcels when they develop or are redeveloped.
   c. Cross-access easements shall be a minimum of 24 feet in width.

Figure 122.02.06-1, Cross-Access and Shared Access

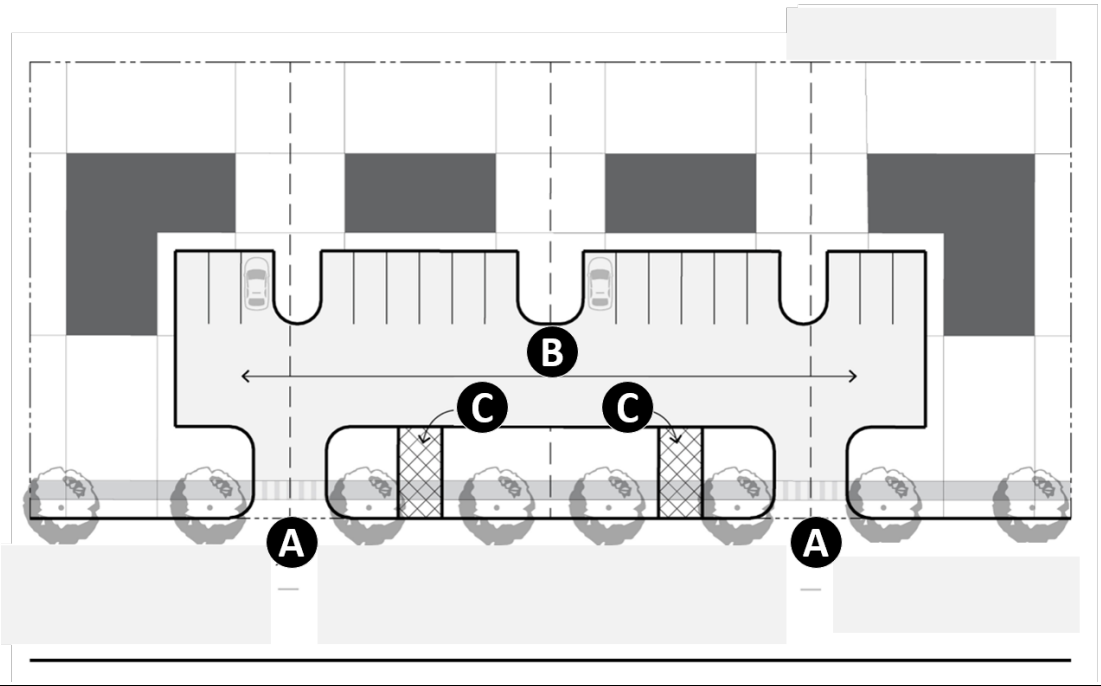


FIGURE NOTES:
A = Shared Access B = Cross Access C = Closed Temporary Individual Access

J. **Pedestrian Access Easements.** Except for countryside subdivisions and conventional subdivisions where all lots are greater than five acres, the subdivider shall provide the following pedestrian access easements. A pedestrian access easement shall be a minimum of 10 feet in width and shall include an all-weather surface with a minimum width of five feet.

1. *Mid-block Pedestrian Connections*. The subdivider shall provide a pedestrian access easement (A in Figure 122.02.06-2, *Pedestrian Connections,* below) to bisect blocks greater than 800 feet in length, where such blocks abut a thoroughfare or collector street. In addition, the subdivider shall provide such connections to establish linkages to common facilities, such as parks, open areas, and institutional and civic uses (B in the Figure below).
2. *Cul-de-Sac Turnaround Pedestrian Connections*. The subdivider shall provide a pedestrian access easement that connects the cul-de-sac turnaround to existing or proposed sidewalks, trails, and common facilities, as depicted in (C in the Figure below).

Figure 122.02.06-2, Pedestrian Connections

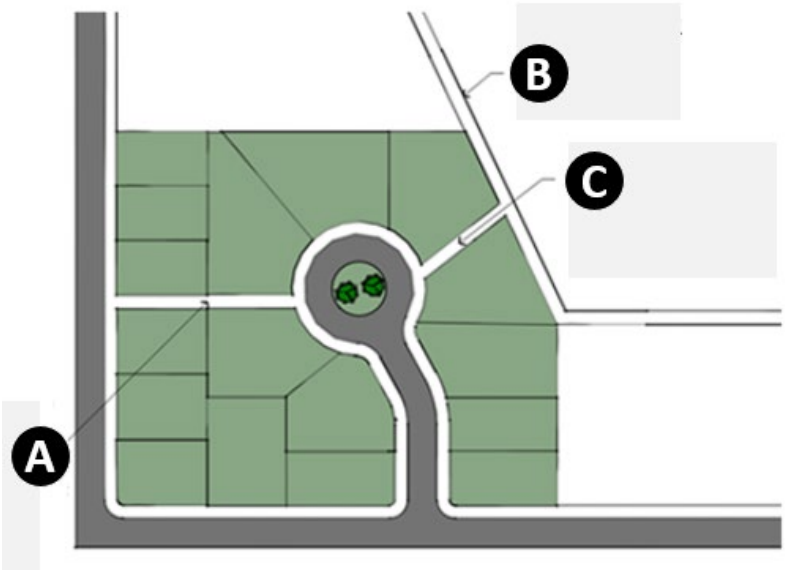


FIGURE NOTES:
A = Mid-Block Pedestrian Access B = Pedestrian Access to Common Facility (Sidewalk or Trail) C = Cul-de-Sac Pedestrian Access

3. *Trails*. Off-street bicycling and pedestrian trails shall be developed in accordance with the HALUP and the Comprehensive Bicycle, Pedestrian, & Greenway Master Plan, to link major attractions and destinations throughout the Town, including neighborhoods, common facilities, employment centers, and shopping areas. In addition, a subdivider may provide such trails in the cluster development type in lieu of sidewalks where all lot widths exceed 200 linear feet in width. Maintenance responsibilities shall be established at the time of a preliminary plat.

K. **Conservation Easements**.

1. *Permanent Preservation*. Conservation easements are required in order to permanently preserve common open space required by this UDO, and to protect natural resources that are required to be protected.
2. *No Destructive Encroachment*. Other easements that may result in the disturbance of land shall not be permitted to encroach into a conservation easement, except that pedestrian access easements and non-destructive utility and drainage easements are permitted within areas protected by conservation easements.
3. *Responsible Party*. Conservation easements shall provide for permanent management and maintenance of the property by a responsible party other than the Town, such as a nonprofit land trust or a homeowners or property owners association.

L. **Utility Extensions Permitted Under a Minor Plat**. If applicable, utility extensions shall be allowed under a minor plat review provided that:

1. Such extension has a right-of-way or easement;
2. All construction drawings for utility extensions are submitted and approved in accordance with of this Ordinance;
3. All lines/improvements are constructed in accordance with Section 122.05.03, *Acceptance*; and
4. A final plat shall not be approved until all utility extension improvements have been inspected and accepted in accordance with Section 122.05.03.

M. **Underground Utilities**.

1. For new commercial development and redevelopment involving tear-down and new construction along major thoroughfares as provided in the Community Transportation Plan, all utilities in both public and private rights-of-ways shall be placed underground and aerial crossing of utilities on the major thoroughfare is prohibited,

except when extreme conditions of underlying rocks or other conditions prevent this requirement from being met and only as approved by the Director.

2. In cases where the expense to bury said utilities is deemed to be unreasonable based on extreme conditions, the Town may negotiate a fee-in-lieu arrangement with the project developers in lieu of requiring burial, the fee will be based on the actual cost estimate provided by the applicant, to be reviewed and approved by Town Engineer and calculated at 125% of the cost. Any such agreement shall be a part of a development agreement governing the subject property and the collected fee shall be deposited in a special revenue fund by the Town to be used to bury utilities along Highway 49. The burying of utilities shall be completed, or the fee-in-lieu paid to the Town, prior to a Certificate of Compliance and Occupancy being issued for structures.

122.02.07 Perimeter and Internal Buffer Yards (6.6.8)

A. **Generally**. A buffer yard as required in Section 121.04.04, *Buffer Yard Landscaping*, shall be required in a landscape easement or as an undevelopable tract along the perimeter of a residential, mixed use, or nonresidential subdivision or development to separate the subdivision or development from abutting thoroughfares and other subdivisions or developments.

B. **Label on Plat Required**. All required buffer yards shall be platted in easements or as common areas and may be included as "open space" subject to the standards and criteria as set forth in Section 122.02.14, *Open Space and Park Design*.

122.02.08 Sidewalks and Accessibility

A. **Generally.**

1. *Where Required*. Sidewalks shall be provided for the safe movement of pedestrians, separate from the movement of vehicular traffic based on the street cross sections in Section 122.02.04, *Street Cross Sections*.
2. *Destinations*. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks in Subsection C, *Construction Standards*, below.
3. *Connectivity Plan*. If a proposed development includes multiple buildings in the site design, then an overall connectivity plan shall be provided for the development, including crosswalks and other safety features designed to encourage walking as an alternative to vehicular transportation.

B. **Road Widening.** Sidewalks may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval by the Town of Harrisburg's Public Works Director. Design standards for pedestrian upfits to state-maintained roads shall be subject to review and approval by the Town of Harrisburg's Public Works Director or their designee and the NC Department of Transportation.

C. **Construction Standards.**

1. *All Sidewalks*. All sidewalks shall:
   a. Have minimum widths and placements as required in Section 122.02.04, *Street Cross Sections*.
   b. Be constructed of not less than 3,000 PSI concrete;
   c. Be constructed on an adequately compacted and properly graded base;
   d. Have a lateral slope of one-quarter inch per foot toward the street;
   e. Be steel troweled and light broom finished and cured properly. Tooled joints shall be provided at intervals of not more than five feet and expansion joints at intervals of not more than 40 feet;
   f. Be constructed along all frontage roads providing access to the development for the full frontage of the development; and
   g. Be extended across any waterways, streams, creeks, rivers, or other water bodies, at the expense of the developer, to continue pedestrian connectivity along the frontage of the development. Connectivity may be provided across existing bridges or structures with the permission of the North Carolina Department of Transportation, or via a separate pedestrian bridge to be provided by the developer;

2. *Non-Driveway Sidewalks*. Sidewalks that do not cross a driveway shall be a minimum four inches thick.
3. *Driveway Sidewalks.* Sidewalks that do cross a driveway shall be six inches thick.

E. **School Bus Shelter.** A shelter shall be constructed the location(s) (including at the perimeter of a development site) where a public school bus(es) pick- up/drop-off of children as established by the Cabarrus County School system. The shelter shall be a constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up. The shelter shall be included in the sidewalk design to ensure adequate access.

F. **Nonresidential or Multi-Family Residential Development**. If a nonresidential or multi-family residential development occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the developer shall be responsible for developing the greenway as part of the development process. The greenway shall, at a minimum, meet the standards set forth in Section 122.02.11, *Open Space and Park Design*. All proposed trails shall be a minimum width of 10' and shall be paved. In addition, a 25-foot easement shall be provided to the Town for any trail systems that are part of the proposed Town greenway systems.

G. **Alternative Sidewalk or Trail Plan**. A subdivider may achieve alternative compliance with the standards of this Section upon approval by the Planning and Zoning Board of an alternative sidewalk or trail plan that provides equal or greater pedestrian circulation and that avoid the requirement to provide sidewalks in locations that are not likely to be used or that do not connect to other sidewalks. The subdivider shall submit such plan at the time of preliminary plat review. The Planning and Zoning Board may approve such plan if better pedestrian and bicycle access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or off-street trails or multi-use pathways on the perimeter of the parcel proposed for development.

122.02.09 Public Water and Wastewater Systems (14.3.3; Appendix C)

A. **Generally**. Design standards and specifications for water and/or sewer improvements shall conform to Title V, *Public Works*, of the Code of Ordinances.

B. **Proposed Utility Extensions.** Plans for a proposed utility extension must be prepared by registered Professional Engineer and submitted to the Town and appropriate State agencies for their approval. The minimum distance for any extension of a water main or sanitary sewer main shall be determined by the Town. In general, the minimum distance for an extension shall be across the entire frontage of the property being developed, or as otherwise determined by the Public Works Director, or designee. Extensions will not be approved unless located within a Town or state-maintained road right-or-way or irrevocable easement obtained for such extension. Such easements shall be signed, be in recordable form, and shall be submitted prior to plan approval. Notwithstanding, the Town Council may approve a deviation in extreme hardship cases, which shall be supported by findings of fact.

C. **Two-Inch Water Lines.** When two-inch water lines are utilized (i.e. for all cul-de-sac applications), the Rehau MUNICIPEX water service line, or equal, shall be installed. This material shall meet AWWAC904, ASTMF876 PEXa with a 200 PSI working pressure. The manufacturer will co-extrude, blue-colored ultraviolet (UV) shield on exterior and issue a 1-year warranty for UV protection of the water service line.

D. **WSAAC Design and Construction Standards.** Private water and sewer utility systems shall meet all WSAAC design and construction standards.

E. **Water Requirements.** 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, Water and Sewer Authority of Cabarrus County (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 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 UDO, 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.

F. **Exemptions.** Water requirements shall not apply to agricultural uses.

G. **Fire Protections.**

1. *Fire Hydrants.*
   a. Applicants shall install fire hydrants in accordance with WSACC specifications and requirements.
   b. The WSACC may contract with a developer to install required fire hydrants, but in all cases, the full cost of providing for such hydrants shall be borne by the developer
   c. Any hydrant connected to the Town of Harrisburg's water system constructed pursuant this Subsection, shall constitute dedication to the Town of Harrisburg of such hydrant.
   d. All newly installed fire hydrants shall be 5-1/4 inch barrel hydrants. All foot valves shall be 5-1/4 inch in diameter. Only three-way hydrants shall be installed with pumper connections. Harrisburg Fire Protection Ordinance 95-74 (D) shall meet AWWA C502. 5-1/4 inch barrel hydrants with the Storz quick connection and cap, with two 2-1/2 inch hose outlets and one 5-1/4 inch main valve opening. All hydrants shall be delivered with a primer coat. After hydrant installation, the primer shall be touched up and then painted yellow (2 coats).
2. *Hydrant Spacing***.** All newly installed fire hydrants shall be spaced at 400-foot intervals in residential zoning districts, except as provided in this Section. In mixed use and nonresidential construction developments, hydrants shall be spaced at 400-foot intervals. No application for development approval shall be approved for any building unless a hydrant is installed within 400 feet of the most remote area of the building. Structures with sprinkler systems shall provide fire hydrants within 200' of the Fire Department Connection. Mains shall be sized to provide 500 gpm exterior hose streams.
3. *Exceptions to Hydrant Spacing:*
   a. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
   b. For buildings equipped throughout with an approved automatic sprinkler system, the distance requirement shall be 600 feet.
4. *Testing and Acceptance.* All newly installed fire hydrants shall be tested by the Harrisburg Fire Department, or the fire department in whose jurisdiction it is located. The water authority shall notify the Harrisburg Fire Department, upon completion of the system and its availability for testing. No construction shall be allowed in the protected area until the water system has been tested and approved unless otherwise allowed by the authority having jurisdiction. In phased construction or development, the minimum loops sizes, or applicable performance specifications required by these regulations, must be completed before construction of the structures can commence. The flows indicated as required for one- and two-story single-family dwellings are based upon the minimum distance allowed from structure to structure. A greater amount may be required based upon the following spacing:

a. More than 30 feet . . . 500 gpm @ 20 psi
b. 21 - 30 feet. . . . . .750 gpm @ 20 psi
c. 11 - 20 feet . . . . . 1,000 gpm @ 20 psi
d. 0 - 10 feet . . . . . 1,500 gpm @ 20 psi

I. **Fire Protection Facilities.**

1. *Connections.* Connections for fire protection systems shall be made in compliance with Article VI Backflow Prevention and Cross-Connection Control Ordinance. Fire protection water facilities installed upon the owner's private property are for the use of the owner, and WSACC assumes no responsibility for such facilities. No water service, other than fire protection, will be taken from water mains intended to provide fire protection only. Metering may be required of systems that are run periodically for testing with the water going to waste. Notification of testing shall be given a minimum of 48 hours prior to testing. Violation of this notification may require the installation of approved metering devices and appurtenances. The WSACC reserves the right to make necessary inspections to ensure compliance with these regulations. No pumps may be directly connected to the WSACC's system.

2. *Cold Water Meters – Fire Service Type Size 6", 8" AND 12"*. All meters shall fully comply with the AWWA specification C-703-79. Fire service meters shall consist of a combination of mainline meter of the proportional type, having an unobstructed waterway of essentially the full pipe size for measuring high rates of flow, and a by-pass meter of appropriate size for measuring low rates of flow. The meter shall have an automatic valve mechanism for diverting low rates of flow through the by-pass meter. Meters must be approved by the National Fire Protection Association and listed by the Underwriters Laboratories. Loss in head not to exceed four psi.
3. *Casing*. Main casing shall be either of copper alloy containing not less than 75 percent copper or of cast iron protected by a corrosion resistant coating or other anti-corrosion treatment. Main-case connections shall be flanged. Flanges shall be of the round type, faced and drilled, and shall conform to ANSI B16.1, Class 125. Companion flanges are not required.
4. *Registers.* Registers shall be straight reading type and shall read in cubic feet. Registers will be provided with a center-sweep test hand. Registers will be perma-sealed.
5. *Automatic Valves.* The automatic valve shall be of a type suitable for the purpose. It shall close by force. The weight of the valve and any supplemental force imposed on it shall offer sufficient resistance to the incoming water to diver all small flows through the by-pass meter until such time as the rate of flow through the meter is great enough to ensure efficient operation of the main measuring section. Test plugs must be comparable to meter size.
6. *Test Outlet.* A minimum two-inch outlet shall be provided on the downstream side of the meter.
7. *Piping Sizes.*
   a. 3/4" - 2" piping shall be brass.
   b. 3" - 10" piping shall be ductile iron (cement lined).

J. **Fire Service Requirements.**

1. *Requirements in Residential Zoning Districts.*
   a. The minimum size of fire service water mains in residential developments shall be 6 inches. All six-inch mains must be looped. Dead end mains shall be 8 inches or greater. Exceptions: Mains installed may meet minimum performance specifications for the expected demand upon the system. Mains shall be designed to provide 1,000 gpm flow rates at 20 psi.
   b. *Requirements in Nonresidential and Mixed Use Zoning Districts.*
      1. The minimum size of fire service water mains in commercial and multi-family dwelling areas shall be 8 inches. All 8-inch mains shall be looped. Dead end mains shall be 12 inches. The minimum size of fire service water mains in industrial areas shall be 12 inches.
      2. All 12-inch mains shall be looped. Dead end mains shall provide the minimum fire flow as required in this subsection. Notwithstanding the foregoing, mains installed may meet minimum performance specifications for the expected demand upon the system in lieu of the minimum size requirement.
         a. Individual large structures with life safety hazards or extra hazardous operations shall, where required, be provided with on-site hydrants and water mains designed to provide the required fire flow as determined by the ISO formula and the North Carolina State Fire Code.
         b. A waiver of these standards may be allowed by the Town of Harrisburg during approval of the preliminary plat only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.
         c. The fire marshal is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow is impractical.
      3. The fire marshal is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

122.02.10 Stormwater Runoff (9.2; Appendix C)

A. **Obstruction of Drainage Channels Prohibited**. No fences or structures shall be constructed across an open drainage channel that will reduce or restrict the flow of water. The Director may require any watercourse or stormwater management facility to be located within dedicated a drainage easement officially recorded by the Cabarrus County Recorder of Deeds as a "permanent detention easement" that provides sufficient width for maintenance.

B. **Lot Grading Standards.** The following standards shall be followed in establishing the grading plan for a development:

1. *Positive Drainage Required.* Developments shall be designed and constructed with a positive drainage flow away from buildings towards approved stormwater management facilities. Plans for drainage facilities shall be approved by the Engineer. All interim and permanent drainage facilities shall be designed and constructed in accordance with the standards established in the section.
2. *Accounts for All Development.* In the design of site grading plans, all impervious surfaces in the proposed development (including off-street parking shall be considered.
3. *Protection from Sedimentation*. Site grading and drainage facilities shall protect sinkholes, wetlands, ponds and lakes from increased sediment loading.
4. *Increased Runoff Prohibited.* Site grading shall not increase the volume or velocity of runoff onto downstream properties unless specifically approved as part of a project's drainage plan.

C. **Landscaping**.

1. *Disturbed Areas.* All disturbed areas within the dedicated right-of-way and easements of any subdivision street shall be restored with vegetation.
2. *Street Trees*. Street trees shall be planted or, where permitted trees already exist, consistent with §121.04, *Trees, Landscaping, and Buffering*, maintained and protected between the paved areas and sidewalks. Where no sidewalks are required, street trees shall be planted or existing trees shall be maintained or protected between the paved areas and the edge of the right-of-way.

D. **Designation as Open Space.** Stormwater facilities to be located in designated open space areas shall be regulated in accordance with Section 122.02.11, *Open Space and Park Design and Dedication*.

E. **Best Management Practices (BMP) Buffers.** There must be 50 feet of separation from normal pool to the property line and 20 feet of separation from the 100-year level to the property line.

122.02.11 Open Space and Park Design and Dedication

A. **Generally.** The provisions of this section shall apply to an application for a major subdivision plat approval.

B. **Connection to Public Open Space.** An applicable subdivision shall be designed to create a network of open space and/or trails in accordance with the Livable Communities Blueprint for Cabarrus County, which is fully incorporated by this reference into this UDO. The open space/trail system shall be maintained by the applicant or subsequent owners provided, however, that the applicant may request to publicly dedicate any trail specifically delineated in the Parks and Recreation Master Plan.

C. **Preservation and Maintenance of Open Space.**

1. *Required Open Space for Subdivisions*. Required open space shall be reserved for any major subdivision of land within the zoning districts and according to the percentages set forth in § 120.02, *Zoning Districts and Standards.*
2. *Exemption.* Subdivisions with less than 50 dwelling units, located within 1/4th of a mile of walking distance from an existing or planned public park (or a public school with recreation facilities accessible to the general public) shall be exempt from the open space dedication requirements of this UDO. Subdivisions with 50 or more dwelling units, regardless of proximity to an existing or planned public park, shall not be exempt.
3. *Maintenance.* Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as determined by the Town Council by any of the following mechanisms:

a. Dedication of open space to the Town, an appropriate public agency, or a non-profit entity (such as a land conservancy) if such an agency or entity is willing to accept the dedication and is financially capable of maintaining such open space; or

b. Common ownership of the open space by a home owner's or property owner's association which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the homeowner's association fails to maintain the open space according to the standards of this UDO, the Town may, following reasonable notice:

1. Demand that deficiency of maintenance be corrected; or
2. Enter the open space to maintain same. The cost of such maintenance shall be charged to the homeowners association.

D. **Open Space Characteristics.**

1. *Generally*. Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below.
2. *Open Space Provisions and Maintenance Plan Required.* Any areas reserved as open space shall be indicated on a preliminary and/or final subdivision plat. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this UDO. The plan shall:

a. Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site.

b. Designate the type of open space which will be provided (passive or active).

c. Specify the manner in which the open space shall be perpetuated, maintained, and administered.

E. **Subdivision Open Space Types and Dimensions**.

1. *Types*. The types of open space which may be provided to satisfy the requirements of this UDO, together with the maintenance required for each type, are as follows:

a. *Active Open Space*. Active open space areas shall be accessible to all residents of the development and shall be maintained by the developer, and or the property or homeowner's association.

b. *Passive Open Space*. Passive open space maintenance is limited to removal of litter, dead tree and plant materials (that is obstructing pedestrian movement), and brush; weeding and mowing. Natural watercourses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

c. *Greenways as Required in Conservation Subdivisions*.

i. Greenways connecting residences, schools, and recreational areas are required based on the Harrisburg Bicycle Pedestrian and Greenway Plan. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

ii. If a subdivision occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the subdivider shall be required to develop a conservation development and shall be responsible for developing the greenway as part of the subdivision process. The greenway shall, at a minimum, meet the standards set forth in Paragraph vii., *Required Active Open Space*, below. The acreage associated with the 25-foot easement may count toward the acreage required for Public Open Space in Subsection F, *Public Open Space Dedication*, below**.**

d. *Greenbelts as Required in TND and Planned Developments.* Greenbelts, as required by the Traditional Neighborhood Development overlay district and the Planned development type, may be counted as passive open space provided, however, that:

i. If the greenbelt consists of agricultural areas, the agricultural areas shall have a continuous area of not less than 50 acres. The agricultural areas may be combined with adjacent agricultural lands provided, however, that the minimum width prescribed above shall be met on all portions of the agricultural greenbelt on the site.

ii. The greenbelt shall have an average width of not less than 50 feet.

2. *Spacing and Dimensional Limitations.* In order to ensure that all designated open space has suitable size, location, dimension, topography and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, the following standards shall apply:

a. No residential lot shall be greater than one-fourth of a mile from required open space, measured along a sidewalk or trail from the nearest property line of the lot to the nearest property line of the open space.

b. Required open space shall have a minimum width of 25 feet, a minimum depth of 100 feet, and a minimum area of 4,000 square feet.

c. Required open space shall not consist of any designated floodway.

d. A maximum of 10 percent of the overall required common open space may be inaccessible land or be located in the 100-year flood plain (for example, if a 100-acre development requires 25 percent open space, then of the 25 acres required for open space, 2.5 acres could be inaccessible).

3. *Use of Stormwater Detention Basins.* Stormwater retention areas or detention basins which may be required as part of Section 122.02.13, *Storm Drainage,* shall not qualify as an open space area. These areas shall be considered inaccessible open space.

4. *Required Active Open Space.* Subdividers shall be responsible for making certain improvements to the land they dedicate as open space within their development for park, playground and public active open space purposes as follows:

a. All proposed trails shall be a designed at a minimum width of 10' and shall be paved. In addition, a 25' easement shall be provided to the Town of Harrisburg for any trail systems that are part of the proposed Town greenway system.

b. Subdividers shall provide finish grading and turf establishment for all disturbed areas and provide landscaping and/or screening in accordance with § 121.04, *Trees, Landscaping, and Buffering*.

c. Of the required open space set forth in § 120.02, *Zoning Districts and Standards,* a minimum of .025 acres per dwelling unit shall be provided as active open space for all subdivisions. For example, a subdivision containing 100 dwelling units shall be required to provide 2.5 acres of active open space for the development (.025 x 100 lots = 2.5 acres). Active open space shall be considered a part of the overall open space required for the development.

5. *Access to Open Space*.

a. *Required Pedestrian Access*. All areas to be preserved for open space be accessible to pedestrians by one of the following:

1. Frontage (width as required in this Section) on a public street right-of-way; or

2. Recorded pedestrian easement (min. 15' wide); or

b. *Additional Pedestrian Access Points*. Upon review of the design by the Director, additional pedestrian access points may be required.

F. **Public Open Space Dedication**.

1. *Dedication Generally.* All major residential subdivision proposals shall, prior to final approval of the preliminary plat, dedicate a portion of such land, as set forth in this UDO, for the purpose of public parks, recreation, greenways and open space sites to serve the residents of the neighborhood in which the subdivision is located as well as the Town of Harrisburg.

2. *Fee in Lieu of Dedication Generally.* As an alternative to the dedication of a portion of such land by the subdivider and where it is determined by the Town Council that a dedication of land is not feasible in a given plat or incompatible with the HALUP, the subdivider may make provision for an equitable amount of land in another location, or pay to the Town a fee in lieu of dedication as provided in Subsection F.7, below.

3. *Criteria for Dedication.* All land dedicated for recreation and park development shall substantially meet the following criteria:

a. *Unity*. The dedicated land shall form a single parcel of land except where the Planning Board determines that a connecting path or strip of land is in the public interest, and in which case the path shall not be less than 25 feet wide.

b. *Shape.* The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities such as softball, tennis, etc.

c. *Location.* The dedicated land shall be located so as to reasonably serve the recreation and open space needs of the subdivision for which the dedication was made and shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or residential development.

d. *Access*. Public Access to the dedicated land shall be provided either by adjoining street frontage or public easement of at least 30 feet in width.

e. *Topography.* No more than one-quarter of the gross land dedicated may be comprised of land deemed to be inaccessible or within the 100-year floodplain. This requirement shall be waived if greenway trails are being proposed as part of the public open space dedication, so long as the requirements of Subsection E., *Open Space Types and Dimensions*, above, are met.

f. *Usability.* The dedicated land shall be usable for recreation; lakes may not be included in computing dedicated land area. Where the Planning Board and the Parks and Recreation Advisory Board determine that recreational needs are being adequately met, either by other dedicated parcels of land or existing recreational facilities, then land that is not usable for recreation may be dedicated as open space. The Parks and Recreation Advisory Board shall supply the Planning Board with comments and/or recommendations in order to assist the Board in making this determination.

g. *Plans*. Municipal and County plans shall be taken into consideration when evaluating land proposals for dedication.

4. *Criteria for Determining Dedication and Fee*. Whether the Town Council accepts the land dedication or requests payment of a fee in lieu of dedication, or a combination of both, shall be determined by consideration of the following:

   a. The recommendation of the Planning Board and recommendations from the Parks and Recreation Advisory Board.

   b. Size and shape of the subdivision and land available for dedication;

   c. Topography, geology, soils, access and location of land in the subdivision available for dedication; and

   d. Recommended improvements in the Parks and Recreation Master Plan and the Comprehensive Bicycle, Pedestrian, and Greenway Plan.

5. *Procedure for Determining Between Dedication, Combination of Dedication and Fee, and Fee-in-Lieu of Dedication.* The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

   a. *Prerequisites for Approval of Final Plat*. Where dedication is required, such dedication shall be shown upon the final plat submitted for approval. Where fees are required, the same shall be deposited with the Town prior to the recording of any final plat.

   b. *Action of Town*. At the time of the preliminary plat approval, the Planning Board shall recommend, based upon staff recommendations and Parks and Recreation Advisory Board input, and the Town Council shall determine as part of such approval, whether to require a dedication of land within the subdivision or accept payment of a fee in lieu thereof or a combination of both.

   c. *Subdivider*. At the time of filing a preliminary plat for approval, the owner of the property shall, as part of such filing, indicate whether he desires to pay a fee in lieu thereof. If the desire is to dedicate land for this purpose, the dedicated area shall be shown on the preliminary plat.

6. *Computation of Fee Payable in Lieu of Dedication*. Where a fee is paid in lieu of dedication, the amount of such payment shall be the product of the number of acres to be dedicated and the average fair market value of the land being subdivided at the time of submission of the preliminary subdivision plat. Fair market value shall be determined by the Town Council on the advice of the Planning Board based upon current appraisals and acceptable to the subdivider.

7. *Use by Town*. The land received by the Town under this UDO shall be used only for the purpose of providing open space, park and recreational areas, but shall not be so restricted should the Town decide to sell such land as provided by the following paragraph.

8. *Sale by Town*. The Town shall have the right to sell any land dedicated to the Town for park and recreation purposes on finding by the Planning Board and the Town Council that a particular piece of property is not feasible or incompatible with the Town's Parks and Recreation Master Plan.

9. *Use of Funds Received in Lieu of Dedication*. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be held in a special fund by the Town, and the funds shall be used by the Town for the purpose of acquiring or developing recreation, parks, greenways, or open space areas as shown in the Parks and Recreation Master Plan or the Comprehensive Bicycle, Pedestrian, and Greenway Plan, and for no other purposes.

10. *Disagreements between Town and Subdivider.*
    a. In the event that the Town and the subdivider of land cannot agree upon the location, terrain, size, or shape of the land necessary to be dedicated for parks and public open space, or cannot agree upon the details of provisions for an equitable amount of land in another location, or where there is any disagreement between the Town and the subdivider, including the amount of the fee in lieu of land, such disagreement shall be determined by the Parks and Recreation Advisory Board.
    b. The Board shall view the land and hear the contentions of both the Town and the subdivider. The decision of the Board shall be by majority vote and shall be certified to the Town Council within forty-five days of the decision.

122.02.12 Markers and Monuments (new)

A. **Generally**. The subdivider's registered professional land surveyor shall provide reference monuments and markers in the subdivision, based on National Geodetic Vertical Datum (NGVD).
B. **Permanent Markers**. The surveyor shall install permanent markers at all corners of block lines, control points, and at the point of intersection of curves and tangents. Such markers shall be iron rods or pipes of magnetic quality a minimum of three-fourths of an inch in diameter and 36 inches in length. The surveyor shall place the rod flush with the finished grade, at the required locations.
C. **Concrete Monuments**. The surveyor shall install one benchmark for each 10 acres of property, in a manner suitable to the Director of Public Works, with its location and elevation as shown on the approved and recorded final plat. Permanent benchmarks shall be concrete posts five feet in length and six inches in diameter with the top to be at least 12 inches below the finished grade.
D. **Lot Markers**. The surveyor shall install a permanent marker at each corner of all lots. Such marker shall be an iron rod a minimum of one-half inch in diameter and 24 inches in length. The surveyor shall place each rod flush with the average ground elevation, or the rod may be countersunk, if necessary, to avoid being disturbed.
E. **Control Points**. Control points are any property corner of any tract, parcel or lot which is not square or rectangular.

§ 122.03 Development Types

Contents:

122.03.01 Generally (6.3)
122.03.02 Countryside (New)
122.03.03 Conventional (New)
122.03.04 Conservation (4.8)
122.03.05 Planned (4.9, Appendix E)

122.03.01 Generally

A. **Subdivision Types**. New residential subdivisions are classified into conventional, cluster, planned, and mixed-use subdivision types. Development of any subdivision type permitted in the base zoning district is at the option of the applicant. No subdivision type is mandatory in any zoning district. Refer to Section 120.02.01, *Residential Districts*, for lot density and dimension standards related to each permitted subdivision type.
B. **Permitted Residential Districts**. Table 122.03.01-1, *Permitted Subdivision Types by Residential District*, states the subdivision types that are permitted in each residential zoning district.

Table 122.03.01-1, Permitted Development Types by Residential District

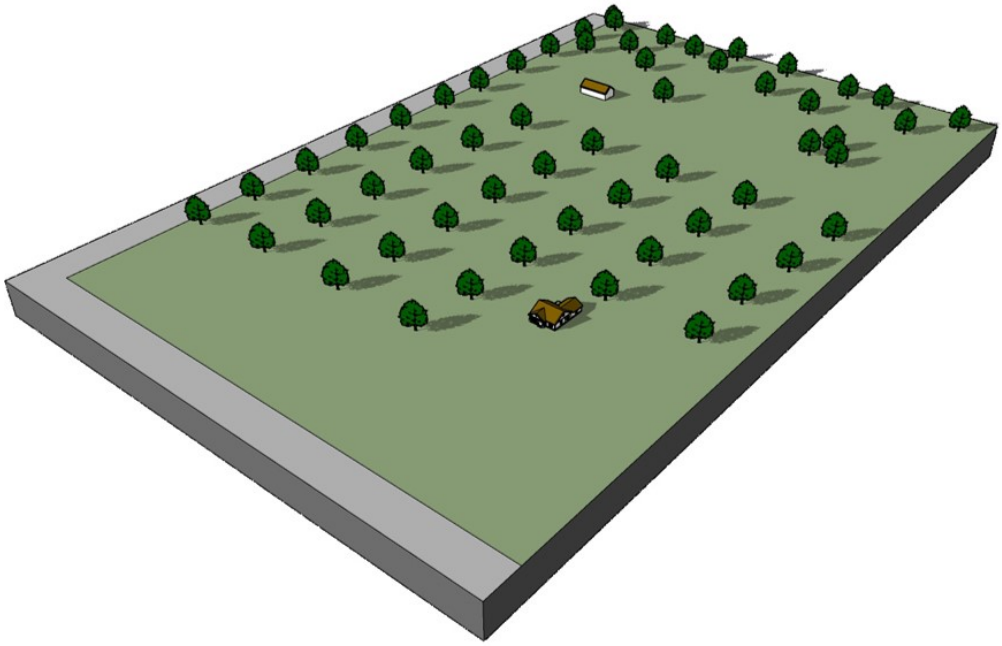
	AG	RE	RL	RM	RH
	"P" = Permitted | "--" = Not Permitted				
Countryside	P	--	--	--	--
Conventional	--	P	P	P	P
Conservation	--	P	P	P	--
Planned	--	--	--	--	P

C. **Applicability**. This Section established subdivision-related standards that are specific or unique to the various permitted development types.

122.03.02 Countryside (New)

A. **Description**. Countryside development, as depicted in Figure 122.03.02-1, *Illustrative Countryside Development Type*,
preserves the agricultural use of land in the peripheral areas of the Town. Generally, it is not intended for suburban or urban development yet it may accommodate individual homesteads.

Figure 122.03.02-1, Illustrative Countryside Development Type



B. **Minimum Number of Lots**. Countryside developments shall be considered the division of any parcel of record at the adoption date of this ordinance into five or more lots.

C. **Access**. Lots within a countryside development exceeding five lots shall not be permitted direct access to State maintained roads. A new interior road that meets the standards of this UDO shall be constructed for access to these lots. Divisions of thirty lots or greater shall include the construction of a left turn lane at the access point(s) that meets the standards of the NC Department of Transportation. This provision shall in no way substitute for or lessen any additional requirements of NCDOT made as part of a required driveway permit.

D. **Orientation**. All lots within a countryside development shall have the front yard oriented to the interior access road.

E. **Buffer Yard**. New countryside developments shall be buffered from surrounding properties. The required buffer must meet the standards of Buffer Yard Type A as established in Section 121.04.03, *Buffer Yard Landscaping.*

F. **Tree Retention**. Countryside developments shall retain mature existing trees of 12 inch diameter at breast height (dbh) or greater. Such trees shall be identified and shall not be removed except when buildings, roads, or required utilities are to be constructed.

G. **Shoulders and Drainage Swales**. Shoulders and drainage swales shall be provided rather than curbs.

122.03.03 Conventional

A. **Description**. Conventional development is the standard form whereby the maximum density is achieved by use of minimum lot sizes and common open space. See Figure 122.03.03, *Illustrative Conventional Development Type*.

Figure 122.03.03-1, Illustrative Conventional Development Type

B. **Applicability**. All the requirements of this Chapter shall apply to conventional development types unless otherwise specified.

C. **Compatibility**.

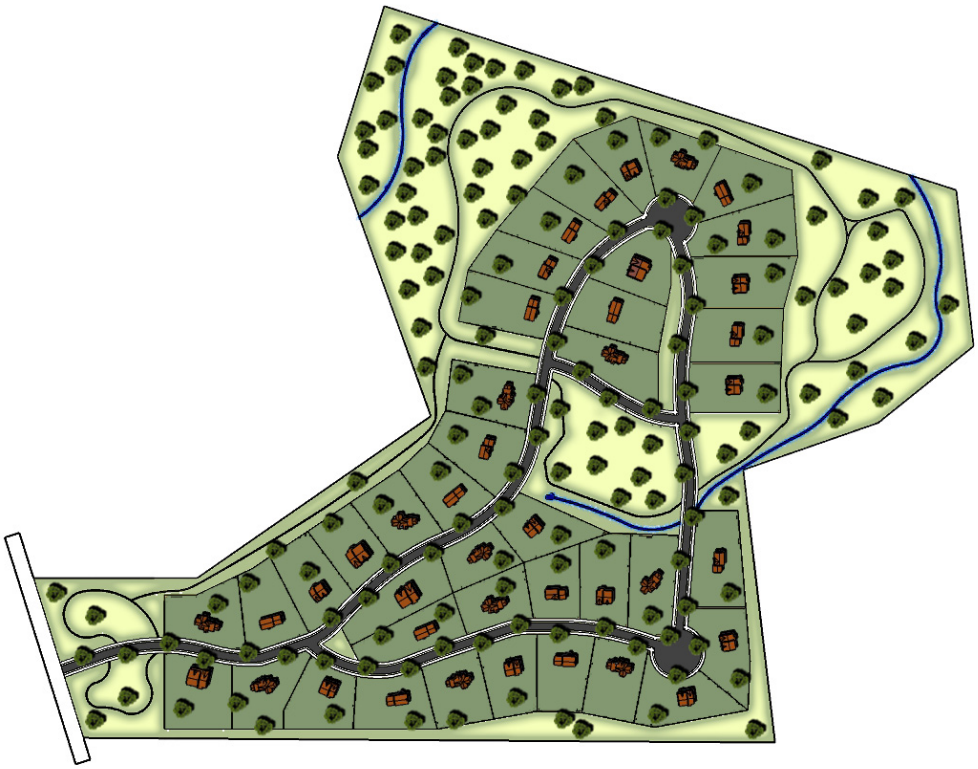
1. *Housing Types*. Where a conventional development type abuts or is adjacent to an existing conventional single-family development, the housing types in new conventional development that are nearest to the existing conventional development shall be comparable to the existing conventional development in terms of the housing type.

2. *Comparable Lot Area and Width*. Where adjacent to existing conventional single-family development, new conventional development lots on the perimeter shall be equal to or greater than the lot area and width of the adjacent conventional lots.

122.03.04 Conservation (4.8)

A. **Description**. Conservation development preserves and accommodates topography and site resources by consolidating smaller lots and/or different housing types around the natural resources of the property. Conservation may produce the same or higher densities than that of a conventional development, often resulting in lower infrastructure costs per dwelling. See Figure 122.03.04-1, *Illustrative Conservation Development Type*.

Figure 122.03.04-1, Illustrative Conservation Development Type



B. **On-Site Pre-Submittal Meeting Required**.

1. Prior to plan submittal, a pre-submittal meeting shall be required. This meeting shall include the Director, the applicant, and any site planners or engineers involved with the development. The purpose of this meeting shall be to determine the location of conservation areas, as well as to devise a strategy for overall site development.
2. The Director shall provide to the applicant, in writing, notes from this meeting, outlining to the developer where the conservation areas should be located. This written notification shall be included in the staff report to the decision- making body for any needed public hearing or meeting.

C. **Public Water & Sewer**. The development shall be served by a public water system and a public sewer system as required in Section 122.02.09, *Public Water and Wastewater Systems*.

D. **Compatibility**.

1. *Housing Types*. Where a conservation development type abuts, is adjacent to, or is located across a local street from existing conventional single-family development, the housing types in the conservation development that are nearest or across the street from the conventional development shall be comparable to the existing housing types in terms of the housing type, scale, and method of access.
2. *Increased Lot Area and Setback***.** Where adjacent to existing conventional single-family development, conservation development type lots on the perimeter shall be equal to or greater than the lot area and width of the adjacent conventional lots. In addition, the dwelling units on the perimeter of the conservation development shall be set back from the boundary of the conservation development a minimum of the following distances

   a. One to four lots: Required rear setback;

   b. Five to 20 lots: 75 feet; and

   c. 21 or more lots: 100 feet.

E. **Minimum Project Area**. A conservation development shall be a minimum of 40 acres in size.

F. **Fee-in-Lieu of Open Space**. The exemption for providing open space and the fee-in-lieu of open space dedications described in Section 122.02.11, *Open Space and Park Design and Dedication,* shall not be applied to any conservation development.

G. **Framing of Open Space**. To the maximum extent practicable, streets and dwellings shall be arranged to frame open space as shown in Figure 122.03.04-1.

H. **Distance from Residential Lots.** All required active open space shall be accessible and located no further away than 1,200 feet from any property line of a residential lot within the conservation development. Widths of public rights-of-way and pedestrian easements shall be excluded from the 1,200 feet calculation.

I. **Connected Open Space**. Required open space shall be connected to the open space of adjacent conservation developments.

J. **Development Landscaping and Buffering Requirements**. A Class D buffer yard pursuant to Section 121.04.03, *Buffer Yard Landscaping*, shall be established around the entire perimeter of all conservation development and designated as either undisturbed, conservation easements, or common open space on a subdivision plat as required in Section 122.02.07, *Perimeter and Internal Buffer Yards*. The following additional provisions shall apply to any buffer yard:

1. The use of existing vegetation to meet the requirements will be judged on field observation by the Director.
2. A Perimeter Buffer yard may be designated as common open space on a subdivision plat and may be used in calculating the required common open space. However, no more than 20 percent of the total required open space may be within the perimeter buffer yard.

K. **Shoulders and Drainage Swales**. Shoulders and drainage swales shall be provided rather than curbs where:

1. Shoulders are specified by NCDOT or Cabarrus County highway standard;
2. Soil or topography makes the use of shoulders and drainage swales preferable; or
3. It is in the best interest of the County to maintain its rural character by using shoulders and drainage swales instead of curbs.

L. **Property Owners' Association Required**. Documentation for a property owners' association, with covenants, conditions, and restrictions shall be approved as to form by the Town Attorney.

122.03.05 Planned

A. **Description**. Planned development may include a mixture of different lot sizes, retail and office uses, and varying housing types clustered around civic spaces, greenways, and resource features. See Figure 122.03.05, *Illustrative Planned Development Type*.

Figure 122.03.05-1, Illustrative Planned Development Type

B. **Housing Type Integration**. Different housing types within a planned development type ;may be integrated together or may be located within separate pods with the required open space provided a buffer between the housing types.

C. **Buffer Yard**. Where single-family detached or single-family attached dwelling units abut multiple-family dwellings, a Type C buffer yard shall be used on the perimeter of the multi-family development provide for enhanced compatibility between housing types.

D. **Compatibility**.

1. *Housing Types*. Where a planned development type abuts, is adjacent to, or is located across a local street from existing conventional single-family development, the housing types in the planned development that are nearest or across the street from the conventional development shall be comparable to the existing housing types in terms of the housing type, scale, and method of access.
2. *Increased Lot Area and Setback***.** Where adjacent to existing conventional single-family development, planned development type lots on the perimeter shall be equal to or greater than the lot area and width of the adjacent conventional lots. In addition, the dwelling units on the perimeter of the planned development shall be set back from the boundary of the planned development a minimum of the following distances

a. One to four lots: Required rear setback;

b. Five to 20 lots: 75 feet; and

c. 21 or more lots: 100 feet.

E. **Access**.

1. *Generally*. Lots shall take access to an interior street, alley, parking court, or shared driveway. If a perimeter street is also a local street, lots shall front on the perimeter street and may take access from it if the lots across the street also take access from the street.
2. *Front-Loaded*. Front-loaded driveways are prohibited for residential uses and parking between the building and the street is prohibited for multi-family developments.

§ 122.04 Adequate Public Facilities Standards

Contents:

122.04.01 General Standards (14.1; Appendix B-11)
122.04.02 Criteria for Determination of Adequacy (14.3)

122.04.01 General Standards (14.1; Appendix B-11)

A. **Purpose**. The purpose of this Section is:

1. *Level of Service*.
   a. To ensure that public facilities needed to support new development meet or exceed the Level of Service standards established in this Section;
   b. 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;
2. *Concurrency*. To ensure that adequate public facilities needed to support new development are available concurrent with the impacts of such development;
3. *Growth Direction*. To encourage development in areas where public services are available and underutilized;
4. *HALUP Policies*. To facilitate implementation of goals and policies set forth in the HALUP and any applicable Area Plan relating to adequacy of Public Facilities and Level of Service standards; and
5. *Legal Standards*. To ensure that all applicable legal standards and criteria are properly incorporated in these requirements.

B. **Applicability**.

1. *Generally*. The provisions of this section shall apply to any:
   a. Application for conditional rezoning, the application of this Section, however, does not limit public facilities review for rezonings to those applied in §122.04, *Adequate Public Facilities Standards.*;
   b. Application for Major or Minor Site Plan approval of any project that generates 2,000 or more trips per day;
   c. Application for Minor Site Plan approval of a multi-family or attached single-family residential project; and
   d. Application for a Preliminary Subdivision plat.
2. *Conditional Applicability*. The provisions of this Section 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.
3. *Sufficient Information*. No application for development review 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.

C. **Exemption**. 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, as established in Table 122.04.02-2, *Equivalent Residential Units*.

122.04.02 Criteria for Determination of Adequacy

A. **Methodology and Criteria for Determining Availability and Adequacy of Public Facilities**.

1. *Determination*. No determination as to compliance with this Section shall be recommended by the Director or rendered by the approving development review body unless public facilities within the Impact Areas set forth in Column (C) of Table 122.04.02-1, *APF Level of Service (LOS) Standards*, are:
   a. Adequate, as measured by the adopted level of service ("LOS"), as set forth in this Section and Column (B) of Table 122.04.02-1; and
   b. Available, as set forth in this Section and Column (D) of Table 122.04.02-1.
2. *Adequacy*. 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.

B. **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 122.04.02-1 in accordance with the corresponding standards set forth in Column (B) of Table 122.04.02-1. The LOS for each application for development approval shall be measured within the impact area set forth in Column (C) of Table 122.04.02-1 for each corresponding facility in Column (A). Column (D) of Table 122.04.02-1 indicates whether programmed capital improvements may be included in determining whether the improvements are available. Rules for interpretation of Table 122.04.02-1 are set forth in this Section.

C. **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 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 UDO, unless a different standard is identified in any Local Water Supply Plan for the adopted service area, 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.

D. **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 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.

E. **Roads / Streets**. For certain developments, specific studies shall be required to determine if there are adequate public facilities in place. The Town Engineer, or his designee, will approve these studies if he concludes that the recommendations from the report will maintain the integrity of the transportation system. If mitigation is part of an approved transportation impact analysis, all approved improvements for the entire site shall be implemented prior to issuance of a Zoning Permit unless otherwise provided for in a phasing plan that is included in the approved report. These include:

1. *Transportation Impact Analysis (TIA).* A TIA shall be required for any development expected to generate traffic volumes that will impact the capacity or safety of the transportation system. Minimum thresholds requiring a TIA and guidelines for the content and methodologies included in a TIA report are available from the Director. When a full TIA is not required, the requirements below may apply.
2. *Traffic Impact Studies.*

a. *Preparation*. The applicant shall furnish the full rationale, from an engineer licensed by the State of North Carolina to perform such studies, to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal for the subdivision streets involved.

b. *Contents*. Traffic Rezoning Analysis or Traffic Impact Report shall contain information addressing the factors listed below.

   i. *Site Description.*: The report shall contain illustrations and narrative that describe the characteristics of the site and adjacent land uses as well as expected development in the vicinity which will influence future traffic conditions. For a Rezoning Traffic Analysis, a description of potential uses to be evaluated shall be provided. For a Traffic Impact Report, a description of the proposed development including access plans, staging plans and an indication of land use and intensity, shall be provided.

   ii. *Study Area.* The report shall identify the geographic area under study and identify the roadway segments, critical intersections and access points to be analyzed. The geographic area under study shall extend not less than one-half mile from the site.

   iii. *Existing Traffic Conditions.* The report shall contain a summary of the data utilized in the study and an analysis of existing traffic conditions, including:

      a. Traffic count and turning movement information, including the source of and date when traffic count information was collected;

      b. Correction factors that were used to convert collected traffic data into representative average daily traffic volumes;

      c. Roadway characteristics, including the design configuration of existing or proposed roadways, existing traffic control measures (speed limits, traffic signals, or traffic calming measures) and existing driveways and turning movement conflicts in the vicinity of the site; and

      d. Identification of the existing Level of Service for roadways and intersections without project development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Commission, or comparable accepted methods of evaluation. Level of Service should be calculated for the weekday peak hour and, in the case of uses generating high levels of weekend traffic, the Saturday peak hour.

   iv. *Horizon Year(s) and Background Traffic Growth*. The report shall identify the horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. Unless otherwise approved by the Engineer, the impact of development shall be analyzed for the year after the development is completed and 10 years after the development is completed.

   v. *Trip Generation, Trip Reduction, and Trip Distribution*. The report shall summarize the projected a.m. and p.m. peak hour and average daily trip generation for the proposed development and illustrate the projected trip distribution of trips to and from the site and should identify the basis of the trip generation, trip reduction and trip distribution factors used in the study.

   vi. *Traffic Assignment.* The report shall identify projected roadway segment, intersection or driveway traffic volumes, with and without the proposed development, for the horizon year(s) of the study;

   vii. *Impact Analysis.* The report shall address the impact of projected horizon year(s) traffic volumes relative to each of the applicable traffic service factors and shall identify the methodology utilized to evaluate the impact. The weekday peak hour impact shall be evaluated as well as the Saturday peak hour for those uses exhibiting high levels of weekend traffic generation.

   viii. *Mitigation/Alternatives.* The report shall identify alternatives for achieving the traffic service standards listed in this chapter and in addition shall:

      a. Identify where additional right of way is needed to implement mitigation strategies;

      b. Identify suggested phasing of improvements where needed to maintain compliance with traffic service standards; and

      c. Identify the anticipated cost of recommended improvements.

c. *Procedures.*

1. The applicant or his designated representative shall contact the Public Works Director or their designee and the Director to establish whether a traffic study is needed and to define the parameters for the study. Following preparation of any traffic study, copies of the study report shall be submitted to the Director for distribution to staff of the roadway jurisdictions involved in the construction and maintenance of public roadways serving the development. A conference between the staff and applicant shall be held within 10 days to discuss the content and findings of the report and determine the need for any supplemental study or analysis.
2. When the Public Works Director or their designee and Director have determined that the content of the report adequately addresses the applicable Traffic Service Standards of this chapter, a finding shall be made that the traffic impact study is complete and proceedings on any application that was stayed pending completion of a traffic analysis can resume.

d. *Report Findings.*

1. When staff and the applicant concur that the technical analysis is complete, the report shall be forwarded to the platting authority at its next regular meeting. Negotiations with the platting authority, if needed, shall be held, and a Subdivision Improvement Agreement detailing the applicant's responsibilities and the Town's responsibilities for implementing any mitigation measures shall be prepared, and what, if any, improvements may be assessed against other benefited properties.
2. If staff finds that the proposed development will not meet applicable service level standards, staff shall recommend one or more of the following actions on the associated development application, as may be needed:
   i. Reduce the size, scale, scope or density of the development to reduce traffic generation;
   ii. Divide the project into phases and authorized only one phase at a time until traffic capacity is adequate for the next phase of development;
   iii. Dedicate right-of-way for street improvements;
   iv. Construct new streets;
   v. Expand the capacity of existing streets;
   vi. Redesign ingress and egress to the project to reduce traffic conflicts;
   vii. Alter the use and type of development to reduce peak hour traffic;
   viii. Reduce background (existing) traffic;
   ix. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;
   x. Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation; or
   xi. Recommend denial of the application for development for which the TIR is submitted.

F. **Schools.** The subdivider shall provide project impact calculations to the Cabarrus County Schools and to the Director who shall take into account the Cabarrus County Schools' recommendations.

G. **Mitigation Measures.** 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.

H. **Public Facilities Affecting Areas Outside of Incorporated Area of Town.**

1. *Generally*. 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.
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 Director 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.

I. **Level of Service Standards and Other measures of APF.**

Table 122.04.02-1
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 122.04.02-2, below	Water Treatment Plants (WTPs) – 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 122.04.02-2, below	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.	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, *North Carolina Public School Facility Guidelines* (January 1997), which document is hereby incorporated by this reference, and including any successor documents are 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 years of the Capital Improvements Program may be considered in accordance with the formula set forth in Subsection H, above.

Table 122.04.02-2
Equivalent Residential Units

Land Use	Variable	Factor	ERU
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

Table 122.04.02-2 Equivalent Residential Units			
Land Use	Variable	Factor	ERU
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	1,000 square feet	42.02	4.40

Table 122.04.02-2 Equivalent Residential Units			
Land Use	Variable	Factor	ERU
sf GLA)			
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
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			

§ 122.05 Public Improvements Dedication and Acceptance

Contents:

122.05.01 Dedication of Improvements and Performance Security (6.4.15)
122.05.02 Installation and Maintenance Guarantee (6.4.14, 6.4.16)
122.05.03 Acceptance (6.4.12, 6.4.13)

122.05.01 Dedication of Improvements and Performance Security (6.4.15)

A. **General**. All dedications shall be indicated on the face of the plat. Verbose dedications may be accomplished by a separate recorded instrument which is referenced on the face of the plat.

B. **Subdivision Improvement Agreements.**

1. *Authority*. The Director of Public Works shall have the authority to review and approve all subdivision improvement agreements.
2. *Delay of Completion*. The Director of Public Works may delay the requirement for the completion of required improvements prior to recordation of the Final Plat if the applicant enters into a Subdivision Improvement Agreement by which the applicant covenants and agrees to complete all required on-site and off-site public improvements no later than one year following the date upon which the final plat is recorded. Such period may be extended for up to an additional six months upon its expiration at the discretion of the Director of Public Works. The Applicant shall bear the responsibility to prepare a Subdivision Improvement Agreement. The Town Attorney shall approve any Subdivision Improvement Agreement as to form.
3. *Emergency Access*. In order to provide for emergency access, no Subdivision Improvement Agreement shall be approved, and no performance guarantee shall be accepted, until the base course for the streets within the applicable phase for which a final plat is proposed has been installed.
4. *Timing and Sequence of Improvements*. The Director of Public Works may enter into a Subdivision Improvement Agreement with the applicant for a development containing multiple final plats concerning the timing and sequence of roadway, water, wastewater, drainage, public school, and park or open space

dedication and improvements. Notwithstanding any provision in this UDO to the contrary, the Subdivision Improvement Agreement shall determine the time when the required improvement or dedication for multiple final plat developments shall occur.

C. **Performance Security.**

1. *Form of Security*. Whenever the Director of Public Works permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient, security to ensure completion of the required public improvements, including, but not limited to, stormwater facilities, landscaping, sidewalks, road improvements, sanitary sewer, water, and relocation of existing utilities. The security shall be in the form of an irrevocable letter of credit, cash escrow, or a surety bond. An engineer's estimate shall be submitted for review by the Director of Public Works, using the Town performance security applications.
2. *Amount of Security*. The letter of credit, cash escrow or surety bond shall be in an amount approved by the Director of Public Works or their designee as reflecting 125 percent of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.
3. *Town Participation*. In addition to all other security, when the Town participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the Town as a co-obligee.
4. *Security Approval*. The issuer of any surety bond shall be subject to the approval of the Town Attorney and the Director of Public Works.
5. *Cash Escrow*. If security is provided in the form of a cash escrow, the applicant shall deposit with the Town Finance Director a cashier's or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Director of Public Works.
6. *Duties of Town*. The surety bond or cash escrow account shall accrue to the Town for administering the construction, operation, and maintenance of the improvements.
7. *Oversized Facilities*. Where oversized facilities are required, the Director of Public Works and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

D. **Release of Performance Security**. Upon completion of all improvements as covered by the Subdivision Improvement Agreement, the Director of Public Works shall inspect the work. If the Director determines that the work is satisfactory and complete, the letter of credit, cash escrow, or surety bond shall be released. The Director shall also require evidence from the subdivider that all contractors have been paid in full prior to the release of the performance security.

E. **Failure to Complete Improvements**. If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Director of Public Works may:

1. *Declaration of Default*. Declare the Agreement to be in default thirty days prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
2. *City-Completed Improvements*. Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
3. *Third Party Improvements*. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
4. *Other*. Exercise any other rights available under the law.

122.05.02 Installation and Maintenance Guarantee (6.4.14, 6.4.16)

A. **Installation or Guarantee of Improvements**. The DRC shall not review a final plat until one of the following has occurred:

1. *Installation*. The subdivider has installed all improvements required in this Chapter and the improvements have been accepted for maintenance by the Director of Public Works in accordance with Section 122.05.03, *Acceptance*. Such improvements shall be in accordance with the approved construction plans.

2. *Guarantee*. The Director of Public Works has accepted a performance security in accordance with Section 122.05.02, *Dedication of Improvements and Performance Security*.

B. **Clean Up**. The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the Town is prohibited.

C. **Maintenance Guarantee**.

1. *Bond Review and Approvals*. The Director of Public Works shall have the authority to review and approve all maintenance bonds.
2. *Guarantee Against Defects.* The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one year after the final lift of asphalt has been installed. In exceptional situations, where undue hardship would otherwise result and the shorter term would not be inconsistent with the purposes of this UDO, the Director of Public Works or their designee may approve a shorter-term maintenance guarantee. The maintenance guarantee shall be secured by a surety bond or cash escrow in an amount reflecting five percent of the cost of the completed improvements.
3. *Temporary Improvement Costs*. The applicant shall construct and pay for all costs of temporary improvements required by the Director of Public Works or their designee and shall maintain said temporary improvements for the period specified by the Director of Public Works or their designee.
4. *Expiration of Maintenance Guarantee.*30 days prior to the expiration of the maintenance guarantee instrument, if any defects in workmanship and/or materials are not repaired to the satisfaction of the Director of Public Works, the subdivider shall be required to make all necessary repairs immediately. If the subdivider does not commence with the required repairs within 15 days prior to the expiration of the maintenance guarantee instrument, the Director shall call the bond and the Town shall commence with the repair work.

122.05.03 Acceptance

A. **Construction Plans**

1. *Submittal*. Prior to the construction of any public improvement, the subdivider or applicant's engineer shall submit to the Director of Public Works the Subdivision Improvement Agreement and maintenance guarantee.
2. *Standards and Specifications*. All improvements must be constructed and installed in accordance with this UDO and other specifications of the Town.

B. **Construction Inspections.**

1. *Timing of Inspections*.
   a. During the preparation of land and the installation of general improvements, periodic inspections shall be made to ensure conformity with the approved plans, specifications, and standards. Appropriate agencies of the Town and state may make inspections at any time during the progress of work.
   b. All improvements required by these regulations shall be inspected prior to acceptance by the Town. Where inspections are made by individuals or agencies, other than the Director of Public Works or their designee, the applicant shall provide the Director of Public Works or their designee with written reports of each final inspection.
   c. Prior to beginning construction, the applicant shall arrange with the Director of Public Works or their designee a pre- construction meeting for the purpose of coordinating construction activities.
2. *Notification of Public Works*. It shall be the responsibility of the applicant to notify the Director of Public Works of the commencement of construction of improvements one full working day prior work beginning. Inspections shall be required at each of the following stages of construction or as otherwise determined through and owner contract or Subdivision Improvement Agreement:
   a. Site grading/erosion control completion;
   b. Underground utility installation;
   c. Subgrade preparation prior to aggregate base installation;
   d. Aggregate base compaction;
   e. Concrete curb and gutter installation;
   f. Bituminous binder placing; and

g. Final surfacing prior to seal coat

3. *Responsibility*. The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

C. **Construction Approval.**

1. *Installation and Acceptance*. Approval of the installation of improvements by the Director of Public Works shall not constitute acceptance by the Town of the improvement for dedication purposes. The installation of improvements in any subdivision shall, in no case, serve to bind the Town to accept such improvements for maintenance, repair, or operation. Such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.
2. *Easement Standards*. All easements shall be in full compliance with this UDO and any adopted policy or manual of the Town prior to acceptance.
3. *Responsibility Prior to Acceptance*. The Town shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements have been accepted.
4. *Conditions of Acceptance*. Only when improvements have been constructed as required in this UDO and adopted policies or manuals of the Town, a minimum of 80 percent build-out along the public street has been achieved, and the applicant has submitted as-built drawings to the Director of Public Works, shall the Town Council accept the improvements for maintenance by the Town, except that this shall not apply to improvements maintained by another entity.
5. *Town Notification*. These provisions shall not be construed to relieve the subdivider or the subdivider's agent or contractor of any responsibility in notifying any agency for the Town of completed work and formal request for inspection of same. The agency having jurisdiction shall inspect and approve all completed work prior to the release of any applied performance sureties.

CHAPTER 123: ENVIRONMENTAL MANAGEMENT

Contents:

§ 123.01 Flood Damage Prevention
§ 123.02 Flood Hazard Reduction

§ 123.01 Flood Damage Prevention

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123.01.01 Statutory Authorization

This Section is adopted under the authorization of the Legislative North Carolina has in NCGS § 160D-923, which has delegated the responsibility of local governmental units to enact and enforce floodplain regulation or flood damage prevention regulations.

123.01.02 Findings of Fact

A. **Flood-prone Areas**. The flood-prone areas within the jurisdiction of the Town of Harrisburg are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. **Creation of Losses**. These flood losses are created by the cumulative effect of obstructions in floodplains, which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

123.01.03 Statement of Purpose and Disclaimer

A. **Purpose**. It is the purpose of this Section is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

B. **Objectives.** The objectives of this Section are to:

1. Protect human life, safety, and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at expense of the general public;
4. Minimize prolonged business losses and interruptions;

5. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
7. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

C. **Warning and Disclaimer or Liability**. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur.. Actual flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town of Harrisburg or by any officer or employee thereof for any flood.

123.01.04 Applicability

This Section shall apply to all areas of special flood hazard within the jurisdiction of this UDO.

123.01.05 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Section uses the following methods:

A. **Danger Uses**. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;

B. **Vulnerable Uses**. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. **Alteration of Floodplains**. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

D. **Development Activities**. Control filling, grading, dredging and other development which may increase flood damage;

E. **Flood Barriers**. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

123.01.06 General Standards

A. **Basis for Establishing the Areas of Special Flood Hazard**. The Special Flood Hazard Areas are those identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for Cabarrus County, North Carolina dated November 16, 2018 with accompanying Flood Insurance Rate Maps (FIRM) and any revisions to such report or map are hereby adopted by reference and declared to be a part of this Article.

B. **Compliance.** No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Article and other applicable regulations.

§ 123.02 Flood Hazard Reduction

Contents:

123.02.01 Establishment of Floodplain Development Permit (4.14.7, 9.1, 9.2, Appendix B-9, 10)
123.02.02 General Standards (4.14.18.1)
123.02.03 Specific Standards (4.14.18.2)
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123.02.06 Floodplains Without Established Base Flood Elevations (4.14.19)
123.02.07 Riverine Floodplains with BFE But Without Established Floodways Or Non-Encroachment Areas (4.14.20)
123.02.08 Floodways (4.14.21)

123.02.01 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in accordance with Sec. 125.02.07, *Floodplain Development Permit*, to ensure conformance with the provisions of this Article.

123.02.02 General Standards

A. **Required Provisions**. In all Special Flood Hazard Areas, the following provisions are required for all new construction and substantial improvements:

1. *Anchoring*. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. *Flood Damage Minimization*. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. *Materials*. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. *Electrical, Mechanical, and Plumbing Systems*. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. *Water Supply*. All new and replacement water supply systems shall be designed to minimize
6. *Wastewater*. New and replacement wastewater systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
7. *On-Site Systems*. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. **Necessary Permits.** All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

123.02.03 Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Subsection 123.01.06.A, *Basis for Establishing the Areas of Special Flood Hazard,* or Section 123.02.06, *Floodplains Without Established Base Flood Elevations,* the following provisions, in addition to the provisions of Section 123.02.02, are required:

A. **Net Fill**. For any type of construction there shall be no net fill of the 100-year floodplain.

B. **Residential Construction**. New construction and substantial improvement of any residential structure, including a manufactured home, shall have the lowest floor (including basement), elevated to a minimum of one foot above the BFE. A licensed professional engineer, architect, or registered professional land surveyor shall submit a certification to the Floodplain Director verifying that the standard of this Subsection is satisfied.

C. **Manufactured Homes**.

1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is a minimum of one foot above the BFE.
2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS §143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
3. All enclosures or skirting below the lowest floor shall meet the requirements of subsection D., Manufactured Homes, of this Section.

4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Director and the local Emergency Management coordinator.

D. **Mixed Use or Nonresidential Construction**. New construction and substantial improvements of any mixed-use or nonresidential structure shall either have the lowest floor (including basement) elevated a minimum of one foot above the BFE. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 123.02.05, *Standards for Areas of Shallow Flooding Zones*. A registered shall be provided to the Floodplain Director as set forth in Section 125.02.07, *Floodplain Development Permit*, along with the operational and maintenance plans.

E. **Enclosures**. For new construction and substantial improvements, fully enclosed areas below the lowest floor may be used solely for parking of vehicles, building access, or storage. These areas shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

1. *No Habitable Space*. The interior portion of the enclosed areas may not be partitioned, temperature-controlled, or finished into separate rooms.
2. *Materials.* Encloses areas shall be constructed entirely of flood-resistant materials at least to the regulatory flood protection elevation.
3. *Bottom of Openings.* The bottom of all openings shall be no higher than one foot above grade.
4. *Openings on Walls.* A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
5. *Coverings or Devices.* Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
6. *Access.* Access to the enclosed area must be the minimum necessary to allow for parking of vehicles (garage door), storage (standard exterior door), or entry to the living area (stairway or elevator).

F. **Recreational Vehicles.** Recreational vehicles shall either:

1. *Standards.* Recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM shall either:
   a. Be on the site for fewer than 180 consecutive days;
   b. Be fully licensed and ready for highway use; or
   c. Meet all requirements for new construction.

G. **Temporary Non-Residential Structures**. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Director a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification**.** The following information shall be submitted in writing to the Floodplain Director for review and written approval:

1. *Time Period.* A specified time period for which the temporary use will be permitted shall be submitted. The time specified may not exceed three months, renewable up to one year.
2. *Individual Responsible*. The name, address, and phone number of the individual responsible for the removal of the temporary structure shall be provided.
3. *Time Frame for Removal*. A time frame prior to the event at which a structure will be removed shall be given (i.e., a minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification).
4. *Designation.* The applicant shall submit the designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

H. **Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. *No Habitable Space*. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas).
2. *Temperature.* Accessory structures shall not be temperature-controlled.
3. *Low Flood Potential.* Accessory structures shall be designed to have low flood damage potential.
4. *Minimum Resistance.* Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
5. *Anchored.* Accessory structures shall be firmly anchored in accordance with the provisions of Section 123.02.02, *General Standards*.
6. *Facilities*. All service facilities such as electrical shall be installed in accordance with the provisions of Section 123.02.02, *General Standards*.
7. *Flood Openings.* Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 123.02.02, *General Standards*.
8. *Accessory Structures Less Than 150 Square Feet.* An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 123.02.05, *Standards for Areas of Shallow Flooding Zones*.

123.02.04 Standards for Subdivision Proposals

A. **Applicable Provisions**. All subdivision proposals which, for the purposes of this Section, include the placement of manufactured home parks shall be consistent with all applicable provisions of this UDO.

B. **Permit**. All subdivision proposals shall meet the Floodplain Development Permit requirements of Section 125.02.07, *Floodplain Development Permit*

C. **Base Flood Elevation Data**. The applicant shall generate base flood elevation data for subdivision proposals and other proposed development that is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to Section 123.01.06, *General Standards*, and Section 124.04.05, *Floodplain Director*.

D. **Adequate Drainage**. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

E. **Public Facilities**. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

123.02.05 Standards for Areas of Shallow Flooding (AO zones)

Located within the Special Flood Hazard Areas, established in Section 123.01.06, *General Standards*, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

A. **Residential Structures**. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the BFE or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

B. **Mixed-Use and Nonresidential**. All new construction and substantial improvements of mixed-use and nonresidential structures shall:

1. *Elevation*. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
2. *Watertight.* Together with attendant utility and sanitary facilities, be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

C. **Certification**. A licensed professional engineer or architect shall submit a certification to the Floodplain Director that the standards of this section are satisfied.

D. **Drainage Paths**. Within zones AH or AO adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

123.02.06 Floodplains Without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 123.01.06, *General Standards*, in addition to the provisions of Section 123.02.02, *General Standards,* shall apply:

A. **Encroachments.** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. **Determining the Regulatory Flood Protection Elevation.** The Base Flood Elevation (BFE) used in determining the regulatory flood protection elevation shall be determined based on the following criteria:

1. When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 123.02.02, *General Standards*, and 123.02.03, *Specific Standards*.
2. When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Section 123.02.03, *Specific Standards,* and Section 123.02.08, *Floodways*.
3. All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five acres or has more than fifty lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Section 123.01.06, *General Standards*, and utilized in implementing this UDO.
4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in § 128.02, *Definitions*. All other applicable provisions of Section 123.02.03, *Specific Standards,* shall also apply.

123.02.07 Riverine Floodplains with BFE But Without Established Floodways or Non-Encroachment Areas

A. **Generally**. Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

B. **General and Specific**. Standards set out in Section 123.02.02, *General Standards*, and Section 123.02.03, *Specific Standards.*

C. **Encroachments**. Until a regulatory floodway or non-encroachment area is designated, any encroachments, including fill, new construction, substantial improvements, or other development, are prohibited unless certification with supporting technical data by a registered professional engineer is provided. This data shall demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

123.02.08 Floodways

A. **Generally**. Located within areas of special flood hazard established in Section 123.01.06, *General Standards*, are areas designated as floodways. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply:

B. **Encroachments Generally**. Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the

proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

C. **Permitted Encroachments**. If subsection A, Encroachments Generally, above is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of this Section.

D. **Increase in BFE**. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by 44 CFR Chapter 1, Section 65.12.

CHAPTER 124: ADMINISTRATION

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124.01.01 Title and Hierarchy

A. **Title**. This Ordinance shall be known and may be cited as the Unified Development Ordinance (hereinafter "this Ordinance"). This Ordinance may also be known and may be referred to as "this UDO."

B. **Hierarchy**.

1. This Title is divided into Chapters, Sections, and Subsections. Subsequent levels such as paragraphs, and subparagraphs may be used but are not named.
2. The reference format used throughout this Title is as shown in Table 124.01.01-1, *References*.
3. A reference, such as “this Chapter” or “this Section” means within the same Chapter or Section where such a reference appears.

Table 124.01.01-1, References

Example Reference	Level	Refers to
TITLE XV	Title	Title XV: Land Usage
Chapter 120	Chapter	Title XV, Chapter 120
§	Section	Title XV, Chapter 120, §120.01
Section	Section	Title XV, Chapter 120, §120.01, Section 120.01.01

124.01.02 Purposes

The purposes of this UDO are to:

A. **Comprehensive Plan**. Implement the applicable policies of the Harrisburg Area Land Use Plan.

B. **Public Health and Safety**. Protect public health, safety, and environmental quality by:

1. Providing adequate light and air;
2. Promoting a safe, effective traffic circulation system;
3. Providing safety from fire and other dangers; and
4. Encouraging proper population densities.

C. **Quality of Life**. Protect the quality of life of Town residents, business owners, employees, and visitors by:

1. Improving the Town's appearance through the regulation of design, where such regulations are appropriate and allowed by State law;

2. Protecting property against blight and depreciation by facilitating reinvestment, redevelopment, and infill development;
3. Promoting walkability;
4. Protecting and strengthening existing neighborhoods;
5. Promoting a range of housing choices;
6. Protecting and enhancing areas of scenic, historic, or cultural importance; and
7. Encouraging connectivity between neighborhoods, public and private amenities, and areas for work, recreation, and commerce.

D. **Economic Development.** Encourage economic opportunities, particularly those that have meaningful multiplier effects in the local economy by promoting the vitality and development of mixed-use, commercial, and industrial districts.

124.01.03 Authority and Jurisdiction

A. **Authority.** The Town is authorized by the North Carolina General Statutes ("NCGS") to exercise broad powers in the regulation of zoning, planning, subdivision of land, and building. The Town through the UDO intends to use all powers provided by virtue of Chapter 160D of the NCGS. The UDO also uses specific powers granted in other Sections of the NCGS relating to particular types of development or particular development issues, including but not limited to right-of-way preservation, sedimentation control, watershed protection, historic preservation, and beautification and urban design.

B. **Jurisdiction.** All provisions of this UDO apply within the corporate limits of the Town or any Extraterritorial Jurisdiction ETJ) established pursuant to NCGS §160D-202.

124.01.04 Conflicts of Interest (1.1.7)

NCGS Chapter 160D-109 shall govern financial and other conflicts of interest related to legislative and quasi-judicial bodies and administrative officials.

124.01.05 Enactment, Effective Date and Repeal

A. **Enactment.** The enactment of this UDO shall repeal and replace the previously adopted Unified Development Ordinance, that was in place prior to the effective date of the updated UDO as noted below.

B. **Effective Date.** The effective date of this UDO is the later of:
1. August 9, 2021; or
2. The date that the Town Council adopts the Official Zoning Map.

§ 124.02 Administrative Provisions

Contents:

124.02.01 Applicability of UDO (1.1.6)
124.02.02 Plan Consistency (1.3)
124.02.03 Conformity with UDO (4.14.8)
124.02.04 Abrogation and Conflicting Provisions (1.4.1, 1.4.2, 4.14.9)
124.02.05 Minimum Requirements (4.14.10)
124.02.06 Severability (1.1.10)
124.02.07 Transitional Provisions (New)
124.02.08 Fees (1.1.8)
124.02.09 Vested Rights (1.2.2)

124.02.01 Applicability of UDO

The UDO shall apply to all public buildings and private land(s), and use(s) thereon over which the Town has jurisdiction under the constitution(s) and law(s) of the State of North Carolina and of the United States, including any areas within the jurisdiction of the Town pursuant to NCGS §160D-201. Pursuant to NCGS §160D-913, each provision of this UDO is applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

124.02.02 Plan Consistency

A. **Generally.** This UDO is intended to implement the goals, objectives, and policies of the Harrisburg Area Land Use Plan (HALUP). Any amendments to, or actions pursuant to the UDO shall be consistent with the HALUP.

B. **Amendments to Text.** Any amendment to the UDO must conform to the goals of the HALUP. Any amendment to the zoning map must be consistent with the future land use map contained in the HALUP and/or the purpose statement for the zoning district found in §120.02, *Zoning Districts and Standards*.

124.02.03 Conformity with UDO

Any administrative body vested with the authority to make a final decision on a development review application under this UDO may not issue an approval for any use, structure, subdivision, or improvement that conflicts with any provision of this UDO.

124.02.04 Abrogation and Conflicting Provisions

A. **Abrogation.** Except for those provisions of the Town Code explicitly repealed upon the adoption of this UDO, this UDO is not intended to repeal, abrogate, or impair any existing public or private laws, easements, covenants, or deed restrictions.

B. **Conflict.**

1. *Public Restrictions.* The following provisions apply to laws adopted by a federal, state, or local legislative body.
    a. Where this UDO conflicts with another local, state, or federal law, whichever the Director finds imposes the more stringent restrictions controls. Where the Director finds conflicting provisions to be equally stringent, then the provision more recently adopted controls.
    b. Where the text of this UDO conflicts with its tables or illustrative material, the text controls. Where a table of this UDO conflicts with an illustration, the table controls.
2. *Private Restrictions*. The Town does not interpret or enforce private restrictions, including, but not limited to, deed restrictions, covenants, or easements, unless it is a party to them. If the Town is a party to private restrictions, and such restrictions conflict with this UDO then the more stringent restrictions control.

124.02.05 Minimum Requirements

A. **Interpretation**. In the interpretation and administration of this UDO, all provisions shall be:
1. *Minimum Requirements*. Considered as minimum requirements for promotion of the purposes of this UDO; and
2. *Construed in Favor*. Liberally construed in favor of the Town.

B. **Other Applicable Requirements.** The approval of any development review application in accordance with the requirements of this UDO shall not relieve the applicant from the responsibility of complying with all other applicable requirements of any other local, state, or federal agency having jurisdiction over the land uses, structures, or improvements for which the approval was issued.

124.02.06 Severability

A. **Generally.** If a court of competent jurisdiction holds any provision of this UDO to be illegal or invalid, the remainder of this UDO shall remain in full force without being affected by the judgment.

B. **As-Applied.** If a court of competent jurisdiction holds any application of a provision of this UDO to a particular structure, land, or water to be illegal or invalid "as-applied", such judgment shall not be applicable to any other structure, land, or water not specifically included in the judgment

124.02.07 Transitional Provisions

A. **Approvals**. Any building, structure, or development for which legislative development approval with an expiration date was issued and had not expired prior to the effective date of this UDO may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this UDO. If a Building Permit is not obtained according to the requirements of the prior UDO or the applicable permit terms, the Town Council may, for good cause shown, grant an extension for the development approval for up to one year for the purpose of obtaining a Building Permit under the terms of the previously applicable UDO. If a Building Permit is not obtained within the time allowed under the original UDO or permit or any extension granted, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this UDO.

B. **Pending Applications.** Applications that are not pursued with due diligence may expire pursuant to Sec. 125.01.12, *Inactive and Expired Applications*.

124.02.08 Fees

A. **Generally**. Every process and application established by this UDO shall have a corresponding and appropriate application fee in accordance with the Town's Fee Schedule, as established in the Town's Development Guidebook.

B. **Schedule of Fees**.
   1. Fees shall be limited to the reasonable costs of administering and processing applications for development approval
   2. No permit, certificate, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses are paid.

C. **Exception.** No fees shall be charged to any government agency for work being performed by the employees of the agency.

124.02.09 Vested Rights (1.2.2)

The provisions of this UDO shall not apply to:

A. A validly approved statutory vested right (including currently effective site-specific vesting plan or preliminary plat approved prior to the effective date of this UDO provided) in accordance with NCGS §160D-108 and §160D-108.1; or

B. A judicial established common law vested right where
   1. The owner has made substantial expenditures;
   2. The expenditures were made in good faith;
   3. The expenditures were made in reliance on valid government approval, if such was required; and
   4. The owner would be harmed with a vested right.

§ 124.03 Legislative and Quasi-Judicial Bodies

124.03.01 Town Council

A. **Generally.** The Town Council has all powers conferred upon it by the Town's Code of Ordinances and this UDO. The Town Council will exercise the duties and responsibilities listed in this Section.

B. **Powers and Duties.** The Town Council shall have the following powers and duties to be carried out in accordance with this UDO which include, but are not limited to, the following:
   1. To initiate, adopt, and amend a Harrisburg Area Land Use Plan (HALUP);
   2. To initiate amendments to the text and map of this UDO and the HALUP;
   3. To review recommendations of the Planning and Zoning Board, and make final decisions on applications for amendments to the text of this UDO;
   4. To hear, review, and approve, conditionally approve, or deny amendments to the Official Zoning Map after a recommendation of the Planning and Zoning Board has been submitted;

5. To hear, review, and approve or disapprove all applications for major subdivision approval after recommendation from the Planning and Zoning Board; and
6. To take such other action not otherwise delegated, as the Town Council may deem desirable and necessary to implement the provisions of this UDO and the Harrisburg Area Land Use Plan.

124.03.02 Planning and Zoning Board

A. **Establishment.** This Section establishes a Planning and Zoning Board.

B. **Generally.** The Board shall provide an advisory function to assist in making decisions pertaining to amendments to the Harrisburg Area Land Use Plan (HALUP) or this UDO, and development review applications.

C. **Powers and Duties.**

1. *Matters in this UDO.* The Board shall have the authority to make recommendations or make final decisions on the development review applications denoted in Section 125.01.14, *Development Review Summary Table*, and the following:
   a. To initiate preparation of and or amendments to the HALUP;
   b. To initiate, hear, review, and make recommendations to the Town Council on applications for text amendments of this UDO;
   c. To hear, review, and make recommendations to the Town Council on applications for Zoning Map amendments;
   d. To hear, review, and make recommendations to the Town Council on all applications for major subdivision approval in accordance with this UDO; and
   e. To adopt bylaws, policies, procedures, and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Board. All bylaws, policies, procedures, and regulations shall be consistent with this Ordinance and shall be approved by the Town Council before taking effect.
2. *Matters Outside of this UDO.* The Board shall have the following additional powers and duties. The Board shall:
   a. Recommend amendments of the HALUP to the Town Council; and
   b. Make periodic report to the Council as to the Board's activities, as requested.

D. **Membership**.

1. *Numbers*. The Board shall consist of seven members.
2. *Appointments.* The Town Council shall appoint members of the Board for terms of three years. Terms begin from the date of appointment.
3. *Composition.* The membership shall include proportional representation for extraterritorial areas.
4. *Vacancies and Removal.* The Town Council shall fill vacancies in an unexpired term by appointment for the remainder of the term. The Town Council may vote to remove a member for good cause at any time in a public meeting.
5. *Compensation*. Members may be compensated per diem, based upon meetings actually attended and reasonable and necessary expenses, as determined by the Town Council.

E. **Officers and Staff**.

1. *Election.* The Board shall elect a Chairperson and Vice-Chairperson at the first meeting of each calendar year. or as specified in the Board adopted by-laws.
2. *Officer Duties.* The chair, or in the chair's absence the vice-chair, shall administer oaths, be in charge of all proceedings before the Board, and take such action necessary to preserve the order and integrity of all proceedings before the Board. In the absence of both, the Board shall elect a temporary chair to conduct the meeting.
3. *Staff.* The Director shall serve as the professional staff of the Board and shall appoint a recording secretary to keep minutes to summarize all proceedings, attested to by a majority of the members of the Board voting. In addition, the secretary shall maintain all records of Board meetings, hearings, and proceedings, as well as the correspondence of the Board.

F. **Quorum and Voting.** A quorum shall consist of a majority of the entire membership of the Board, and any issue to be voted on shall be resolved by a majority of those members present. The Chairperson shall be entitled to vote upon any question, but shall have no veto power.

G. **Meetings and Procedures**.

1. *Frequency, Location, Date. and Time.* The Board shall meet not less than once each month, unless there are no items for it to review. Meetings shall be held at the place, time, and date stated on the notice of meeting posted at the Harrisburg Town Hall. Meetings shall be open to the public. The Town Council, Chairperson, a majority of the Board or the Director may call a special meeting following required notice.
2. *Absences*. Any member of the Board who misses three consecutive regular meetings without valid reason, as determined by Council, shall be deemed no longer interested in serving, and the Council shall appoint a new interim member to fill the vacancy.
3. *Rules of Procedure.* The Board may establish its own rules of procedure, provided that such shall not conflict with the laws applicable to the Board or the provisions of this UDO.
4. *Postponed Item.* If a matter is postponed due to lack of a quorum, the chair of the Board shall continue the meeting to the next Board meeting. The recording secretary shall notify all members and all appropriate parties of the date of the continued meeting.

124.03.03 Board of Adjustment

A. **Establishment.** This Section establishes a Board of Adjustment (BOA). In accordance with Section 124.03.02, the Planning and Zoning Board shall act in the capacity of the Board of Adjustment, in addition to its capacity as the planning agency.

B. **Powers and Duties.** The BOA shall have the authority to make final decisions on the development review applications denoted in Section 125.01.14, *Development Review Summary Table.*

C. **Membership.**

1. *Numbers*. The BOA shall consist of five regular members.
2. *Appointments.* The Town Council shall appoint members of the BOA for terms of three years. Terms begin from the date of appointment.
3. *Alternative Members.* The Town Council shall appoint two alternate members of the BOA to temporarily serve in the absence of a permanent member. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. The Town Council may fill a vacancy among the alternate members in the same manner as a vacancy among the regular members.
4. *Composition.* All seven of the regular and alternate members shall be the same persons as are appointed as regular members of the Planning and Zoning Board
5. *Vacancies and Removal.* The Town Council shall fill vacancies in an unexpired term by appointment for the remainder of the term. The Town Council may vote to remove a member for good cause at any time in a public meeting.
6. *Compensation.* Members may be compensated per diem, based upon meetings actually attended and reasonable and necessary expenses, as determined by the Town Council.

D. **Officers and Staff**.

1. *Election.* The BOA shall elect a Chairperson and Vice-Chairperson at the first meeting of each calendar year.
2. *Officer Duties.* The chair, or in the chair's absence the vice-chair, shall administer oaths, be in charge of all proceedings before the BOA, and take such action necessary to preserve the order and integrity of all proceedings before the BOA. In the absence of both, the BOA shall elect a temporary chair to conduct the meeting.
3. *Staff.* The Director shall serve as the professional staff and clerk of the BOA and in his or capacity as clerk shall keep minutes to summarize all proceedings, attested to by a majority of the members of the BOA voting.
4. *Recordkeeping*. Minutes of the proceedings of the BOA showing the vote of each member and records of its examinations and other official actions shall be filed in the Planning and Zoning Office as a public record.

E. **Meetings and Procedures**.

1. *Frequency, Location, Date. and Time*. The BOA shall meet not less than once each month unless there are no items for it to decide upon. The Chairperson may call a special meeting following required notice.

2. *Absences*. Any member of the BOA who misses three consecutive regular meetings without valid reason, as determined by Council, shall be deemed no longer interested in serving, and the Council shall appoint a new interim member to fill the vacancy.
3. *Rules of Procedure*. The BOA may establish its own rules of procedure, provided that such shall not be in conflict with the laws applicable to the BOA or the provisions of this UDO.

F. **Oaths**. The chair, acting chair, or clerk of the BOA shall administer oaths to those participating in any matter coming before the BOA. Any person who, while under oath during a proceeding before the BOA who willfully swears falsely is guilty of a Class 1 misdemeanor.

G. **Subpoenas**. The BOA, through the chair or acting as chair may subpoena witnesses and compel the production of evidence.

124.03.04 Historic Preservation Commission

A. **Establishment.** This Section establishes the Harrisburg Historic Preservation Commission.

B. **Generally.** The Commission shall seek to promote, enhance and preserve the character of the districts. The Historic Preservation Commission is authorized and empowered to undertake reasonable actions to discharge and conduct its duties and responsibilities as outlined in Subsection C, below.

C. **Powers and Duties.** The Commission's powers and duties include the following:

1. To recommend to the Planning and Zoning Board areas to be designated by ordinance as “historic districts” and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "landmarks”;
2. To recommend to the Town Council that designation of any area as a historic district or recommend the designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause;
3. To review and make final decision applications for Certificate of Appropriateness requests for alterations, demolition, or new construction within historic districts, or for the alteration or demolition of designated landmarks in accordance with this UDO;
4. To give advice to property owners concerning the treatment of the historical and visual characteristics of properties located within the districts, such as color schemes, gardens and landscaping features, and minor decorative elements;
5. To propose to the Town Council changes to this or any related ordinance; propose new ordinances or laws relating to the historic districts, historic landmarks, or the development of the historical resources of the Town of Harrisburg and its environs;
6. To cooperate with other Town of Harrisburg boards or commissions or with agencies of the Town or other governmental units; offer or request assistance, aid, guidance, or advice concerning matters under its purview;
7. To publish information about, or otherwise inform, the owners of property within the districts of any pertinent matters. Such information may be in the form of guidelines, handbooks, pamphlets, brochures, etc;
8. To conduct an educational program with respect to historic districts and landmarks within its jurisdiction;
9. To undertake programs of information, research, or analysis relating to any matters under its purview;
10. To report violations of this UDO or related ordinances to the Planning Director responsible for enforcement;
11. To assist Town of Harrisburg staff in obtaining the services of private consultants to aid in carrying out programs of research or analysis;
12. To acquire by any lawful means, the fee or any lesser included interest, including options to purchase properties within established districts or any properties designated as landmarks:
13. To hold, manage, preserve, restore, and improve the same exchange or dispose of the property by public or private sale, lease, or otherwise, subject to covenants or other legal instruments;
14. To accept funds granted to the Commission from private or nonprofit organizations;
15. To contract, with the approval of the Town Council, for services or funds from the State of North Carolina and agencies or departments of the United States government;
16. To recommend to the Town Council and the State of North Carolina structures, sites, objects, or districts worthy of national, state or local recognition;

17. To negotiate at any appropriate time with the owner of a building, structure, site, area, or object for its acquisition or its preservation when such action is reasonable, necessary, or appropriate;
18. To establish guidelines under which the Planning Director or his designee may approve minor modifications on behalf of the Commission. No application shall be denied without first being considered by the Commission;
19. To conduct public hearings on applications for Certificates of Appropriateness where the Commission deems that such a hearing is necessary;
20. To organize itself and conduct its business by whatever legal means it deems proper; and
21. To exercise such other powers and perform such other duties as are required elsewhere by this UDO, the General Statutes of North Carolina, or by the Town Council.

D. **Membership.**

1. *Composition.* All members of the Historic Preservation Commission shall be residents of the territorial zoning jurisdiction of the Town of Harrisburg and a majority of the members shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.
2. *Appointments*. Members of the Historic Preservation Commission shall serve overlapping terms of three years. A member may be reappointed for a second consecutive term. After two consecutive terms a member shall be ineligible for reappointment until one calendar year has elapsed from the date of termination of the second term.

E. **Meetings and Procedures.**

1. *Frequency, Location, Date. and Time.* The Commission shall establish a meeting time, and shall meet at least quarterly. All meetings of the Commission shall be open to the public and reasonable notice of the time and place shall be given to the public.
2. *Rules of Procedure*. The Historic Preservation Commission shall adopt and publish rules of procedure for the conduct of its business.
3. *Absences*. Any member of the Commission who misses more than three consecutive regular meetings or more than half of the regular meetings in a calendar year without valid reason, as determined by Council, shall be deemed no longer interested in serving, and the Council shall appoint a new interim member to fill the vacancy. Absence due to sickness, death, or other emergencies shall be recognized as approved absences. In the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

F. **Annual Report.** An annual report shall be prepared and submitted by June 30 of each year to the Town Council. Such report shall include a comprehensive and detailed review of the activities, problems, and actions of the Commission, as well as any budget requests and/or recommendations.

G. **Recordkeeping.** The Commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations, and actions. The minutes of the Commission shall be public record.

§ 124.04 Administrative Officials

124.04.01 Development Review Committee (“DRC”)

A. **Generally.** A regulatory body to be known as the Development Review Committee (DRC) is hereby established for the purpose of:

1. Administering the requirements of this UDO;
2. Ensure that all information necessary to determine compliance with this UDO has been provided;
3. Formulating staff recommendations;
4. Rectifying review comments between Town departments and referral agencies; and
5. Providing cohesive and timely review of subdivision applications.

B. **Membership.**

1. The DRC shall be comprised of the Town staff designated by the Director and representatives from each referral agency that reviews development projects in conjunction with the Town.

2. Based on the nature of a development, DRC meetings can be limited to those staff and agencies affected by the development, or can be expanded to include additional agencies or staff with review responsibilities

C. **Powers and Duties**. The DRC shall have the authority to make recommendations on the development review applications denoted in Section 125.01.14, *Development Review Summary Table*.

D. **Meetings.** DRC meetings shall be convened by the Director, as necessary.

124.04.02 Planning Director (2.1)

A. **Generally**. The Planning Director is a senior member of the City staff or their designee who is ultimately responsible for processing an application to a final decision (in case of administrative review applications) or making a recommendation to another review body (in case of all other applications) and serves as a Director of the UDO.

B. **Powers and Duties**. The Planning Director shall have the authority to make recommendations and final decisions on the development review applications denoted in Section 125.01.12, *Development Review Summary Table*.

C. **Right of Inspection**. The Planning Director or his designee is empowered to enter any building, structure, or premises in the City upon which a development or land use is located, as follows:

1. Entry shall be for the purpose of inspection to ensure compliance;
2. Inspection shall be performed during business hours, unless an emergency exists; and
3. Inspection shall be made only after:
    a. An order from a court of competent jurisdiction; or
    b. Contact and permission is granted by the owner or tenant.

D. **Recommendations**. The Planning Director shall make a report and recommendations with regard to all applications requiring approval from this UDO.

E. **Other Powers and Duties.** The Planning Director shall:

1. Establish deadlines for how far in advance an initial application must be submitted to be reviewed by either the City Council and/or the Planning and Zoning Board;
2. Provide application materials for applicants;
3. Schedule all Development Review Committee meetings; and
4. Submit in writing to an applicant and specific conditions required as a part of conditional approval for any and all applications.

124.04.03 Code Enforcement Officer (2.1.4)

A. **Powers and Duties Relative to Matters in this UDO**. The Code Enforcement Officer shall have the authority to make final decisions on the development review applications denoted in Section 125.01.14, *Development Review Summary Table.*

B. **Powers and Duties Relative to Matters Outside of this UDO**. In addition to the powers and duties set forth above, the Code Enforcement Officer shall perform duties as outlined in the remainder of the Town Code.

124.04.04 Town Engineer (“Engineer”)

A. **Powers and Duties Relative to Matters in this UDO**. The Town Engineer shall have the authority to make final decisions on the development review applications denoted in Section 125.01.14, *Development Review Summary Table*.

B. **Powers and Duties Relative to Matters Outside of this UDO**. In addition to the powers and duties set forth above, the Town Engineer shall perform duties as outlined in the remainder of the Town Code.

124.04.05 Floodplain Director (4.14.13, 4.14.15)

A. **Designation of the Floodplain Director**. The Planning Director or his/her designee, hereinafter referred to as the “Floodplain Director”, is hereby appointed to administer and implement the provisions of this Section.

B. **Powers and Duties.**

1. *Recommendations and Final Decisions.* The Floodplain Director shall have the authority to make recommendations or final decisions on the development review applications denoted in Section 125.01.12, *Development Review Summary*.
2. *Other Powers and Duties.* The Floodplain Director shall have the following additional powers and duties. The Floodplain Director:
   a. Shall maintain and hold open for public inspection all records pertaining to the floodplain provisions of this UDO;
   b. Shall review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
   c. May, under the provisions of CFR Title 44, Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, approve certain development in zones A1-30, AE, AH, on the Town's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the Town first completes all of the provisions required by CFR Title 44, Chapter 1, Section 65.12, Section 65.12.
   d. Shall require that no new construction, substantial improvements, or other development (including fill) be permitted within zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), when a regulatory floodway has not been designated, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
   e. Shall maintain a record of all actions involving a Floodplain Variance and shall report such Variances to FEMA upon request.
   f. Shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of Chapter 123, *Environmental Management*, when base flood elevation data has not been provided in accordance with Section 123.01.06, *General Standards*;
   g. Shall assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;
   h. Shall notify North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA); and
   i. Shall make the necessary interpretation, where interpretation is needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

CHAPTER 125: DEVELOPMENT REVIEW PROCEDURES

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§ 125.01 Purpose, Applicability, and Common Review Procedures

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125.01.01 Purpose

The purpose of this Section is to consolidate and standardize the Town's development review procedures and to establish development review duties related to recommendations, final decisions, and appeals.

125.01.02 Applicability

A. **Generally**. The Sections of this Chapter apply to all development activity that requires a recommendation or final decision from a legislative, quasi-judicial, or administrative body denoted in Chapter 124, *Administration*.

B. **Timing**. All development review applications applicable to a proposed development must be issued in accordance with the provisions of this UDO, prior to any development activity. Development review approvals are required for all development, unless otherwise excepted, to ensure compliance with the various adopted codes, standards, and laws and to ensure consistency with the Harrisburg Area Land Use Plan.

C. **Sequence of Development Approval**. Where more than one development review application is required by this UDO in order to initiate, continue, or complete a development, administrative bodies shall make final decisions in the following sequence. An administrative body shall make final decisions on:

1. Legislative applications prior to final decisions on all other applications;
2. Quasi-judicial applications prior to final decisions on subdivision or administrative applications;
3. Subdivision applications prior to final decisions on administrative applications; and
4. Applications within the same category as Section 125.01.14, *Development Review Summary*, assigns priority.

125.01.03 Pre-Application Conference

A. **Purpose**. The purpose of a pre-application conference is an opportunity for Town Staff to learn about a potential project and familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.

B. **Procedures Requiring a Pre-Application Conference**. Any application needing review by the Town Council, Planning and Zoning Board, Board of Adjustment, or Historic Preservation Commission shall require a pre-application conference.

C. **Conference Meeting**. The applicant shall meet with the Director to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application.

D. **Sketch Plan**. The applicant shall submit a sketch plan as a basis for discussion prior to or at the pre-application conference. The sketch plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and the size and scale of the proposed development. The applicant may submit additional materials at his or her discretion.

E. **Requested Submittals**. At or following the pre-application conference, Town staff may request that the applicant provide additional materials at the time of application submittal as may be necessary to permit the informed exercise of judgment under the decision criteria for the application.

F. **Disclaimer**. Outcomes of the pre-application conference shall not imply, in whole or in part, any final decision on the application.

G. **Continuing Review Process**. After the pre-application conference has occurred:

1. Applications that require a neighborhood meeting may subsequently undergo the processes established in Subsection 125.01.04, *Neighborhood Meeting;* or
2. Applications that do not require a neighborhood meeting may subsequently undergo the processes established in Subsection 125.01.05, *Application Submittal and Completeness.*

125.01.04 Neighborhood Meeting

A. **Application Acceptance**. The Director shall not accept an development review application that increases density or intensity compared to existing development on a property unless:

1. *Meeting*. All adjacent property owners have been invited to a neighborhood meeting held at a reasonable time and location; and
2. *Attendance and Summary*. The applicant submits a summary report indicating attendance and results of the meeting.

B. **Director Duty**. The meeting shall be set up by the Director or designated Town Staff on a regularly scheduled date for holding Neighborhood Meetings. The applicant may conduct additional neighborhood meetings prior to the hearing at his or her discretion.

1. *Mailed Notice*. The Director shall mail notice of the Neighborhood Meeting to the owners of affected parcels of land and the owners of all parcels of land located within 300 feet of the boundaries of the land subject to the application. For the purpose of this Section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor.
2. *Posted Notice*. The Director shall prominently post a notice of the Neighborhood Meeting on the subject property or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

C. **Continuing Review Process**. After the neighborhood meeting has occurred applications may subsequently undergo the processes established in Subsection 125.01.05, *Application Submittal and Completeness.*

125.01.05 Application Submittal and Completeness

A. **Applications Requiring Applications Submittal**. All development review applications are required to undergo the application submittal process.

B. **Forms and Fees**. Every development review application required by this UDO shall be submitted in a format and in numbers established by the Director and shall include the corresponding application fee that is established by

the Town Council. Refer to the Town's Development Guidebook for application forms, fees, and submittal content requirements.

C. **Authorization to Initiate an Application**. Table 125.01.05-1, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

Table 125.01.05-1, Application Authorization

Application Type	Town Council or Planning and Zoning Board	Property Owner[1]	Party Aggrieved by an Administrative Decision[1]
Administrative Applications (§ 125.02)		♦	
Legislative Applications (§ 125.03)	♦[2]	♦	
Quasi-Judicial Applications (§ 125.04)		♦	♦
Subdivision Applications (§ 125.05)		♦	

TABLE NOTES:
♦ Entity may initiate an application
[1] Including his or her agent
[2] Excluding a Conditional Zoning Approval application. Only the property owner or agent may initiate such application.

D. **Refunds**. Fees for a rejected, denied, expired, voided, or revoked application are not refundable.

E. **Deadlines**. The Director may establish periodic application submittal deadlines. The schedule shall provide adequate time for notice and/or publication. Completed applications shall be filed according to any published schedule of the Planning Department.

F. **Applications Requiring Completeness Review**. All development review applications are required to undergo completeness review.

G. **Director Responsibility**. The Director shall review all development review applications for completeness.

H. **Meaning of Completeness**. The Director shall deem complete a submittal that contains:

1. *All Information*. All of the submittal information required in the application form;
2. *Certifications*. Documents or drawings that are prepared and certified by qualified professionals (where such certifications are required);
3. *Fee*. The application fee; and
4. *Additional Information*. Any additional information resulting from the pre-application conference, neighborhood meeting, or that is necessary to demonstrate compliance with all of the applicable requirements of this UDO.

I. **Applications with Submittal Deadlines**. For application types that have an established submittal deadline, such as legislative, quasi-judicial, or subdivision applications, the completeness review and notification required in Paragraph L, *Incomplete Applications*, below, shall be accomplished no later than 15 business days after the specified submittal deadline.

J. **Applications without Submittal Deadlines**. For application types that do not have an established submittal deadline, such as administrative applications, the application completeness review and notification required in Paragraph L, *Incomplete Applications*, below, shall be accomplished no later than 10 business days from the date the application is submitted.

K. **Completeness Does Not Equate to Approval**. A determination of completeness does not mean that:

1. *Accuracy*. The contents of the submittal are accurate or that they comply with the standards of this UDO;
2. *Recommendation*. The application will receive a positive recommendation or final decision from the applicable administrative body; or
3. *Clarification*. During review, additional clarification or information will not be needed.

L. **Incomplete Applications.**

1. *Director Duties*. If the Director determines that a submittal is not to be complete, the Director shall:
   a. Notify the applicant in writing with a list of all missing or incomplete items; and
   b. Provide a maximum of 45 calendar days for the applicant to resubmit the missing or incomplete items.
2. *Rejection*. If the missing or incomplete items are not submitted within the 45-day period, the Director shall deem the application rejected, shall not accept the application for filing, and shall make the submittal and

application fee available to the applicant for retrieval. After the Director rejects an application, a new application and fee shall be required if the applicant wishes to apply again.

3. *Not Considered Submitted.* Incomplete or rejected applications are not considered "submitted" or "filed" for the purposes this UDO. Complete applications are considered submitted on the date the Director deems them complete.
4. *Submittal of Corrections*. Corrected and submitted applications are not considered complete and submitted until the next available processing cycle deadline. For example, if a submittal deadline is on Monday, May 1, and a corrected application is submitted on May 5, then the application is deemed submitted and complete on the following submittal deadline of May 15, occurring every 15 days as established by the Director.

M. **Withdrawal of Application**. The applicant may withdraw an application at any time by submitting a written request to the Director. Withdrawal will result in the forfeiture of all Town fees paid by the applicant for the processing of the application.

N. **Successive Applications**. The Director shall not accept any application requiring that is substantially similar to an application that was denied at a public meeting or hearing 12 months prior. However, the Director may accept such an application within that time period if he or she finds there is new and different evidence that was not reasonably available at the time of the original hearing or that the application has substantially changed from the original.

O. **Continuing Review Process**. Complete applications shall subsequently undergo the processes established in Section 125.01.06, *Staff Review and Distribution*.

125.01.06 Staff Review and Distribution

A. **Applications Requiring Staff Review and Distribution**. All development review applications are required to undergo staff review and distribution.

B. **Final Decision or Distribution**. After completeness determination, the Director shall:

1. *Review and Comment.* Review the Administrative application and provide comments to the applicant, which may include required revisions;
2. *Review and Decide.* Review and make a final decision on the Administrative application or provide the application to the administrative body empowered by Section 125.01.14, *Development Review Summary*, to review and make a final decision on the application; or
3. *Distribute*. Distribute the Legislative, Quasi-Judicial, or Subdivision application to the appropriate review body or outside agency for recommendation or final decision according to Section 125.01.14, *Development Review Summary.*

C. **Required Revisions**.

1. *Comments*. During application review, the Director may provide comments from development review bodies, where applicable, to the applicant. The applicant shall then revise and resubmit the application with requested changes.
2. *Resubmittal*. Upon receipt of the resubmittal, the Director may refer the application to relevant development review bodies again if the changes substantially affect the interests of the agency in ways not anticipated by the reviewer's original comments, or require the reviewer's technical expertise for appropriate review.

D. **Administrative Recommendation or Decision**. Promptly after submittal of a complete application that addresses the comments provided pursuant to Subsection C, *Required Revisions*, above (or, after finding that no revisions are required):

1. *Administrative Applications*. If the application is for a review procedure addressed in §125.02, *Administrative Review Procedures*, then Town staff shall approve, conditionally approve, or deny the application, as appropriate. Applications receiving approval may subsequently undergo the processes established in Subsection 125.01.10, *Post-Approval Provisions*.
2. *Legislative, Quasi-Judicial, and Subdivision Applications*. If the application requires a public meeting or public hearing prior to a final decision, then the applicable Town staff shall forward a recommendation to the next development review body in the review process, according to Section 125.01.14, *Development Review Summary,* who will consider it for further recommendation or final decision.

E. **Common Decision Criteria**. In addition to all other applicable provisions of this UDO, development review bodies shall consider the provisions of 125.01.07, *Common Decision Criteria*, when making a recommendation or a final decision.

F. **Continuing Review Process**. Applications requiring a public meeting or hearing, according to Section 125.01.14, *Development Review Summary,* shall subsequently undergo the processes established in 125.01.08, *Public Notice*, and 125.01.09, *Public Meetings and Hearings*, as applicable.

125.01.07 Common Decision Criteria

A. **Generally**. In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable development review bodies shall consider the basic review criteria denoted in Table 125.01.07-1, *Common Decision Criteria Applicability*. Additional review criteria may apply and are enumerated in the specific review procedures of this Section.

Table 125.01.07-1, Common Decision Criteria Applicability

Common Decision Criteria	All Applications[1]	Legislative Applications	Quasi-Judicial Applications[1]
The request complies with the applicable standards of this UDO and the Town Code, and the applicant has provided proof of compliance with any preceding and applicable county, state, or federal requirements.	♦		
The request substantially conforms to any associated prior approval for the development, including, but not limited to: Special Use Permit, Conditional Zoning, Site Development Plan, etc.	♦		
The request promotes the purposes of this UDO as established in 124.01.02, *Purposes,* and in other applicable purpose statements in this UDO.	♦		
The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare	♦		
The administrative body has considered the recommendation of Staff in the public meeting or hearing.		♦	♦
The request is consistent with applicable policies of the most recently adopted HALUP, any applicable utility plans, and adopted capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the HALUP, the request does not impair the implementation of the HALUP.		♦	♦
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.		♦[2]	♦[3]
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the essential character of the general vicinity of design, façade treatment, setbacks, building materials, and reasonably anticipated negative impacts.		♦[2]	♦

TABLE NOTES:
♦ = Basic review criteria applies
[1] Excluding Appeals of Administrative Decisions
[2] Excluding UDO Text Amendments
[3] Excluding Variances

B. **Procedures With Common Decision Criteria**. Section 125.01.14, *Development Review Summary*, denotes the development review procedures that have common decision criteria.

C. **Written Findings**. Required findings for a legislative or quasi-judicial decision, based on basic and specific review criteria for an application, shall be in writing and shall be recorded in the minutes and records of the Planning and Zoning Board, the Board of Adjustment, or the Town Council, as applicable.

D. **Burden of Proof or Persuasion**. In all cases, where there is doubt or question, the burden is on the applicant to show that an application complies with applicable decision criteria.

125.01.08 Public Notice

A. **Generally**. Public notice of public hearings required in this UDO shall be provided as required by Section 125.01.14, *Development Review Summary .*

B. **Published Notice.** The Director shall arrange for notice of a required public hearing for a legislative or quasi-judicial application to be published in one issue of an official newspaper of general circulation in the Town in accordance with NCGS §160D-601.

C. **Mailed and Posted Notice**. Notice procedures include mailing and posting and are dependent upon the type of application (legislative or quasi-judicial).

1. *Mailing Provisions*. In the absence of evidence to the contrary, the Director may rely on the county tax listing to determine owners of property entitled to mailed notice. The Director shall deposit the notice in first-class mail at least 10 days, but not more than 25 days, prior to the date of the legislative or quasi-judicial hearing.
2. *Legislative Procedures*.
   a. *Mailed Notice*.
      1. The Director shall mail notice of the hearing to the owners of affected parcels of land and all owners of land located within a 300-foot radius of the boundaries of the land subject to the application, including owners of each property directly across a public or private street, easement, or right-of-way from the property subject to the request.
      2. If any property within the 300-foot radius is greater than five acres in area (for the purposes of this paragraph, known as a "large property or properties"), then the required notification shall extend to properties that adjoin the large property or properties.
   b. *Posted Notice*. The Director shall prominently post a notice of the hearing on the subject property or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.
3. *Quasi-Judicial Procedures*.
   a. *Mailed Notice*. The Director shall mail notice of quasi-judicial hearings to:
      1. The person or entity whose appeal, application, or request is the subject of the hearing and all owners of land located within 300 feet of the land subject to the application; and
      2. The owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and
   b. *Posted Notice*. Within that same time period, the Director shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

D. **Constructive Notice**. Failure of a surrounding property owner to receive notice of a hearing shall not affect the validity of the final decision. For example, a mailed notice returned to the sender shall not prevent a development review body from holding a public hearing nor shall it prevent the body from making a recommendation or final decision for a given application.

E. **Continuing Review Process**. Applications with required notice provided shall subsequently undergo the processes established in 125.01.09, *Public Meetings and Hearings*.

125.01.09 Public Meetings and Hearings

A. **Generally**.

1. *Meetings and Hearings*. The Town Council, Planning and Zoning Board, Board of Adjustment, and Historic Preservation Commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this UDO and the North Carolina General Statutes. All public meetings and hearings related to applications in the UDO shall be open to the public. However, not all decisions require public hearings. Therefore, recommendations and decisions that are authorized by this UDO are classified as requiring a "public meeting" or "public hearing."
2. *Votes*.
   a. A vote shall be conducted in such manner that the public may know the vote of each person entitled to vote.

b. All recommendations and final actions at a public meeting or hearing shall require a simple majority vote unless otherwise indicated in this UDO for a specific development review procedure.

B. **Procedures Requiring Public Meetings and Hearings**. Section 125.01.14, *Development Review Summary*, denotes the development review procedures that require public meetings and public hearings.

C. **Public Meetings**.

1. *Public Meeting Required*. Any legislative or quasi-judicial application that does not require a public hearing prior to a recommendation or final decision requires a recommendation or final decision to be made at a public meeting.
2. *Consent Agenda*. Any legislative or quasi-judicial development review body may establish a consent agenda. The consent agenda may consist of all matters brought before the body for final decision that do not require a public hearing. All items on the consent agenda may be approved simultaneously by motion without comment or debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the development review body present at the meeting, or by the Director. Items removed from the consent agenda shall be considered on the regular agenda.

D. **Public Hearings**.

1. *Generally*. All meetings of the Town Council, Planning and Zoning Board, Board of Adjustment, or Historic Preservation Commission shall be open to the public except as otherwise provided for in the North Carolina General Statutes.
2. *Procedures.* Elected and appointed administrative/advisory bodies may adopt rules of procedure for the conduct of public hearings. The adopted rules of procedure shall reflect the following general procedures:
   a. The Chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant.
   b. Citizens, applicants, and the Town have the right to present expert witnesses.
   c. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
   d. If a speaker represents an organization, the development review body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
   e. Any person may appear at a public hearing, submit evidence, and be heard.
3. *Attendance by Applicant at Public Hearing.* An applicant or representative is not required to attend the public hearing at which the subject application is to be considered; however, failure on the part of the applicant or representative to appear at a properly noticed public hearing may constitute grounds for a continuance of the hearing to a certain new date or closing of the public hearing with public re-notification required.
4. *Continuances*. If a public hearing is continued for a given date and a quorum of the development review body is not then present at the continued hearing, the hearing shall be continued until the next regular meeting without further advertisement.

E. **Final Action**. An development review body with authority to take final action on an application according to Section 125.01.14, *Development Review Summary*, may approve, approve with modifications (in the case of an UDO Text Amendment), approve with conditions (in the case of all other applications), or disapprove an application.

F. **Conditional Approval**.

1. *Ability*. At a public meeting or hearing, an development review body may attach special conditions to any decision it is authorized to make in order to ensure that the intent of the UDO will be carried out.
2. *Requirements*. Conditional approval requires that the specific conditions and the reasons be stated in writing and be agreed to by the applicant. Such conditions are binding upon the applicant.

G. **Continuing Review Process**.

1. *No Final Decision*. Applications not decided upon at a public meeting or hearing may be subject to 125.01.12, *Inactive or Expired Applications*.
2. *Final Decision*. Applications decided upon at a public meeting or hearing may be subject to 125.01.11, *Appeals of Legislative, Quasi-Judicial, and Subdivision Decisions.*

125.01.10 Post-Approval Provisions

A. **Written Approval**. All development approvals shall be made in writing, in print or electronic form, and may contain a provision requiring the development to comply with all applicable State and local laws.

B. **Conditional Approval or Modification of Application at Public Meeting or Hearing**.

1. *Modification*. An applicant may agree to modify an application, including the plans and specifications submitted, in response to questions or comments by persons appearing at a public meeting or hearing or to suggestions or recommendations by the development review body holding the meeting or hearing.
2. *No Further Action*. Unless such modifications are so substantial that the development review body determines that it cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials, the development review body may make a recommendation or conditionally approve the application with the requirement that the formalized approval is not effective until the applicant submits materials reflecting the agreed upon changes to the Director. A development review body shall not accept any subsequent application and shall make no further approvals related to the subject property until the applicant submits the required modifications.
3. *Referral*. Where deemed appropriate by the final decision making body, modifications may be referred back to the recommending body for review, prior to further consideration.

C. **Modification of an Approved Application**. Except as provided below, modifications to approved applications shall be done in accordance with Section 125.02.14, *Minor Modification of an Approved Application*, or if the change does not meet the criteria for a minor modification, the application shall be resubmitted as a new application.

D. **Correction of Errors in Approved but Unrecorded Plats**.

1. *Director Review and Approval*. An approved but unrecorded Final Plat that is found to contain an insignificant error, including, but not limited to, scriveners errors or typographical errors, may be corrected by the applicant, upon approval by the Director.
2. *Development Review Committee Review and Director Approval.* The Director may approve other minor corrections to an approved but unrecorded Final Plat, including, but not limited to, the addition, deletion or relocation of easements, after review by the Development Review Committee.

E. **Revocation of Approval**. A development review body may revoke any permit or approval it issued where there has been a violation of the provisions of this UDO or a misrepresentation of fact on the application or in the public meeting or hearing.

F. **Approvals Run With Land.** Unless a legislative or quasi-judicial development review body conditions an approval to the contrary, permits or approvals authorizing a particular land use or structure shall run with the land and transfer with the subsequent ownership of the land and structures.

G. **Recordation of Plat**. The applicant shall record any approved plat with the County Clerk within the time limits of 125.01.14, *Development Review Summary*, or the plat shall expire.

H. **Affidavit of Compliance.** Whenever any application approved pursuant to this UDO is made subject to conditions to be met by the applicant, the applicant shall upon meeting such conditions file an affidavit with the Director stating such compliance. The applicant shall have two years from the date of approval to complete any necessary construction and submit the affidavit of compliance with conditions. Failure to submit the affidavit of compliance with conditions within the stated timeframe will revoke the original request.

125.01.11 Appeals of Legislative, Quasi-Judicial, and Subdivision Decisions

A. **Generally**. Section 125.01.14, *Development Review Summary*, denotes the development review applications that are subject to appeal.

B. **Appeal of Town Council, Board of Adjustment, or Historic Preservation Commission Decision**. Any party aggrieved by or alleging an error in a final decision of the Town Council, Board of Adjustment, or Historic Preservation Commission, or a final decision of the Planning and Zoning Board not related to a Preliminary or Final Plat, may appeal to a court of competent jurisdiction according to procedures set forth in the North Carolina General Statutes.

C. **Appeal of Subdivision Decisions**. Appeals of Preliminary or Final Plats shall be subject to review by filing an action in a court of competent jurisdiction seeking appropriate declaratory or equitable relief by proceedings in the

nature of certiorari in accordance with NCGS §160D-1402. The appellant shall file the appeal within 30 days from receipt of the written notice of the decision.

D. **Appeal of Administrative Decision**.

1. *Generally*. Any party aggrieved by or alleging error in a final decision of an administrative official on a matter addressed in this UDO may submit an appeal to the Director for a decision by the Board of Adjustment in accordance with Section 125.04.04, *Appeal of Administrative Decision*.
2. *Stays*. An appeal of a notice of violation stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Board of Adjustment and any subsequent appeal to a court of competent jurisdiction, unless the administrative official who made the decision certifies in an affidavit to the Board of Adjustment that, because of the facts of the decision, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed except by a restraining order, which may be granted by a court of competent jurisdiction. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after the request is filed.

125.01.12 Inactive and Expired Applications

A. **Automatic Expiration**. Unless otherwise specifically provided for in this UDO, development applications shall automatically expire and become null and void, and all activities taken pursuant to such development application shall cease and become null and void, and all activities pursuant to such approval thereafter shall be deemed in violation of this UDO, when:

1. *Satisfaction of Condition*. The applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the application, or that was made pursuant to the terms of any development agreement, including the failure to abide by specified time limits established in the agreement; or
2. *Subsequent Required Applications*. The applicant fails to present a subsequent development application as required by this UDO within the time so required by this UDO or North Carolina law.

B. **Reference**. Refer to Section 125.01.14, *Development Review Summary*, for the expiration times for approved applications that may expire due to inactivity of the applicant.

C. **Expiration Dates**.

1. *Final Action Date*. Each time period referenced in Section 125.01.14 shall run from the date of the final action of the applicable development review body.
2. *Failure to Provide Date*. In order to assure that all applicants for actions, approvals, or permits are informed of the applicable time limit, the date of final action and the expiration date shall be shown on each such action, permit or approval. However, failure of the Director to include either the date of final action or the expiration date shall not be deemed to be a waiver of such dates nor shall it be the basis of any action by the applicant to challenge the applicable expiration date. The burden is on the applicant to know the date of issuance and the expiration date. If either or both of such dates are not shown, the applicant may request, and the Director shall promptly supply such date or dates.

D. **Extension**.

1. *Generally*. All actions, approvals or permits shall expire on the expiration date unless a valid extension has been granted on or before the expiration date.
2. *Original Extension*. Unless otherwise prohibited by North Carolina State Statutes or this UDO, the Director may extend the time for expiration of an approved development review application for a period not to exceed one year from the date of the original decision granting approval, if the application for extension is made in writing within the original period of validity. Subsequent extensions may be made by the final approval body upon finding that conditions at the time of approval have not changed.
3. *Additional Extensions*.
    a. There shall be no additional extensions by the Director of any time limits for a development review applications.. Any extensions must be expressly requested by the applicant, in writing, and approved by the appropriate administrative official or legislative or quasi-judicial development review body which originally took the final action.

b. Before granting an extension, the Director or legislative or quasi-judicial development review body shall determine whether any applicable changes in this UDO have occurred which would impose new requirements with respect to such final action, if an extension were denied, and the applicant were compelled to re-file a new development review application. If changes have occurred, the Director or legislative or quasi-judicial development review body shall balance the burden imposed on the applicant if required to re-file a new application against the benefit accruing to the public by requiring the applicant to comply with the new regulation.

125.01.13 Adequate Public Facilities Determination

A. **Applicability**.

1. *Positive Determination*. No development review application shall be approved unless accompanied by a positive determination, or a positive determination subject to conditions, relating to adequacy of public facilities as provided in this UDO.
2. *Greatest Impact*. 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 in this Section shall authorize a rezoning or the issuance of a Special Use Permit that would otherwise be inconsistent with the HALUP.

B. **Procedure for Determination**.

1. *Evaluation*. The Director shall evaluate the proposed development for compliance with the Adopted Level of Service and shall submit a recommendation pursuant to Subsection 2, below.
2. *Recommendation*. If the Director concludes that each Public Facility will be available concurrent with the impacts of the proposed development at the Adopted Levels of Service, the Director shall make a positive recommendation in its staff report. If the Director 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 Director 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 Section 122.04.02, *Criteria for Determination of Adequate Facilities*. If the Director 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:
   a. The number of equivalent dwelling units proposed by the applicant, by type, for each public facility;
   b. The timing and phasing of the proposed development, if applicable;
   c. The specific public facilities impacted by the proposed development;
   d. The extent of the impact of the proposed development in the applicable impact areas;
   e. The capacity of existing public facilities in the impact areas which will be impacted by the proposed development;
   f. The demand on existing public facilities in the impact areas from existing and approved development;
   g. The availability of existing capacity to accommodate the proposed development; and
   h. If existing capacity is not available, planned capacity and the year in which such planned capacity is projected to be available.
3. *Final Action*. 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 shall confirm:
   a. That the application for development approval shall be approved because public facilities and services are available at the adopted level of service; or

b. That the application for development approval shall be denied because public facilities and services are not available at the adopted level of service; or

c. 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:

1. Deferral of further development review application approvals 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;

2. Reduction of the density or intensity of the proposed development to a level consistent with the available capacity of public facilities;

3. 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

4. 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 E, below.

C. **Expiration of Determination**.

1. *Attached Application*. An adequate public facilities determination shall expire when the development review application 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.

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

D. **Effect of Determination**.

1. *Determination*. A determination of adequacy of public facilities for a development review application shall be deemed to indicate that:

a. Public Facilities are available at the time of issuance of the determination; and

b. 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 review application 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 Compliance and Occupancy unless an application for a subsequent development review application is submitted within the time frames set forth in this UDO. If no expiration date is provided in this 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 years after approval of the development review application.

2. *Rezonings*. The provisions of Paragraph 1, above, shall not apply to any rezoning except a Site-Specific Vesting Plan.

3. *Other Requirements*. 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 UDO.

E. **Advancement of Capacity**. 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 Plat or final Site Plan or, if Final Plat 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:

1. *Planning Capital Improvements*. For planned capital improvements, a finding that the planned capital improvement is included within the capital improvements program of the applicable service provider;

2. *Estimate*. An estimate of the total financial resources needed to construct the planned capital improvement and a description of the associated cost participation;
3. *Schedule*. 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;
4. *Plan Consistency*. A statement, based on analysis, that the planned capital improvement is consistent with the applicable area plan and, if applicable, the HALUP; and
5. *Reimbursement*. 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.

125.01.14 Development Review Summary Table

A. **Generally**. This Section summarizes procedures required for obtaining development review approval pursuant to this UDO.

B. **Applications and Procedures**. Each application required by this UDO is spelled out in Table 125.01.14-1, *Summary of Procedures*, below.

Table 125.01.14-1, Summary of Procedures

Development Application (Reference Standards)	Submittal Timing	Expiration[1]	Review Responsibilities		Public Notice
			Recommendation	Final Action	
ADMINISTRATIVE APPLICATIONS: Involve decisions made in the implementation, administration, or enforcement of this UDO that involve the determination of facts and the application of objective standards set forth in this UDO.					
Minor Site Plan (125.02.02)	Prior to construction of: a nonresidential or mixed use development, a multi-family development, or a use that requires a site plan in §120.04, *Land Use Standards*.	12 months	Director		N/A
Major Site Plan (125.03.03)	Prior to any development approval requiring a Major Site Plan	12 months	Director		N/A
Construction Plans (125.02.04)	After Preliminary Plat approval, but before Final Plat approval.	12 months	Town Engineer		N/A
Zoning Clearance (125.02.05)	Prior to the issuance of a building permit or other permit that would have an impact of any zoning regulation in the UDO	12 months	Director		N/A
Building Permit (125.02.06)	Prior to a building or other structure being erected, moved, added to, or structurally altered	6 months	Cabarrus County Planning and Development Director		N/A
Floodplain Development Permit (125.02.07)	Prior to any construction or other development begins within the Flood Protection Overlay District	12 months	Floodplain Director		N/A
Driveway Permit (125.02.08)	Prior to the construction of any new access point to a publicly maintained street	90 days	Town Engineer		N/A
Sign Permit (125.02.09)	Prior to installing or substantially modifying a sign	90 days	Director		N/A
Temporary Use Permit (125.02.10)	Prior to the operation of any temporary structure or use	90 days	Director		N/A
Certificate of Compliance and Occupancy (125.02.11)	Prior to land being used and prior to a building or addition being occupied, converted, enlarged, or structurally altered, wholly or partly	12 months	Cabarrus County Planning and Development Director		N/A
Certificate of Nonconformity Adjustment (125.02.12)	Prior to any enlargement, expansion, or other alteration of any nonconforming use or structure	12 months	Director		Refer to Sec. 125.02.12
Written	As necessary for interpretation and application of	None	Director		N/A

Table 125.01.14-1, Summary of Procedures					
Development Application (Reference Standards)	Submittal Timing	Expiration[1]	Review Responsibilities		Public Notice
			Recommendation	Final Action	
Interpretation (125.02.13)	provisions of this UDO				
Minor Modification of an Approved Application (125.02.14)	Prior to any of the permitted modifications allowed without a new site plan	Same as application being adjusted	Director		N/A
Administrative Adjustment (125.02.15)	In order to make a limited modification to any numerical standard on an application that has already been approved but that has not received a Certificate of Compliance and Occupancy	Same as application being adjusted	Director		N/A
LEGISLATIVE APPLICATIONS: Involve the adoption, amendment, or repeal of a regulation this UDO and the decision to establish or change the way the use, design, or development of land will occur on a site-specific, Town-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety, and general welfare, including the Town's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.					
UDO Text Amendment (125.03.01)	None	N/A	1st: Director 2nd: PZB	TC	Pu, M
Zoning Map Amendment (125.03.02)	Prior to establishing or expanding a building type or use prohibited in the current character district	N/A	1st: Director 2nd: PZB	TC	Pu, Po, M
Conditional Zoning Approval (125.03.03)	Prior to any development approval requiring this change	N/A	1st: DRC 2nd: Director 3rd: PZB	TC	Pu, Po, M
Preliminary Plat (Minor Subdivision 125.05.01 or Major Subdivision 125.05.02)	Prior to Construction Plan or Final Plat Submittal	24 months[2]	Minor: DRC	Minor: Director	N/A
			Major: 1st: DRC 2nd: Director 3rd: PZB	Major: TC	
Certificate of Appropriateness (125.03.04)	Prior to the alteration of the exterior appearance or demolition of any existing structure, or construction of a new structure or portions of a new structure in a historic district.	12 months	1st: Director 2nd: HPC	TC	Pu, Po, M
QUASI-JUDICIAL APPLICATIONS: Involve final decisions involving the finding of facts regarding a specific application of a development regulation in this UDO and that requires the exercise of discretion when applying the standards of the regulation.					
Variance (125.04.01)	Prior to any development approval requiring a variance	12 months	Director	BOA	Po, M
Variance, Floodplain (125.04.02)	Prior to any establishing any structure requiring a floodplain variance	12 months	Floodplain Director	BOA	Po, M
Special Use Permit (125.04.03)	Prior to establishing any use requiring a Special Use Permit	12 months	1st: DRC 2nd: Director	BOA	Pu, Po, M
Appeal of Administrative Decision (125.04.04)	Within 30 days of the official decision	12 months	Director	BOA	Po, M
SUBDIVISION APPLICATIONS: Require final decisions related to dividing larger tracts of land into smaller lots. City staff or legislatively appointed administrative bodies take final action based on regulations in this UDO and on technical requirements of various Town departments, local and state agencies, and utilities. Such final decisions are characterized by limited discretion.					
Final Plat (Minor Subdivision 125.05.01 or Major	Prior to developing a Minor or Major Subdivision or making a minor modification to a recorded plat, after Preliminary Plat approval, and after either: 1)	30 days[3]	DRC	Director	N/A

Table 125.01.14-1, Summary of Procedures					
Development Application (Reference Standards)	Submittal Timing	Expiration[1]	Review Responsibilities		Public Notice
			Recommendation	Final Action	
Subdivision 125.05.02)	Acceptance of public improvements; or 2) Approval of performance bond.				

TABLE NOTES:
PZB=Planning and Zoning Board, TC=Town Council, BOA=Board of Adjustment, HPC=Historic Preservation Commission, DRC=Development Review Committee
Pu = Published in newspaper in accordance with 125.01.08, *Public Notice*
Po= Posted sign on subject property in accordance with 125.01.08, *Public Notice*
M = Mailed notification to adjoining property owners in accordance with 125.01.08, *Public Notice*
[1] Measured from the date of the issued approval. Expiration occurs if the applicant does not commence the work prior to the expiration, or does not diligently pursue completion of the project or the subsequent required approval. See 125.01.12, *Inactive and Expired Applications*.
[2] The subdivider has 24 months to receive Final Plat approval for the entire subdivision or for a phase of the subdivision. Approval of a Final Plat in a multi-phase subdivision renews the 24-month expiration for remaining phases in the subdivision.
[3] The subdivider has 30 days to record the plat.

C. **Review Steps**. Table 125.01.14-2, *Review Steps*, summarizes the common review procedures involved in the development review process. Detailed information about each of these review steps is found in previous Sections.

Table 125.01.14-2, Review Steps							
Common Review Procedures (Section Reference)	Administrative		Legislative		Quasi-Judicial	Subdivision	
	Written Interpretation	All Other	UDO Text Amendment	All Other	All	Minor	Major
Pre-Application Conference (125.01.03)	--	--	--	•	•	•	•
Neighborhood Meeting (125.01.04)	--	--	--	•	--	--	--
Application Submittal and Completeness (125.01.05)	•	•	•	•	•	•	•
Staff Review and Distribution (125.01.06)	•	•	•	•	•	•	•
Common Decision Criteria (125.01.07)	•	•	•	•	•	•	•
Public Notice (125.01.08)	--	--	•	•	•	--	--
Public Meetings and Hearings (125.01.09)	--	--	•	•	•	--	•
Post-Approval Provisions (125.01.10)	--	--	--	•	•	•	•
Appeals of Legislative, Quasi-Judicial, and Subdivision Decisions (125.01.11)	•	--	--	•	•	--	•
Inactive or Expired Applications (125.01.12)	--	•	--	•	•	•	•
Adequate Public Facilities Determination (125.01.13)	--	•	--	•	--	•	•

TABLE NOTES:
• Common Review Procedure Required; -- Common Review Procedure Not Required;

§ 125.02 Administrative Review Procedures

Contents:

125.02.01 Purpose (3.2, Appendix B-1)
125.02.02 Minor Site Plan (3.1.8.1, 3.6, Appendix B-4, 5, 12)
125.02.03 Major Site Plan (Prelim/Final) (3.6; 3.6.2; 4.10.7.10; 5.23.2.1; 15.1.5; B-4)
125.02.04 Construction Plans (6.4.11)
125.02.05 Zoning Clearance (New)
125.02.06 Building Permit (1.1.8)
125.02.07 Floodplain Development Permit (4.14.14)
125.02.08 Driveway Permit (10.1.7)
125.02.09 Sign Permit (12.2, Appendix B-13)
125.02.10 Temporary Use Permit
125.02.11 Certificate of Compliance and Occupancy (New)
125.02.12 Certificate of Nonconformity Adjustment (13.1.6)
125.02.13 Written Interpretation (New)
125.02.14 Minor Modification of an Approved Application (4.9.7)
125.02.15 Administrative Adjustment

125.02.01 Purpose (3.2, Appendix B-1)

The purpose of this Section is to prescribe procedures for development reviews that require administrative final decision and which do not require quasi-judicial or legislative notice or a public hearing. A public hearing is not required for permits set forth in this Section for one or more of the following reasons:

A. **Hearings Already Conducted**. If required, public hearings have already been conducted relating to the permit application. The permit application procedure was designed to ensure that the proposed use complies with a previously approved subdivision plat, site plan, specific plan, Harrisburg Area Land Use plan amendment, or conditional rezoning (e.g., Zoning Clearance, Certificate of Compliance and Occupancy); or

B. **By-Right Use**. The proposed use is permitted by right in the applicable zoning district (e.g., Zoning Clearance, Certificate of Compliance and Occupancy).

125.02.02 Minor Site Plan (3.1.8.1, 3.6, Appendix B-4, 5, 12)

A. **Applicability**. The following shall require Minor Site Plan approval:

1. Any use that is permitted with limitations in §120.02, *Zoning Districts and Standards;*
2. New single-building nonresidential development or additions of less than 4,000 square feet in gross floor area permitted by right;
3. New single-building, multi-family development or additions of seven or fewer dwelling units permitted by right; and
4. New single-building mixed use development or additions of less than 4,000 square feet in gross floor area and seven or fewer dwelling units permitted by right.

B. **Exemptions**. Detached and attached single-family dwelling units and duplex developments on individual lots of record shall be exempt from the provisions of this section. Detached single-family dwelling units and duplex developments on individual lots of record shall be reviewed in accordance with Subsection 125.02.05, *Zoning Clearance Permit*.

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Minor Site Plan, the review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following:

1. *Land Use Standards.* The development and uses in the site plan comply with §120.04, *Land Use Standards*.

2. *Building and Site Design*. The development proposed in the site plan and its general layout and design comply with all appropriate standards in Chapter 121, *Building and Site Design*.
3. *Required Public Improvements*. The development proposed in the site plan conforms to the requirements of Chapter 122, *Subdivision Standards*.
4. *Flooding.* The development provides protection and conservation of water courses and areas that are subject to flooding; and
5. *Infrastructure*. The development has adequate water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

D. **Effect**. Approval of a Minor Site Plan application shall authorize the applicant to proceed with an application for a Building Permit and Certificate of Compliance and Occupancy, as applicable.

E. **Conformance With Approved Site Plan**. Development activities subject to the requirements of this Section may be carried out only in substantial conformance with the approved Minor Site Plan and attached any conditions or restrictions. Any substantial deviation from the approved Minor Site Plan, unless approved in advance and in writing by the Director, shall be deemed a violation of this UDO. Further, no Certificate of Compliance and Occupancy shall be issued if the development activities do not conform to the approved Minor Site Plan.

F. **Inspection**. The Director shall inspect the site for compliance with the approved Minor Site Plan before a Certificate of Compliance and Occupancy is issued for the project. The Director shall write a letter to the applicant stating any deficiencies.

125.02.03 Major Site Plan (Prelim/Final)

A. **Applicability**.
1. *Major Site Plan*. The following shall require Major Site Plan approval:
   a. Any application for approval of a Planned development type ;or Mixed Use District;
   b. Any application for rezoning to a Conditional Zoning District; and
   c. Developments proposing 100 or more additional parking spaces to existing development;
   d. Developments proposing to grade more than 25 acres;
   e. Any building taller than 50 feet in height; and
   f. An application for approval of a Special Use Permit.
2. *Underlying Zoning Applications*. The applications listed in Paragraph 1, *Major Site Plan*, above, shall be referred to in this Section as the "Underlying Zoning Application."

B. **Process**. Approval of a Major Site Plan is a two- step process as follows:
1. *Preliminary Major Site Plan.* As the first step, the applicant submits a Preliminary Site Plan for review by the Director, which is accompanied by an Underlying Zoning Application.
2. *Final Major Site Plan.* As the second step, after the decision-making agency renders its decision on the Underlying Zoning Application, the applicant files a Final Major Site Plan for approval by the Director and an application for a Zoning Clearance Permit.
3. *Construction Plans*. Construction Plans, as established in Section 125.02.04, shall be submitted concurrently with a Major Site Plan.

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Minor Site Plan, the review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following:
1. *Minor Site Plan Criteria*. In addition to the review criteria that follow, the criteria in Subsection 125.02.02.C, for Minor Ste Plans, shall apply to Major Site Plans;
2. *Compatibility.* The development proposed in the site plan and its general location is compatible with the character of surrounding land uses; and

3. *Impact on Public Facilities*. The proposed development shall not have a significant adverse impact on public facilities and services, including roads, potable water and wastewater facilities, parks, police, fire, and EMS facilities..

D. **Conformance With Approved Site Plan**. Development activities subject to the requirements of this Section may be carried out only in substantial conformance with the approved Major Site Plan and attached any conditions or restrictions. Any substantial deviation from the approved Major Site Plan, unless approved in advance and in writing by the Director, shall be deemed a violation of this UDO. Further, no Certificate of Compliance and Occupancy shall be issued if the development activities do not conform to the approved Major Site Plan.

E. **Inspection**. The Director shall inspect the site for compliance with the approved Major Site Plan before a Certificate of Compliance and Occupancy is issued for the project. The Director shall write a letter to the applicant stating any deficiencies.

125.02.04 Construction Plans

A. **Generally**. Following approval of the Preliminary Plat for a Major Subdivision, or concurrently with a Major Site Plan, the applicant shall have prepared, by a professional engineer, registered in the State of North Carolina, construction plans, consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by the Town of Harrisburg Engineering Design Standards and any additional technical manuals as adopted by the Town. Construction plans shall be submitted to the Director of Public Works or their designee for review and approval. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this UDO, and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

B. **Installations and Improvements**. All installations of improvements shall conform to the approved construction plans. If the applicant chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the Director of Public Works. It shall be the responsibility of the applicant to notify the Director in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this UDO and shall be remedied in accordance with Chapter 127, *Enforcement and Remedies*. The applicant shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Director may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

C. **As-Built Drawings**.

1. *Timing*. Prior to final inspection of the required improvements, the applicant shall submit to the Director one electronic version and two prints of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be re-certified by the applicant's engineer indicating the date when the as-built survey was made.
2. *Contents*.
    a. As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision.
    b. As-built drawings shall depict water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and location and description of valves with dimensional ties.
    c. As-built drawings shall depict the location of all street rights-of-way, alignments, widths and vertical elevations.
    d. As-built drawings shall show all control points and monumentation.
3. *Sedimentation Control Standards*. In conjunction with the submittal of engineering plans and specifications, the subdivider shall be required to demonstrate compliance with the Sedimentation Control Standards of the overall area proposed to be developed. The subdivider shall cause all grading, excavations, open cutting and similar land surface disturbances to be mulched, seeded, sodded or otherwise protected to ensure compliance with the County's Sedimentation Control Standards. No work shall be initiated relative to the preparation of

land or the installation of general improvements until such time as all aspects of the subdivider's engineering plans and sedimentation control proposals have received approval.

125.02.05 Zoning Clearance

A. **Applicability**. Structures shall be erected or constructed, and uses shall be established, only on parcels of land that have been created in conformance with this UDO. To construct any structure on or develop any land, the applicant shall obtain a Zoning Clearance.

B. **Exemptions**. A Zoning Clearance is not required for the following:

1. A nonconforming use established in accordance with the provisions of this UDO; and
2. Construction or expansion of an existing principal or accessory use, that otherwise conforms to all standards of this UDO, by no more than 10 percent of the cumulative gross floor area of the lot of record.

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Zoning Clearance, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria.*

D. **Effect**. Approval of a Zoning Clearance shall authorize the applicant to proceed with an application for a Building Permit and Certificate of Compliance and Occupancy, as applicable.

125.02.06 Building Permit

Upon approval of plans and issuance of Zoning Clearance Permit as described in Section 125.02.05, the applicant will apply for a Building Permit through Cabarrus County. Refer to Cabarrus County Development Ordinance.

125.02.07 Floodplain Development Permit

A. **Applicability**. An applicant shall obtain a Floodplain Development Permit before any construction or other development begins within the Floodplain Protection Overlay District. The Floodplain Development Permit shall demonstrate compliance with Chapter 123, *Environmental Management*.

B. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Zoning Clearance, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria.*

C. **Effect**. Approval of a Floodplain Development Permit shall authorize the applicant to proceed with an application for a Building Permit and Certificate of Compliance and Occupancy, as applicable.

D. **Certification Requirements Elevation Certificates.** A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance and Occupancy issuance. The permit holder shall to submit to the Floodplain Director a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance and Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance and Occupancy.

E. **Floodproofing Certificate.**

1. *Generally*. If nonresidential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Director a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Director shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance and Occupancy.

2. *Manufactured Home*. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 123.02.03, *Specific Standards*.
3. *Watercourse*. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
4. *Certification Exemptions*. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
   a. Recreational Vehicles meeting requirements of Section 123.02.03;
   b. Temporary Structures meeting requirements of Section 123.02.03; and
   c. Accessory Structures less than 150 square feet meeting requirements of Section 123.02.03.

125.02.08 Driveway Permit

A. **Applicability**. No person, firm, or corporation shall remove, alter, or construct any curb, driveway approach, gutter, pavement, or perform any other improvement in any public street or other property owned by or dedicated to the Town without first obtaining a Driveway Permit authorizing such improvements as follows:
   1. *When Required.* A driveway permit is required prior to the issuance of a Building Permit for new construction, additions, or changes in use.
   2. *Existing Driveways.* Existing driveways shall not be altered within the right-of-way until a Driveway Permit is obtained. The maintenance of driveways located in or on the right-of-way shall be the responsibility of the property owner.
   3. *Failure to Obtain.* Failure to secure a required Driveway Permit, failure to construct the driveway to Town standards, or failure to correct or remove existing nonconforming driveway approaches is a violation of this UDO.

B. **Exemptions**.
   1. *Minor Variations*. In unusual circumstances minor variations of the minimum requirements may be permitted, based on sound traffic engineering principles, after an engineering investigation by the Public Works Director. No variation in the number and/or width of driveways shall be permitted.
   2. *Detached Single-Family.* Driveway permits for new detached, single-family residential construction are not required, however they must meet the standards of this ordinance. For existing single family residential development, modifications to the driveways will require a driveway permit.

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Zoning Clearance, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria.*

D. **Effect**. Approval of a Driveway Permit shall authorize the applicant to proceed with constructing the drive.

E. **Inspections**. Once the permit is duly issued, the supervisor on the driveway construction site shall keep the permit available for on-the-job inspection by authorized personnel of the Town. The applicant shall request an inspection by the Public Works Director 24 hours in advance of any concrete pouring. The Public Works Director shall have the authority to require the immediate stoppage of work not performed under the requirements of this article. In the event of failure to comply with the provisions of this article or the term of the permit or in the case of faulty workmanship or materials, the Town may remove the non-complying driveway at the property owner's expense.

125.02.09 Sign Permit

A. **Applicability**. Signs shall be erected, substantially modified, placed, painted, installed, or made visible on private property only after the issuance of a Sign Permit.

B. **Exemptions**. A Sign Permit is not required for the following:
   1. *Maintenance*. Routine maintenance that does not change the area, location, or height of a sign; and

2. *Exempt Signs*. Signs established in Section 121.05.02, *Signs Exempt from Regulation.*

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Sign Permit, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, and specifically the standards of §121.05, *Signs*.

D. **Effect**. Approval of a Sign Permit shall authorize the applicant to establish the sign or set of signs permitted.

125.02.10 Temporary Use Permit

A. **Applicability**. Temporary uses, as established in Section 120.04.08, *Temporary Use and Structure Standards*, shall be established only after the issuance of a Temporary Use Permit.

B. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Temporary Use Permit, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, and specifically the standards of Section 120.04.08.

C. **Effect**. Approval of a Temporary Use Permit shall authorize the applicant to establish the temporary use permitted.

D. **Compliance**. Following the issuance of the temporary use permit, the Planning Director shall ensure that establishment and discontinuance of the temporary use are undertaken in compliance with the permit.

E. **Fee Waiver**. The Director may waive the Temporary Use Permit fee in the case of damage as a result of fire, storm, flood, or other disaster events.

125.02.11 Certificate of Compliance and Occupancy (New)

A. **Applicability**. It shall be unlawful to use, occupy, connect or provide utilities to, or permit the use or occupancy of any building or land created, erected, changed, converted, altered or enlarged in its use or structure without a Certificate of Compliance and Occupancy.

B. **Submittal**. For new construction projects, an approved Site Plan as submitted for application for a Zoning Clearance shall be used. If the application for a Certificate of Compliance and Occupancy does not involve new exterior construction, a plot plan showing all exterior improvements, as required by this UDO, shall be filed for review.

C. **Individual Tenants**. Individual tenants desiring to occupy lease space within an existing commercial or mixed-use development with multiple tenants shall be required to obtain a Certificate of Compliance and Occupancy. However, individual tenants shall not be required to upgrade any existing nonconforming site improvements to conform to the standards of this UDO. New construction is not exempted from meeting the design standards of this UDO.

D. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Certificate of Compliance and Occupancy, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria.*

E. **Performance Guarantee**.

1. *Information*. The applicant may submit a performance guarantee to the Director when an application for a Certificate of Compliance and Occupancy cannot be approved because certain required improvements cannot be completed or installed due to adverse weather conditions or other reasonable factors. The applicant shall submit to the Director the following information:
   a. A specific description of the factor(s) hindering completion or installation of the improvement(s); and
   b. A written estimate from a licensed contractor of the cost of materials and labor for completing the work.
2. *Form*. The Director shall then determine if the submission of a performance guarantee is appropriate and if the estimate is acceptable. The performance guarantee may be submitted in the form of a certified check, cashier's check, bond, or letter of credit on approved forms and shall be in the amount of 150 percent of the estimate. The performance guarantee shall be released after the improvements, as guaranteed, inspected by the Director and determined to be in full compliance with the approved plan.

F. **Temporary Certificate of Compliance and Occupancy**. The Director may issue a Temporary Certificate of Compliance and Occupancy for a period not to exceed six months to allow for partial occupancy of a structure or land in order to complete construction or alteration as permitted. A Temporary Certificate of Compliance and Occupancy may also be issued for a period not to exceed six months to allow for utilities to be connected to an

unoccupied structure for rent and/or sale. It shall be unlawful to permanently occupy any portion of a newly constructed or altered building or structure, or to allow a change of use to occur unless a Certificate of Compliance and Occupancy has been granted. The procedures for issuance of a temporary certificate of occupancy shall be in the same manner as set forth for in this Section.

G. **Effect**. Approval of a Certificate of Compliance and Occupancy shall authorize the applicant to occupy the structure or land.

125.02.12 Certificate of Nonconformity Adjustment (13.1.6)

A. **Applicability**. A Certificate of Nonconformity Adjustment shall be required to enlarge, expand, or otherwise alter any Nonconforming Use or Structure as set forth in Chapter 126, *Nonconformities*.

B. **Submittal**. An applicant for a Certificate of Nonconformity Adjustment shall submit a detailed plan of the existing site, showing the degree of Nonconformity with respect to the dimensional and design regulations of this UDO. In the case of a Nonconforming Use, the application shall include a detailed explanation of the current use including documentation of traffic generated by the current use.

C. **Notification of Neighboring Landowners**. All landowners adjoining to any degree (including lying across roadways) the site of the nonconformity shall receive notification of the filing of the request for a Certificate of Nonconformity Adjustment and given an opportunity, should they desire, to comment on the nonconformity within seven days of the date of filing.

D. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Certificate of Nonconforming Adjustment, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following:

1. *Noise*. The nonconformity does not create noise above and beyond levels considered normal to the area;
2. *Traffic*. The nonconformity does not generate or have the potential to generate a significantly higher volume of traffic than surrounding land use;
3. *Other Measurable Physical Effects*. The nonconformity does not generate any other negative effects including but not limited to: dust, air pollution, and foul smell.;
4. *Surrounding Property Values*. The nonconformity does not detract from the prevailing property values; and
5. *Aesthetics*. The nonconformity does not detract from the overall aesthetic character of the area.

E. **Changes to the Nonconformity**. The Director shall determine what the nonconformity operator/owner must do to the property for certification. For example, landscaping or fencing may be required or a shift of operations away from adjoining properties may be stipulated.

F. **Denial by Director**. If the Director, after an analysis of the facts of the situation, finds the nonconformity cannot be adjusted, it shall be subject to the provisions of Chapter 126, *Nonconformities*.

G. **Inspection**. The Director may issue a Certificate of Nonconformity Adjustment with or without conditions. Those with conditions shall be issued after a visual inspection of the subject property or structure by the Director.

H. **Effect**. Approval of a Certificate of Nonconformity Adjustment shall render the subject property or structure conforming in regard to the development standards that are the subject of the Certificate.

125.02.13 Written Interpretation

A. **Applicability**. A person may request, in writing, a Written Interpretation of the a term, provision, or requirement of this UDO if the person finds that a term, provision, or requirement of this UDO is not obvious.

B. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Sign Permit, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following:

1. The materials or scenario posed by the applicant;
2. The plain and ordinary meaning of the terms that are subject to the application for an interpretation as set out in a dictionary of common usage;
3. The provisions of Chapter 128, *Word Usage*;
4. The purpose statement for the UDO Chapter, Section, or Subsection that is subject to interpretation;

5. Any provision of this UDO, the HALUP, NCGS, or Federal law that are related to the same subject matter;
6. Any technical meanings of words used in the provision subject to interpretation;
7. Other interpretations rendered by the Director associated with the same or related provisions of this UDO;
8. The legislative history of the provision subject to interpretation; or
9. Sources outside of this UDO that provide additional information on the provision in question, such as technical or professional literature.

C. **No Legal Advice**. No written interpretation shall be construed as legal advice.

D. **Final Decision**. For purposes of appeal, a Written Interpretation is deemed a final decision.

E. **Effect**. The Director may keep records of interpretations made pursuant to this Section, which he or she may periodically present to the Planning and Zoning Board and Town Council in accordance with Section 125.03.01, *UDO Text Amendment*.

125.02.14 Minor Modification of an Approved Application (4.9.7)

A. **Applicability**. An applicant may apply for approval of a Minor Modification of an Approved Application to allow insignificant changes to an approved application that has not yet received a Certificate of Occupancy, without requiring the application to go through the entire review process again.

B. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Sign Permit, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following:

1. *Location of Dwellings*. A change in the location of the dwelling units does not exceed 10 percent;
2. *Gross Floor Area (GFA)*. An addition to a structure does not exceed 10 percent of the previously approved total GFA of the structure;
3. *Height*. Additional height of a structure does not exceed 10 percent of the previously approved height;
4. *Location of Open Space*. A change in the location of any part of open space acreage does not exceed 10 percent of the gross acreage;
5. *Location of Streets*. A change in the location of any part of proposed street alignment and lot configuration does not exceed 10 percent of the gross acreage; or
6. *Setbacks*. An increase of maximum setbacks or decrease in minimum setbacks does not exceed five feet for setbacks of less than 50 feet, or 10 percent for setbacks exceeding fifty (50) feet.

C. **Condition of Approval**. The proposal does not violate a condition of approval for the original application.

D. **Other Modifications**. All other modifications that do not meet the Specific Review Criteria in Subsection B., above, shall require submittal of a new application.

E. **Effect**. Approval of a Minor Modification of an Approved Application shall have the same force and effect of the original approval.

125.02.15 Administrative Adjustment

A. **Applicability**. Administrative adjustments allow minor specified deviations from otherwise applicable quantitative standards in this UDO as specified below.

B. **Adjustment**. The Director shall have authority to authorize an adjustment of up to 10 percent of a numerical standard in this UDO, subject to the following:

1. *Variance*. Any adjustment greater than those listed below shall be reviewed as provided in Section 125.04.01, *Variance*.
2. *No Permits*. No adjustment shall be allowed for work that originally occurred without the appropriate permits.
3. *Nonconformity*. Such adjustment shall not increase the degree of any nonconformity.

C. **Application**. A request for an Administrative Adjustment shall be submitted along with a primary application and shall include an explanation of the reason for the requested adjustment, the specific adjustment requested, and any other material necessary to ensure conformance with the criteria in Paragraph D, *Specific Review Criteria*, below.

D. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny an Administrative Adjustment, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following:

1. *Minimum Necessary*. The adjustment requested will be the minimum adjustment necessary for reasonable use of the property;

2. *Compatibility*. Granting the administrative adjustment will not have an adverse impact on land use compatibility; and

3. *Character*. Granting the administrative adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations.

E. **Effect**. Upon Administrative Adjustment and Building Permit issuance, construction may proceed.

F. **Further Relief**. The decision of the Director is final. However, if the applicant is aggrieved by the decision, then in lieu of applying for another Administrative Adjustment, the applicant may apply for a Variance as provided in Section 125.04.01, *Variance*.

§ 125.03 Legislative Review Procedures

Contents:

125.03.01 UDO Text Amendment (3.8)
125.03.02 Zoning Map Amendment (3.3)
125.03.03 Conditional Zoning Approval (3.4)
125.03.04 Certificate of Appropriateness (4.12.10)

125.03.01 UDO Text Amendment

A. **Applicability**. A UDO Text Amendment officially changes the text of this UDO.

B. **Specific Review Criteria**. In determining whether to approve, approve with modifications, or deny a UDO Text Amendment, the review bodies shall consider the applicable common decision criteria in 125.01.07, *Common Decision Criteria*, together with the following:

1. *Errors*. The amendment is necessary to correct an error or inconsistency in the UDO; or
2. *Changing Condition*. The amendment is necessary to meet the challenge of a changing condition that was not anticipated in the HALUP.

C. **Subsequent Applications**. In the event that an application for a UDO Text Amendment is denied by the Town Council or that application withdrawn after the hearing, the Director shall refuse to accept another application for the same amendment within one year of the original hearing. However, this Section shall not limit the powers of the Town Council and/or Planning and Zoning Board to initiate a UDO Text Amendment.

D. **No Retroactive Cure of Violations**. The amendment of the text of this UDO may transform a legally nonconforming situation into a conforming one. However, no text amendment shall be proposed for the sole purpose of curing a violation of any part of this UDO.

E. **Limitations of UDO Text Amendment.** The approval of a UDO Text Amendment does not authorize any development activity.

125.03.02 Zoning Map Amendment

A. **Applicability**. A Zoning Map Amendment changes the zoning district of a property on the Official Zoning Map from one district to another.

B. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Zoning Map Amendment, the review bodies shall consider the applicable common decision criteria in 125.01.07, *Common Decision Criteria*, together with the following:

1. Whether:
    a. The proposed rezoning is compatible with the surrounding area, or the adopted Harrisburg Area Land Use Plan (HALUP);
    b. There will be adverse effects on the capacity or safety of the portion of street network influenced by the Zoning Map Amendment;
    c. Parking problems; or
    d. Environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances.
2. Any change of character in the area due to installation of public facilities, other Zoning Map Amendments, new growth trends, deterioration, and development;
3. The zoning districts and existing land uses of the surrounding properties;
4. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning district;
5. Whether subject property has sufficient dimensions to accommodate reasonable development that complies with the requirements of this UDO, including parking and buffering requirements;
6. Whether the Zoning Map Amendment is compatible with the adjacent neighborhood, especially residential neighborhood stability and character;

7. The length of time the subject property has remained vacant as zoned.
8. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; and
9. Whether the existing zoning was in error at the time of adoption.

D. **Timing of Town Council Hearing**. After the Planning and Zoning Board makes a recommendation, the Town Council shall hold a hearing in no more than sixty days from the date of the Planning and Zoning Board meeting and decide to approve or deny the Zoning Map Amendment. Comments by the Planning and Zoning Board that a proposed amendment is inconsistent with the HALUP shall not preclude the Town Council from considering or approving any proposed amendment. Conditions may be imposed to an approved rezoning only if a conditional zoning district is approved pursuant to Section 125.03.03, *Conditional Zoning Approval*.

E. **Statement of Consistency With HALUP**. Prior to adopting or rejecting any Zoning Map Amendment the Town Council shall adopt a statement describing whether its action is consistent with the HALUP and explaining why the Council considers the action taken to be reasonable and in the public interest.

F. **Additional Conditions**. A request for a Zoning Map Amendment may be conditional upon adherence to an applicant's Development Plan, which may limit the uses on or design of the site in accordance with 120.04.05, *Conditional Zoning*.

G. **Concurrent Processing of Variances and Special Use Permits.** An applicant, at the time of filing an application for a Zoning Map Amendment, may elect to have any necessary Variances or Special Use Permits for the subject property be heard and acted upon in concurrence, provided Town Council approves the Zoning Map Amendment prior to the Variance or Special Use Permit being granted for the property. In acting on a Variance or Special Use Permit, the Town Council shall have the authority and operate under the requirements of the Board of Adjustment.

H. **Limitations of Map Amendment.** The approval of a Zoning Map Amendment does not authorize any development activity.

I. **Scope of Approval**. If the desired use is permitted by right, the applicant may file a Site Plan (if required by Section 125.02.02, *Minor Sire Plan*, or 125.02.03, *Major Site Plan*) and, if no site plan is required, an application for a Zoning Clearance and any other administrative permits required by this Chapter.

J. **Extraterritorial Jurisdiction (ETJ)**. If the Zoning Map Amendment is being proposed in conjunction with an expansion of the Town's ETJ under NCGS §160D-202, a single hearing on the Zoning Map Amendment and the ETJ boundary amendment may be held. In this instance, the initial notice of the Zoning Map Amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

K. **Optional Notice for Large-Scale Zoning Map Amendments**. The first-class mail notice required in Section 125.01.08, *Public Notice*, is not required if the Zoning Map Amendment proposes to change the zoning district of more than 50 properties, owned by at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may instead elect to publish notice of the hearing as required by NCGS §160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the first-class mail requirements of provisions of Section 125.01.08, *Public Notice*.

125.03.03 Conditional Zoning Approval (3.4)

A. **Applicability**. Conditional Zoning (CZ) districts provide a procedure for considering the Zoning Map Amendment of property based upon the recognition that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. Because of the refinement of this option, the Town strongly encourages its use. A CZ District Zoning Map Amendment affords a degree of certainty in land use decisions not possible when rezoning to a general category allowing many different uses.

B. **Additional Submittals**. The applicant shall submit an application for a CZ district, Zoning Map Amendment, and corresponding Major Site Plan. Following approval of the Conditional Rezoning and Zoning Map Amendment, the applicant shall file an application for a Preliminary Plat with the Director that is consistent with the approved Major Site Plan and any conditions that the Town Council imposed.

C. **Where Preliminary Plat Not Required**. A Preliminary Plat shall not be required, and the applicant may proceed to Final Plat submittal, under the following circumstances:

1. *Nonresidential Gross Floor Area*. New single-building nonresidential development or additions of less than 4,000 square feet in gross floor area permitted by right;
2. *Dwelling Units*. New single-building, multi-family development or additions of with seven or fewer dwelling units permitted by right; and
3. *Mixed Use Gross Floor Area.* New single-building mixed use development or additions of less than 4,000 square feet in gross floor area and seven or fewer dwelling units permitted by right.

D. **Permitted Uses**.

1. *Land Uses*. The applicant shall describe the exact land use(s) proposed for the CZ District. Such use(s) may be selected from any of the uses, whether permitted by right or by Special Use Permit, allowed in the general zoning district upon which the CZ District is based.
2. *Preliminary Major Site Plan*. Within a CZ District, only those uses permitted by the general zoning district with which the CZ District corresponds shall be permitted. In addition, the Town Council may require that the particulars to establish CZ District be recorded with the Register of Deeds of Cabarrus County to ensure notification of any subsequent purchaser. Such action approving the Preliminary Major Site Plan may further specify:
   a. The location of units;
   b. The location and extent of supporting facilities such as parking lots, driveways, and access streets;
   c. The location and extent of rights-of-way, and other areas to be dedicated for public use; and
   d. Other such matters as the applicant may propose as conditions upon request. The decision-making body may also impose additional reasonable and appropriate safeguards to serve the purpose and intent of this UDO, public welfare, and justice, as long as the applicant agrees to the conditions and consents to having the conditions placed on the Zoning Map Amendment. In the event of a CZ District Zoning Map Amendment, the Final Major Site Plan is itself a condition of the rezoning.

E. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a CZ District application, the review bodies shall consider the applicable common decision criteria in 125.01.07, *Common Decision Criteria*, together with the following:

1. *Use and Location*. The proposed CZ District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the HALUP;
2. *Eligible Uses*. The use(s) requested are among those listed as an eligible permitted use, permitted use with limitations, or special use in the general use district as included in the CZ Zoning Map Amendment request;
3. *Nuisance Mitigation*. The design of the proposed CZ District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration and not create a nuisance;
4. *Reasonableness*. The use limitations and conditions as proposed and/or imposed for the requested district can reasonably be implemented and enforced for the subject property;
5. *Improvement from General Zoning District*. When implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district;
6. *Greater Standards*. If any standards are proposed that are different from the underlying zoning district, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the general district;
7. *Applicant's Agreement*. The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district; and
8. *Town Statement*. For an approval, the Town Council shall adopt a consistency statement that the amendment being considered is either consistent or inconsistent with the HALUP and that the Town Council considers the action to be reasonable and in the public interest.

F. **Violation or Invalidity** .

1. *Violation*. A violation of a condition of a CZ District as set forth in the Final Major Site Plan and a violation of other related official documents associated with such Zoning Map Amendment are considered violations of

this UDO subject to the same remedies and penalties. Upon determining that such a violation has occurred, the Director shall notify the property owner of his or her findings and set a reasonable time for the violation to be corrected or abated in accordance with Chapter 127, *Enforcement and Remedies*. When a violation is not corrected or abated within the time period set by the Director, the Director or any person aggrieved may institute appropriate action proceedings to correct or abate the violation consistent with Chapter 127.

2. *Invalidity*. If any condition imposed or consideration made is found to be illegal or invalid, or if an applicant should fail to accept a condition such CZ District and Preliminary Major Site Plan shall be null and void. Proceedings shall be instigated to rezone the property to its previous classification in accordance with Section 125.03.02, Zoning Map Amendment.

G. **Limitations of CZ District Map Amendment.** The approval of a CZ District Zoning Map Amendment does not authorize any development activity.

125.03.04 Certificate of Appropriateness

A. **Applicability.** From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, and pavement, or other appurtenant features) no above-ground utility structure nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished on such landmark or within the historic district until after an application for a Certificate of Appropriateness as to exterior features has been approved. The certificate shall be issued prior to the issuance of a Building Permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purpose of this part. A Certificate of Appropriateness shall be required whether or not a building permit or compliance permit is required. Any Building Permit or such other permit not issued in conformity with this section shall be invalid.

B. **Government Not Exempt.** The Town of Harrisburg and all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the Town of Harrisburg or public utility companies.

C. **Timing of Hearing**. Applications for Certificates of Appropriateness shall be considered by the Historic Preservation Commission at its next regular meeting at least 28 days prior to the regularly scheduled meeting of the Commission; otherwise, consideration shall be deferred until the following meeting.

D. **Required Information**. The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

F. **Findings**.

1. *Historic Aspects*. The Commission shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.

2. *Findings Recorded.* The Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications, or denial.

G. **Failure to Act**. If the Commission fails to take final action upon any application within 60 days after the complete application is submitted to the Planning Services Director, the application shall be deemed to be approved.

F. **Specific Review Criteria.** In determining whether to approve, approve with conditions, or deny a Certificate of Appropriateness, the review bodies shall consider the applicable common decision criteria in 125.01.07, *Common Decision Criteria*, and the following:

1. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness. It is the intention of these regulations to insure, insofar as possible, that construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district or of landmarks shall be harmonious with the special character of the district or landmark. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of same or to impose architectural styles from particular historic periods. In

considering new construction, the Commission shall encourage contemporary design which is harmonious with the character of the district.

a. *Exterior Form and Appearance.* The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared and adopted by the Commission:
   1. Lot coverage, defined as the percentage of lot area covered by primary structures;
   2. Setback, defined as the distance from the lot lines to the building(s);
   3. Building height;
   4. Spacing of buildings, defined as the distance between adjacent buildings;
   5. Exterior building materials;
   6. Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
   7. Surface textures;
   8. Roof shapes, forms and materials;
   9. Use of local or regional architectural traditions;
   10. General form and proportions of buildings and structures, and relationship of any additions to the main structure;
   11. Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
   12. Orientation of the building to the street;
   13. Scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
   14. Proportion of width to height of the total building facade;
   15. Archaeological sites and resources associated with standing structures;
   16. Appurtenant fixtures and other features such as lighting;
   17. Structural condition and soundness;
   18. Wall physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
   19. Ground cover or paving;
   20. Maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement;
   21. Color (new construction only and not for existing residences); and
   22. Effect of trees and other landscape elements.

b. *Interior Form and Appearance.* Interior arrangement or design shall be exempt from review by the Historic Preservation Commission. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.

G. **Exceptions for Maintenance**. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature which the Director shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance, or (b) in the event of an emergency, the immediate restoration, of any existing above-ground utility structure with approval by the Commission.

H. **Demolition.** An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a designated landmark or a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The period of delay shall be reduced by the Commission if it finds that the owner should suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the Commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier

demolition or removal. If the Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and the final designation has not been made by the Town Council, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to 180 days or until the Town Council takes final action on the designation, whichever occurs first.

I. **Town Initiated Review.** In the case of action initiated by the Town, the application for such a Certificate shall first be reviewed by the Commission and secondly by the Town Council for final order of demolition or removal. The Commission shall consider the Code Enforcement Officer's inspections and recommendations for demolition or removal of the building or structure.

J. **Compliance.** Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Director. Failure to comply with a Certificate of Appropriateness shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of six months shall be considered as a failure to comply with a Certificate of Appropriateness.

K. **Conflicting Provisions.** Nothing contained in this UDO shall prohibit, impair, or limit in any way the power of the Town Council to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of the provisions of this UDO. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

L. **State Review When Required.** The districts shall not be established or the authority and powers be implemented until the Department of Cultural Resources shall have been given an opportunity, in accordance with the provisions of North Carolina General Statutes to make recommendations with respect to the establishment of the districts.

§ 125.04 Quasi-Judicial Review Procedures

Contents:

125.04.01 Variance (3.7)
125.04.02 Variance, Floodplain (4.14.17)
125.04.03 Special Use Permit (3.5)
125.04.04 Appeal of Administrative Decision (1.6.1.2; 2.1.3; 3.7; 4.12.15; 4.14.16.4; 5.25.4)

125.04.01 Variance

A. **Applicability**. A Variance provides limited relief from the requirements of this UDO related to height, width, length, or location of structures, and the size of setbacks and open spaces, in those cases where strict application of a particular requirement will create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed under this UDO. A Variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in this Section.

B. **Exemptions**. Some requests for relief are not within the jurisdiction of the Board of Adjustment (BOA), and are therefore, either prohibited or not subject to this Section. These requests are:

1. *Use and Sign Type Variances*. Variances are prohibited that would allow a use or a sign type in a zoning district in which the use or sign type is prohibited.
2. *Variances to Other Laws or Regulations*. Variances to State or federal laws are prohibited unless such authority is expressly granted to the Town.
3. *Conditions of Approval*. An applicant may seek modifications to conditions of approval with a new application submittal, rather than a Variance.
4. *Parking Credits and Reductions*. Adjustments to the amount of parking spaces required may be authorized in accordance with Section 121.03.02.F, *Modification to Required Number of Spaces*.
5. *Floodplain Variances*. Variances to the requirements of Chapter 123, *Environmental Management*, may be authorized in accordance with Section 125.04.02, *Variance, Floodplain*.

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Variance, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following:

1. *Unnecessary Hardship*. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
2. *Conditions Peculiar to the Property*. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.
3. *Actions Taken by the Applicant or the Property Owner*. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance is not a self-created hardship.
4. *Spirit, Purpose, and Intent*. The requested Variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

D. **Federal Fair Housing Act**. In accordance with NCGS §160D-705, A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

E. **Vote**. The concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to approve a Variance.

F. **Effect**.

1. *Particular Variation*. Issuance of a Variance shall authorize only the particular variation that is approved in the Variance request. A Variance shall run with the land and not be affected by a change in ownership.
2. *Other Approvals*. Development authorized by the Variance shall not be carried out until the applicant has secured all other development approvals required by this UDO or any other applicable provisions of the Town. Approval of a Variance does not guarantee that the development shall receive subsequent approval for other development review applications unless the relevant and applicable portions of this UDO or any other applicable provisions are met.

125.04.02 Variance, Floodplain

A. **Applicability**.
   1. *Generally*. A Floodplain Variance provides limited relief from the requirements of Chapter 123, *Environmental Management*, where strict application of a particular requirement would create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed under this UDO.
   2. *Other Structures*. Floodplain Variances may be issued for:
      a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the Floodplain Variance is the minimum necessary to preserve the historic character and design of the structure;
      b. Functionally dependent facilities, if determined to meet the definition as stated in under §128.02, *Definitions*, of this UDO, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; and
      c. Any other type of development, provided it meets the requirements of this Section.

B. **Exemptions**. A request for relief not related to the standards of Chapter 123, *Environmental Management,* may be eligible for review under Section 125.04.01, *Variance*.

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Floodplain Variance, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following.
   1. *Swept Materials*. The danger that materials may be swept onto other lands to the injury of others;
   2. *Danger*. The danger to life and property due to flooding or erosion damage;
   3. *Susceptibility*. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   4. *Importance of Services*. The importance of the services provided by the proposed facility to the community;
   5. *Waterfront Location*. The necessity to the facility of a waterfront location as defined under §128.02, *Definitions*, as a functionally dependent facility, where applicable;
   6. *Alternative Locations*. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
   7. *Existing and Anticipated Development*. The compatibility of the proposed use with existing and anticipated development;
   8. *HALUP*. The relationship of the proposed use to the HALUP and floodplain management program for that area;
   9. *Safety of Access*. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   10. *Expected Characteristics of Floodwaters*. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
   11. *Costs*. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

D. **Conditions for Floodplain Variances**. Upon consideration of the factors listed above and the purposes of this Section, the OA may attach such conditions to the granting of Floodplain Variances as it deems necessary to further the purposes and objectives of this ordinance.

1. Floodplain Variances shall not be issued when the Floodplain Variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
2. Floodplain Variances shall not be issued within any designated floodway or non-encroachment area if the Floodplain Variance would result in any increase in flood levels during the base flood discharge.
3. Floodplain Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Floodplain Variances shall only be issued prior to development permit approval.
5. Floodplain Variances shall only be issued upon:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the Floodplain Variance would result in exceptional hardship; and
   c. A determination that the granting of a Floodplain Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. **Solid Waste Disposal Sites**. A Floodplain Variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

1. *Critical Need*. The use serves a critical need in the community;
2. *No Feasible Location*. No feasible location exists for the use outside the Special Flood Hazard Area;
3. *Elevation or Floodproofing*. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation; and
4. *Other Laws*. The use complies with all other applicable Federal, State and local laws.

D. **Written Notice**. Any applicant to whom a Floodplain Variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a Floodplain Variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance.

E. **Vote**. The concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to approve a Floodplain Variance.

F. **Effect**.

1. *Particular Variation*. Issuance of a Floodplain Variance shall authorize only the particular variation that is approved in the Floodplain Variance request. A Floodplain Variance shall run with the land and not be affected by a change in ownership.
2. *Other Approvals*. Development authorized by the Floodplain Variance shall not be carried out until the applicant has secured all other development approvals required by this UDO or any other applicable provisions of the Town. Approval of a Floodplain Variance does not guarantee that the development shall receive subsequent approval for other development review applications unless the relevant and applicable portions of this UDO or any other applicable provisions are met..

125.04.03 Special Use Permit

A. **Applicability**.

1. *Special Uses*. Special Uses are generally compatible with the land uses permitted by right in a zoning district, but require individual review of their location, design, and configuration. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.
2. *Use Table Reference*. Only those uses that are enumerated as Special Uses in a zoning district, as set forth in §120.02, *Zoning Districts and Standards*, shall be authorized by the Board of Adjustment.

B. **Concurrent Site Plan Submittal**. The applicant shall submit an application for a Special Use Permit and a Preliminary Major Site Plan to the Director. Following approval of the Special Use Permit, the applicant shall file an application for a Final Major Site Plan with the Director that is consistent with the approved Preliminary Site Plan and any conditions that the Town Council imposed.

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Special Use Permit, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following:

1. *Ingress and Egress*. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;
2. *Nuisances*. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
3. *Orderly Development*. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
4. *Other Sections*. Compliance with any other applicable Sections of this UDO.

D. **Conditions**. The BOA may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the Special Use Permit approval and shall be included in the Final Site Plan application.

E. **Effect**. The approval of a Special Use Permit shall authorize the applicant to apply for Final Major Site Plan approval pursuant to Section 125.02.03. All approvals of Special Use Permits require approval of the site plan. Any Special Use Permit approval shall become null and void if a required Major Site Plan is not approved within 12 months after the date of the approval. No zoning clearance permit may be issued until the Final Major Site Plan and Special Use Permits are approved. Final Major Site Plan approval may require approval of Variances.

F. **Recommendations on Special Use Applications.** All Special Use Permit applications within the historic districts shall be reviewed by the Historic Preservation Commission at its next regular meeting after the application has been submitted in accordance with the requirements of this UDO. The Historic Preservation Commission shall forward its comments and recommendations within 45 days of the filing of the application. The recommendations shall be presented to the Planning and Zoning Board which has final decision responsibility on applications for special exceptions.

G. **Limitations of Special Use Permit.** The approval of a Special Use Permit does not authorize any development activity.

125.04.04 Appeal of Administrative Decision

A. **Applicability**. Appeals from the decisions of an administrative officer in which it is alleged there is an error in an order, requirement, decision, or determination in the enforcement of this UDO shall be made to the Board of Adjustment (BOA)..

B. **Scope of Review**. The BOA's scope of review shall be limited to determining whether the decision or interpretation by the Director was in accordance with the intent and requirements of this UDO, and accordingly, the BOA shall affirm or reverse the decision, in part or in whole.

C. **Notice of Appeal**. A notice of Appeal of an Administrative Decision shall be submitted to the Director within 30 days from receipt of the written decision. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. Notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

D. **Specific Review Criteria**. In determining whether to reverse or affirm, in part of in whole, an Appeal of Administrative Decision, the applicable review bodies shall consider the provisions of Section 125.01.07, *Common Decision Criteria*, together with the following:

1. *Record and Evidence*. The administrative decision was appropriate considering the written record of the case and the evidence presented; and
2. *UDO Requirements*. The decision reflects the requirements contained in this UDO.

E. **Burden of Proof in Appeals**. The BOA shall presume the appealed final decision to be valid. The appellant shall present sufficient evidence and have the burden to justify a reversal of the decision being appealed.

F. **Effect**. In exercising its authority under this Section, the BOA shall have the final decision-making powers of the administrative official from whom the appeal is taken.

§ 125.05 Subdivision Review Procedures

Contents:

125.05.01 Minor Subdivision (6.1, 6.2, 6.3)
125.05.02 Major Subdivision (6.4)
125.05.03 Exemption (6.1.5.; Table 6-1.1; 6.4.17)

125.05.01 Minor Subdivision

A. **Applicability**. Minor Subdivisions are divisions of property that include up to five lots in the project design. Lots are served by frontage on an existing public road or by a new public or private road that is created during the design and review process for the Minor Subdivision. New private roads are subject to a recorded maintenance agreement.

B. **General Submission Requirements.**

1. *Pre-Application Conference.* During the Pre-Application Conference required in §125.01, *Purpose, Applicability, and Common Review Procedures*, the applicant and Director shall discuss a sketch plat. The Director shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.
2. *Notice to Proceed or Notice of Noncompliance.* The Director, upon consultation with the Director of Public Works , shall issue either the Notice to Proceed or a Notice of Noncompliance not later than 15 days after the date on which the sketch plat was submitted to the Director. The Director shall issue a Notice to Proceed only if the sketch plat complies with all applicable laws governing the subdivision of land. The approval shall include, as appropriate, recommended changes in the sketch plat to be incorporated into the final (conveyance) plat. Subsequent to an approval, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat (conveyance plat) as provided in these regulations. If the sketch plat of a minor subdivision is denied by the Director, the applicant may appeal to Planning and Zoning Board. The Planning and Zoning Board shall review the application, and shall affirm or reverse the decision of the Director. The applicant shall have one year from the date that the sketch plat is approved to submit a conveyance plat, after which time a new sketch plat must be submitted for approval.
3. *Sketch Plat Scale***.** Sketch plats shall be drawn to a convenient scale of not more than 100 feet to an inch. Supporting information required by this section may allow for a larger scale.

C. **Final Plat Submission Requirements**.–In order to provide a simplified review procedure, submission of a Final Plat may be in the form of:

1. *Final Plat*. A standard Final Plat; or
2. *Conveyance Plat*. A conveyance plat, subject to the following limitations:
   a. If the Director finds that the sketch plat meets the requirements of a minor subdivision and that there are no adverse effects on the remainder of the parcel or on adjoining property, then the subdivider may proceed with the preparation of a conveyance plat.
   b. A subdivision shall be deemed to have no adverse effects on the remainder of the parcel or on adjoining property if:
      1. The subdivision contains no Critical Areas on any portion of the property to be subdivided or developed; and
      2. The subdivision meets the definition of Minor Subdivision ; and
      3. The conveyance plat shall be recorded in the same manner, and shall be subject to the same restrictions, as a final plat.
      4. The conveyance plat shall comply in all respects with the sketch plan.

D. **Final Plat Approval**.

1. The Director, upon consultation with the Director of Public Works or their designee, shall render a determination as to whether the plat is approved, approved with conditions or denied pursuant to the provisions of this Section and NCGS §160D-804.
2. The application shall be processed within 15 working days.

3. If a plat is approved, the Director and the Director of Public Works or their designee shall certify such approval by signing the plat. If disapproved, the Director shall advise the subdivider of such action and shall indicate the reasons for denial.

E. **Recording a Final Plat**. Within 30 days of final plat approval, the applicant shall file the plat with the Register of Deeds as provided by law.

125.05.02 Major Subdivision

A. **Applicability**. All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

B. **General Submission Requirements**.

1. *Pre-Application Conference*. During the Pre-Application Conference required in §125.01, *Purpose, Applicability, and Common Review Procedures.* The applicant and Director shall discuss a sketch plat. The Director shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

2. *Sketch Plat Submission Procedures.* The Director shall issue a Notice to Proceed only if the sketch plat complies with all applicable laws governing the subdivision of land and upon recommendation from the Director of Public Works or their designee. The approval shall include, as appropriate, recommended changes in the sketch plat to be incorporated into the Preliminary Plat to assist the applicant in obtaining preliminary plat approval from the Town Council. If the Director determines that the sketch plat does not comply with all applicable laws governing the subdivision of land and the applicant refuses to modify the sketch plat, the Director shall issue a Notice of Noncompliance. The Director shall issue either the Notice to Proceed or a Notice of Noncompliance not later than 20 days after the date on which the sketch plat was submitted to the Director. After receipt of a notice of approval, the applicant shall be eligible to file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

C. **Preliminary Plat Submission Procedures For Major Plats**. If the Director has issued a Notice to Proceed for a sketch plat for a major subdivision, then the subdivider may proceed with the preparation of a Preliminary Plat. Approval of a Preliminary Plat shall be required for any tract where the eventual platting of the property involves a major subdivision. No Final Plat shall be approved until a Preliminary Plat for the property has been approved. Upon final approval, a Preliminary Plat shall be made a matter of record as follows:

1. *Final Action*. The reasons for approval, disapproval, or approval with conditions shall be maintained on file with the Director.

2. *Index*. The approved plat shall be indexed and filed by the Director.

D. **Effect of Preliminary Plat Approval**.

1. *Subsequent Steps*. Approval of the Preliminary Plat shall allow a subdivider to proceed with:

   a. The preparation of the Final Plat;

   b. Site preparation/grading (subject to obtaining Grading Permit and/or Erosion Control Permit); and

   c. The installation of required improvements (subject to approval of Construction Plans).

2. *Conditions and Revisions*. Approval of the Preliminary Plat without approved construction plans shall not constitute the necessary approval for submittal of the Final Plat. Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Director with all corrections within 60 days of approval. Failure to return a corrected plat within this time period shall constitute a violation and shall be remedied in accordance with Chapter 127, Enforcement and Remedies. Additionally, no Final Plat may be approved until a corrected copy of the Preliminary Plat has been filed with the Director. The Preliminary Plat shall serve as a guide in the preparation of the Final Plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this chapter.

3. *Validity*. The Preliminary Plat shall be valid for the period prescribed by Section 125.01.14, *Development Review Summary*. The Planning and Zoning Board may approve a staging plan extending the effective period of the Preliminary Plat approval for more than two years where it is the intent of the landowners to proceed to Final Plats covering only a portion of the tract at any one time.

E. **Phasing Of A Preliminary Plat**. Whenever a subdivider applies for approval of a Final Plat which contains only a portion of the land encompassed in the approved Preliminary Plat, the Final Plat shall coincide with phase lines as established on the Preliminary Plat. Phasing of a Preliminary Plat shall not be permitted unless the phase lines are established and approved under the action of the Planning and Zoning Board.

F. **Final Plat Submission Procedures For Major Plats**.

1. *Final Plat Required*. There shall be a Final Plat approved prior to development for each subdivision which receives Preliminary Plat approval.
2. *Recordation*. No Final Plat shall be recorded until a Final Plat has been approved as provided in this Section.
3. *Phasing*. The subdivider may submit Final Plat copies for only that portion of the approved Preliminary Plat which is proposed for recordation and development at that time, if such portion conforms to all requirements of this Article. The Final Plat shall conform to the approved Preliminary Plat. Any deviation from the approved Preliminary Plat which does not constitute a Minor Modification as set forth in 125.02.14, shall require additional review and final action by the Planning and Zoning Board.
4. *Final Action*. The Final Plat and related materials shall be approved or disapproved by the Director within 15 days. Approval shall be in the form of a written letter to the subdivider (or contact person as listed on application) advising that the final plat meets all Town and state requirements and that the original of the Final Plat may be submitted to the Director. The Director shall sign the plat. The action of the Director shall be noted on all copies of the final plat to be retained as required for records or further action of the department or other affected agencies of the Town or state. Following execution of the Final Plat, the applicant shall record it with the Register of Deeds.
5. *Completion of Public Improvements*. Except as provided in Section 122.05.01, *Dedication of Improvements and Performance Surety*, all applicants shall be required to complete, to the satisfaction of the Director and Director of Public Works, all street, sanitary, and other public improvements of the subdivision as required by this UDO before the Final Plat is recorded.

G. **Recording a Final Plat**.

1. *Deadline to Record*. Within 30 days after Final Plat approval, the subdivider shall file the Final Plat with the Register of Deeds as provided by law. The Final Plat approval shall expire within the above referenced time period, unless the Director has granted an extension. Failure to record the Final Plat within the time frame noted shall cause the Final Plat approval to be void, and shall require a new application.
2. *Mylar Copy*. The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Director.

H. **Effect**.

1. *Approval is not Acceptance*. Approval of the Final Plat shall not be deemed to be acceptance by the Town or state of any public improvements shown on the Final Plat and engineering plans.
2. *Zoning Clearance or Building Permit*. No Zoning Clearance permit or Building Permit shall be issued or approved until the expiration of ten business days after a final plat has been recorded. The purpose of this time period is to permit the assignment of addresses and P.I.N.s (Parcel Identification Numbers) in the Land Records office of Cabarrus County.

125.05.03 Exemption (6.1.5.; Table 6-1.1; 6.4.17)

Pursuant to NCGS §160D-802, a subdivision plat shall not be required for any of the following:

A. **Combination or Recombination**. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in this UDO.

B. **Large Parcels**. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

C. **Public Acquisition**. The public acquisition by purchase of strips of land for the widening or opening of streets.

D. **Minor Division**. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this UDO.

E. **Probated Will**. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under NCGS Chapter 29.

F. **Plat for Recordation**. Only a plat for recordation for the division of a tract or parcel of land in single ownership is required if all of the following criteria are met:

1. *Not Otherwise Exempted*. The tract or parcel to be divided is not otherwise exempted by this Section;
2. *No Previous Division*. No part of the tract or parcel to be divided has been divided under this Section in the 10 years prior to division;
3. *Large Parcels*. The entire area of the tract or parcel to be divided is greater than five acres;
4. *Few Lots*. After division, no more than three lots result from the division; and
5. *Conformity with UDO*. After division, all resultant lots comply with all of the following:
    a. Any lot dimension and size requirements of this UDO;
    b. The use of the lots is in conformity with the applicable zoning district; and
    c. A permanent means of ingress and egress is recorded for each lot.

CHAPTER 126: NONCONFORMITIES

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§ 126.01 Classification of Nonconformities

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126.01.01 Purpose and Applicability

A. **Purpose**. The purpose and intent of this Section is:

1. *Comprehensive Plan*. To provide detailed administrative rules, regulations, and procedures in order to guide officials in the administration, interpretation and implementation of this UDO, and/or any other ordinances, regulations and or administrative rules adopted by the Town in order to implement the HALUP;
2. *Predictability and Fairness*. To establish predictability and fairness for affected landowners;
3. *Vested Rights*.
   a. To recognize that development projects for which vested rights have been obtained must be accounted for in the HALUP, this UDO, capital improvements programs, and other land development regulations;
   b. To provide a method for determining and quantifying the number of projects, development projects, and land uses, which do not now comply with this UDO, or which may in the future fail to comply with this UDO due to subsequent amendments to this UDO but which are vested, so that such projects, development projects and land uses can be accounted for in the existing and future general plans and this UDO;
   c. To establish uniform and non-burdensome procedures and specific criteria for the determination of vested rights and claims of equitable estoppel in order to aid in the accomplishment of sound and orderly planning;
   d. To define the scope of vested rights that have been obtained by virtue of prior development approvals, including the expiration of development permits;
4. *Investment-Backed Expectations*. To protect legitimate investment-backed expectations;
5. *Planning and Implementation*. To protect the planning and implementation process;
6. *Disputes*. To settle potential disputes and to minimize protracted and costly litigation;
7. *Legal Provisions*. To ensure that all applicable legal standards and criteria are utilized in the determinations to be made under this Section; and
8. *NCGS*. To implement the provisions of NCGS §160D-108 and §160D-108.1.

B. **Types of Nonconformities**. There are five general types of nonconformities addressed in this Section.

1. *Nonconforming Uses*. The following uses are nonconforming uses:
   a. Uses that were lawfully established but are not currently listed as permitted or special uses;
   b. Uses that do not meet the requirements of § 120.04.06, *Special Use Standards*; and
   c. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.
2. *Nonconforming Structures*. The following are nonconforming structures:

a. Structures that were lawfully established but fail to meet a numerical standard in §120.02, *Zoning Districts and Standards*; and

b. Structures that were lawfully established within a floodplain or floodway, but are no longer permitted due to their location or elevation within the floodplain or floodway.

3. *Nonconforming Lots of Record*. A lawfully established lot, not held in common with any other lot, that does not meet the area or other dimensional standards of this UDO, is a nonconforming lot of record. Lots that are held in common, but which individually do not meet lot area or dimensional standards, are curable nonconformities. Where a landowner owns several nonconforming lots that abut each other, they may be combined to create conforming ;lots or, if full conformity is not possible, they may be combined to the extent that the combination increases the degree of conformity.
4. *Nonconforming Signs*. A lawfully established sign that fails to meet the applicable requirements of §121.05, *Signs*, is a nonconforming sign.
5. *Nonconforming Site Elements*. The following site elements are nonconforming if there were lawfully established but do not meet the standards of Chapter 121, *Building and* Site *Design*.
   a. Building exterior material or design,
   b. Parking, loading, or stacking areas or driveways;
   c. Development landscaping or bufferyards; and
   d. Outdoor lighting.

C. **Unlawful Uses, Structures, or Signs.** This Chapter does not legalize uses, structures, or signs that were established, constructed, or modified without the required approvals. Such uses, structures, or signs are not "legally nonconforming," but instead remain "unlawful," and are violations of this UDO and any other applicable law. Likewise, this Chapter does not legalize unlawful subdivisions of property that may have occurred before the effective date of this UDO.

D. **Nonconformities Created by Public Action**. Any nonconforming structure or land expressly created or caused by a conveyance of privately owned land to a federal, state, or local government to serve a public purpose is conforming for the purposes of this UDO, and is not subject to the limitations of this Chapter. This exemption applies only in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation or otherwise, which creates a nonconformity in the remainder parcel in terms of setback, lot size, or other applicable standards of this UDO. This exemption does not apply to right-of-way dedication or other public conveyances of land required by the Town in the course of subdivision or other routine site plan approvals.

E. **Maintenance and Alterations**.

1. *Maintenance*. Routine maintenance of a nonconforming structure or sign, or of a conforming structure containing a nonconforming use, is permitted, including necessary non-structural repairs, painting, change in message on a sign, and incidental alterations that do not extend or intensify the nonconforming uses or the life of the nonconforming structures.
2. *Alterations*.
   a. No structural alteration shall be made to any nonconforming structure or sign or to a structure containing a nonconforming use except if:
      1. The alteration is required by law;
      2. The alteration will result in eliminating the nonconforming use, structure, or sign; or
      3. The alteration will not maintain or increase the degree of nonconformity.
   b. For example, in regard to paragraph a.3, above, if a structure is set back three feet from a property line and this UDO requires five feet, then no portion of an addition shall come closer to the property line than the minimum required five feet.

E. **Determination of Nonconforming Status**. The initial decision as to whether an existing Nonconforming Use or Nonconforming Structure has been abandoned shall be made by the Director, subject to said decision being appealed to the Board of Adjustment by the affected property owner within 30 days of the ruling by the Director.

G. **Elimination of Nonconforming Status**. The owner of a nonconformity may employ the mechanisms denoted in Table 126.01.01, *Elimination of Nonconforming Status*, in an attempt to eliminate the nonconformity.

Table 126.01.01, Elimination of Nonconforming Status	
Nonconformity	Mechanism to Eliminate Nonconforming Status
Use	Conversion of the existing use to a conforming use.
	Approval of a Zoning Map Amendment to a district in which the use is permitted.
	Approval of a Special Use Permit in accordance with §126.02, *Conversion of Nonconformities*.
Structure	Modification of the structure to conform.
	Approval of a Variance to allow the structure as built.
	Approval of a Zoning Map Amendment o district to which the structure would conform.
	Approval of a Special Use Permit in accordance with §126.02, *Conversion of Nonconformities*.
Sign	Modification of the sign to conform.
	Replacement of the sign with a permitted sign type
Lot of Record	Approval of a Replat.
	Combination of properties held in common ownership to create a conforming lot.
Site Elements	Modification of the improvement to conform.

126.01.02 Nonconforming Uses

A. **All Nonconforming Uses**. The following shall apply to nonconforming uses.

1. A nonconforming use shall not be changed to another nonconforming use, except as allowed in §126.02, *Conversion of Nonconformities*.
2. If a nonconforming use is changed to a conforming use, the nonconforming use shall not be resumed.
3. If the use of only a portion of a building or property is changed from a nonconforming use to a conforming use, then the use of that portion of the building or property shall not be changed back to the nonconforming use.

B. **Damage and Restoration of Structure Housing Nonconforming Use.** Any conforming structure housing a nonconforming use that is damaged by any means to an extent exceeding 50 percent of its replacement cost shall comply with the use standards of this UDO when it is re-constructed. Any conforming structure housing a nonconforming use that is damaged by any means to a lesser extent may continue the nonconforming use if it is reconstructed and used as before within two years of the damage.

C. **Nonconforming Temporary Uses**. Certain nonconforming uses, due to their individual temporary circumstances, cannot be maintained as a year-round use. These uses, which are identified in §120.04.08, *Temporary Use and Structure Standards*, shall be considered abandoned if the temporary use is discontinued for longer than any 12 month period.

D. **Nonconforming Bona Fide Farms or Agri-Businesses**. Existing bona fide farms or agri-businesses in the AG zoning district may be operated on a property so designated by Cabarrus County or Rowan County as of the time of the effective date of this UDO. Such farms or agri-businesses may continue in their current state and with their existing level of activity in accordance with the following:

1. *Expansion*. Such farms or agri-businesses shall be permitted to expand to the maximum extent permitted under the requirements of this district on the same property or adjacent property (also having the bona fide farm designations).
2. *Non-Bona Fide Designation*. New or expanded agri-business operations on property not having a bona fide farm designation shall not be permitted.
3. *Continuance*. Bona-fide farms which cease to qualify as such may return to active farming and may continue as farms as if they had never ceased operating. However, once a bona fide farm ceases to qualify as such, and the property is developed for other non-farm uses permitted in the AG district, it may not be re-established as a bona fide farm.

126.01.03 Nonconforming Building or Structures

A. **Limitations on Nonconforming Building or Structures.**

1. *Continuance***.** Subject to this Section, any nonconforming building or structure may be occupied, operated, and maintained in a state of good repair. No nonconforming building or structure may expand, enlarge, or extend unless compliant with §125.02.12, *Certificate of Nonconformity Adjustment*.

2. *Expansion or Additions*. Expansions or additions to structural parts of a nonconforming building or other structure shall be permitted with the issuance of a Certificate of Nonconformity Adjustment. Any expansion or enlargement shall comply with all applicable zoning district dimensional regulations.
3. *Repairs or Alterations*. Repairs to existing Nonconforming Buildings or Structures that do not include an expansion or addition shall not require a Certificate of Nonconformity Adjustment.
4. *Damage and Reconstruction*. If a nonconforming structure is damaged, partially destroyed, or deemed to be unsafe the structure may be restored to its original dimensions provided that:
   a. The original nonconformity is not enlarged, increased, or extended;
   b. A Building Permit is obtained for repairs within six months of the date the building was damaged;
   c. The construction is commenced within six months after obtaining the required Building Permits; and
   d. The damage or destruction does not exceed 50 percent of the gross floor area (GFA) of a nonconforming structure or 50 percent of the replacement cost of the structure.

B. **Nonconforming Towers.**

1. *No Expansion*. Towers that are constructed and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. *Preexisting Towers*. Preexisting towers constructed prior to the adoption of this UDO shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.
3. *Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas*. Notwithstanding this Section, bona fide nonconforming towers or antennas that are damaged or destroyed by weather events or other non-manmade causes to conform to the requirements of this UDO provided the type, height, and location of the tower onsite shall be of the same type and intensity as the original facility; provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

Table 126.01.03-1, Separation Requirements from Offsite Uses/Areas

Single-family or duplex residential units[1]	200 feet or 300% of tower height, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary plat approval which is not expired[2]	
Vacant unplatted residentially zoned land[3]	100 feet or 100% of tower height, whichever is greater
Existing multi-family residential units greater than duplex units	
Non-residentially zoned lands or non-residential uses	None, only setbacks apply

1. Includes modular homes and mobile homes used for living purposes.
2. Separation measured from base of tower to closest building setback line.
3. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan and any multi-family residentially zoned land greater than a duplex.

Table 126.01.03-2, Separation Distances Between Towers

	Monopole 65 ft. in height or greater	Monopole less than 65 ft. in height
Monopole 65 feet in height or greater	1,500 feet	750 feet
Monopole less than 65 feet in height	750 feet	750 feet

126.01.04 Nonconforming Lots

A. **Continuance**. Permitted uses in any district may be allowed on any single nonconforming lot of record. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, generally applicable in the zoning district.

B. **Lot Combination**. Where a property owner owns more than one contiguous nonconforming lots, the lots shall be combined to create fully conforming lots prior to any other development application submittal for the property. Or, if full conformity is not possible, the lots shall be combined if the combination will increase the degree of conformity.

C. **Creation of Nonconforming Lots Prohibited**. The subdivision of any land may not result in a lot area or dimension that does not meet the minimum standards of this UDO.

D. **Permitted Use**. Any existing lot of record which does not conform with lot area, depth, or width requirements may be used for any permitted use in that zoning district so long as the parcel is not reduced in any manner or diminished so as to cause yards, lot coverage, or other open spaces to be less than required, except as provided in subsection D, below.

E. **Dimensional Requirements**. Dimensional requirements other than those applying to lot area, depth or width shall be met, provided that the Director may allow a reduction of not to exceed 25 percent in the dimension of any required yard. Approval shall depend upon a written finding that such reduction is reasonably necessary for practical use of the lot and will not have substantial adverse effects on adjacent property. Reduction of yard requirements by more than 25 percent shall be obtained only through a variance granted by the Board of Adjustment.

126.01.05 Site Improvements (New)

A. **Generally**. Table 121.01.01-1, *Building and Site Design Standards Applicability*, shows when development, redevelopment, or improvements to a site require compliance with Chapter 121, *Building and Site Design*. Over time, such development activities will have the effect of removing the majority of nonconforming site elements in the jurisdiction of this UDO.

B. **Nonconforming Driveway.**

1. *Continuance*. Any nonconforming driveway access is permitted to continue as a nonconforming driveway until:
   a. Any additional driveway is constructed for the subject property or for the unified development of which it is a part; or
   b. The driveway requires reconstruction or repaving.
2. *Termination*. If the criteria in this Subsection B., *Nonconforming Driveway*, are met, the nonconforming driveway shall no longer be permissible, and the Director shall require new driveway access to meet the requirements of Chapter 121, *Building and Site Design*. The Director may block any such unpermitted driveways after notice is mailed to the property owner of record.

C. **Other Nonconforming Site Improvements**. No other nonconforming site improvement may be modified except to bring the site improvement into greater compliance with the requirements in Chapter 121, *Building and Site Design*.

126.01.06 Signs or Billboards

A. **Nonconforming Sign or Billboard Defined**. A nonconforming sign or billboard means any existing sign or billboard on or after the effective date of this UDO that does not comply with all the regulations applicable to the zoning district and development standards in which the sign or billboard is located.

B. **Sign Includes Billboard**. The use of the term "sign" in this Section includes the term "billboard" unless specifically stated otherwise.

C. **Continuance**.

1. *New Copy*. A nonconforming sign existing at the time of the effective date of this Section may continue if changed to or replaced with another sign that complies with this UDO. If the existing sign face is structurally safe and holds a valid permit or an approved nonconformity registration, additional new sign copy is permitted if that change or alteration does not result in:
   a. A change in message method or technology;
   b. An increase in sign illumination;
   c. An increase in sign face area;
   d. Structural alteration to extend its useful life;
   e. Any dimensional expansion;
   f. Reestablishment of the sign after damage or destruction if the cost of repairing the sign is greater than 50 percent of its replacement value at the time of damage or destruction;

g. Modification or relocation that increases the sign's nonconformity;
h. Modification or additional lighting or any other enhancement;
i. Replacement poles subject to a Building Permit, but only if not more than one-half of the total number of poles of the sign structure are replaced in any 12 month period and the same material is used for the replacement poles;
j. Addition of a catwalk to the sign structure;
k. Addition of lighting to an unilluminated sign or addition of more intense lighting to an illuminated sign, whether or not the lights are attached to the sign structure;
l. Changing the number of poles in the sign structure;
m. Addition of permanent bracing wires, guy wires, or other reinforcing devices;
n. Changing the material used in the construction of the sign, such as replacing wooden material with metal material;
o. Addition of faces to a sign or changing the sign configurations;
p. Increase in sign height;
q. Changing the configuration of the sign structure, such as changing a "V" sign to a stacked or back-to-back sign, or a single face sign to a back-to-back sign; or
r. Moving the sign.

2. *Repair or Maintenance*. This provision shall not prevent repair or maintenance of any part of a sign structure to a safe condition or performing normal maintenance operations on a sign or sign structure. The following actions are considered maintenance and are allowed without losing the legal nonconforming status of the sign:
   a. Replacement of nuts and bolts;
   b. Nailing, riveting or welding;
   c. Cleaning and painting;
   d. Manipulation of sign structure to level or plumb it;
   e. Replacement of minor parts if the material of the minor parts are the same type as those being replaced and the basic design or structure of the sign is not altered; and
   f. Changing all or part of the sign face with materials similar to those being replaced.

D. **Moving**. A nonconforming sign shall not move in whole or in part from or within the lot in which it is located, unless every portion of such building or structure is made to conform to all regulations of the district in which it is located.

E. **Abandonment and Termination of a Nonconforming Sign**. A nonconforming sign is deemed abandoned and the right to operate a nonconforming sign terminates immediately if any of the following occur:

1. *Non-Use*. The non-use of the sign for a continuous period of more than 180 days.
2. *Damage or Destruction*. A portion or all of the sign is damaged or destroyed by the intentional act of the owner or his or her agent.
3. *Dilapidation*. Discontinuance or abandonment occurs irrespective of the intent of the property owner if the nonconforming sign is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of 180 days.

F. **Compliance and Removal**. All signs that become nonconforming on the effective date of this UDO shall be brought into compliance or removed three years after the effective date of this UDO.

§ 126.02 Conversion of Nonconformities

Contents:

126.02.01 Purpose (New)
126.02.02 Criteria for Approval (New)

126.02.01 Purpose

A. **Purpose**. The purpose of this Section is to provide nonconformity conversion options and standards.

B. **Disclaimer**. Any conditions attached to any Zoning Map Amendment, Conditional Zoning Approval, Special Use Permit, Variance, Zoning Clearance, or any other permit or approval issued under any previously enacted UDO or other land development-related regulations, shall continue to apply to the proposed use and shall be enforceable as provided in Chapter 127, *Enforcement and Remedies*. Such conditions may be waived if an application is approved pursuant to this UDO whereby the applicant agrees to waive and abandon all rights secured under the regulations formerly in effect.

C. **Application**. A Certificate of Nonconformity Adjustment shall be submitted in accordance with Section 125.02.12, *Certificate of Nonconformity Adjustment*.

126.02.02 Criteria for Approval

A. **Requirements**. An applicant for a Certificate of Nonconformity Adjustment may apply to convert a nonconforming use to another use by an application stating:

1. The current nonconformity;
2. The reason(s) why there is nonconformity by identifying noncompliant UDO regulations; and
3. The intended conversion use.

B. **To a Conforming Use.** Any nonconforming use may change to a use conforming with the regulations established for the district in which the nonconforming use is located. A nonconforming use changed to a conforming use shall not be changed back to a nonconforming use.

C. **To Another Nonconforming Use.** A nonconforming use may not be changed to any use other than one allowed in the zoning district it is located in, except:

1. A nonconforming use in a nonresidential district may be changed to another similar or less intensive use within the same use category if reviewed and approved by the Director, who may defer this decision to the Board of Adjustment for a Special Use Permit. Once changed to a more restricted use or to a conforming use, such use shall not afterwards be changed to a less restrictive use.
2. A nonconforming residential use may be changed to a less intensive nonconforming residential use if approved by the Board of Adjustment through a Special Use Permit.

D. **Limitations on Changing Nonconforming Uses.** All changes of nonconforming uses are limited by and will comply with the regulations established for accessory uses, home occupations, permitted structures, permitted signs, off-street parking, and off-street loading. No nonconforming use shall change to another nonconforming use that requires more off-street parking or loading space than the former nonconforming use.

CHAPTER 127: ENFORCEMENT AND REMEDIES

Contents:

§ 127.01 Enforcement Procedures
§ 127.02 Remedies

§ 127.01 Enforcement Procedures

Contents:

127.01.01 Purpose (New)
127.01.02 Applicability (New)
127.01.03 Right of Entry (New)
127.01.04 Violations (1.6)
127.01.05 Owner Responsibility (New)

127.01.01 Purpose

The purpose of this Section is to set out the procedures for enforcing this UDO, and the remedies available to the Town for violations of this UDO.

127.01.02 Applicability

A. **Compliance Required**. No person may use, occupy or develop land, buildings or other structures, or authorize or permit the use, occupancy or development of land, buildings or other structures, except in accordance with all the provisions of this UDO.

B. **Continuation of Prior Enforcement Actions**. Nothing in this UDO shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to regulations in effect before the effective date of this UDO. Enforcement actions initiated before the effective date of this UDO, and any amendments to this UDC, may be continued to completion or settlement under the terms of the regulations in effect prior to the effective date of this UDO.

127.01.03 Right of Entry

The Code Enforcement Officer is empowered to enter any building, structure, or premises in the Town upon which a development or land use is located, as follows:

A. **Inspection**. Entry shall be for the purpose of inspection to ensure compliance;
B. **Hours**. Inspection shall be performed during business hours, unless an emergency exists; and
C. **Permission**. Inspection shall be made only after:
   1. Contact and permission is granted by the owner or tenant; or
   2. An order from a court of competent jurisdiction.

127.01.04 Violations

A. **Complaints**. Any person may file a written complaint to the Director on a suspected violation of this UDO. The Director shall record the complaint immediately, investigate, and take action as provided in this Section.

B. **Activities Constituting Violations**. Unless otherwise expressly stated by the NCGS §160A-175, any violation of this UDO, including but not limited to the following, will be subject to the remedies and penalties provided for in this Section:
   1. *Placement of Use, Structure, or Sign without Approvals*. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any structure, use, or sign upon land that is subject to this UDO without all of the approvals required by this UDO. This section is not intended to address legal nonconforming uses or structures. Chapter 126 regulates expansions or other alterations to legal nonconforming uses or structures.

2. *Subdivision*. To subdivide land in violation of this UDO or transfer or sell land by reference to, exhibition of, or any other use of an unapproved plat. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town may bring an action for injunction of:
   a. Any illegal subdivision;
   b. Transfer of land;
   c. Conveyance of land; or
   d. Sale of land.
3. *Violation of Conditions of Approval*. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other forms of authorization required in order to engage in such activity.
4. *Setbacks*. To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this UDO.
5. *Intensity*. To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this UDO;
6. *Interference with Notice*. To remove, deface, obscure, or otherwise interfere with any notice required by this UDO;
7. *Failure to Remove Violating Improvements*. To fail to remove any sign or other improvement installed, created, erected, or maintained in violation of this Ordinance, or for which the permit, approval, permission, or other authorization has lapsed. This section is not intended to address legal nonconforming uses or structures. Chapter 126 of this UDO regulates expansions or other alterations to legal nonconforming uses or structures.
8. *Other*. To otherwise undertake any development or to establish any use in a manner which does not comply with this UDO.

C. **Notice of Violation**.
   1. *Mailed Notice.* The Director shall send a violation notice by certified mail, postage pre-paid, return receipt requested, to the property owner on which the violation is taking place.
   2. *Notice Contents.* The notice shall contain the violation description, citation of the Section, Subsection, or Paragraph of this UDO being violated, address or location of property, date of noticed infraction, steps to correct, and the deadline to correct the infraction.

D. **Timeframe for Violation to be Corrected**. Failure to correct the violation within seven business days from the date of mailing the letter shall constitute an offense.

E. **Correction**. Correction of the violation in the manner stipulated by the violation notice at any point during this enforcement process, shall deem the notice null and void, and enforcement activity shall cease.

F. **Existing Violations**.
   1. *Generally.* Any violation of the repealed provisions of the Town's Code of Ordinances that this UDO replaced shall continue to be a violation under this UDO and shall be subject to the penalties and enforcement set out in this Article unless the use, development, construction, or other activity complies with the provisions of this UDO.
   2. *Fines and Penalties*. Payment of fines shall be required for any civil penalty assessed under the repealed provisions of the Town's Code of Ordinances, even if the original violation is no longer considered a violation under this UDO.

G. **Penalties.**
   1. *First Offense*. Any violation occurring once within a 36-month period shall be considered a first offense. A notice of violation shall be issued by the Director or his/her designee and shall provide for a seven day warning period. An appeal of the Director's decision shall be allowed as prescribed in this Section. Upon the expiration of the seven-day warning period, the violator shall be subject to a civil penalty of $100.00 for each day that the violation remains on the property. Should a violation continue to exist by the 21st day of the original notification, the Town shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a

prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in §127.02, *Remedies*.

2. *Repeat Offenses*. Any violation of reoccurring on the same property by the same violator more than once within a 36-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Article of this Ordinance. A notice of violation shall be issued by the Director or his/her designee and shall have an immediate civil penalty of $300.00. No warning period shall be granted since this provision applies only to violations that occur more than once in a 36-month period and proper notice was given for the initial violation as prescribed in paragraph D.1, *Timeframe for Violation to be Corrected*, above. For each day the repeat violation remains, the violator shall be subject to a civil penalty of $300.00. Should a violation continue to exist by the 7th day of the original notification, the Town shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in §127.02, *Remedies*.

127.01.05 Owner Responsibility

It shall be the responsibility of the property owner to maintain and ensure conformance to the provisions of this UDO.

§ 127.02 Remedies

Contents:

127.02.01 Civil Liability (4.14.16)
127.02.02 Criminal Penalty (4.14.12)

127.02.01 Civil Liability

A. **Civil Liability**. The Code Enforcement Officer:
   1. Has the authority to issue a citation and deliver it to a person believed to be committing a civil violation; and
   2. Is declared to be the official with the duty of enforcing this UDO with respect to:
      a. Appearing and testifying in any trial held with respect to a citation;
      b. Notifying the court of competent jurisdiction of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice has occurred;
      c. Mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set in the citation; and
      d. Receiving and filing a copy of each original citation and any fines or notices of intention to stand trial.

B. **Injunction and Abatement**. This UDO may be enforced by any means or any remedy provided for in NCGS §160A-175 and §160D-1208. The Code Enforcement Officer, with assistance from other applicable Town staff members, may enforce any violation of this UDO prior to, and without, judicial process by:
   1. *Withhold Permit*. Withholding all permits or approvals if there is:
      a. a repeat violation of this UDO as set forth in §127.01.04, *Violations*; or
      b. there is a condition or qualification of approval granted by the Planning and Zoning Board or the Town Council that has not been met.
      c. The Town Staff may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected repeat violation of this UDO. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.
   2. *Revoke Permits*. Any Development Permit or other form of authorization required under this UDO may be revoked for any reason set forth in §127.01.04, *Violations*, and in NCGS §160D-403(f).
   3. *Stop-Work Order***.** With or without revoking permits, the Town Staff may stop work on any land or structure on any land on which there is an uncorrected violation of a provision of this UDO or of a permit or other form of authorization issued hereunder, in accordance with the power to stop work pursuant to NCGS §160D-404.

The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons, and the conditions under which the work may be resumed.

4. *Revoke Plan or Approval*. Where a violation of this UDO involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Town Staff may, upon notice to the applicant and other known parties in interest (including any holders of Building Permits affected), revoke the plan approval pursuant to NCGS 160D-403(f). Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

D. **Other Remedies**. The Town Staff, Town Council, Planning and Zoning Board, and the Board of Adjustment shall have such other remedies as are, and as may be from time to time, provided by North Carolina law for the violation of zoning, subdivision, sign, or related UDO provisions.

127.02.02 Criminal Penalty

A. **Misdemeanor Offense.** Violation of the provisions of this UDO or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of Variance or Special Use Permit, shall constitute a misdemeanor. Any person who violates this UDO or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $50.00 or imprisoned for not more than 30 days, or both.

B. **Successive Days**. Each day such violation continues shall be considered a separate offense.

C. **Associated Parties**. The owner or tenant of any full or partial building, structure, or premises, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.

D. **Penalties Cumulative**. The penalties of this UDO shall be cumulative except where the provisions of this UDO are in direct conflict with each other, in which event the stricter provision shall take precedence.

CHAPTER 128: WORD USAGE

Contents:

§ 128.01 Rules of Construction, Acronyms, and Abbreviations
§ 128.02 Definitions

§ 128.01 Rules of Construction, Acronyms, and Abbreviations

Contents:

128.01.01 Rules of Construction Appendix A (2)
128.01.02 Acronyms and Abbreviations (New)

128.01.01 Rules of Construction

A. **"Shall," "will," "should," "may," and "must."**
   1. The words "shall," "must," and "will" are always mandatory.
   2. The words "should" and "may" are discretionary.

B. **Representative of the Town**. Any office referred to in this UDO by title means the person employed or appointed by the Town in that position, or their duly authorized representative or designee, and includes any person designated to perform the duties of such office.

C. **Customary Usage**. Definitions not expressly prescribed in this UDO are to be construed in accordance with customary usage in municipal planning, engineering, and architectural practices.

D. **Most Recent Version**. All references to other county, state, or federal regulations in this UDO refer to the most current version and citation for those regulations, unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

E. **Tense and Number**. Words in the present tense include the future and vice-versa. Words in the singular number include the plural number and vice-versa.

F. **Building and Structure**. The word "building" includes the word "structure."

G. **District**. The word "district" means zoning district.

H. **Town**. The word "Town" means Harrisburg, NC.

I. **Gender**. If a feminine term is used, the masculine also applies and vice-versa.

J. **Conjunctions**.
   1. *And*. The word "and" shall be construed to include all connected items in a series or set of conditions or provisions.
   2. *Or*. The word "or" shall be construed to include one or more of the items in a series or set of conditions or provisions, unless the context clearly indicates otherwise.

K. **Lists**. The use of terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities, unless the context clearly indicates otherwise.

L. **Rounding**.
   1. *Parking*. If the application of a minimum parking ratio results in a fraction of a parking space (for example, a building requiring 20.75 parking spaces), the non-whole number shall be rounded down to the next whole number (in this case, 20).
   2. *All Other Formulas*. If any other regulatory formula in this UDO results in a non-whole number of an indivisible object or feature (for example, a buffer yard requiring 6.33 trees), then the non-whole number shall be rounded up to the next highest whole number (in this case, 7).

M. **Days**. All references to "days" are deemed calendar days unless expressly indicated otherwise. The time in which an act shall be completed is computed by excluding the first day and including the last day. In computing working days, if applicable, Saturdays, Sundays or holidays observed by the Town are excluded. A day concludes at the close of business for the Planning and Zoning Department, and any materials received after that time will be deemed to have been received the following day.

N. **Illustrations, Tables, and Text**.

1. *Text*. The text material of this UDO controls over tables and illustrations in cases of inconsistency. Likewise, tables control over illustrations.

2. *Graphics*. Illustrations and photographs in this UDO are provided for example purposes only.

O. **Defined and Undefined Terms**. Terms defined in §128.02, *Definitions*, are those having a meaning relative to the purposes of this UDO. All words not defined in §128.02shall be given their usual and customary meanings, according to the Planning Director, unless the context clearly indicates otherwise.

128.01.02 Acronyms and Abbreviations

ADT = Average Daily Trips

ADU = Accessory Dwelling Unit

AG = Agricultural Zoning District

BFE = Base Flood Elevations

CC = City Center Zoning District

CD = Campus Development Zoning District

CPTED = Crime Prevention Through Environmental Design

CRZ = Critical Root Zone

CS = Conservation Development Type

CT = Countryside Development Type

CV = Conventional Development Type

DBH = Diameter at Breast Height

DRC = Development Review Committee

EC = Employment Center Zoning District

ETJ = Extraterritorial Jurisdiction

FIS = Flood Insurance Study

FIRM = Flood Insurance Rate Map

FPOD = Floodplain Protection Overlay District

Ft. = Feet

GC = General Commercial Zoning District

GFA = Gross Floor Area

HPOD = Historic Preservation Overlay District

MU = Mixed Use Zoning District

NAICS = North American Industrial Classification System

NC = Neighborhood Commercial Zoning District

NCDOT = North Carolina Department of Transportation

NCGS = North Carolina General Statutes

O-I = Office and Institutional Zoning Districts

PID = Public Interest Development

PL = Planned Development Type

RCRA = Resource Conservation and Recovery Act of 1976

RE = Rural Estate Zoning District

RH = Residential High Zoning District

RL = Residential Low Zoning District

RM = Residential Medium Zoning District

SES = Solar Energy System

Sq. Ft. = Square Feet

§ 128.02 Definitions

A

Abandonment means the relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abattoir means see Slaughterhouse.

Abut means having property or District lines in common.

Abutting Parcels means parcels which are directly touching and have common parcel boundaries. (Parcels across a public right-of-way shall not be considered abutting.)

Accent Color means a contrasting color used to emphasize architectural elements.

Access means ingress and egress to property bordering on public roadways.

Access Point means a point of ingress and/or egress which may be either public or private.

Accessible means having access to, but which first may require the removal of a panel, door or similar covering of the item described. See Accessible, Readily. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

Accessible, Readily means having direct access without the need of removing any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See Accessible. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

Accessory Dwelling means a Dwelling Unit that is accessory, supplementary, and secondary to the principal Dwelling Unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure. An Accessory Dwelling is detached from the principal Dwelling Unit.

Accessory Equipment Structure means a building or cabinet-like structure located adjacent to, or in the immediate vicinity of, a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

Accessory Structure means a building or other structure, the use of which is incidental to that of the main building and which is located on the same lot and is customarily used in connection with the main building or other structure.

Accessory Use means a subordinate Use of a Building or other Structure, or Use of land which is:

A. Conducted on the same Lot as the principal Use to which it is related, and
B. Clearly incidental to, and customarily found in connection with, such principal Use.

Addition means an extension or increase in Floor Area or height of a Building or Structure. (Source: North Carolina State Building Code, Vol. 1, § 202)

Adequate Erosion Control Measure, Structure, Or Device means see Sedimentation Control Standards in ARTICLE 9.

Adjacent means all properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

Adjoin means touching at some point.

Administrative Adjustment means a development review procedure that allows the Director to approve minor specified deviations from otherwise applicable quantitative standards in this UDO.

Administrative Decision means a decision made in the implementation, administration, or enforcement of this UDO that involve the determination of facts and the application of objective standards set forth in this UDO.

Adopted Level of Service means 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.

ADT means Average Daily Traffic

ADU means accessory dwelling unit.

Adult Bookstore means a bookstore (1) that receives a majority of its gross income during any calendar month from the sale of printed and/or video materials/publications (including but not limited to videocassettes, books, and magazines) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or (2) having as a preponderance of its of printed and/or video materials/publications that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.

Adult Care Home means an assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. As distinguished from a nursing home, an "adult care home" means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the resident's needs may be provided under the direct supervision of a physician, nurse, or home health agency. Adult care homes are to be distinguished from nursing homes. Adult care homes and family care homes are subject to licensure by the Division of Facility Services. Includes any "Adult Care Home" as defined by NCGS § 131D-2, NCGS § 131D-20, NCGS § 131E- 76, § 131E- 101 (including any "combination home").

Adult Establishment means an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, or massage business as defined in this section.

Adult Live Entertainment Business means any establishment or business wherein adult live entertainment is shown for observation by patrons; or any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.

Adult Mini-Motion Picture Theater - An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

Adult Motion Picture Theater means an enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or described anatomical areas, as defined in this section, for observation by patrons therein. Adult motion Picture theater does not include any adult mini-motion picture theater as defined in this section.

Advancement of Capacity means the provision, by an Applicant for development approval or any other entity or person, of a Public Facility, or funding sufficient to ensure the acquisition of any necessary right-of-way and construction of a Public Facility, prior to the scheduled date of construction of the Public Facility in the Capital Improvements Program.

Adversely Impacted means that 25 percent or more of the critical root zone of the heritage tree will be, or has been within the three years prior to the date of application, impacted by the construction or installation of the listed improvement.

Affiliate means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of, another person.

A-Frame Sign means a portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

AG means the Agricultural zoning district.

Aggrieved Person means the Town Board, the Planning Board, or the Director; a county or municipality within an area designated as a joint planning area; applicants, and persons, businesses, corporations, institutions, governments or other entities owning property or residing within one thousand (1,000) feet from the exterior boundaries of a proposed development; and any other person having standing to challenge a development order pursuant to North Carolina law.

Agricultural and Animal-Related means a use category the contains uses related to the commercial production, storage, processing, marketing, distribution or export of any agronomic, floricultural, horticultural, viticultural, silvicultural or aquacultural crop including, but not limited to, farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products. (Source: the "North Carolina Agricultural Finance Act, NCGS § 122D-3)

Uses in this use category include: Animal Production & Support (excl. Swine & Feed Lots); Animal Boarding or Shelter; Auction Sales - Livestock Only; Crop Production Support Activities; Crop Production; Equestrian Boarding & Riding Arenas; Commercial, Farmer's Market; Fruit & Vegetable Stand; Feed Lots; Forestry and Logging; Hunting, Fishing and Game Preserves (commercial); Pet Care Services - Kennels only; Pet Care Services (excluding Kennels & Veterinary Serv.); Swine Farm; Veterinarian Offices/Animal Hospitals; and other uses meeting the definition of Agricultural ;and Animal-Related according to the Director.

Agricultural Animals means the following animals are considered accessory agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu or rhea. Refer to Subsection 120.04.03.A.

Agricultural Conservation Easement means a negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability. Such easement:

A. May permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and
B. Shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, a county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question. (Source: NCGS § 106- 744, The Farmland Preservation Enabling Act)

Agricultural Land means land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the requirements in NCGS 105- 277.3(a)(1), and each tract must be under a sound management program. Sound management program. -- A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105-277.2).

Agricultural Produce means fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

Airport and Related Uses means any public or private airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

Alley means any public space or thoroughfare 20 feet (6096 mm) or less wide which has been dedicated or deeded for public use. (Source: North Carolina State Building Code, Vol. 1, § 202)

Alter or Alteration means any change or modification in construction or occupancy. (Source: North Carolina State Building Code, Vol. 1, § 202)

Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Ambulatory Surgical Facility means a facility designed for the provision of an ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least one designated operating room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient. An ambulatory surgical facility may be operated as a part of a physician or dentist's office, provided the facility is licensed under NCGS Chapter 131E, Article 6, Part D, but the performance of incidental, limited ambulatory surgical procedures which do not constitute an ambulatory surgical program and which are performed in a physician or dentist's office does not make that office an ambulatory surgical facility. Includes any "ambulatory surgical facility" as defined in NCGS § 131E-146 or NCGS § 131E-176.

Amendment means an amendment to the Unified Development Ordinance or a new Unified Development Ordinance.

American Standard for Nursery Stock means the publication entitled "American Standard for Nursery Stock" (ANSI Z60.1-1996), approved November 6, 1996, published by the American Nursery and Landscape Association ("ANLA") (formerly the American Association of Nurserymen), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900).

Amplitude means the maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.

Amusement Arcade means a primarily indoor structure, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices that do not contain the devices listed in the definition for electronic gaming establishments.

Amusement Park means a primarily outdoor or open facility, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Animal Clinic means facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

Animal Operation means any agricultural farming activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system. Public livestock markets or sales regulated under Articles 35 and 35A of Chapter 106 of the NCGS shall not be considered animal operations for purposes of this Ordinance. (Source: NCGS § 143- 215.10B)

Animal Shelter means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. (Source: NCGS § 19A-23). Refer to Subsection 120.04.03.B.

Animal Unit ("AU") means a unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units located on a given parcel or Animal Operation shall be determined by adding the Animal Units for each animal type. (Sources: 40 C.F.R. 122.23; 15A NCAC 2H.0217(a)(1)(A))

Animal Waste Management System means a combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste. (Source: NCGS § 143-215.10B)

Animal Waste means livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation. (Source: NCGS § 143-215.10B) includes Liquid residuals resulting from an animal operation that are collected, treated, stored, or applied to the land through an animal waste management system. (Source: NCGS § 90A-47.1)

Animation means the movement, or the optical illusion of movement of any part of the sign structure, design, or pictorial segment including the movement of any illumination or the flashing, scintillating, or varying of light intensity. The automatic changing of all or any part of the facing of a sign is considered animation. Animation includes signs having “chasing action,” or the action of a row of lights commonly used to create the appearance of motion.

Antenna means equipment used for transmitting or receiving radio frequency signals, which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omnidirectional “whip” antenna. - 5.21.2

Antenna, Stealth means wireless telecommunication antenna and related equipment designed to blend into the surrounding environment or integrated into the physical structure to which it is attached.

Apartment House means any Building or portion thereof used as a Multiple Dwelling for the purpose of providing three or more separate Dwelling Units which may share means of egress and other essential facilities. (Source: North Carolina State Building Code, Vol. 1, § 202)

Apiary means bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found. (Source: NCGS § 106-635)

Appeal means a request for a review of the Director's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Director pursuant to this Ordinance.

Applicant means any person, firm, partnership, joint venture, association, corporation, group or organization applying for an Application for Development Approval.

Application for Development Approval Or "Application" means a written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."

Apron means the paved area between the gutter flow line of the roadway and the sidewalk section.

Arborist means a qualified professional who has studied the science or art of cultivating trees especially for ornamental use.

Architect means a person who is duly licensed to practice architecture by the North Carolina Board of Architecture. (Source: NCGS § 83A-1)

Architectural Trim means the ornamental or protective framing or edging around openings or at corners or eaves and other architectural elements attached to the exterior walls of buildings, usually of a color and material different from that of the adjacent wall surface, and serving no structural purpose. (Source: North Carolina State Building Code, Vol. 1, § 202)

Area of Shallow Flooding means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. - 4.14.4

Area of Special Flood Hazard See “Special Flood Hazard Area (SFHA)”.

Area, Building means the area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts. The area of a building or portion of a building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above. (Source: North Carolina State Building Code, Vol. 1, § 202)

Area, Gross Floor means the area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. (Source: North Carolina State Building Code, Vol. 1, § 202)

Area, Net Floor means the area actually occupied or intended to be occupied even though at any given time a portion of such floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features. (See: North Carolina State Building Code, Vol. 1, § 202)

Articulation means the detailing of a structure or building, i.e. brick patterning or ornamental work.

Artisan means see "Custom Manufacturing."

Assisted Living Residence means any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. "Assisted Living Residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: Adult Care Homes, Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services. (Source: NCGS § 131D-2). Includes any "Assisted Living Residence" as defined by NCGS § 131D-2 or NCGS § 131D-20.

Atrium means a space, intended to occupancy within a building, extending vertically through the building and enclosed at the top. (Source: North Carolina State Building Code, Vol. 1, § 202)

Attached Sign means a sign attached to a building.

Auction Sales Establishment means any place where items are sold at auction to the highest bidder.

Auditorium means a room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly."

Authorized Agent means any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

Automobile Graveyard means see "Junkyard."

Automobile Repair, Major means an establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

Automobile Repair, Minor means an establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under "Automobile Repair, Major."

Automobile Sales Establishment means an open area used for the display, sale or rental of new and/or used motor vehicles.

Available Capacity means existing Capacity and Planned Capacity less Existing Demand and demand that will be generated by Committed Development.

Avigation Easements means a document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

Awning means an architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached. (Source: North Carolina State Building Code, Vol. 1, § 202)

B

Balcony (Exterior) means an exterior floor system projecting from a structure and supported by that structure, with no additional independent supports. (Source: North Carolina State Building Code, Vol. VII, § 202).

Balcony, Assembly Room means that portion of the seating space of an assembly room, the lowest part of which is raised 4 ft (1219 mm) or more above the level of the main floor. (Source: North Carolina State Building Code, Vol. 1, § 202)

Balcony, Juliet means an architectural feature that has the appearance of a conventional balcony but that does not extend far enough from the building facade to be usable.

Balloon means a nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

Banner means a sign having the character, letters, illustrations, ornamentations, symbol, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without a frame.

Bar means premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

Barrier, Perimeter means a fence, wall, or structure that is at least three feet in height and may be composed of wood, wrought iron, or other materials acceptable to the Director that protects an outdoor activity from vehicles traveling on a nearby street.

Base Course means the layer of material that lies immediately below the wearing surface of a street pavement.

Base Flood Elevation (BFE) means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

Base Flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base means ground level, where the building makes contact with the earth.

Base Transceiver Station means equipment that provides the link between wireless communications and land-based public telephone switching networks, including radio frequency transceivers, back-up power sources, power amplifiers, and signal processing hardware, typically contained in a small building or cabinet.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast Inn means a business of not more than 5 guest rooms that offers bed and breakfast accommodations to at least one but not more than ten persons per night for a period of less than one week, and that:

A. Does not serve food or drink to the general public for pay;
B. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
C. Includes the price of breakfast in the room rate; and is the permanent residence of the owner or the manager of the business. (Source: NCGS § 130A-247).

Refer to Subsection 120.04.04.M.

Berm means a mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or buffer yard with landscaping.

Best Management Practices (BMPs) means methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction these may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional and technical factors shall be considered in developing best management practices.

Bicycle Facilities means a general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

Bicycle Lane (Bike Lane) means a portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle means a device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 16 inches in diameter or having three wheels in contact with the ground any of which is more than 16 inches in diameter.

Bicycle Path means a hard surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way.

Billboard: see "Outdoor Advertising (Billboard) Signs."

Block Frontage means all property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

Block means that property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, un-subdivided acreage, waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

Board means unless otherwise indicated in the text, Board shall refer to the Town of Harrisburg Board of Adjustment.

Boarding House or Rooming House means a building containing a single dwelling unit and three or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

Boarding Kennel means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats. (Source: NCGS § 19A-23)

Body means the upper architecture, forming the majority of the structure.

Body Piercing means the intentional act of any person or persons of piercing any part of the body for another person or persons, other than the ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.

Borrow Pit means an area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance. (Source: The Mining Act of 1971, NCGS § 74-49)

Brewery- Large means an establishment where beer and malt beverages are made on the premises at an annual beer production rate of over 15,000 barrels of beer per year. The establishment may include uses permitted in the district, in accordance with state and local laws.

Brewery Tap Room means a room that is ancillary to the production of beer at a microbrewery, brewpub, or large brewery where the public can purchase and/or consume beer on site. The establishment may include uses permitted in the district, in accordance with state and local laws.

Brewery-Micro means an establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (a barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer. The establishment may include uses permitted in the district, in accordance with state and local laws. Refer to Subsection 120.04.04.I.

Brewpub means an establishment where beer and malt beverages are made on the premises in conjunction with a restaurant. Where allowed by law, brewpubs may sell beer "to go" and/or distribute to offsite accounts. The establishment may include uses permitted in the district, in accordance with state and local laws. Refer to Subsection 120.04.04.I.

Buffer, External means a buffer yard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

Buffer Yard means a planting yard comprised of a strip of land containing landscaping and/or screening materials, having a varying minimum width, located along side and rear property lines between zoning districts and/or between certain individual uses, as specified in this UDO.

Building Yard means a planting yard comprised of a strip of land containing landscaping materials located along the front and/or sides of a building and having a varying minimum width, as specified in this Article.

Buildable Area means the portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

Building Area means the total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

Building Envelope means the three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

Building Façade means that exterior side of a building which faces, and is most nearly parallel to, a public or private street. The Façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

Building Front means the linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

Building Height means a vertical distance from the highest point of a building to grade, measured in accordance with § 4.7 of this Ordinance.

Building Line means a line as determined by meeting the respective front, side and rear yard setbacks or in the case of irregular shaped lots with less than the minimum lot frontage (such as cul-de-sac lots), the building line shall be established at the point of minimum lot width. The Building Line shall be measured with a line perpendicular to the street or property line in front of which no structure may be erected.

Building means any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Building Permit means an authorization to construct a structure as issued by the Cabarrus County Building Inspections Department.

Building, Main or Principal means a building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any Residential Zoning District, any dwelling other than an Accessory Building shall be deemed to be the main building of the lot on which it is situated.

Building, Mixed Use means a building that contains dwellings located above the ground floor of an institutional, civic, office, commercial, or retail use. Mixed use buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses, and are sometimes referred to as "Live- Work Units." Where a Mixed Use Dwelling is permitted by this UDO within a particular district, the ground-floor retail uses are also permitted.

Building, Temporary means a structure designed, built, created or occupied for short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

Built-Upon Area means that portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities, etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.) (Source:15A NCAC 2H.1002).

Bulk means the size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

C

Cabinet Sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet. Refer to Figure 121.05.03-1, *Cabinet and Channel Letter Signs*.

Caliper means a standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.

Camp, Therapeutic means a residential treatment facility provided in a camping environment which is designed to assist individuals to develop behavioral control, coping skills, self-esteem, and interpersonal skills. (Source: 10 NCAC 14V.5201, 10 NCAC 44E.0002).

Campground means a plot, parcel, or tract of land upon which two or more Campsites are located, established, or maintained for occupancy by Camping Units as temporary living quarters for recreation, education, or vacation purposes. A Campground includes any Summer Camp or any other land area which is consistent with this definition. A Therapeutic Camp is not considered a "Campground." Refer to Subsection 120.04.04.C.

Camping Unit means any tent, trailer, cabin, lean-to, Recreational Vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

Campsite means any plot, parcel, or tract, or portion thereof, intended for exclusive occupancy by a Camping Unit.

Canopy means a protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies. (See Sign Regulations.)

Canopy Sign means a sign that is suspended from, attached to, supported from, applied to, or constructed as part of a canopy or awning.

Cap means parapet, entablature, or roofline, where the building meets the sky.

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

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

Capital Improvement, Planned means a Capital Improvement designed for construction within a period not to exceed six years in a Capital Improvements Program.

Capital Improvements Program means a plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities 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.

Car Dealership means see "Automobile Sales Establishment."

Car Wash means an establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one or more attendants, or by self-service facilities.

Carnival means see "Outdoor Event, Temporary."

Carport means a roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three sides by walls.

Carriage House means see "Accessory Dwelling."

Carry-Out Food Service means a business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

CC means the City Center zoning district.

CD means the Campus Development zoning district.

Cellar means that portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

Cemetery means any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

A. A burial park, for earth interment.
B. A mausoleum.
C. C.A columbarium. (Source: NCGS § 65-48)

Refer to Subsection 120.04.04.D.

Cemetery, Licensed means land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State.

Refer to Subsection 120.04.04.D.

Cemetery, Unlicensed means land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law. Refer to Subsection 120.04.04.D.

Centerline means the true centerline of a street right-of-way that has been fully dedicated to the required width.

Centerline Offset of Adjacent Intersections means the gap between the centerline of streets adjoining a common road from opposite or same sides.

Central Water System means see public Water System.

Certificate of Compliance and Occupancy means the certificate indicating that all required building and service systems shall have been inspected for compliance with this UDO, the Building Code, and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

Certificate of Stormwater Compliance means the approval for activities that meet the requirements for coverage under a stormwater general permit for development activities regulated by the Stormwater Management provisions of the North Carolina Administrative Code. (Source: 15A NCAC 2H.1002).

Certify means a certification by an agency or official, pursuant to this Ordinance, of the existence of some fact or circumstance, whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

Change in Use means a change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

Changeable Copy Sign means a sign on which message copy is changed manually in the field through the attachment of letters, numbers, symbols, and similar characters of changeable pictorial panels. Also known as a reader-board sign.

Channel means a natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

Channel Letter Sign means a three-dimensional graphic sign element that includes a “channel” in which a light source is installed. There are two types of channel letters or symbols:

- *Conventional*. Conventional channel letters are oriented so that the channel faces out. The channel and light source are covered by a translucent plastic face.
- *Back-Lit*. Reverse lit channel letters and symbols are oriented so that the channel faces in. The light source illuminate the sign face, creating a glow that silhouettes the letters.

Refer to Figure 121.05.03-1, *Cabinet and Channel Letter Signs*.

Chemical Storage Facility means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Child Care Center means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving Child Care. Includes family child care homes and any other child care arrangement not excluded by NCGS § 110-86(2), that provides Child Care, regardless of the time of day, wherever operated, and whether or not operated for profit. (Source: NCGS § 110-86).

Child Care Home, Family means a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. (Source: NCGS § 110-86).

Child Care means a program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

A. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;

B. Recreational programs operated for less than four consecutive months in a year;

C. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls' clubs;

D. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;

E. Public schools;

F. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision of this section for less than six and one-half hours per day either on or off the school site; F. Bible schools conducted during vacation periods;

G. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;

1. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and

2. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component. (Source: NCGS § 110-86).

Children's Camp means a residential child-care facility which provides foster care at either a permanent camp site or in a wilderness setting. (Source: NCGS § 131D-10.2)

Church means see "Religious Institutions."

Clapboard means a long, narrow board that overlapped to cover the outer walls of frame buildings.

Cleaning or Processing Establishment means a business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to, carpet cleaners, dry- cleaning plants, exterminating services, and taxidermists. This term does not include Dry Cleaning, and Laundry establishments.

Clear Cutting means the removal of more than 40 percent of unprotected trees on a site, or more than 60 percent within the limits of construction.

Clinic or Health Care Facility means a building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery.

Cluster Box Unit (CBU) means a free-standing, pedestal-mounted mailbox containing individually locked mailboxes and parcel compartments.

Conservation Development Or Conservation Option Development means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of sensitive and open space areas.

Collector Street means streets accessing neighborhoods and routes serving intra-city rather than intra-state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes. A collector street includes any street classified as a Major Collector or Minor Collector pursuant to Chapter 122 and the Town of Harrisburg Engineering Design Standards.

College or University means an institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

Colonnaded (Porch) means a series of columns situated at regular intervals to uphold a roof structure and create a breezeway or porch.

Color Palette means a color scheme that incorporates related colors of complimentary hues and shades.

Combined Development means two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways and other common facilities.

Commercial Amusement, Indoor means an establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

Commercial Amusement, Outdoor means an establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location, including but not limited to: miniature golf, amusement parks, water slides, amphitheaters, stadia, tracks, and drive-in theaters.

Commercial Driveway means a driveway providing vehicular access to property used for purposes other than residential.

Commercial Parking Lot means see "Parking Lot."

Commercial Parking Structure means see "Parking Structure."

Commercial Stable means see "Stable, Commercial."

Commercial Vehicle means see "Vehicle, Commercial."

Commission means unless otherwise indicated in the text, Commission shall refer to the Harrisburg Historic Preservation Commission.

Committed Development means 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. - 14.1.2. DEFINITIONS

Common Ownership means 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 one percent 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.

Communications Tower means a tower, which supports communication (broadcast, receiving, or relay) equipment, utilized by commercial, government or other public and quasi-public users. This does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission (FCC).

Community Amenities means a use category containing uses of a public, nonprofit, or charitable nature providing ongoing education, training or counseling to the general public on a regular basis, without a residential component.

Uses in this use category include: Art Gallery; Library; Museum; Performing Arts Company & Artists; Senior or Youth Center; and other uses meeting the definition of Community Amenities according to the Director. Refer to Subsection 120.04.04.A.

Community Park means a community park as defined in the Cabarrus County Parks and Recreation Master Plan.

Community Water System means see definition of "Public Water System."

Comprehensive Plan means a comprehensive plan for development of the Town, or any County-wide Comprehensive Plan adopted by the Town, pursuant to NCGS §160D-501, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. Unless and until a formal Comprehensive Plan is adopted for the Town, any applicable Area Plan and/or the Official Zoning Map and the text of this Ordinance shall be considered the Comprehensive Plan.

Concept Plan means a generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

Condominium means the ownership of single units in a multi-unit structure with common areas and facilities. (Source: Unit Ownership Act, NCGS § 47A-3), real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

Conference and Banquet Facilities means see "Places of Public Assembly, Indoors."

Conformance Prerequisite to Site Plan Approval means driveway approaches hereinafter constructed in the Town on public streets and roadways shall be designed and constructed in conformance with this article. It shall be unlawful for any person to construct, cut, break out, or remove any curb along a street or alley except as authorized by the provisions of this article. Failure to construct any driveway approach(es) in conformance with the provisions of this article or failure to correct or remove any existing driveway approach(es) found to be nonconforming may result in the removal of the driveway approach(es) by the Town, at the property owner's expense.

Conforming Use means a use that is permitted within the applicable zoning district in the Use Table.

Connectivity Index means the number of street links divided by the number of nodes or link ends, including cul-de-sac heads

Consent Agreement means a regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in the Unified Development Ordinance and, where the denial or deferral of development approval is disputed by the applicant, to effectuate the public policy favoring the settlement of disputes, which document contains an integrated development scheme for a particular phase or phases of development approval, and contains maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of this UDO.

Conservation Easement means a non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

Conserve and Conservation means to use, and the use of, all methods and procedures for the purposes of increasing the number of individuals of resident species of plants up to adequate levels to assure their continuity in their ecosystems. These methods and procedures include all activities associated with scientific resource conservation such as research, census, law enforcement, habitat protection, acquisition and maintenance, propagation, and transplantation into unoccupied parts of historic range. With respect to endangered and threatened species, the terms mean to use, and the use of, methods and procedures to bring any endangered or threatened species to the point at which the measures provided for the species are no longer necessary. (Source: NCGS § 106-202.12)

Construction Plan means the maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision as a condition of the approval of the plat.

Contiguous means bordering or adjoining, meeting or joining at the border or surface.

Controlled-Access Facility means a State highway, or section of State highway, especially designed for through traffic, and over, from or to which highway owners or occupants of abutting property, or others, shall have only a controlled right or easement of access. (Source: NCGS § 136- 89.49)

Convenience Store means a store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self- service gasoline sales. See § 5.10 of this Ordinance.

Conventional Option Development means any application requesting approval of a development or use within a zoning district other than a PUD, TND or TOD district, and a Cluster development.

Convey means to transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

Conveyance Plat means a plat that may be used for the transfer of land qualifying as a minor subdivision.

Copy means any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

Corner Clearance means the distance measured along the right-of-way line from the intersection of the projected right-of way lines to the nearest edge of the driveway approach.

Corner Lot means see "Lot, Corner."

Cornice means a horizontal molded projection that crowns and complete the wall structure and visually connects the wall to the roof structure.

Corral means a pen or enclosure for confining animals.

Corridor (Building) means a passageway into which compartments or rooms open and which is enclosed by partitions, other than partial partitions, and/or walls and a ceiling or a floor/roof deck above. (Source: North Carolina State Building Code, Vol. 1, § 202)

Corridor (Road) means a street or roadway identified as a principal link or gateway within the community.

Country Club means a private club, including country clubs, that provides one or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

County means the County of Cabarrus, North Carolina. Where this Ordinance refers to any territory, land area or property within the "County", the term "County" shall include all incorporated and unincorporated areas within Cabarrus County, North Carolina. Where appropriate, the term shall also include any personnel or agent of Cabarrus County.

Courtyard means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building. (Source: North Carolina State Building Code, Vol. VII, § 202).

Critical Areas means any lot, parcel or property, or portion thereof, located within the Floodplain Overlay District, the River/Stream Overlay District, or any Watershed Protection Overlay District.

Critical Root Zone (CRZ) means a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH with a minimum of eight feet.

Crosswalk means a public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

Cul-De-Sac means a short, dead-end street terminating in a vehicular turn-around area.

Crown means the upper mass or head of a tree, shrub, or vine, including branches with foliage. (Source: G. Hightshoe, Native Trees, Shrubs, and Vines for Urban and Rural America (New York: Van Nostrand Reinhold & Co., 1988), at 790).

Curb Face means the vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

Curb means a stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

Curb Outlet System means curb and gutter installed in connection with Stormwater Management, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Curb Return means that section of radius or flare on a driveway between the gutter flow line and the abutting property.

Curbline means the inside face of curb and gutter.

Currently Available Revenue Sources means 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.

Custom Manufacturing means an establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

Cut, Land means land surface which is shaped through the removal of soil, rock or other materials.

D

Day Care means a use category containing uses that provide care, protection, and supervision for at least two children or adults for more than four hours a day on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than eight hours each day, although the facility may be open 24 hours each day.

Uses in this use category include: Adult Care Center; Child Care Center; and other uses meeting the definition of Day Care according to the Director.

Refer to Subsection 120.04.04.B

Days means when used to establish time limits on various processes in this Ordinance, days shall mean business days.

DBH means diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above ground level.

Deciduous means plants that lose their leaves annually.

Deciduous Tree means a tree which sheds or loses foliage at the end of the growing season.

Decision Maker means the agency, official or entity authorized to render a final decision which approves, approves with conditions or denies an application for development approval.

Declaration means an instrument, duly recorded, by which the property is submitted to Chapter 47A of the North Carolina General Statutes, and such declaration as from time to time may be lawfully amended. (Source: Unit Ownership Act, NCGS § 47A-3); and any instruments, however denominated, which create a condominium, and any amendments to those instruments. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

Dedication means a gift, by the owner, of his property to another party without any consideration being given for the transfer. The dedication is made by written instrument and is completed with an acceptance.

Demolition Landfill means a landfill for the disposal of demolition debris generated on the same property on which the landfill is located. Refer to Subsection 120.04.04.W.

De Novo Hearing means a new hearing. In a de novo hearing, the reviewing agency considers the application as if it originated before it, but may consider the findings of fact, conclusions of law, or recommendations of the agency which previously considered the case.

Density Bonus means dwelling units or non-residential square footage permitted in addition to the permitted density or intensity within a zoning district, computed in accordance with § 4.8 of this Ordinance.

Density means the total number of dwelling units per acre.

Density, Net means the number of dwelling units divided by the net acreage remaining after subtracting all critical areas and streets.

Developer means a person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development. The owner of land proposed to be subdivided or developed or its authorized agent who is responsible for any undertaking that requires review and/or approval under this Ordinance.

Development means the division of a parcel of land into two of more parcels; the construction, reconstruction conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land. This definition excludes normal earth working associated with crop farming or landscaping of an individual single family residential lot. The term "development" includes all of the activities listed in the definition of "development" in 15A NCAC 2H.1002, which definition is hereby incorporated by this reference, and any of the following activities:

A. Change in use.
B. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
C. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials.
D. Erection of a permanent sign.
E. Any activity increasing the need for parking.
F. Construction, elimination or alteration of a driveway onto a public street.

Development Order means any action granting, denying or granting with conditions, an application for a development permit.

Development Parcel means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Development Permit means any approval established in Chapter 125, *Development Review Procedures*, or any other official action of the Town or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this UDO.

Development Right means the potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

Development Services Department means the Cabarrus County Development Services Department.

Diagnostic Center means a freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs.

Disposal means as defined in NCGS 130A- 290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Disposition means a transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

Distillery means an establishment engaged in the production and distribution of spirituous beverages. The establishment may include uses permitted in the district, in accordance with state and local laws.

Dormitory means a space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

Drainage Area or Watershed means the entire area contributing surface runoff to a single point. (Source: 15A NCAC 2H.1002).

Drip Line means a vertical line from a tree canopy or shrub branch extending from the outermost edge to the ground.

Drive-Through Commercial Establishment – means a commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to branch banks and fast-food restaurants.

Drive-Through Sign: A sign oriented to and within 15 feet of the edge of a driveway or drive-through lane.

Driveway Angle means the acute angle between the driveway centerline and the curbline.

Driveway Approach means the improved area between the roadway of a public street and private property intended to provide access for motor vehicles to a well-defined area on private property.

Driveway means a private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

Driveway Width means the width of the driveway measured at the right-of-way parallel with the roadway centerline.

Dust-Free means a land surface that is paved in one of the following methods:

A. asphaltic concrete,
B. cement concrete,
C. penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate or
D. the equivalent of the above.

Dwelling means any building which contains one or more "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

Dwelling Unit means a dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

Dwelling, Attached means a building containing two or more residential units, each on its own platted lot, attached along and sharing one or more common walls between the two units. Refer to Subsection 120.04.03.D.

Dwelling, Duplex means a building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof, or stacked one above the other, with both units on a single lot. Refer to Subsection 120.04.03.D.

Dwelling, Mixed Use means see "Building, Mixed Use."

Dwelling, Multi-Family means a building or portion thereof designed for or occupied as three or more dwelling units. Refer to Subsection 120.04.03.E.

Dwelling, Single-Family means a building designed for occupancy by one family.

Dwelling, Single-Family Detached means a Single-Family Dwelling Unit that is not attached to any other Dwelling Unit by any means and is surrounded by yards. Refer to Subsection 120.04.03.F.

E

Easement means a grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a specific purpose.

Easement, Non-Access means an easement prohibiting vehicular access from a public street.

EC means the Employment Center zoning district.

Educational Facilities means a use category containing public and private schools at the elementary, middle, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus selling.

Uses in this use category include: Boarding School; Business, Computer and Management School; Charter School; Fine Arts School, Public or Private Elementary or Secondary School, Technical and Trade School; University or College; and other uses meeting the definition of Educational Facilities according to the Director.

Electric Generating Facility means any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering or furnishing electricity for the production of power. (Source NCGS § 75A-2)

Electronic Gaming Establishment means any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina. Refer to Subsection 120.04.04.K.

Electronic Message Board means a sign which displays copies in alternating light cycles.

Elementary School means a school which embraces a part or all of the eight elementary grades and which may have a kindergarten or other early childhood program. (Source: NCGS § 115C-75)

Elevated Building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Enclosure Ratio means the ratio of building height to spaces in front of the building. Buildings serve to spatially define streets. Proper spatial definition is achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width. The condition of alignment occurs when the facades of buildings cooperate to delineate the public space, as walls form a room. Building articulation must take place primarily in the vertical plane or facade. Appendages such as porches, balconies, and bay windows are encouraged to promote the visual transition. The condition of enclosure generated by the height-width ratio of the space is related to the physiology of the human eye. If the width of a public space is such that the cone of vision encompasses less street walls than the opening to the sky, then the degree of spatial enclosure is slight. Ratios not exceeding 1:4 are considered optimal, while a 1:6 height-to-width ratio is the absolute minimum required for appropriate urban spatial definition. See P. Craighead, ed., The Hidden Design in Land Use Ordinances (University of Southern Maine, 1991), at 45; R. Arendt, Rural by Design (American Planning Association, 1994), at 10-11. An appropriate average ratio is 1:3. As a general rule, the tighter the ratio, the stronger the sense of place. Spatial enclosure is particularly important for shopping streets, which must compete with malls which provide very effective spatial definition. In the absence of spatial definition by facades, disciplined tree planting is an alternative. Trees aligned for spatial enclosure are necessary along thoroughfares with substantial front yards. If Streetscape Landscaping is provided in accordance with the Landscaping Standards of this Ordinance, the Enclosure Ratio shall be measured from the height of the trees at maturity rather than the height of the buildings. For the internal streets or circulation systems of subdivision plats or site plans, the Enclosure Ratio shall be computed by dividing the height of the shortest facing structure by the spaces between the buildings. For development on individual tracts adjoining a public right-of-way and not under Common Ownership with tracts or parcels facing across the right-of-way, the Enclosure Ratio shall apply only to the tract or parcel subject to the Application for Development Approval. Example: A building (Building A) is 15 feet in height and faces a building (Building B) 24 feet in height across a street with a 40-foot right-of-way. Building A is located 15 feet and Building B is located 20 feet from the edge of the right-of-way, producing a building-to-building space of 75 feet. The enclosure ratio is 1:5 (15 ÷ 75 = 1:5). See first "Village Scale" example (illustration). Source: P. Craighead, ed., The Hidden Design in Land Use Ordinances. (University of Southern Maine, 1991).

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Engineer means an Engineer licensed by the State of North Carolina.

Enhancement means improvement of the functions or an existing wetland system. Enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).

Enlargement Or "To Enlarge" means an increase in size or addition to the Floor Area of a Building or Structure, or an increase in the portion of a Building, Structure, or land area occupied by an existing Use.

Entertainment, Indoor means a use category containing uses varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Uses in this use category include: Amusement Arcade; Bowling Center; Brewpub / Microbrewery, Microwinery, Microdistillery, or Microcidery; Electronic Gaming Establishments; Health Clubs & Fitness Centers; Indoor Recreational Facilities, Theaters (excluding drive-in); Reception Facility, Shooting Range/Archery Range; Tattoo Parlor or Body Piercing Establishment; Weight Reducing Center, Non-Medical; and other uses meeting the definition of Indoor Entertainment according to the Director.

Entertainment, Outdoor means a use category containing uses providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Uses in this use category include: Amusement Park; Motion Picture Theater, drive-in; Racetracks/Spectator Sports Arena (includes racing test tracks); and other uses meeting the definition of Outdoor Entertainment according to the Director.

Entrance Road means a Street which:

A. leads into a Subdivision, Planned Unit Development, or a Traditional Neighborhood Development, and
B. intersects with a higher order Street.

Equipment means rolling stock or movable personal property except that, for the purpose of this Ordinance, it shall not include those items defined as Heavy Equipment.

Equivalent Dwelling Unit or "EDU" means see "Equivalent Residential Unit."

Equivalent Residential Unit or "ERU" means the demand for public facilities generated by a proposed development which is equivalent to the demand for public facilities generated by one residential dwelling unit.

Erect means to build, construct, attach, hang, place, suspend, affix and/or apply.

Evergreen Screen means a dense vegetative screen that grows to a minimum of 8 feet in height at maturity and retains foliage year-round used for purposes of visual mitigation between zoning districts and/or uses.

Evergreen Tree means a tree which holds green leaves, either broadleaf or needle-shaped, throughout the year. (Source

Evergreen means plants that retain their foliage throughout the year.

Evidence means any map, table, chart, contract or other document or testimony prepared or certified that is offered by a person to establish a claim, condition or assertion.

Excavation means the removal of soil, rock or other matter from a land area.

Existing Capacity means the Capacity of the existing built and operational Public Facilities, as determined by the service provider.

Existing Demand means the demand for Public Facilities from existing (built) Development.

Existing Manufactured Home Park or Manufactured Home Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

Exotic Animals means see Other Animals.

Exotic Species (Plant) means a species or higher taxon of plant not native or naturalized in North Carolina but appearing in the Federal Endangered and Threatened Species List or in the appendices to the International Treaty on Endangered and Threatened Species. (Source: NCGS § 106-202.12)

Extended Stay Lodging Facility means any building containing six or more units intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, such facilities as refrigerators, stoves and ovens. Extended Stay Lodging Facilities may contain lobbies, conference rooms, meeting rooms, child play areas, and/or restaurants.

Extractive Uses means surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

F

Facade means the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation.

Facsimile Sign means an oversized, three-dimensional object, such as a chicken bucket, automobile (or automobile part), or human figure.

Family Care Home means an adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. (Source: NCGS § 168-21)

Family means an individual, or two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or persons related by blood, marriage or law, are a part of the family for this code. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

Farm, Bonafide means a farm whose purposes include the production of, and activities relating or incidental to the production of, crops, fruits, vegetables, ornamental and flowering plans, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

Farm Buildings means structures, other than residences and structures appurtenant thereto, for on-farm use (barns, sheds, poultry houses, etc.). (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Farm Operation means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (Source: NCGS § 133-7)

Farm Product means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, eggs, honey, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Farm Product, Value-Added means any product processed by a producer from a farm product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

Farm Related Business means a business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

Farmers Market means a structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers market differs from a produce stand in that there may be more than one seller per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site.) Refer to Subsection 120.04.03.C.

Feather Banner means a wind device that contains a harpoon pole or staff driven into the ground for support.

Feed Lot means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of this Ordinance. (Source: NCGS § 143-215.10B)

Fence means a barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("material" does not include vegetation.)

Fence Sign means a sign mounted on, attached to, or constructed as part of a fence or similar structure.

Fence, Living means a hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

Fence, Open means a fence constructed of material which does not interrupt the line of sight, such as split rail, pipe or chain-link fencing and shall not include a living fence.

Fenestration means the entryways and windows of a building.

Fill means deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

Final Plat means a survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to this UDO.

Final Site Plan or Final Plan means the map of a proposed development to be filed after approval by the decision-making authority and any accompanying material as described in this Ordinance.

Financial Institution means any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or State law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business. (Source: NCGS § 116B-10)

Fire Flow Survey means a testing of fire hydrants to determine capacity by volume and pressure for firefighting purposes.

Fire Protection Facilities means fire stations and major pieces of firefighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by the Town of Harrisburg Fire Department or other duly authorized volunteer fire districts.

Flag Lot means see "Lot, Flag."

Flag means any fabric, banner or bunting containing distinctive colors, patterns, or symbols.

Flea Markets means a flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fund raising activities done by a non-profit organization.

Flood Boundary and Floodway Map (FBFM) means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood Insurance means the insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRN) means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; and/or
B. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Prone Area. See "Floodplain".

Flood Zone means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain Administrator means is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area means the sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. It shall exclude any basement floor, interior balconies and mezzanines, elevator shafts and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

Floor Area Ratio (FAR) means the ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.

Forestland means land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit shall be appraised under the use-value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(3), and each tract must be under a sound management program.

FPOD means the Floodplain Protection Overlay District.

Freeboard means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

Front means any public street frontage, not including alleys.

Front Setback means the minimum horizontal distance between any Building or Structure and the Front Lot Line.

Frontage means the length of property adjoining the street right-of-way of a single property, tract, or development area between the side property lines.

Frontage Road means a way, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property and adjacent areas and for the control of access to such other highway, road or street. (Source: NCGS § 136-89.49)

Frontage, Double means a lot which extends from one street frontage to another street.

Fuel Sales means a place where vehicular fuel, stored only in underground tanks, is offered for sale to the public or where charging stations are made available for the charging of vehicles. Refer to Subsection 120.04.04.P.

Full Cut-Off means an outdoor light fixture shielded or constructed in such a manner that it does not emit light above the horizontal plane of the fixture.

Fully Shielded means "fully shielded" that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, as certified by photometric test report.

Functionally Dependent Facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Funeral Home means an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

G

Gabion means a wire basket containing primarily stones deposited to provide protection against erosion.

Gable (Roof) means a “gable” maybe any one of three things: a triangular wall section at the ends of a pitched roof bounded by the two roof slopes and the ridge pole; the ends of a pitched roof building with a gable in the roof section; or an ornamental triangular architectural section.

Garage, Private means an accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one ton.

Gas Station means buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

GC means the General Commercial zoning district.

GFA means gross floor area.

Glare means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Government Facilities means a use category containing offices, storage, maintenance, and other facilities for the operation of local, state, or federal government

Uses in this use category include: Correctional Institution; Government Building or Facility; Postal Service Facility; and other uses meeting the definition of Government Facilities according to the Director.

Grade means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet (1829 millimeters) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "grade" also includes a reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 ft. (1829 mm) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Grade, Finished means the level of the soil after completion of site development.

Grade, Natural means the undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)

Green Roof means a vegetated roof design that is explicitly designed to absorb rainfall or snowmelt, typically to manage stormwater, mitigate the heat island effect, provide habitat for urban wildlife, or offer leisure and recreational space for building occupants.

Greenbelt means greenbelts run along the perimeter of a subdivision, Planned Development Type, or TND, and serve to:

A. buffer a neighborhood from surrounding incompatible uses such as a highway corridor or industrial district, and/or
B. provide and edge for the neighborhood. Greenbelts differ from the other types of open spaces in that the natural vegetation and wildlife is undisturbed, or the area is actively cultivated for crops or the raising of Livestock (excluding Concentrated Animal Feeding Operations).

Greenfield Development means development on undeveloped parcels undeveloped parcels not surrounded by existing development, or on large parcels surrounding partially developed areas or undeveloped areas.

Greenhouse means an enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants. (Source: North Carolina State Building Code, Vol. VII, § 202).

Greenway means a linear area maintained as open space in order to conserve natural and/or cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

Gross Area or Gross Acreage means the area of a lot or parcel, including all proposed or dedicated streets, alleys, private accessways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

Gross Leasable Area (GLA) means the total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to- ceiling height is less than six feet and six inches.

Ground Cover means a prostrate plant growing less than 2 feet in height at maturity that is used for

Ground Sign means a free-standing sign with its base or its supports mounted directly to the ground.

Ground Subsidence means a process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

Ground Water means subsurface water within and below the zone of continuous saturation.

Group Home means an adult care home which has two to nine developmentally disabled adult residents. Includes any "Group home for developmentally disabled adults" as defined by NCGS § 131D-2 or NCGS § 131D-20.

Group Living means a use category containing uses with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities.

Uses in this use category include: Adult Care Homes, Assisted Living Residences, Family Care Home, Group Homes, Intermediate Care Facility, Nursing Home, Residential Child-Care Facilities, and other uses meeting the definition of Group Living according to the Director.

Refer to Subsection 120.04.03.I.

Group Residential Development means a development where more than one principal residential building is permitted on a lot or any development where there are three or more dwelling units in a building. A "Group Residential Development includes any (1) Apartment House/Multiple Dwelling, Quadruplex, Triplex, or Townhouse; and any Attached Dwelling (Duplex). or (2) any Mixed Use Dwelling.

Guest means any transient person who rents or occupies a room for sleeping purposes.

Gutter means a shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

H

Habitable Room means any room meeting the requirements of the North Carolina One and Two Family Dwelling Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces. (Source: North Carolina State Building Code, Vol. VII, § 202).

Hazard Prone Area means an area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the County.

Hazardous Waste Disposal Facility means any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under NCGS Chapter 130A, Article 9 and/or NCAC Title 15A, Chapter 13, Subchapter 13A. (Source: NCGS § 130A-290).

Hazardous Waste Facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste (Source: NCGS § 130A-290).

Hazardous Waste Management Facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Health Care Provider means without limitation any person who pursuant to the provisions of NCGS Chapter 90 is licensed, or is otherwise registered or certified to engage in the practice of or otherwise performs duties associated with any of the following: medicine, surgery, dentistry, pharmacy, optometry, midwifery, osteopathy, podiatry, chiropractic, radiology, nursing, physiotherapy, pathology, anesthesiology, anesthesia, laboratory analysis, rendering assistance to a physician, dental hygiene, psychiatry, psychology; or a hospital or a nursing home; or any other person who is legally responsible for the negligence of such person, hospital or nursing home; or any other person acting at the direction or under the supervision of any of the foregoing persons, hospital, or nursing home. (Source: NCGS § 90-21.11)

Health Club means an establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Health Service Facility means a hospital; psychiatric facility; rehabilitation facility; long term care facility; kidney disease treatment center, including freestanding hemodialysis units; intermediate care facility for the mentally retarded; home health agency office; chemical dependency treatment facility; diagnostic center; oncology treatment center; hospice, hospice inpatient facility, hospice residential care facility; and ambulatory surgical facility. (Source: NCGS § 131E-176)

Heavy Equipment means large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

Heavy Industrial means a use category containing uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Uses in this use category include establishments that manufacture or process: Asphalt & Coal; Cement/Concrete (ready-mix) and Concrete Products; Chemicals; Clay & Brick; Concrete (dry mix); Food; Metals; Petroleum; Stucco and Synthetic Stone; and other uses meeting the definition of Heavy Industrial according to the Director.

Other uses in this use category include: Salvage Yard; Sawmill; Slaughterhouse or Animal Processing.

Height means the vertical distance from the grade to the highest point of any portion of a structure, measured as set forth in Section 120.05.01, *Measurement*.

Height, Building means the vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements, except as specifically provided for in § 503.2.4 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 202)

Height, Story means the vertical distance from top to top of two successive finished floor surfaces. (Source: North Carolina State Building Code, Vol. 1, § 202)

Height, Wall means the vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall. (Source: North Carolina State Building Code, Vol. 1, § 202)

Helipad means a facility without the logistical support provided by a heliport (see Heliport definition) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

Heliport means an area providing for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters. “Heritage Tree” - any single tree that has been determined to be of value because of its species, size, age, or other professional criteria. An upper-story tree which is 30 inches or greater in diameter at breast height is considered as a heritage tree. Size ranges for understory trees are smaller, and vary based upon species. A tree that meets the indicated size but is dead or diseased, or has an abnormal form that is not characteristic of its species (for example the habit is one -sided, or the crown is significantly misshapen or missing) as determined by a certified arborist, shall not be considered to be a Heritage Tree.

Heritage Tree means any single tree that is listed in the North Carolina Champion Tree Database, the National Register of Champion Trees, or any tree that would measure 80 percent of the points of a tree in terms of height, circumference, and crown spread, on the North Carolina Champion Tree Database. A tree that meets the indicated size but is dead or diseased, or has an abnormal form that is not characteristic of its species (for example the habit is one-sided, or the crown is significantly misshapen or missing) as determined by a certified arborist, shall not be considered to be a heritage tree.

High Quality Water Zones means see Sedimentation Control Standards.

High Quality Waters means see Sedimentation Control Standards.

High School means a school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education. (Source: NCGS § 115C-75). For purposes of this code, 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.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Highway means a general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

Hill Crest means the highest point on a hill or slope as measured contiguously throughout the property. Any given property may have more than one hill crest.

Hillside Disturbance means any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

Historic Building means any building 50 years old or more with distinctive architectural features characteristic of the period of history during which it was originally constructed.

Historic Structure means any structure that is:

A. listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

B. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

D. certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program". Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Home Occupation means any occupation or profession or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit.

Home Owners Association means an association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

Horse means any animal of the genus *equus*.

Horticulturist means a qualified professional who has studied the science or art of cultivating plants especially for ornamental use.

Horticultural Land means land that is a part of a horticultural unit that is actively engaged in the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program. Horticultural land includes woodland and wasteland that is a part of the horticultural unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A horticultural unit may consist of more than one tract of horticultural land, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(2), and each tract must be under a sound management program. (Source: NCGS § 105-277.2).

Hospice Inpatient Facility means a freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting. For purposes of this Article only, a hospital which has a contractual agreement with a licensed hospice to provide inpatient services to a hospice patient as defined in G.S. 131E-201(4) and provides those services in a licensed acute care bed is not a hospice inpatient facility and is not subject to the requirements in G.S. 131E-176(5)(ii) for hospice inpatient beds. (Source: NCGS § 131E-176, 131E-201)

Hospice means any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement. (Source: NCGS § 131E-176, 131E-201)

Hospice Residential Care Facility means a freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting. (Source: NCGS § 131E-176)

Hospital means a hospital licensed, accredited or approved under the laws of any state and a hospital operated by the United States government, a state or its subdivision, although not required to be licensed under state laws. (Source: NCGS § 130A-403) The term "hospital" also includes a public or private institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. The term also includes all facilities licensed pursuant to G.S.131E-77 of the General Statutes. (Source: NCGS § 131E-176)

Hotel means any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Household Living means a use category containing residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens.

Uses in this use category include: Duplex; Multi-family Dwelling - 3 or more dwelling units; Single-Family Attached; Single-Family Detached; Manufactured Home; Modular Home; and other uses meeting the definition of Household Living according to the Director.

Household Pets means those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

HPOD means the Historic Preservation Overlay District.

Hud Code means the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq., as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

Hydrology means the science of dealing with the properties, distribution, and circulation of water.

Hydroperiod means the period during which a soil area is saturated.

I

Illumination, Indirect means illumination which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

Illumination, Internal means illumination provided from a source located inside or within the face of the sign.

Impact Area means 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.

Impervious Surface means includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also, all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Wooden slatted decks and the water area of a swimming pool are considered pervious. Source: 15A NCAC 2B.0202(13) (defining "built-upon area").

Improved Open Space means landscaped areas, turf areas, parks, golf course and recreation areas constructed on the parcel, but shall not include associated buildings.

Improvements means right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

In Kind means for mitigation purposes, "in kind" means the restoration, replacement, or creation of a wetland or river stream system which provides functions, attributes, and characteristics closely approximating those of a specific wetland or river stream system that would be adversely affected by the proposed activities.

Incidental Sign: A sign that usually displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street.

Individual Establishment or Business means a single establishment or business occupying one or more buildings designed to function as a single enterprise that does not share off-street parking, driveways, or other common facilities with an adjacent establishment or development.

Industrial or Commercial Treatment Plant Septage means solid, semisolid or liquid residue generated during the treatment of sewage that contains any waste resulting from any process of industry, manufacture, trade, or business in a treatment works where the designed disposal is subsurface. Industrial or commercial treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Industrial or commercial treatment plant septage does not include ash generated during the firing of industrial or commercial treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (Source: NCGS § 130A-290)

Industrial Park means a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible uses.

Industrial Process Wastewater means any water-carried waste resulting from any process of industry, manufacture, trade, or business. (Source: NCGS § 130A-334)

Industrial Uses means storage, processing, and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products.

Industrial Waste means any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource. (Source: NCGS § 143-213)

Infill means the development of new housing or other buildings on scattered vacant sites surrounded by developed areas.

Infiltration Systems means as defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Inflatable Signs means three-dimensional objects, filled with air or gas, and located in a manner that attracts attention.

Integral Signs means signs that are integrated into or on coin-operated machines, vending machine, gasoline pumps, or similar mechanical devices that are used for their intended purpose.

Integral Units means items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, and the like.

Intensity means the number of square feet of development per acre by land use type with respect to non-residential land uses.

Interior Lot means see "Lot, Interior."

Intermediate Care Facility for The Mentally Retarded means facilities licensed pursuant to Article 2 of Chapter 122C of the North Carolina General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions. (Source: NCGS § 131E-176)

Intersection means:

- Any curve or bend of a street that fails to meet the minimum curve radius as established in the Town of Harrisburg Engineering Design Standards; or
- Any location where street names change (as reviewed and approved by the Director).

J

Junior High School means a school which embraces not more than the first year of high school with not more than the upper two elementary grades. (Source: NCGS § 115C-75)

Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. (Source: Junkyard Control Act, NCGS § 136-143).

Junkyard means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by subdivision (3) of NCGS § 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition. The term "Junkyard" includes any "Automobile Graveyard." An "Automobile Graveyard is any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this definition. (Source: Junkyard Control Act, NCGS § 136- 143).

L

Lagoon means a confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials. (Source: NCGS § 106-802, Swine Farm Siting Act)

Land Clearing & Inert Debris Landfill means a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material. (Source: 15A NCAC § 13B.0101)

Land Disturbing Activity means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. (Source: NCGS § 113A-52)

Land, Inaccessible means:

- Any land where no zoning and/or building construction permits may be issued (such as dedicated easements and rights-of-way (except those existing to only protect underground utilities such as water or sewer lines), wetlands, bodies of water, stormwater detention or retention facilities, etc. as determined by the Director); or
- Land with a post-development slope greater than 3:1 which severely limits its usefulness as open space.

Landfill means a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. (Source: NCGS § 130A-290)

Landfill, Demolition means a landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes approved by the Director of the North Carolina Division of Solid Waste Management or the Director's authorized representative. (Source: 15A NCAC § 13B.0101).

Landlocked Parcel means a parcel of land without access of record with the County Register of Deeds.

Landowner means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase or contract to act as his agent or representative for purposes of submitting a proposed site-specific development plan or a phased development plan under this section, in the manner allowed by ordinance.

Landscape Architect means a person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina under the authority of NCGS, chapter 89A. (Source: NCGS § 89A-1).

Landscape Contractor means a landscape contractor, or nurseryman, certified pursuant to the NC Landscape Contractors Registration Board.

Landscape means an area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

Landscaping means the process or product of site development including grading, installation of plant materials and seeding of turf or ground cover.

Lateral Sewer means a sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

Level 1 Solar Energy System means level 1 SESs include the following:

- Roof-mounted on any code-compliant structure.
- Ground-mounted on an area of up to 50 percent of the footprint of the primary structure on the parcel but no more than 1 acre.
- Covering permanent parking lot and other hardscape areas.
- Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).

Level 2 Solar Energy System means level 2 SESs are ground-mounted systems not included in Level 1 that meet the area restrictions listed below:

- Agricultural/Residential: SES ≤1/2 acre
- Residential Low Density: SES ≤1/2 acre
- Residential Medium Density: SES ≤1/2 acre
- Residential High Density: SES ≤1/2 acre
- General Commercial/Business: SES ≤10 acres
- Light Industrial: SES of any size
- Heavy Industrial: SES of any size
- Office-Institutional: SES ≤10 acres

Level 3 Solar Energy System means level 3 SESs are systems that do not satisfy the parameters for a Level 1 or Level 2 Solar Energy System.

Level of Service means 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.

Library or Museum means a room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

Licensed Geologist means a person who is licensed as a geologist under the provisions of the North Carolina Geologists Licensing Act, NCGS, Chapter 89E.

Licensed Soil Scientist means a person who is licensed as a soil scientist under the North Carolina Soil Scientist Licensing Act, NCGS, Chapter 89F.

Light Industrial means a use category containing uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Uses in this use category include establishments that manufacture or process: Abrasive Products; Apparel; Automobile Race Cars and Parts; Beverages & Tobacco; Brooms, Brushes, & Mops; Burial Caskets; Candles & Potpourri; Cloth; Computers, Electronics, & Appliances; Cut Stone & Stone Products (excluding quarrying), Distilleries, Equipment; Fabricated Metal Products; Farm Products (Raw Material); Fasteners, Buttons, Needles & Pins; Furniture & Related Products; Gasket, Packing & Sealing Devices; Glass/Glass Products; Jewelry & Silverware; Lime & Gypsum Products (excluding quarrying); Manufactured Homes; Mineral Wool/Fiberglass Insulation; Musical Instruments; Office Supplies (excluding Paper); Paper/Paper Products; Plastics & Rubber; Signs; Sporting & Athletic Goods; Toys, Dolls & Games; Transportation Equipment; Wood Products; and other uses meeting the definition of Light Industrial according to the Director.

Other uses in this use category include: Contractors Office/Shop; Dental Laboratories; Industrial Launderers; Micromanufacturing; Mining/Extraction Industries; Printing and Related Support Activities; Publishing Industries; Sawmills; Scientific Research & Development Services; Textile Mills; Vending Machine Operators; and Winery or Cidery.

Linear Park means any linear park as defined in the Cabarrus County Parks and Recreation Master Plan.

Link means that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links.

Lintel means the horizontal beam forming the upper member of a door or window frame and supporting part of the structure above it.

Liquor Sales (ABC Store) means a store that sells or offers to sell alcoholic beverages, as defined in NCGS § 18B-101.

Livestock Dealer means any person who buys livestock (i) for his own account for purposes of resale, or (ii) for the account of others. (Source: NCGS § 106-418.8)

Livestock means "livestock" shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine (Source: Livestock Law, NCGS § 68-15) and domestic fowl (Source: NCGS § 68-25).

Loading and Unloading Spaces means a permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than 10 feet in width, 20 feet in length, and fourteen 14 feet in height.

Loading Space means an off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

Local Road or Local Street means provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

Lot Area means the area of a horizontal plane within the lot lines of a lot.

Lot Coverage means the percentage of the area of a lot which is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

Lot Depth (Length) means the length (or depth) of a lot shall be:

A. If the front and rear lines are parallel, the shortest distance between such lines.

B. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.

C. If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

Lot Frontage means the distance for which a lot abuts on a street.

Lot Length means see Lot Depth.

Lot Line means any boundary or boundary line which provides the legally defined limits of a lot, parcel tract, or plot.

Lot Line, Front means in the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way. If said lot lines for a corner lot are of the same length, then both lot lines shall be considered a Front Lot Line for purposes of this Ordinance.

Lot Line, Rear means a lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than 10 feet.

Lot Line, Side means the boundary of a lot which is not a front lot line or a rear lot line.

Lot means a parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Lot Through means a lot having a part of opposite lot lines abutting two streets, and which is not a corner lot. (Also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant front the lot line containing the non- access easement.

Lot Width means for rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required Minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard line on a line parallel to the street or street chord.

Lot, Corner means a lot having frontage on two intersecting streets, or upon two sides of the same street, the adjacent sides of which street or streets contain an angle of not more than one hundred and thirty-five degrees (135). In the case of a curved corner, the corner of the lot shall be that point on the Lot Line adjoining the street or Right-of-Way nearest to the point of intersection of the said tangents.

Lot, Double Frontage (Through Lot) means an interior lot having frontage on two non-intersecting streets.

Lot, Flag means a lot having no frontage or access to a street or place except by a narrow strip of land.

Lot, Interior means a lot other than a corner lot or a through lot.

Lot, Key means a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

Lowest Adjacent Grade (LAG) means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Low Income Housing means housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed 80 percent of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

M

Maintenance means the replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

Major Subdivision means all land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

Major Thoroughfare means a Major Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

Mansard means a steeply pitched roof, pitched at an angle that resembles a building wall.

Manufactured Home means a structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS § 143- 145). For purposes of this Ordinance, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."

Manufactured Home Park means any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence. A manufactured home land lease community does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Space means the portion of land area allotted and/or designated to be allotted to any one manufactured home. The term "manufactured home space" shall include the term "mobile home space."

Manufactured Home Subdivision means a parcel or contiguous parcels of land subdivided into two or more lots configured for development of manufactured housing.

Manufactured Home, Multi-Section or Type II means a manufactured home assembled in two or more sections. Refer to Subsection 120.04.03.G.

Manufactured Home, Type I means a manufactured home assembled in one section not exceeding 17 feet in width. Refer to Subsection 120.04.03.G.

Manufactured Housing means see Manufactured Home.

Manufacturing, Heavy means an establishment and/or activity primarily engaged in manufacturing, production and/or assembly which involves specialized processes on the premises.

Manufacturing, Light means an establishment and/or activity primarily engaged in manufacturing, production and/or assembly which does not involve, on the premises, the use of heat, noise and/or odor generating/producing processes, which are detectable off-site.

Market Value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign means any sign attached to, in any manner, or made a part of a marquee.

Massage Business means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. (Source: NCGS § 14-202.10)

Massage means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. (Source: NCGS § 14-202.10)

Massing means a unified composition of two-dimensional or three-dimensional shapes or volumes, especially one that has or gives the impression of weight, density, or bulk.

Material means relative to sexually oriented businesses, "material" shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

Materials Recovery Facility means any site used for the separation of recyclable materials from nonhazardous waste streams, or where commingled recyclable materials are sorted into distinct categories. For purposes of this definition, the phrase "recyclable materials" shall be defined as set forth in NCGS § 130A-290, which is incorporated herein by this reference.

Mean Sea Level means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

Medical Clinic means an office occupied and used for the duties associated with a Health Care Provider or Chiropractor.

Medical Facilities means a use category containing uses providing medical or surgical care to patients. Some uses may offer overnight care.

Uses in this use category include: Acupuncture Clinic; Blood or Blood Plasma Center; Chiropractor; Drug, Alcohol or Psychiatric Treatment Center, Out-Patient; Hospital, Medical or Dental Office; and other uses meeting the definition of Medical Facilities according to the Director.

Mental Health Facility means any individual, association, group or other entity at one location whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, and includes any "area facility," "licensable facility," "private facility," "residential facility," "State facility," "24-hour facility," Veterans Administration facility as defined in NCGS § 122C-3. (Source: NCGS § 122C-3).

Mezzanine means one or more intermediate levels between the floor and ceiling of a story, meeting the requirements of § 503.2.3 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1,§ 201.3)

Micromanufacturing means the retail or business-to-business production of artisan goods that are produced in small quantities using small hand tools or light machinery including, but not limited to, 3-D printers or computer numerical control routers. Refer to Subsection 120.04.04.T.

Mine means an area of land and all private ways and roads appurtenant thereto, structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed or constructed on, under, or above the surface of such land by any person, used in, or to be used in, or resulting from (including the reclamation of mined areas or the storage of materials in mined areas), or to facilitate the work of exploring for, developing of, or extracting by any means or method in such area all minerals, inorganic and organic, from their natural deposits. The term "mine" also includes all mineral processing and milling facilities except those used in the processing of source materials as defined in the Atomic Energy Act of 1954, as amended. (Source: Mine Safety and Health Act of North Carolina, NCGS § 74-24.2)

Mini-Warehouse means buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties; and further excluding any other use otherwise permitted in the Zoning District in which the Mini Warehouse is located.

Mining means defined as:

A. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; or

B. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use. "Mining" does not include:

   1. Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area;
   2. Mining operations where the affected land does not exceed one acre in area;
   3. Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land;
   4. Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining;
   5. Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area. (Source: The Mining Act of 1971, NCGS § 74-49)

Minor Thoroughfare means a Minor Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

Mitigation means the minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

Mixed Use Development or Mixed-Use Project means a proposed development that includes primary non-residential and primary residential uses on the same development site.

Mixed-Use, Horizontal means a development pattern that combines permitted residential and nonresidential uses in the same development or building, but not with one use above the other in the same building.

Mixed-Use, Vertical means a development pattern where the mix of permitted uses is combined vertically in one or more buildings; for example, retail use on the ground floor with residential use on upper floor(s).

Mobile Home means a single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act (42 U.S.C. § 5401, 1978, as amended) or the State Building Code.

Moderate Income Housing means housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed 100 percent of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

Modular Home means a dwelling unit constructed in accordance with the standards set forth in the State Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of one or more sections transported to the site in a manner similar to a mobile home or manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

Monument Sign means a Ground Sign that is mounted generally flush with the surrounding Grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of sign height.

Motel means a building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

Motor Home means a vehicular-designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

Motor Vehicle means see "VEHICLE, MOTOR."

Motor Vehicle Repair Shop means see "AUTOMOBILE REPAIR SHOP".

Motorsports Complex means a facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

MU means the Mixed-Use zoning district.

Multi-Family Dwelling means a structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

Municipal Solid Waste Management Facility means any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal. (Source: NCGS § 130A-290)

Municipal Street means a street or highway accepted by the Town and which is not a State Highway. (Source: 19A NCAC § 20.0404).

Municipality means an incorporated city or town.

Mural means a hand-produced or machined graphic applied or affixed to the exterior of a building wall through the application of paint, canvas, tile, metal panels, applied sheet graphic or another medium, so that the wall becomes the background surface or platform for the graphic. This includes painting, fresco or mosaic.

N

NAICS Manual means the North American Industry Classification System, 1997 edition (or most current version as amended), published by the Office of Improvement and Budget of the Executive Office of the President, which is hereby incorporated by this reference.

National Geodetic Vertical Datum (NGVD) means a fixed reference adopted as a standard geodetic datum for elevations determined by leveling. Established in 1929. Also referred to as National Geodetic Vertical Datum of 1929 and Sea Level Datum of 1929. The NGVD is usually preferred as the primary datum for engineering design. NGVD is derived from a general adjustment of the first order level nets of both the United States and Canada. It was formerly called "Sea Level Datum of 1929" or "mean sea level". Although the datum was derived from the average sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

Natural Erosion means see Sedimentation Control Standards.

Natural Hazard means a geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

Natural Resource means existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

NC means the Neighborhood Commercial zoning district.

NCDOT means the North Carolina Department of Transportation.

NCGS means North Carolina General Statutes.

Neighborhood Park means a public recreation facility ranging in size from 15 to 25 acres and which is improved with a combination of active recreation areas for family use such as field game areas (such as ball field), court game areas (such as tennis and basketball courts), crafts, playground apparatus, and passive recreation areas such as picnicking.

Net Area means the area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

Net Floor Area means the square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas or services areas.

New Construction means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

No Practical Alternative Location means the applicant has prepared multiple designs or scenarios demonstrating that there is no practical alternative location for the required development feature that preserves the heritage tree and 75 percent or more of its critical root zone.

Node means the terminus of a street or the intersection of two or more streets, except that intersections that use a roundabout shall not be counted as a node.

Non-Community Water System means see definition of "Public Water System."

Nonconforming Building Or Structure means a Building or Structure that was lawfully developed, and legally existed prior to any change in, the applicable zoning district bulk regulations, but does not comply with one or more of the applicable district bulk regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance.

Nonconforming Sign means a legal use, structure, and/or development which existed prior to the adoption of this Ordinance or any amendment thereto, which does not presently conform to this Ordinance or its amendments.

Nonconforming Use means a use of land that:

A. legally existed before its current zoning or land use category designation; and

B. has been maintained continuously since the time the applicable regulations governing the land changed; and

C. because of subsequent changes, does not conform to the provisions of this Ordinance now governing such land.

Non-Encroachment Area means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

Non-Point Source means a generalized discharge of waste which cannot be located as to a specific source into a water body.

Non-Profit means organizations which qualify for exemption from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, and for which an application for exemption thereto has been approved by the federal Internal Revenue Service.

Non-Living Materials means landscaping materials used to complement plants such as river rock, stone, bark, and similar materials.

Nuisance means any tree or shrub or part thereof that grows upon private or public property which 1) interferes with the use of any public area; 2) is infected with an infectious plant disease or insects; 3) is invasive and damaging to other plants; or 4) which endangers the life, health, or safety of persons or property.

Notice of Intent means a written notification to the Division of Environmental Management, Department of Natural Resources and Community Development, that an activity or discharge is intended to be covered by a general permit, as more particular defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Nursery means a place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

Nursery School/Pre-School/Day Care means see "CHILD CARE."

Nursing Home means a facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A 'nursing home' provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. (Source: NCGS § 131E-101)

O

Obstruction means a dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

Occupancy means the purpose for which a building, or part thereof, is used or intended to be used. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Occupant Load means the calculated minimum number of persons for which the means of egress of a building or portion thereof is designed, based on Table 1003.1 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

Occupied Residence means a dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

Occupied Space means the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the State Building Code. (Source: North Carolina State Building Code, Vol. VII, § 202).

Office means a use category containing activities conducted in an office setting and generally focusing on business, professional, or financial services.

Uses in this use category include offices or agencies for services or professions such as: Accounting & Tax Preparation; Advertising & Marketing; Architectural, Engineering & Related Professions; Finance and Insurance; Broadcasting & Telecommunications; Debt Collection; Computer System Design; Data Processing and News Services; Employment/Personnel; Environmental Consulting; Industrial Design; Interior Design; Investigation & Security; Legal Services; Management & Marketing, Motion Picture & Sound Recording, Office Administrative Services; Other Business Support Services; Real Estate & Leasing; Travel Agent; and other uses meeting the definition of Office according to the Director.

Other uses in this use category include: Banks and Credit Unions; Credit Bureaus; Delivery/Courier Service; Janitorial Services; Management/Holding Company offices; Telemarketing/Telephone Call Centers.

Refer to Subsection 120.04.04.L.

Off-Site means any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

Off-Site Stormwater Systems means stormwater management systems that are located outside the boundaries of the specific project in question, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Off-Street Parking Space means the space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

O-I means the Office and Institutional zoning district.

One-Hundred-Year (100-Year) Floodplain means the low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent change of occurring in any given year.

One-Year, 24-Hour Storm means the surface runoff resulting from a 24-hour rainfall intensity expected to be equaled or exceeded, on average, once in 12 months with duration of 24 hours.

On-Site means with regard to mitigation, "on-site" means restoration or replacement of a wetland or river stream at or very near the site where a wetland or river stream has been or will be degraded by regulated activity.

On-Site Stormwater Systems means the systems necessary to control stormwater within an individual development project and located within the project boundaries. (Source: 15A NCAC 2H.1002).

Open Dump means a solid waste disposal site which is not a sanitary landfill. (Source: NCGS § 130A- 290)

Open Mining means the mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

Open Space means any space or area

A. characterized by great natural scenic beauty or
B. whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

The term "open space land" includes any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes:

A. park and recreational purposes,
B. conservation of land and other natural resources, or
C. historic or scenic purposes.

The term "open space uses" means any use of open space land for

A. park and recreational purposes,
B. conservation of land and other natural resources, or
C. historic or scenic purposes. (Source: NCGS §160D-1307)

Open Space, Active means any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Active open space areas include, but are not limited to, playgrounds, bicycle trails, walking/exercise trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, and tennis courts.

Open Space, Passive means Areas in and located due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of resource- based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Passive open space means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to, boating, fishing, nature trails and nature study areas.

Open Space Standards means see Parks and Open Space Standards.

Open Space, Common means open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

Ordinance means unless otherwise specified, refers to this Unified Development Ordinance.

Other Animals means those animals not defined elsewhere in this Appendix as household pets or agricultural animals.

Outdoor Advertising (Billboard) Signs means a permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. This definition does not include any sign that displays only noncommercial messages.

Outdoor Cultural Events means entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

Outdoor Event, Temporary means a temporary commercial amusement activity such as a carnival, circus, rodeo or auction.

Outdoor Light Fixtures means "outdoor light fixture" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

Outdoor Recreational Facility means any plot or tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.

Outdoor Storage, Non-Vehicular means an establishment that provides for outdoor storage of machinery and equipment, not including vehicles.

Outside Sidewalk Line means the line generally parallel to the right-of-way line and lying along the edge of the sidewalk section nearest the street right-of-way line.

Overburden means the earth, rock, and other materials that lie above the natural deposit of minerals.

Overnight Accommodations means a use category containing uses with bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.

Uses in this use category include: Bed & Breakfast Inn; Hotel, Motel & Extended Stay Lodging; Short-Term Rental; and other uses meeting the definition of Overnight Accommodations according to the Director.

Owner means any person, agent, firm or corporation having a legal or equitable interest in the property. (Source: North Carolina State Building Code, Vol. 1, § 202). Palladian Windows A window encompassing an arch above the primary window structure; or an arch window set above a primary window structure.

P

Panel means the primary surface of a sign that displays copy.

Parapet means a low protective railing or wall along the edge of a roof or balcony.

Parcel means an area of land defined by a legal description and recorded with the County Register of Deeds.

Parent means a person that directly, or indirectly through one or more intermediaries, controls another person.

Park, Community means the community park is easily accessible to a single, or several neighborhoods, depending on local needs a population distribution at the time the park is developed. When possible, the park may be developed adjacent to a high or middle school. The community park provides recreational opportunities for the entire family and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. The park may also possess areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

Park, District means a district park provides more diverse recreational opportunities than a regional park, only on a much smaller scale. The district park emphasizes passive recreational opportunities similar to a regional park, yet also includes limited active recreational facilities. A district park is easily accessible by the population it serves and is within a 20-mile service radius. The park contains a minimum of 5 acres per 1,000 population. A district park is typically at least 200 acres in size.

Park, Linear means a linear park is an area developed for one or more varying modes of recreational travel such as hiking, biking, horseback riding and canoeing. Often times the linear park will be developed to connect recreational facilities, as well as schools and residential neighborhoods. The acreage and service area of a linear park is variable and subject to existing natural and man-made features, the existence of public right-of-way and the public demand for this type of park. In some cases, a linear park is developed within a large land area designated for protection and management of the natural environment, with the recreation use a secondary objective.

Park, Neighborhood means the neighborhood park is designed to serve a population of up to 5,000, but in many instances, even more are served. The park requires 2.5 acres per 1,000 population served and is typically at about 15-25 acres. The neighborhood park is typically characterized by recreational activities for each member of the family, such as field games, court games, crafts, playground apparatus, picnicking and space for quiet/passive activities. The service radius for a neighborhood park is 1/2 to one mile and is easily accessible to the neighborhood population through safe walking and biking access. Parking may or may not be required. Where feasible the activity areas are equally divided between quiet/passive activities and active play. This type of park may be developed as a school/park or community center facility.

Park, Regional means a regional park is a park within a fifty-mile service radius, which serves several communities or a multi-county region. Approximately 10 acres per 1,000 population served and generally 1,000 acres is required for developing a regional park. The regional park is an area of natural ornamental quality that provides diverse and unique natural resources for nature-oriented outdoor recreation including nature viewing and study, wildlife habitat conservation, hiking, camping, canoeing and fishing. Generally, 80 percent of the land is reserved for conservation and natural resource management, with less than 20 percent developed for recreation. The recreation areas consist of play areas and open fields/meadows for informal use.

Parking, Commercial means a use category that provides parking as a primary use, for which a fee may or may not be charged.

Uses in this use category include: Parking Lot or Structure, Commercial; Parking Lot or Structure, Off-Site; Truck, Tractor Trailer, or Bus Storage; and other uses meeting the definition of Commercial Parking according to the Director.

Parking Garage means an attached or detached building which is used for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS §160A-551)

Parking Lot means any lot, parcel, area or place for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS §160A-551)

Parking Lot Exterior means the perimeter planting area of a parking lot.

Parking Lot Interior means the paved area of a parking lot where spaces, drive aisles, landscape islands, and landscape medians are provided.

Parking Lot Yard Means a planting yard comprised of a strip, or strips of land containing landscaping materials located around and within a parking lot and having a varying width, as specified in this UDO.

Parking Space means a space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

Parking Structure means a facility, partially or fully above ground, accessory to another facility or a primary use, at which a fee may be charged for the temporary storage of passenger vehicles.

Parks and Open Areas means a use category containing uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

Uses in this use category include: Botanical Gardens/Nature Preserve; Campground, private; Country Club; Game Preserve; Golf Course, public or private; Miniature Golf Course; Park - Public, neighborhood; Park - Public, other than neighborhood; Zoo, public or private; and other uses meeting the definition of Parks and Open Areas according to the Director.

Partially Shielded means "partially shielded" means that fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal, as certified by photometric test report.

Passenger Terminal means a use category containing facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus service.

Uses in this use category include: Air Transportation & Support Facility; Charter Bus Service; Limousine Service; Taxi Service/Taxi Stand; Truck Transportation, Terminal & Support Facility, and other uses meeting the definition of Passenger Terminal according to the Director.

Path, Multi-Use means a pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

Pavement means the paved portion of a street, including paved shoulders and on-street parking areas, but not including sidewalks and driveways. (Source: 19A NCAC § 20.0404).

Pawnshop means the location at which, or premises in which, a pawnbroker, as defined in NCGS § 91A- 2, regularly conducts business. (Source: Pawnbrokers Modernization Act of 1989, NCGS § 91A-2)

Pedestrian Path means an improvement located within a public right-of-way or private area which is designed primarily for the use of pedestrians and/or bicyclists.

Pedestrian Right means of-WAY - A right-of-way or easement dedicated for public pedestrian access.

Pediment means an arch or triangle shape architectural feature, usually placed above windows or doors. These features may be seen further embellished with molding details or carvings of wood.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Performer means any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

Permeable Pavement means a pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open-graded coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®. (See Watershed Management Institute, Inc. and U.S. Environmental Protection Agency, Office of Water, Operation, Maintenance & Management of Stormwater Management (Aug. 1997), at 2-32; Booth & Leavitt, Field Evaluation of Permeable Pavement Systems for Improved Stormwater Management, 65 J. Am. Planning Ass'n 314 (Summer 1999), at 314-325.

Person means any individual or group of individuals, partnership, general or limited, firm, association, whether incorporated or unincorporated, corporation, company, firm, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or any governmental or quasi-governmental entity, or other legal entity. The term "Person" includes both for profit and not-for-profit entities.

Personal Service Establishment means a business that provides personal services directly to customers at the site of the business, or which receives goods from or returns good to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to: travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

Pet Shop means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale. (Source: NCGS § 19A-23)

Petitioner means an applicant.

Pharmacy means any place where prescription drugs are dispensed or compounded. (Source: NCGS § 90-85.3)

Phased Development Plan means a plan which has been submitted to a Town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site-specific development plan. (Source: NCGS §160D-108.1)

Phased Subdivision Application or Phased Site Plan Application means an application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

Physician means an individual licensed to practice medicine pursuant to Article 1 of Chapter 90, NCGS.

PID means the Public Interest Development zoning district.

Pilaster means a supporting column or pillar with a capital and base.

Pilings means foundational structures placed into the earth to secure buildings and other structures.

Place of Public Assembly means a fairground, auditorium, stadium, church, theater or any other place where people assemble. (Source: NCGS § 130A-334)

Planned Capacity means 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.

Planned Capital Improvement means see Adequate Public Facilities Standards of this Ordinance.

Planning Board means the Harrisburg Planning and Zoning Board. Also referred to as the "Board."

Plant means any member of the plant kingdom, including seeds, roots and other parts or their propagules. (Source: NCGS § 106-202.12)

Planting Yards means the required installation of landscaping and/or screening material between zoning districts and certain individual uses.

Plat means the legal map of a subdivision.

Point Source means any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal- feeding operation from which wastes are or may be discharged to the waters of the State. (Source: NCGS § 143- 213)

Pole Sign means a freestanding structure used for on-site advertising that is supported by braces, and columns, poles and that does not qualify as a billboard.

Portable On-Site Storage means a portable on-site storage unit is any container designed for the storage of personal property that is typically transported by commercial vehicles and is typically rented to owners or occupants of real property for their temporary use only. A portable on-site storage unit is not a building or structure.

Portable Sign means any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure, or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, A-frame or T-shaped signs, and normal advertising placed on motor vehicles that are not used regularly and are placed in such a manner as to attract attention.

Porte-Cocheres means a porch roof projecting over a driveway at the entrance to a building.

Positive Drainage means clear, unobstructed flow of stormwater away from any building.

Post-Firm means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

Practicable Alternative means alternative to proposed project which is available and capable of being executed after taking into consideration cost, existing technology, and logistics in light of overall project purposed, and having less impacts to wetlands or river streams. It may involve using an alternative site in the general region that is available to the developer and may feasibly be used to accomplish the project.

Pre-Firm means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.

Preliminary Plat means the preliminary drawing or drawings, described in Chapter 5 of this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the platting authority for approval.

Pretreatment Facility means any treatment works installed for the purpose of treating, equalizing, neutralizing or stabilizing waste from any source prior to discharge to any disposal system subject to effluent standards or limitations. (Source: NCGS § 143-213)

Pretreatment Standards means effluent standards or limitations applicable to waste discharged from a pretreatment facility. (Source: NCGS § 143-213)

Primary Color means one to three base colors chosen to dominate a color scheme.

Principal Building or Structure means the building or structure in which is conducted the principal use of the zoning lot on which it is located. This shall include any buildings which are attached to the principal structure by a covered structure. Zoning lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Principal Use means the main or primary use of a parcel of land.

Principally Above Ground means that at least 51 percent of the actual cash value of the structure is above ground.

Private means anything not owned or operated by the federal government, state government, or any political subdivision.

Private Clubs means an organization that maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the Internal Revenue Code as defined in G.S. 105-130.2(1). Refer to Subsection 120.04.04.E. (Source: NCGS § 130A-247)

Private Use means one which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

Private Utilities means includes power, telephone, natural gas, cable television and private water supply service.

Produce Stand means a temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site. (See also Farmers Market.)

Professional Engineer means a person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

Professional Office means an office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

Projecting/Suspended Sign means a sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted.

Property Line means see "Lot Line."

Property Line, Common means a line dividing one lot from another. (Source: North Carolina State Building Code, Vol. 1, § 202)

Property means all real property subject to zoning regulations and restrictions and zoning boundaries by the Town.

Protected Plant means a species or higher taxon of plant adopted by the Board to protect, conserve, and/or enhance the plant species and includes those the Board has designated as endangered, threatened, or of special concern. (Source: NCGS § 106-202.12)

Public Assembly means a use category containing establishments where people assemble for religious, philosophical, fellowship, or cultural purposes.

Uses in this use category include: Auditorium; Civic, Social, or Fraternal Organization; Convention Center/Visitors Bureau; Private Club; Recreational Sports Club (Hunting Clubs, Fishing Clubs, etc.); Religious Institution; and other uses meeting the definition of Public Assembly according to the Director.

Refer to Subsection 120.04.04.F.

Public Assembly, Indoor means buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoria, private clubs and lodges, conference centers, and theaters, including kitchen for the preparation of food to be consumed at the premises.

Public Assembly, Outdoor means see "Commercial Amusement, Outdoor."

Public Facilities means capital Improvements including Water Facilities, Wastewater Facilities, Fire Protection Facilities, Public Schools, and Streets.

Public Hearing means a public meeting for which public notice has been given and an opportunity for public testimony is provided.

Public Land for Dedication and Ownership means parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the Town Board and dedicated for the public's use or benefit.

Public Realm means any publicly owned streets, pathways, sidewalks, hardscape, parks, publicly accessible open spaces, and any civic and institutional buildings and facilities where the public has access.

Public means anything owned or operated by the federal government, state government, or any political subdivision.

Public-Use Heliport means a heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

Public Meeting means a meeting of a Board, Planning and Zoning Board, Town Board or their representatives where the public may attend.

Public Notice means notice to the public of a public hearing or meeting as required by state or local law.

Public or Community Wastewater System means a single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility. (Source: NCGS § 130A-334)

Public Right means of-WAY - Any area on or adjoining a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

Public Safety and/or Nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public School or Public School Facility means any education facility under the jurisdiction of a local board of education or local school district, whether termed an elementary school, middle school, junior high school, high school or union school. (Source: NCGS § 115C-205). Includes charter schools.

Public Space means a legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Public Transportation means transportation of passengers whether or not for hire by any means of conveyance, including but not limited to a street railway, elevated railway or guideway, subway, motor vehicle or motor bus, either publicly or privately owned and operated, carpool or vanpool, holding itself out to the general public for the transportation of persons within the territorial jurisdiction of the authority, including charter service. (Source: North Carolina Public Transportation Authorities Act, §160A-576; Regional Public Transportation Authority Act, NCGS §160A-601)

Public Transportation System means without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation. (Source: North Carolina Public Transportation Authorities Act, §160A-576; Regional Public Transportation Authority Act, NCGS §160A- 601)

Public Use means a use which is owned by, and operated for, the public by a public entity.

Public Water System means a system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:

A. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and

B. Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.

A public water system is either a "community water system" or a "noncommunity water system" as follows:

A. "Community water system" means a public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents.

B. "Noncommunity water system" means a public water system which is not a community water system. (Source: NCGS § 130A-313) The term "public water system" also includes a system for the provision of piped water for human consumption as defined in NCGS 130A-313(10). (Source: NCGS § 90A-20.1)

Pylon (or Pole) Sign means a ground-mounted sign attached to one or more posts, whose base is greater than 24 inches above grade.

Q

Quadruplex means a building containing four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.

Qualified Landscape Architect means a person with at least a four-year degree in the field of landscape architecture from an accredited university offering such a degree.

R

Racetrack, Automobile means a facility consisting of a paved roadway used primarily for the sport of automobile racing. A race track may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, “shakedown” tracks or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

RCRA means the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.

RE means the Rural Estate zoning district.

Real Property means lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate. (Source: Parking Authority Law, NCGS §160A-551) The term "real property" also includes a building, structure, real estate, land, tenement, leasehold, interest in real estate cooperatives, condominium, and hereditament, corporeal and incorporeal, or any interest therein. (Source: NCGS §41A-3)

Rear Setback means the minimum horizontal distance between any building and the rear property line.

Rear Yard means see "Yard, Rear."

Receiving Area means an area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.

Reclamation means the reasonable rehabilitation of the affected land for useful purposes, and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish on a continuing basis the vegetative cover, soil stability, water conditions and safety conditions appropriate to the area. (Source: The Mining Act of 1971, NCGS § 74-49)

Reclamation Plan means the operator's written proposal as required and approved by the Department for reclamation of the affected land, which shall include but not be limited to:

A. Proposed practices to protect adjacent surface resources;
B. Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;
C. Manner and type of revegetation or other surface treatment of the affected areas;
D. Method of prevention or elimination of conditions that will be hazardous to animal or fish life in or adjacent to the area;
E. Method of compliance with State air and water pollution laws;
F. Method of rehabilitation of settling ponds;
G. Method of control of contaminants and disposal of mining refuse;
H. Method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution;
I. I/ Maps and other supporting documents as may be reasonably required by the Department; and
J. A time schedule that meets the requirements of G.S. 74-53. (Source: The Mining Act of 1971, NCGS § 74-49)

Recombination Plat means a document that combines two or more parcels or portions of a parcel into one parcel or where boundary lines are adjusted. A recombination plat does not permit the creation of additional lots beyond what was existing prior to the proposed recombination.

Recorded/Record means document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Register of Deeds.

Recreational Vehicle means a vehicular or portable unit mounted on a chassis and wheels, and which is primarily designed to provide temporary living quarters and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Examples are: travel trailers, truck campers, camping trailers, and motor homes. For purposes of measuring length, the trailer hitch and/or trailer tongue shall be excluded.

Redevelopment means for purposes of § 6.9, only, redevelopment means any rebuilding activity which has no net increase in built-upon area or which provides equal or greater stormwater control than the previous development, in accordance with the provisions of 15A NCAC 2H.100. (Source: 15A NCAC 2H.1002).

Reference Level means is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

Refuse means all waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources. (Source: The Mining Act of 1971, NCGS § 74-49)

Registered Land Surveyor means a person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

Regulation means as used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance.

Regulatory Flood Elevation means the elevation which is two feet above the calculated water-surface elevation of the base flood.

Regulatory Flood Protection Elevation means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

Religious Institution means a facility used primarily for religious assembly or worship and related religious activities.

Remedy a Violation means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Renderer means the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, fallow deer, red deer, horses, mules, or other equines. (Source: § 106-549.15)

Required Setback means the distance required by Chapter 120, *Zoning Districts and Land Uses*, of this Ordinance between the building or other structure and the lot line or, for unsubdivided properties, the property line.

Research Facility means any place, laboratory, or institution at which scientific tests, experiments, or investigations are carried out, conducted, or attempted. (Source: NCGS § 19A-23)

Reservation means reservation of land does not involve any transfer of property rights. It constitutes an obligation to keep property free from development for a stated period of time.

Resident Plant or Resident Species means a native species or higher taxon of plant growing in North Carolina. (Source: NCGS § 106-202.12)

Residential Child-Care Facility means a staffed premise with paid or volunteer staff where children receive continuing full- time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care. (Source: NCGS § 131D-10.2)

Residential Driveway means a driveway providing vehicular access to property used for residential purposes. This included driveways for single-family, duplex and triplex uses.

Residential Use means includes all uses listed as residential in the Use Matrix.

Resort means a building or group of buildings containing two or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars and restaurants which cater primarily to other than guests of the guest ranch/resort.

Resource Extraction means a use category containing uses that undertake the on-site extraction of surface or sub-surface mineral products or other natural resources.

Uses in this use category include: borrow pit; mining operation; quarry; oil and gas extraction; sand and gravel operation and other uses meeting the definition of Resource Extraction according to the Director.

Refer to Subsection 120.04.04.U.

Restaurant means a use category containing uses serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

Uses in this use category include: Baked Goods or Snack Shop; Catering Establishment; Coffee Shop; Ice Cream Shop; Restaurant, Full Service (dine-in only); Restaurant, Limited Service (delivery, carryout, drive-thru); and other uses meeting the definition of Restaurant according to the Director.

Re-Subdivision means the changing of an existing parcel created by a plat and recorded with the Register of Deeds.

Retail means the sale of any tangible personal property in any quantity or quantities for any use or purpose on the part of the purchaser other than for resale. (Source: North Carolina Sales and Use Tax Act, NCGS § 105-164.3).

Retail Repair, Sales, And Service means a use category containing establishments or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public. Refer to the definitions for repair-oriented, sales-oriented, and service-oriented uses.

Uses in this use category include: Art Dealer; Art Supply Store; Book, Periodical & Music Store; Carpet & Upholstery Cleaning Service; Cemetery Monument Dealer; Clothing & Clothing Accessories Store; Clothing Alterations/Repair Service; Footwear Repair; Consignment/Used Merchandise Store, Convenience Store (without gas sales); Electronic and Appliance Repair; Electronics & Appliance Rental; Electronics, Camera & Appliance Stores; Florist; Formal Wear & Costume Rental; Funeral Home & Services; Furniture Store; Party Supply/Sporting Goods Rental; General Merchandise Stores; Gift, Novelty & Souvenir Store; Grocery/Food Store; Hair, Nail & Skin Care Service, Hobby, Toy & Game Store; Jewelry, Luggage and Leather Goods Store; Liquor Sales (ABC store); Musical Instrument & Supplies Store; Personal and Household Goods Repair; Photocopy Services; Sports and Recreation Instruction; Shopping Center; and other uses meeting the definition of Retail Repair, Sales, And Service according to the Director.

Retailer means every person engaged in the business of making sales of tangible personal property at retail, or peddling the same or soliciting or taking orders for sales, whether for immediate or future delivery, for storage, use or consumption. (Adapted from: North Carolina Sales and Use Tax Act, NCGS § 105-164.3)

Retaining Wall means a manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

Revision means "revision" means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

Rezoning means an amendment to the Official Zoning Map.

RH means the Residential High zoning district.

Rhythm means movement, characterized by a pattern repetition or alternation of formal elements or motifs in the same or modified form.

Ridge means for purposes of any regulation or provision of this Ordinance applicable to mining, overburden removed from its natural position and deposited elsewhere in the shape of a long, narrow elevation. (Source: The Mining Act of 1971, NCGS § 74-49)

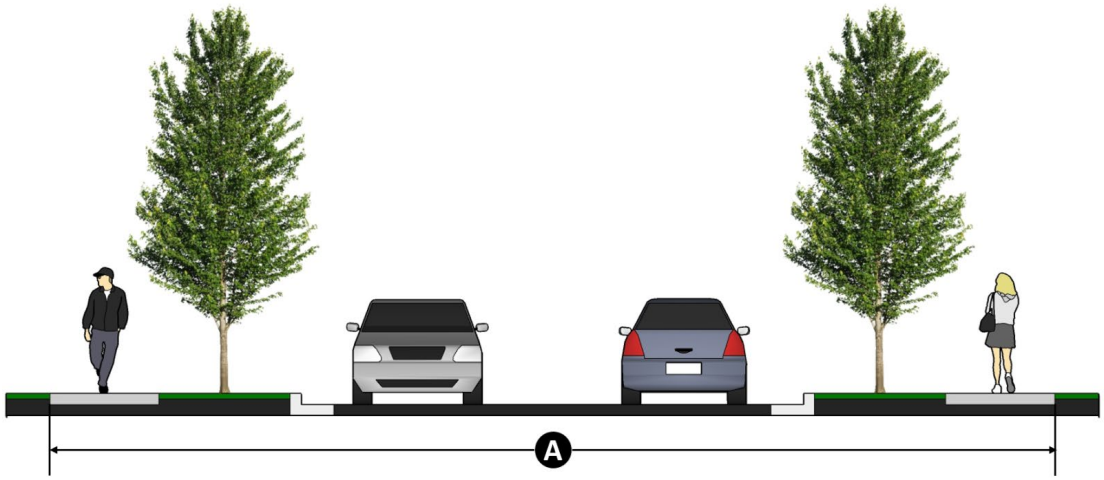
Right-Of-Way means

A. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes as depicted with the letter "A" in Figure 128.03-R-1, *Right-of-Way Illustration*, below;

B. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian. For purposes of this UDO, the "Right-of-Way" for streets shall mean and refer to the boundaries of any right-of-way certified and/or registered by the NCDOT pursuant to NCGS § 136-19.4, a right-of-way recorded by the Town for roads or streets, or a right-of-way reserved in a recorded subdivision plat. If no such documentation exists, or if

such documentation cannot be located, the "Right-of-Way" shall mean and refer to the edge of the paved surface of the street.

Figure 128.03-R-1
Right-of-Way Illustration



Riparian Ecosystem means living organisms (plants and animals) and habitat that occur in association with any spring, lake, watercourse, river, stream, creek, or other body of water, either surface or subsurface.

River means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. (Source: NCGS § 113A-33)

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

RL means the Residential Low zoning district.

RM means the Residential Medium zoning district.

Road means a public or private highway, hard-surface road, dirt road, or railroad. (Source: NCGS § 113A-33)

Roadside Stand means an accessory structure for the seasonal retail sale of grown or produced food products on the lot.

Roadway means the improved portion of a street within a right-of-way and/or easement.

Roof Line means the highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

Roof Sign means any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building. - 121.05

Rowhouse means see "Townhouse."

S

Safety Services means any of the following uses or activities classified under NAICS 922 (Justice, Public Order, and Safety Activities); NAICS 92212 (Police Protection), NAICS 92216 (Fire Protection), or NAICS 56162 (Security Systems Services); but not including NAICS 9221 (Justice, Public Order, and Safety Activities); 92211(Courts); 92213 (Legal Counsel and Prosecution); 92214 (Correctional Institutions); or 92215 (Parole Offices and Probation Offices, including Emergency Medical Services). "Safety Services" does not include any warehouse or facility devoted to the maintenance of police or fire equipment, or any gun range or shooting range.

Salvage Yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery. Refer to Subsection 120.04.04.X.

Sanitary Landfill means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article. (Source: NCGS § 130A-290)

Satellite Dish Antennae or Satellite Dish means a parabolic antenna designed to receive electromagnetic transmissions from a satellite.

Sawmill means an operation or facility which has, as its predominant purpose, the sawing or planing of logs or trees into rough slabs. A "sawmill" is sometimes referred to as a "planing mill."

Sawmill, Accessory means a Sawmill which is operated as an incident to a construction site or another industrial or retail operation which is or will be established as a Primary Use on the same site.

Scenic Easement means a perpetual easement in land which

A. is held for the benefit of the people of North Carolina,
B. is specifically enforceable by its holder or beneficiary, and
C. limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon. The object of such limitations and obligations is the maintenance or enhancement of the natural beauty of the land in question or of the areas affected by it. (Source: NCGS § 113A-33). A "scenic easement" also includes a perpetual easement in land which
    1. is held for the benefit of the people of North Carolina,
    2. is specifically enforceable by its holder or beneficiary, and
    3. limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it. (Source: North Carolina Trails System Act, NCGS § 113A-85)

Screen means vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

School District means any school district as defined in NCGS § 115C-69.

School means an institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or Business, Technical, Trade schools. Includes public, private, charter and community schools.

School Project means any one or more buildings, structures, improvements, additions, extensions, enlargements or other facilities for use primarily as a dormitory or other housing facility, including housing facilities for student nurses, a dining hall and other food preparation and food service facilities, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, laundry facility, and maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, or any combination of the foregoing, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of an institution for higher education or a particular facility, building or structure thereof in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination. (Source: Higher Educational Facilities Finance Act, NCGS § 115E-3)

School, Boarding means an elementary school, middle-school, junior high school, or high school which provides lodging or dwelling for students or faculty on the same property.

School, Technical or Trade means a school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools. (See NAICS 611).

Scrap and Salvage Services means an establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

Screening means shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or buffer yard. (See Landscape Standards).

Seasonal High Water Table means the highest level that groundwater, at atmospheric pressure, reaches in the soil in most years (see15A NCAC 2H.1002, which is hereby incorporated by this reference).

Sediment and Erosion Control Devices means sediment fences, sediment traps, or other devices necessary to reduce sedimentation as required by this section.

Sediment means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin. (Source: the "Sedimentation Pollution Control Act of 1973, NCGS § 113A-52)

Sedimentation Act means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant thereto.

Sedimentation means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

Seismic Effects means direct and indirect effects caused by an earthquake or man-made phenomena.

Self-Service Storage means a use category containing facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Uses in this use category include: Boat Storage; Mini-Warehousing/Self-Storage Leasing; and other uses meeting the definition of Self-Service Storage according to the Director.

Refer to Subsection 120.04.04.V.

Sending Area means an area designated by this Ordinance as a sending area appropriate for the conveyance of transferable development rights from the area.

Senior High School means a school which embraces the tenth, eleventh and twelfth grades. (Source: NCGS § 115C-75)

Sensitive Areas means critical Areas, slopes exceeding 3:1 (pre-development), critical wildlife habitat, stream corridors, wetlands, ridge lines, and areas defined as visually vulnerable pursuant to the Environmental and Open Space Element of the Comprehensive Plan.

Septage Management Firm means a person engaged in the business of pumping, transporting, storing, treating or disposing septage. The term does not include public or community wastewater systems that treat or dispose septage. (Source: NCGS § 130A-290)

Septage means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. The term septage includes the following:

A. Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

B. Domestic treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works where the designed disposal is subsurface. Domestic treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Domestic treatment plant septage does not include ash generated during the firing of domestic treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

C. Grease septage, which is material pumped from grease interceptors, separators, traps, or other appurtenances used for the purpose of removing cooking oils, fats, grease, and food debris from the waste flow generated from food handling, preparation, and cleanup.

D. Industrial or commercial septage, which is material pumped from septic tanks or other devices used in the collection, pretreatment, or treatment of any water- carried waste resulting from any process of industry, manufacture, trade, or business where the design disposal of the wastewater is subsurface. Domestic septage mixed with any industrial or commercial septage is considered industrial or commercial septage. (Source: NCGS § 130A-290)

Septic Tank System means a subsurface wastewater system consisting of a settling tank and a subsurface disposal field. (Source: NCGS § 130A-334)

Service Lines means electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

Service Station means a building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

Service Yard and/or Entrance means an area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets

Setback Line means a line measured from the property line or future right-of-way line of a street, as applicable.

Setback means the distance from the street (in the case of a Front Setback) or property line to the nearest part of the applicable Building, Structure, measured perpendicular to the street or property line, in front of which no structure may be erected. Setback A line prescribed for the full width of the facade above which the façade sets back. The location of a recess line is determined by the desired height to width ratio of the fronting space, or by a desired compatibility with existing buildings.

Sewage Disposal System means any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

Sewage means water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present. (Source: NCGS § 143-213) The term "sewage" also means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with flood handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater. (Source: NCGS § 130A-334)

Sewer System means pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal. (Source: NCGS § 143-213) The term "sewer system" shall also include both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto. (Source: NCGS § 162A-2)

Sewers means mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the authority. (Source: NCGS § 162A-2)

Sexually-Oriented Business means a use category containing any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NCGS § 14-202.10. A "Sexually-Oriented Business" includes any Adult Establishment. (Source: NCGS § 160D-902).

Adult Establishment and other uses meeting the definition of Sexually-Oriented Business according to the Director.

Refer to Subsection 120.04.04.O.

Sexually Oriented Devices means any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device. (Source: NCGS § 14-202.10)

Shield means a “shielded fixture” which is an outdoor light fixture that is “shielded” or constructed so that light rays emitted by the fixture are projected below the horizontal place passing through the lowest point on the fixture from which light is emitted.

Shopping Center means a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit. Any single store exceeding 25,000 gross square feet is subject to the restrictions of a superstore. Refer to Subsection 120.04.04.N.

Short-Term Rental means a residential dwelling or any part of such dwelling that is offered, advertised, or provided to short-term rental tenants (excluding family members), for a fee or any form of compensation, for intervals of 29 days or less during a calendar year. This term does not include a hotel or motel, resort, boarding house, or similar use defined elsewhere in this UDO.

Short-Term Rental Host means any person who is the owner of record of residential property, or any person who is a lessee of residential property pursuant to a written agreement for the lease of such property, who offers a residential dwelling or portion of such dwelling as a short term rental.

Short-Term Rental, Host Occupied means a short term rental that is the primary residence of the short-term rental host.

Short-Term Rental, Non-Host Occupied means a short-term rental that is not the primary residence of the short-term rental host.

Short-Term Rental Tenant means any person (excluding family members of the property owner of the short-term rental) who rents a short-term rental for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.

Shoulder means the earthen soil, clay, or gravel or turf section of pavement support extending from the outer pavement edge to the bottom of a side ditch including shoulder sections which are paved. (Source: 19A NCAC § 20.0404).

Shrub, Large means an upright plant growing to a mature height of more than 8 feet for use as natural ornamentation or screening.

Shrub, Medium means an upright plant growing to a mature height of 4 to 8 feet. SHRUB, SMALL

Side Clearance means the distance measured along the street right-of-way line from the nearest side property corner to the nearest edge of the driveway approach.

Side Setback means the minimum horizontal distance between any building and the side property line.

Sidewalk means the portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

Sign means any display of any combination of letters, words, numbers, symbols, emblems, objects, or pictures made visible to attract attention or make something known, whether the display is made on, attached to, or constructed as part of a building, structure, vehicle, or object.

Significant Adverse Impact means impacts from activities that result in or contribute to any of the following consequences:

A. Alteration of the wetland or river stream environment, including alteration which results from activities such as grading of slopes and banks, creation of impervious surfaces, removal of native vegetation, placement of fill within a wetland or river stream or associated riparian ecosystem;
B. Disturbance or taking of wildlife, aquatic life, or other natural resources or habitats;
C. Alteration of base flood elevations;
D. Alteration of existing hydrologic or aquatic systems;
E. Degradation of aesthetic, scenic or cultural values associated with the ecosystem;
F. Degradation of environmental quality, including water quality, plant and wildlife communities, and ecosystem functions and stability.

Significant Stands of Trees or Shrubs means a massing or group of trees or shrubs which are (1) in good condition and are established on the site, or (2) which may be among the earliest grown species of the area, or (3) which have been identified by the community with a particular area.

Siltation means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land disturbing activity; and which has been deposited, or is in suspension in water.

Single-Family Residential Complex means a group of single-family dwellings designed for individual separate ownership with unified management that provides common services and outdoor recreational facilities, but not including public bars, public restaurants or any commercial activity in connection therewith.

Single-Family Residential Dwelling means a separately owned residence for use by one family as a housekeeping unit with space for eating, living, and permanent provisions for cooking and sanitation. See NCGS § 87-15.5).

Site Evaluation means an investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission. (Source: NCGS § 106- 802, Swine Farm Siting Act)

Site Plan means a development plan of one or more lots on which is shown

A. the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways;
B. the location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices;
C. the location of building pads for all residential and non-residential buildings; and
D. and location and extent of all external buffers from surrounding areas.

Site Specific Vesting Plan (SSVP) means a plan submitted to the Town in which the applicant requests vesting pursuant to this UDO, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a subdivision plat, a preliminary or general development plan, a Special Use Permit, or a Conditional District Zoning Plan, or any other land-use approval designation as may be utilized by the Town. Unless otherwise expressly provided by the Town, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site specific development plan under this section that would trigger a vested right shall be finally determined by the Town pursuant to Article 13 of this Ordinance, and the document that triggers such vesting shall be so identified at the time of its approval. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan. (Source: NCGS §160D-108.1)

Sketch Plan or Sketch Plat means a sketch preparatory to the Preliminary Plat or Site Plan (or Final Plat or Site Plan in the case of Minor Subdivisions or Special Use Permits) to enable the subdivider to save time and expense in reaching general agreement with the platting authority as to the form of the plat and the objectives of this UDO.

Slaughterhouse means a building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

Slope means a vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

Sludge means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects. (Source: NCGS § 130A-290)

Social Service means a use category containing uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems; transient housing related to social service programs; and housing for individuals legally confined.

Uses in this use category include: Correctional Institution, Domestic Abuse or Homeless Shelter; Drug, Alcohol or Psychiatric Treatment Center, In-Patient; Halfway House; Social Assistance (excluding child care centers); Soup Kitchen; and other uses meeting the definition of Social Service according to the Director.

Soil Survey means the Soil Survey of Cabarrus County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by this reference.

Solar Energy System (SES) means the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one of three system types: Level 1 SES, Level 2 SES, and Level 3 SES. Refer to Subsection 120.04.04.G.

Solid Masonry means load-bearing or non-load-bearing construction using masonry units where the net cross-sectional area of cored brick in any plane parallel to the surface containing the cores shall be not less than 75 percent of its gross cross- sectional area. No part of any hole shall be less than 3/4 inch (19.1 mm) from any edge of the brick. Solid masonry units shall conform to ASTM C 55, C 62, C 73, C 145 or C 216. (Source: North Carolina State Building Code, Vol. VII, § 202).

Solid Waste Disposal Facility means a facility for the purpose of treating, burning, compacting, composting, storing or disposing of solid waste. (Source: NCGS § 159C-3)

Solid Waste Disposal Site means any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method. (Source: NCGS § 130A-290)

Solid Waste Management Facility means land, personnel and equipment used in the management of solid waste. (Source: NCGS § 130A-290)

Solid Waste means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

A. Fecal waste from fowls and animals other than humans. B. Solid or dissolved material in
    1. 1.Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.
    2. Irrigation return flows.
    3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92- 500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
B. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
C. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
D. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article. (Source: NCGS § 130A-290)

Sound Management Program means a program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105- 277.2).

Spacing means the closest distance between two driveways, measured along the right-of-way line from edge of drive to edge of drive. - D-3. DEFINITIONS

Special Concern Species means any species of plant in North Carolina which requires monitoring but which may be collected and sold under regulations adopted under the provisions of this Article. (Source: NCGS § 106- 202.12)

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

Special Use means a use that, because of its unique or varying characteristics, cannot be properly classified as a permitted use or permitted use with limitations in a particular district. A use is considered a special use if designated as such by the use tables in Chapter 120, *Zoning Districts and Land Uses*.

Specific Plan means a document encompassing a specific geographic area of the Governing Agency which is prepared for the purpose of specifically implementing the Comprehensive Plan by

A. refining the policies of the Comprehensive Plan to a specific geographic area; and
B. containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

Specified Anatomical Areas means a. Less than completely and opaquely covered: 1. human genitals, pubic region, 2. buttock, or 3. female breast below a point immediately above the top of the areola; or B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Source: NCGS § 14-202.10)

Specified Sexual Activities means:

A. Human Genitals in A State of Sexual Stimulation or Arousal;
B. Acts of Human Masturbation, Sexual Intercourse or Sodomy; Or
C. Fondling or Other Erotic Touching Of Human Genitals, Pubic Regions, Buttocks or Female Breasts. (Source: NCGS§ 14.202.10)

Spinner means a wind activated, propeller-type device, which may or may not be attached to advertising copy.

Spoil Bank means a deposit of excavated overburden or refuse. (Source: The Mining Act of 1971, NCGS § 74-49)

Square means open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and monuments or public art.

Stable, Commercial means a stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands.

Stable, Private means a detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

Start of Construction means includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within 180 days of the permit date. The actual start means the first placement of a permanently-constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State Highway means street or highway on the State Highway System.

State Highway System means the system of streets and highways as described in NCGS § 136-44.1. (Source: 19A NCAC § 20.0404).

Storm Drainage Facilities means the system of inlets, conduits, channels, dikes and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater Collection System means as defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Stormwater means the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt. (Source: NCGS § 143-213)

Stormwater Runoff means the direct runoff of water resulting from precipitation in any form. (Source: 15A NCAC § 4A.0005).

Story Above Grade means any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

A. More than 6 feet (1829 mm) above grade plane;
B. More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or
C. More than 12 feet (3658 mm) above the finished ground level at any point. (Source: North Carolina State Building Code, Vol. VII, § 202).

Story means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

Stream means a watercourse that collects surface runoff from an area of one square mile or greater. This does not include flooding due to tidal or storm surge on estuarine or ocean waters. (Source: NCGS § 143-215.52).

Streamer means a string or strip of miniature or full-size pennants or flags which may or may not be suspended between two points.

Street Frontage means the distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

Street Line means a lot line dividing a lot from a street. (Source: North Carolina State Building Code, Vol. 1, § 202).

Street means any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Includes any Road.

Street Tree means a tree planted along a public street or roadway behind or within the right-of-way.

Street Yard means a planting yard comprised of a strip of land containing landscaping materials located along and parallel to a public street, or streets and having a varying minimum width, as specified in this Article.

Strip Development means a form of development characterized by the following:

A. the primary uses are commercial or retail in nature;
B. the development site takes direct access from an Arterial or Collector Road;
C. the site contains parking located above ground level and lying between the accessed roadway and the primary buildings; and
D. the site is characterized by substantial frontage along the road or roads from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

Structural Alteration means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

Structure means anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code, including an edifice or building of any kind. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences. Includes both permanent and temporary structures. “Structure” - a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground

Structure, Main or Principal means see "Building, Main or Principal."

Structure, Permanent means anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

Structure, Temporary means a moveable structure not designed for human occupancy or for the protection of goods or chattel, and not forming an enclosure, and placed on a parcel of land for a period of time equal to one year or less.

Stub-Out (Stub-Street) means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

Subdivide or "Subdivide Land" means the act or process of creating a Subdivision.

Subdivider means any Person who

A. having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who
B. directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who
C. engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development whether immediate or future, and all divisions of land involving the dedication of a new street or change in existing streets.

Subdivision Entrance Sign: A monument sign located along the entry to a subdivision from a collector or arterial street.

Subdivision, Major means a subdivision that is not a minor subdivision.

Subdivision, Minor means a subdivision involving no new public street right-of-way dedications (except widening of existing, platted street rights-of-way).

Subgrade means the foundation layer of a street.

Subsidiary means a person who is directly, or indirectly through one or more intermediaries, controlled by another person.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged-condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Superstore means a retail structure or group of structures have a total of in excess of 25,000 square feet of Gross Floor Area.

Surface, Impervious means see Impervious Surface.

Surveyor means a land surveyor registered by the State of North Carolina.

Swale means an elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

Swimming Pool, Private means a pool established or maintained on any premises by an individual for use by his/her family or guests of his/her household.

Swine Farm means a tract of land devoted to raising 250 or more animals of the porcine species. (Source: NCGS § 106-802, Swine Farm Siting Act)

Swine House means a building that shelters porcine animals on a continuous basis. (Source: NCGS § 106-802, Swine Farm Siting Act)

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Television, Radio and Film Station means a facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

Temporary means unless otherwise specified, for a period of time less than or equal to one year.

Temporary Sign means a sign not intended for display on a permanent basis.

Temporary Use means see Use, Temporary.

Ten-Year Storm means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 10 years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions. (Source: 15A NCAC 2H.1002; Sedimentation Control Standards).

Thoroughfare means a Major or Minor Thoroughfare or an arterial or collector street as identified on the Thoroughfare Plan.

Thoroughfare Plan means the document entitled Cabarrus - South Rowan Urban Area Transportation Plan prepared by the Statewide Planning Branch, Division of Highways, North Carolina Department of Transportation and dated October 1997 (or newer edition as amended), which document is hereby incorporated by this reference.

Threatened Species means any resident species of plant which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, or one that is designated as threatened by the Federal Fish and Wildlife Service. (Source: NCGS § 106-202.12)

Through Lot means see "Lot, Through."

Time Share means a "time share" as defined in NCGS 93A-41(9).

Tire Collection Site means a site used for the storage of scrap tires. (Source: NCGS § 130A-309.53)

Tire Processing Site means a site actively used to produce or manufacture usable materials, including fuel, from scrap tires. (Source: NCGS § 130A-309.53)

Total Mounted Height means the sum of the heights of the light pole, the lamp, and the base.

Tower means any ground-mounted, pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and masts, to which a telecommunications antenna is attached or affixed.

Tower, Lattice means three- or -four-legged steel girded structures typically supporting multiple communications users and services generally ranging from 60 to 200 feet in height.

Tower, Monopole means single pole design, approximately three feet in diameter at the base narrowing to approximately one and a half feet at the top, generally ranging from 25 to 150 feet in height.

Town Council means town of Harrisburg Town Council. Also referred to as the “Council” unless otherwise noted.

Town means the Town of Harrisburg, North Carolina.

Townhouse means a single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. (Source: North Carolina State Building Code, Vol. 1, §201.2 and Vol. VII, § 202). The term "townhouse" also includes a single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Refer to Subsection 120.04.03.H.

Toxic Waste means that waste, or combinations of wastes, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformities, in such organisms or their offspring. (Source: NCGS § 143-213)

Tract means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Trail means any paved greenway, unpaved greenway, or wildlife/botanical greenway dedicated to public use. The term "trail" includes:

A. Park trail. A trail designated and managed as a unit of the North Carolina State Parks System under NCGS Chapter 113, Article 2C.
B. Designated trail. A trail designated by the Secretary pursuant to this Article as a component of the State trails system and that is managed by another governmental agency or by a corporation listed with the Secretary of State.
C. A State Scenic Trail, State Recreation Trail, Or State Connecting Trail Under NCGS 113A-86 when the intended primary use of the trail is to serve as a park trail or designated trail.
D. Any other trail that is open to the public and that the owner, lessee, occupant, or person otherwise in control of the land on which the trail is located allows to be used as a trail without compensation, including a trail that is not designated by the Secretary as a component of the State trails system (Source: North Carolina Trails System Act , NCGS § 113A-85)

Transfer Station, Hazardous means a facility used for storage of non-hazardous waste for a period of less than 90 days.

Transient means housing or accommodations which are typically occupied by residents for periods of two weeks or less, including, but not limited to, hotels, motels and travel lodges.

Transit Facility means all real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

Transit Station means any Structure or Transit Facility that is primarily used, as part of a Transit System, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

Transit System means the property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

Transit Terminal means a commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

Transmission Lines means electric lines (115 KV and over) and appurtenant facilities, or pipelines/conveyors (10 inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

Travel Trailer means a vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet in width and/or 40 feet in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

Treatment Works means any plant, septic tank disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devot4ed to sanitary landfill, or other works not specifically mentioned herein, installed for the purpose of treating, equalizing, neutralizing, stabilizing or disposing of waste. (Source: NCGS § 143-213).

Tree, Ornamental means a small to medium tree, growing to a mature height of 15 to 40 feet and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark or brilliant fall foliage.

Tree, Shade means a large tree growing to a height of 40 feet or more at maturity, usually deciduous, and characterized by its ability to provide canopy cover shade.

Tree Protection Area means the temporarily fenced in area around a preserved tree's critical root zone.

Triplex means a building which contains three dwelling units, each of which has direct access to the outside or to a common hall.

Truck and Multi-Modal Terminal means a facility for truck loading and unloading and cargo storage.

Truck Camper means a portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

Truck Parking Area means an area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.

T-Shaped Sign means a portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

Twenty-Five Year Storm means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

U

Unattended Clothing Container means any box, bin, dumpster, trailer, or any other receptacle that is intended for the use as a collection point for donated clothing or other household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations.

Uncovered means the removal of ground cover from, on, or above the soil surface.

Underground Pressurized Irrigation System means a watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that 100 percent irrigation water coverage is provided.

Underlying District Or Underlying Zoning District means a standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

Unique Or Special Areas Parks means any unique or special area as defined in the Cabarrus County Parks and Recreation Master Plan.

Unsuitable Or Unstable Slope means an area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials.

Upzoning means the reclassification of land from a residential to a nonresidential zoning district, or to a zoning district that permits greater density or intensity that the current zoning classification of the property.

Use Matrix means the schedules of permitted, limited, and special uses within each zoning district set forth in § 120.02, *Zoning Districts and Standards*.

Use means the purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

Use Permits means approval, with appropriate stipulations, by the Governing Agency after public hearing of a use, structure, condition or manner of operation in conjunction with an otherwise permitted use which, by ordinance, requires the property owner or applicant to obtain such a permit.

Use, Approved means any use that is or may be lawfully established in a particular district or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

Use, Quasi-Public means uses which are considered to be dedicated to public service or to culture. There uses include, for the purposes of this Code, public, schools, hospitals, universities and churches.

Use, Temporary means a use that is established for one year or less, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. See § 7.39 of this Ordinance.

Use, Variance means a variance as to the permissible use of land, including a variance that in effect grants a development permit. A use variance is not permitted under North Carolina law.

Used Oil Recycling Facility means any facility that recycles more than 10,000 gallons of used oil annually. (Source: NCGS § 130A-290)

Utilities means a use category containing major or minor infrastructure that serves a site, a development, or the Town at-large. Major Utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel. Minor Utilities include public or private infrastructure serving a limited area with no on-site personnel.

Major Utilities in this use category include: Electric or Gas Generation Plant; Solar Energy System; Water Tower; Wireless Telecommunications Tower; and other uses meeting the definition of Major Utilities according to the Director.

Minor Utilities in this use category include: Electrical Substation; Neighborhood-Serving Cable, Telephone, Gas or Electric Facility; On-Site Stormwater Retention or Detention Facility; Sustainable Energy System; Utility Service; Water or Wastewater Pump Station or Lift Station; and other uses meeting the definition of Major Utilities according to the Director.

Utility Extension means the extension of a water or sewer line that falls under the ownership and maintenance of the Town of Harrisburg.

Utility Facilities means buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.

Utility Pole means pole used to support essential services such as power, telephone, or cable TV lines; or used to support street or pedestrian way lighting, typically located in public rights-of- way.

Utility Service Yards means buildings, structures or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.

V

Valance means a short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

Variance means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

Vegetative Buffer means an area of natural or established vegetation directly adjacent to surface waters through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation, as more defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Vegetative Filter means an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner, so that runoff does not become channelized, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Vegetative Ground Cover means wood bark, shredded or chipped wood (installed over an adequate matte of fabric weed barrier), sod, or live plants.

Vehicle means any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Vehicle Sales and Service a use category containing establishments related to direct sales of and service to passenger vehicles, light, medium, and heavy trucks and equipment, and other motor vehicles such as motorcycles, boats, and recreational vehicles.

Uses in this use category include: Automobile Repair, Major; Automobile Repair, Minor; Automotive Parts, Tires, and Accessories Sales; Automobile Sales, Rental & Leasing; Automobile Sales, New & Used; Car Wash; Truck Stop or Travel Plaza; and other uses meeting the definition of Vehicle Sales and Service according to the Director.

Refer to Subsection 120.04.04.R.

Vehicle Use Area means an unenclosed area used by three or more vehicles of any type, moving or at rest, including, but not limited to, parking lots, loading and unloading areas, stacking lanes, access and circulation drives, driveways, and parking aisles.

Vehicle Sign means a sign attached to a vehicle. A vehicle sign is considered a Portable Sign.

Vehicle, Abandoned or Junk means a vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

Vehicle, Commercial means any motor vehicle with a manufacturer's chassis rating greater than one ton.

Vehicle, Motor means a device, in, upon or by which any person or property is or may be transported or drawn upon a road of highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles. For the purpose of these regulations "motor vehicles" are divided into two divisions: First Division: Those motor vehicles which are designed for the carrying of not more than 10 persons. Second Division: Those motor vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second, and those motor vehicles of the first division used and registered as school buses. All trucks shall be classified as motor vehicles of the second division.

Vehicular Canopy – A Roofed, Open, Drive means through structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.

Vehicle Use Area means any open or unenclosed area used by three or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, stacking lanes, access and circulation drives, driveways, parking aisles, and parking garages.

Very Low Income Housing means dwelling units reserved for occupancy or ownership by persons or households whose annual gross income does not exceed 50 percent of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

Vested Right means the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan for a specified time, regardless of changes in this UDO. (Source: NCGS §160D-108.1)

Veterinarian means a facility or establishment rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be allowed in a veterinarian establishment.

Vines means a woody plant that spreads as it grows over the ground, walls or trellises.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

W

Wall Pack means a type of light fixture typically flush-mounted on a vertical wall surface.

Wall Sign means a sign affixed on and parallel to the exterior wall of any building and projecting up to 12 inches from the wall. Signs mounted on porticoes are considered wall signs.

Wall, Exterior means a wall, bearing or nonbearing, which is used as an enclosing wall for a building, other than a party wall or fire wall. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Warehousing and Distribution, General means an establishment offering indoor or open-air storage and distribution and handling of materials and equipment, such as vehicle storage, monument or stone yards, grain elevators, or open storage yards.

Warehousing and Storage means a use category containing buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management, but excluding the warehousing and storage of explosive, corrosive noxious materials, such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties.

Uses in this use category include: Electronic Shopping & Mail-Order House; Farm Products, Warehousing and Storage; Lumber, Warehousing and Storage; General & Refrigerated Warehousing and Storage; and other uses meeting the definition of Warehousing and Storage according to the Director.

Waste Related Use means a use category containing establishments that receive solid or liquid wastes from others for treatment or transfer to another location and uses that manufacture or produce goods or energy from the large-scale composting of organic material.

Uses in this use category include: Landfill, Demolition; Solid Waste Collection and/or Disposal (Hazardous or Non-Hazardous); Salvage/ Yard; and other uses meeting the definition of Waste-Related Use according to the Director.

Wastewater Collection System means a unified system of pipes, conduits, pumping stations, force mains, and appurtenances other than interceptor sewers, for collecting and transmitting water-carried human wastes and other wastewater from residences, industrial establishments or any other buildings, and owned by a local government unit. (Source: NCGS § 159G-3).

Wastewater Facilities means structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

Wastewater means any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system. (Source: NCGS § 130A-334).

Wastewater System means a system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. (Source: NCGS § 130A-334).

Water Dependent Structures means as defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Water Facilities means systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

Water Pollution Control Facility means any structure, equipment or other facility for, including any increment in the cost of any structure, equipment or facility attributable to, the purpose of treating, neutralizing or reducing liquid industrial waste and other water pollution, including collecting, testing, neutralizing, stabilizing, cooling, segregating, holding, recycling, or disposing of liquid industrial waste and other water pollution, including necessary collector, interceptor, and outfall lines and pumping stations, which shall have been certified by the agency exercising jurisdiction to be in furtherance of the purpose of abating or controlling water pollution. (Source: NCGS § 159C-3).

Water Pollution Control System means a system for the collection, treatment, or disposal of waste for which a permit is required under rules adopted by either the North Carolina Environmental Management Commission or the Commission for Health Services. (Source: NCGS § 90A-46).

Water Pollution means the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities. (Source: NCGS § 143-213).

Water Supply System means a public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS § 159G-3).

Water Surface Elevation (WSE) means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water System Improvements Or Sewer System Improvements means such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the authority to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the authority and for which no existing service is being rendered. (Source: NCGS § 162A-2).

Water System means all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water or the control and drainage of stormwater runoff and any integral part thereof, including but not limited to water supply systems, water distribution systems, structural and natural stormwater and drainage systems of all types, sources of water supply including lakes, reservoirs and wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2).

Water Treatment Facility means any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system. (Source: NCGS § 90A-20.1).

Watercourse means any lake, river, stream, creek, or other body of water or channel having banks and bed through which water flows at least periodically.

Waters means any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the Town. (Source: NCGS § 143-212).

Watershed Commission means the Cabarrus County Watershed Improvement Commission.

Watershed means a natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission. (Source: NCGS § 143-213).

Wet Detention Pond means as defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Wetland means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service.

Wholesale Trade means a use category of containing establishments involved in the sale, lease, or rent of products to industrial, institutional or commercial enterprises only. The uses emphasize on-site sales or order-taking and often include display areas. The business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Uses in this use category include: Alcoholic Beverage Supply, Auction House (General Merchandise), Building Material Supply (with no outdoor storage), Building Material Supply (with outdoor storage), Catering Services, Clothing, Piece Goods & Shoe Supply, Coal & Ore Supply (with outdoor storage), Electronic Equipment and Parts Supply, Equipment Rental & Leasing (with indoor storage), Equipment Rental & Leasing (with outdoor storage), Farm Supply Product Sales (with indoor storage), Farm Supply Product Sales (with outdoor storage), Florist & Nursery Supply (with indoor storage), Florist & Nursery Supply (with outdoor storage), Hardware, Plumbing & Heating Supply, Jewelry Supply, Lawn & Garden Supply (with no outdoor storage or display), Lawn & Garden Supply (with outdoor storage or display), Lumber & Construction Materials (w/ indoor storage), Lumber & Construction Materials (with outdoor storage), Metal & Pipe Supply (with indoor storage), Metal & Pipe Supply (with outdoor storage), Music & Musical Instrument Supply, Nurseries, Paint, Varnish & Paint Supplies, Paper/Paper Product Supply, Pharmaceutical and Drug Supply, Professional & Commercial Equipment Supply, Tobacco/Tobacco Product Sales, and other uses meeting the definition of Wholesale Trade according to the Director.

Wind-Driven Sign means consists of one or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subject to pressure by wind or breeze and by that movement attract attention and function as a sign.

Window, Clerestory means an upperstory window or row of windows, typically wider than they are tall, the primary purpose of which is to let in sunlight.

Window Sign means a sign applied to the building glass area and located so that the copy is visible from off-premise.

Winery/Cidery means an establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages. The establishment may include uses permitted in the district in accordance with state and local laws.

Winery/Cidery-Micro means an establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages with a capacity not to exceed 1000 gallons per year. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district, in accordance with state and local laws.

Wireless Telecommunication Services (WTS) means licensed or unlicensed wireless telecommunication services including cellular, digital cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), commercial or private paging services, or similar services marketed or provided to the general public. This definition does not include services b non-commercial entities in the amateur radio service, public safety radio service, or licenses assigned non-profit organizations such as the Red Cross, Civil Air Patrol, or other military affiliated radio services that are licenses by the Federal Communications Commissions. Refer to Subsection 120.04.04.H.

Woodland means all forest areas, both timer and cut-over land, and all second-growth stands on areas that have at one time been cultivated. (Source: NCGS § 113-57).

X

Xeriscape means landscaping with native plants that utilizes the existing environmental conditions to the best advantage, conserving water and protecting the native environment.

Y

Yard means an open unoccupied space, other than a Court, unobstructed from the ground to the sky, on the Lot on which a Building is situated. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII. § 202).

Yard Setback means the minimum horizontal distance between any building and the property line.

Yard, Front means a yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

Yard, Rear means a yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

Yard, Required means the minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

Yard, Side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the minimum side setback as specified in § 4.7 of this Ordinance. (See Figure in definition of "required setback.") An interior side yard is defined as the side yard adjacent to a common lot line.

Z

Zero Lot Line means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning Clearance means the issuance of a permit or authorization by the Planning Director indicating that a proposed building, structure or use of land meets all of the standards, criteria, procedures and requirements contained in this UDO.

Zoning District means any portion of the area of the Town in which the same Zoning regulations apply.

TOWN OF HARRISBURG

Agenda Item Details

Title:
Consideration of abandonment of public rights of way associated with Hereford Ln off of Ruth Fidler Drive.

Presenting Personnel:
Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:
If approved, the following motion is suggested:
To approve the abandonment of public rights of way associated with Hereford Ln off of Ruth Fidler Drive.

If denied, the following motion is suggested:
To deny the abandonment of public rights of way associated with Hereford Ln off of Ruth Fidler Drive.

Description/Background:
The Harrisburg Town Council has received a petition from Donna S. West, Jon D. Harkleroad, Robert S. Mitchell II and Karen S. Mitchell, requesting the abandonment of public right-of-way of Hereford Ln off of Ruth Fidler Drive and property be equally added to adjoining parcels 55173531550000 and 55173520140000.

The public right-of-way associated with future Hefford Ln was platted and recorded as a potential connection to the adjoining neighborhood. As part of the Harmony Acres rezoning approval, Town Council removed Hereford Ln as a street connection and thus the property remains of no use for public purpose. Staff supports the abandonment and equal transfer of property to two adjoining property owners (applicant requesting abandonment).

A resolution of intent was adopted at the May 10, 2021 meeting, public hearing for the abandonment was held on June 14, 2021 and a final resolution of abandonment (action) will be adopted at the July 12th meeting.

Recommendation:
Staff recommends approval of abandonment of entire public rights of way associated with Hereford Ln off of Ruth Fidler Drive.

Fiscal Impact:
The abandonment will take off the public right of way maintenance from Town and transfer to adjoining property owners.

Attachments:
1. Letter to obtain property Ruth Fidler
2. Hereford Ln
3. RESOLUTION closing of Hereford Ln

Mr. Nepal

Donna S. West, her husband, Jon D. Harkleroad and I, Robert S. Mitchell, II, along with my wife, Karen S. Mitchell, would like to obtain the abandoned land/property that is located between our two parcels on Ruth Fidler Drive in Harrisburg, NC. It is our understanding that this land was to be deemed a right of way between our two properties for access from Stallings Farm to a future development behind our properties. We are also aware that this is no longer the case for this land and it has since been abandoned by the Town of Harrisburg. The upkeep of this land has been maintained by Donna S. West, and we purchased the property on the other side, we have hence shared the upkeep duties. The Town of Harrisburg has not had any hand in its maintenance.

This letter is to serve as a formal request for the adjacent two property owners to obtain and split the said property. This is to be done equally and to be added to the existing acreage of each adjacent property parcels. **Parcel #55173531550000** is owned by Robert S. Mitchell, II and Karen S. Mitchell at **7174 Ruth Fidler Drive** and sits on the more northern side to said abandoned property. **Parcel #55173520140000** is owned by Donna S. West and Jon D. Harkleroad at **7188 Ruth Fidler Drive** and sits on the more southern side to said abandoned property.

We, Donna S. West, Jon D. Harkleroad, Robert S. Mitchell, II, and Karen S. Mitchell all completely understand that this will have to endure the public process of abandonment. It is also our understanding that after this process has been exhausted and approved that we will need to submit a plat for our properties in order to combine these into our existing parcels and record with the County of Cabarrus.

We appreciate your time and attention into this matter. We look forward to this processes implementation and its conclusion, if it deems successful for our two parties involved.

Submitted mutually by all involved,

4-09-21 4/9/21

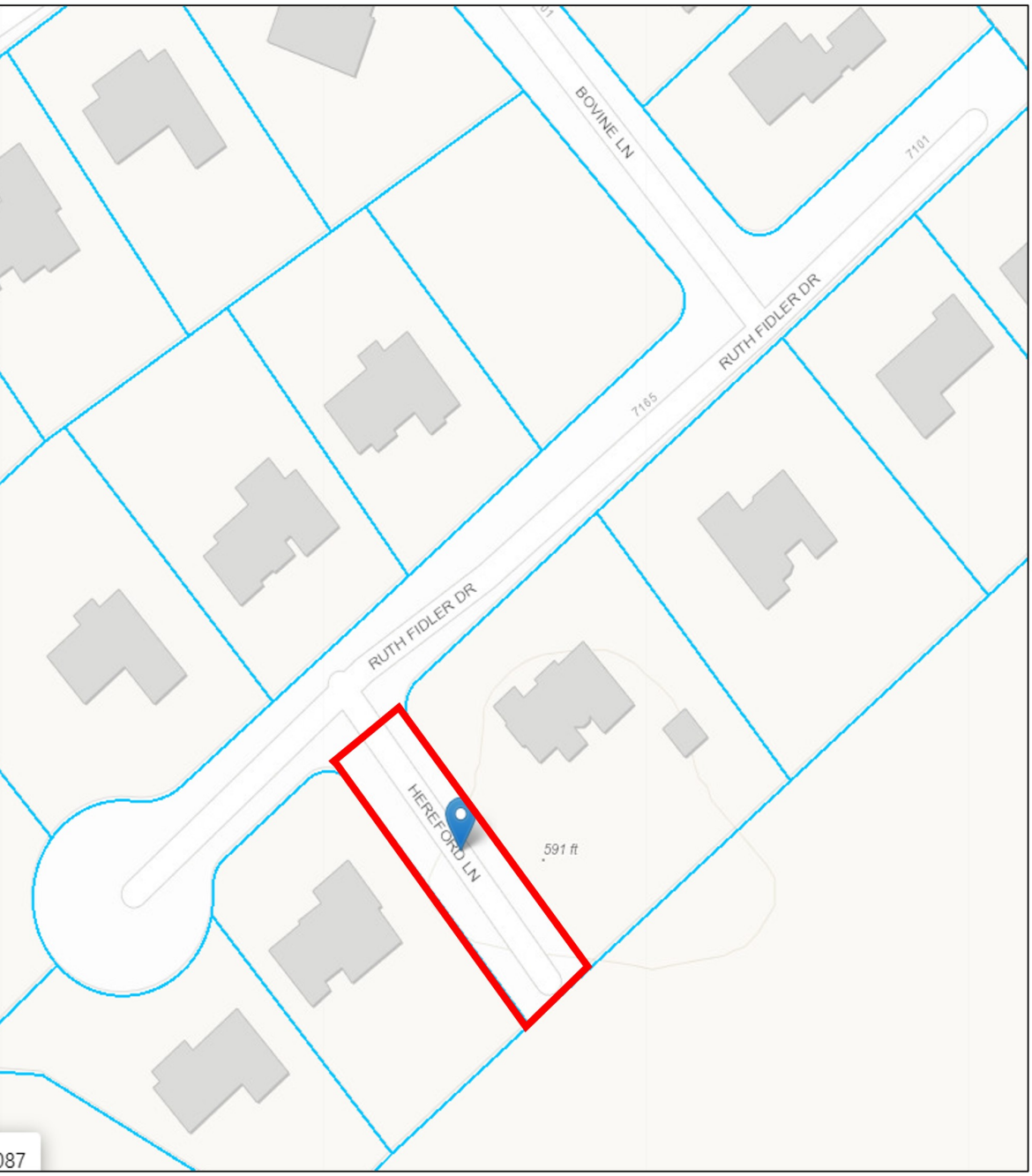
Robert S. Mitchell, II **Donna S. West**

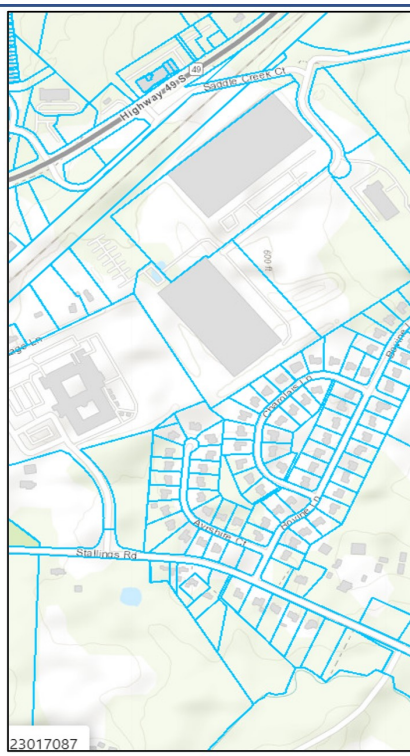
Karen S. Mitchell 4-9-21 4/9/21

Karen S. Mitchell **Jon D. Harkleroad**

7174 Ruth Fidler Dr. **7188 Ruth Fidler Dr.**

Harrisburg, NC 28075 **Harrisburg, NC 28075**





Public Right of Way
Reque

Hereford

Applicant: Donna S. West, Jon D
Mitchell II and Karen S. Mitchell (
owners)

Map Created: April 2021

HARRISBURG TOWN COUNCIL
RESOLUTION
Hereford Ln Right-of-way Abandonment Order

A Resolution Ordering the abandonment of the entire Public Right-of-Way of Hereford Ln

WHEREAS, on the 10th day of May 2021, the Harrisburg Town Council directed the Town Clerk to publish the Resolution of Intent of the Harrisburg Town Council to Consider the abandonment of public right-of-way of Hereford Ln off of Ruth Fidler Drive, in the Independent Tribune newspaper once each week for four successive weeks prior to June 14th Public Hearing, in accordance with GS 160A-299; such Resolution advising the public that a public hearing would be conducted at the Harrisburg Town Hall Council Chambers on June 14, 2021; and

WHEREAS, the Town of Harrisburg on the 10th day of May 2021, ordered the Town Clerk to notify all persons owning property abutting public right-of-way of Hereford Ln, as shown on the county tax records, by registered or certified mail, enclosing with such notification, a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Harrisburg Town Council that she provided to each of the abutting property owners a copy of the Resolution of Intent advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to the abandonment of public right-of-way of Hereford Ln would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the Town Clerk has advised the Harrisburg Town Council that adequate notices were posted on the street as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the abandonment of said Street in the public hearing held on June 14, 2021; and

WHEREAS, it now appears to the satisfaction of the Harrisburg Town Council that the abandonment of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street in which the street is located will, as a result of the closing be thereby deprived of a reasonable means of ingress and egress to this property.

NOW, THEREFORE, the public right-of-way of Hereford Ln in its entirety as described in Exhibit A, is hereby ordered abandoned and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street with provision for reservation of easements to the Town of Harrisburg for utility purposes in accordance with the provision of G.S. 1670A-299(c).

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Cabarrus County, a certified copy of this resolution and order along with the exhibit depicting the portion of the road to be abandoned.

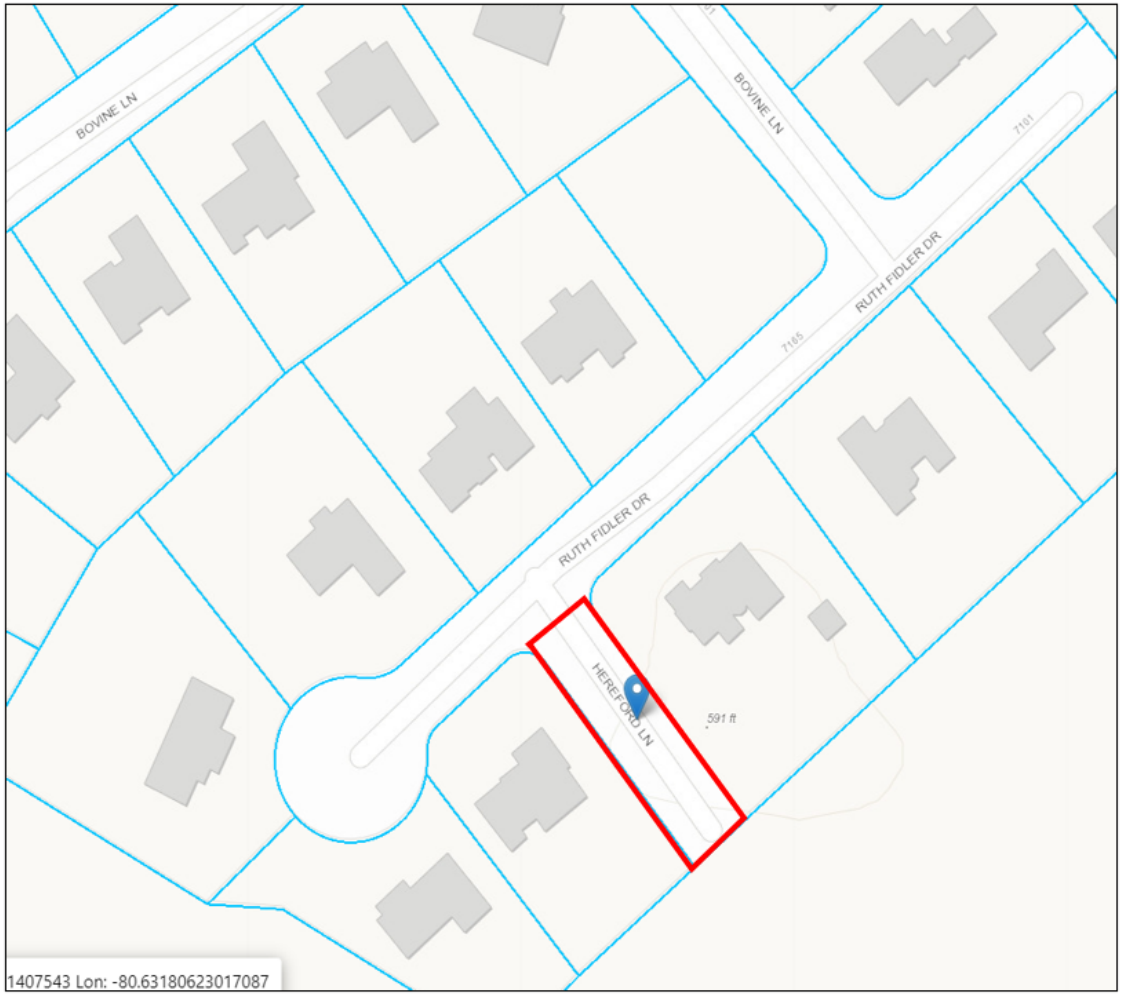
This the_____day of _____, 2021.

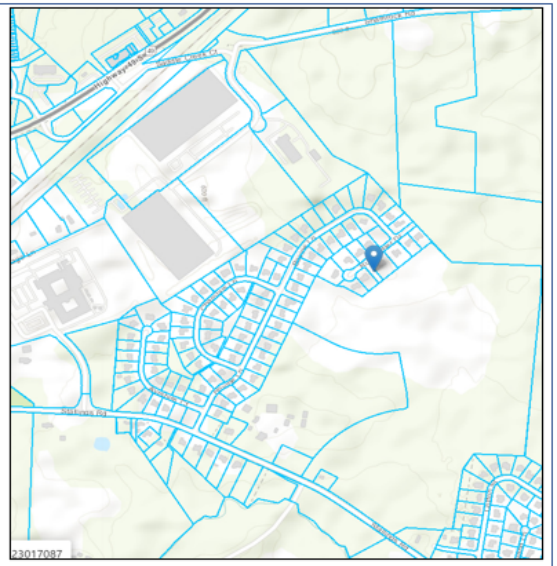
_____
Mayor Steven J. Sciascia

ATTEST:

_____
Janet Rackley, City Clerk

Exhibit A





Public Right of Way Abandonment Request

Hereford Ln

Applicant: Donna S. West, Jon D. Harkleroad, Robert S. Mitchell II and Karen S. Mitchell (adjoining property owners)

Map Created: April 2021

TOWN OF HARRISBURG

Agenda Item Details

Title:
Consideration of Conditional Rezoning, Zoning Map Amendment and Annexation for of 3 parcels along Hickory Ridge Rd (H2021-03-R).

Presenting Personnel:
Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:
If approved, the following motion is suggested:
To approve the Conditional Rezoning, Zoning Map Amendment and Annexation for parcels along Hickory Ridge Rd (H-2021-03 (R)).

If denied, the following motion is suggested:
To deny the Conditional Rezoning, Zoning Map Amendment and Annexation for parcels along Hickory Ridge Rd (H-2021-03 (R)).

Description/Background:
Taylor Morrison Homes, on behalf of the the property owners of parcels 5516-41-0869, 5516-51-2789, 5516-42-6187 has submitted a request to rezone approximately 52.17 acres of land located off Hickory Ridge Road next to the Elementary School. The applicant proposes to develop 42 single-family detached residential dwellings, combination of 75 foot wide internal lots and 100 foot wide corner lots. To achieve this, the applicant is requesting that the property be rezoned from County CR (Countryside Residential) to CZ-RM1 (Conditional Zoning Residential Medium Density). The proposed gross density of the site is 0.80 dwelling units per acre.

The property is in the County, and the applicant has also submitted a petition requesting annexation for the subject property which is contiguous to the current Town of Harrisburg corporate limits.

A staff report is included for more information and a site plan is submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the subsequent Preliminary Plat and Construction Document (CDs) reviews.

Recommendation:
With the conditions proposed, the rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Board recommended approval at their May meeting.

Planning and Zoning Department staff supports approval of the annexation and rezoning request (H2021-03-R) with conditions.

Fiscal Impact:
The annexation has no direct fiscal impact as a result of the annexation itself, however, the result of the development on

the annexed properties will both generate additional property tax revenue for the Town and add to the costs associated with providing the additional homes with Town services.

Attachments:

1. RZ_H2021-03-R_ Rezoning Application
2. RZ_H2021-03-R_Site Location Map
3. RZ_H_2021_03_R Staff Report TC
4. RZ_H2021-03-R_Rezoning Site Plan
5. RZ_H2021-03-R__Homes Examples
6. RZ_H2021-03-R_Neighborhood Meeting Summary
7. ANX_Hickory Ridge Parcels_Annexation Application
8. ANX_Hickory Ridge Parcels_ Annexation Map
9. ANX_Certificate of Sufficiency
10. Resolution Fixing Date of Public Hearing-Hickory Ridge Road
11. Annexation Ordinance Hickory Ridge Road

APPLICATION FOR CONDITIONAL REZONING

Applications for a Conditional District must be accompanied by an application for a Zoning Map Amendment.

1. Please submit fifteen (15) copies of a complete development plan in conformance with Appendix B, Section B-4 of the UDO (all conditional rezoning applications shall include a site specific development plan which, if approved, shall be binding on the property in question). If approved, a zoning site plan review and approval will be required to receive a zoning compliance permit. For specific requirements, please see the form entitled "Site Plan Requirements".
2. Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Article 4.6 in the Harrisburg UDO titled "Use Regulations" and shall correspond to the Zoning District requested.

Up to 42 single-family dwellings
Accessory structures associated with single-family dwellings

3. Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width, etc.).

Up to 42 singe-family dwellings
Items outlined on site specific CZ plan and Development Notes

Harrisburg NC
The right side of opportunity

Subject Property Information

1. Street Address: #1 9556 Hickory Ridge Rd, Harrisburg, NC 28075; #2 9600 Hickory Ridge Rd, Harrisburg, NC 28075
2. PIN(s) (10 digit#): 55164108690000 + 55165127890000; 55164261870000
3. Deed Reference Book #1 7391+ Page #1 0313 +; Book #2 9520 Page #2 207
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage): +- 52.17 ac
6. Street Frontage (feet): +-1,800'
7. Current Land Use: Vacant + single-family dwellings
8. Surrounding Land Use and Zoning Classification
   - North: Zoning OI Land Use Hickory Ridge Elementary School
   - South: Zoning CR Land Use Residential / Agriculture
   - East: Zoning CR Land Use Residential / Agriculture
   - West: Zoning CR Land Use Residential
9. Request to Change Zoning From CR to RM-1-CZ
10. Is this a request for a Conditional Rezoning? X YES NO

    (If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: 42 lot single-family neighborhood

DigiSign Verified: 3C801211-8D00-45DF-A923-0B8E44D4499F

Harrisburg NC
The right side of opportunity

Owner Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the development plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

If, after two years from the date of approval substantial construction has not begun, the property in question may revert to its prior zoning designation after a public hearing is held in compliance with the required procedure for a zoning map amendment.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

Property Owner: John T Howie

Address: 9556 Hickory Ridge Rd, Harrisburg, NC 28075

Phone: 704-305-2834

Fax:

Signature: John Thomas Howie 12-10-2020

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

DigiSign Verified: 3C801211-8D00-45DF-A923-0B8E44D4499F

Harrisburg NC
The right side of opportunity

Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner: John T Howie
    Address: 9556 Hickory Ridge Rd, Harrisburg, NC 28075
    Phone: 704-305-2834
    Fax:
    Email: circlefan7@yahoo.com
    Signature: John Thomas Howie 12-10-2020

13. Agent (if any): Eddie Moore - McAdams
    Address: 3430 Toringdon Way, Suite 110, Charlotte, NC 28277
    Phone: 704-724-3594
    Fax:
    Email: emoore@mcadamsco.com
    Signature: Digitally signed by Eddie Moore
    DN: cn=Eddie Moore, c=US, email=emoore@mcadamsco.com
    Reason: I am the author of this document
    Date: 2020.07.09 14:16:13 -04'00'

14. Applicant (if any): Alan Kerley - Taylor Morrison
    Address: 11405 N. Community House Rd, Suite 150, Charlotte, NC 28277
    Phone: 704-400-5308
    Fax:
    Email: AKerley@taylormorrison.com
    Signature:

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

Harrisburg NC
The right side of opportunity

Owner Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the development plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

If, after two years from the date of approval substantial construction has not begun, the property in question may revert to its prior zoning designation after a public hearing is held in compliance with the required procedure for a zoning map amendment.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

Property Owner: Cynthia C Howie

Address: 9600 Hickory Ridge Rd, Harrisburg, NC 28075

Phone: 239-209-6521

Fax:

Signature: Cynthia Christine Haire
f/k/a Cynthia Christine Howie

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

OFFICE USE ONLY
Petition Number:
Date Filed:
Received By:

Harrisburg NC
The right side of opportunity

Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

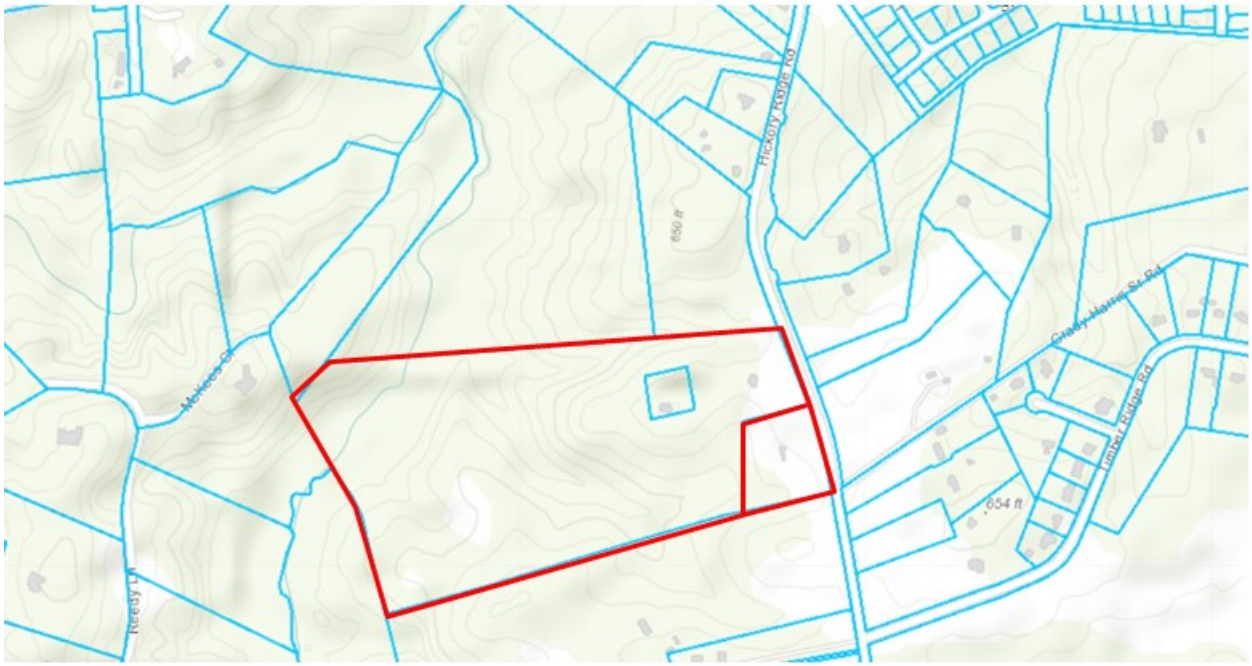
I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner: Cynthia C Howie
    Address: 9600 Hickory Ridge Rd, Harrisburg, NC 28075
    Phone: 239-209-6521
    Fax:
    Email: cchowie1142@gmail.com
    Signature: Cynthia Christine Haire f/k/a Cynthia Christine Howie

13. Agent (if any): Eddie Moore - McAdams
    Address: 3430 Toringdon Way, Suite 110, Charlotte, NC 28277
    Phone: 704-724-3594
    Fax:
    Email: emoore@mcadamsco.com
    Signature: Digitally signed by Eddie Moore DN: cn=Eddie Moore, c=US, email=emoore@mcadamsco.com Reason: I agree to the terms defined by the placement of my signature on Date: 2021.04.09 14:18:32 -04'00'

14. Applicant (if any): Alan Kerley - Taylor Morrison
    Address: 11405 N. Community House Rd, Suite 150, Charlotte, NC 28277
    Phone: 704-400-5308
    Fax:
    Email: AKerley@taylormorrison.com
    Signature:

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.


Hickory Ridge Rd
650 ft
654 ft
Timber Ridge Rd

Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: June 28, 2021

SUBJECT:

Request H-2021-03-(R):	To rezone approximately 52.17 acres from County CR (Countryside Residential) to CZ-RM-1 (Conditional Zoning Residential Medium Density)
Location:	The subject properties are located on the western side of the Hickory Ridge Road near Grady Harris Road (PIN 5516-41-0869, 5516-51-2789, 5516-42-6187)
Applicant:	Taylor Morrison represented by McAdams Company (Eddie Moore)
Staff Report Prepared by:	Craig Thomas, Senior Planner
Neighborhood Meeting:	Held January 21, 2021

BACKGROUND:

Area:	±52.17 acres Total
Existing Land Use:	Vacant/Single-Family Residential
Zoning within 500 feet:	North - Office and Institutional (O-I), Town South - Countryside Residential (CR), County East - Countryside Residential (CR), County West - Countryside Residential (CR), County
Land Uses within 500 feet:	North - School, Town South - Single-family Residential, County East - Single-family Residential, County West - Single-family Residential, County

APPLICATION SUMMARY:

- The applicant proposes to develop a forty-two lot single-family subdivision. To achieve this, the applicant is requesting that the property be rezoned from County CR (Countryside Residential) to CZ-RM-1 (Conditional Zoning Residential Medium Density).
- The proposed density of the site is 0.80 dwelling units per acre. The RM-1 district has a maximum density of 3 dwelling units per acre but upon approval of this rezoning, the density will be capped at 0.80 units/acre and the site plan will be attached with the land.
- Per the Town subdivision regulations, the applicant is providing dedicated public open space. The applicant proposes the development of 12.57 acres of open space as part of the development. A fee-in-lieu will be paid towards the Public Open Space requirements, the subdivision is exempt from active subdivision open space requirements due to the proximity to the School's recreation facilities per the UDO.
- As a conditional zoning request, the applicant has submitted a site plan along with the request for rezoning, which is attached for your consideration.
- The property is in the County, applicant has also submitted a Petition requesting Annexation for the subject property which is contiguous to the current Town of Harrisburg corporate limits.

APPROVAL CRITERIA:

1. **The size of the tract in question**;

   The subject property is approximately 52.17 acres in size.

2. **Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives and policies of the Ordinance;**

   Per the Unified Development Ordinance, the intent of the proposed district depicted on the submitted site plan is as follows:

   RM-1: *The RM-1 district is established to provide areas for medium density, single-family residential uses, with a maximum of three (3) dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. Residential Medium Density provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.*

   Per the Harrisburg Area Land Use Plan, the subject property is located in an area designated on the future land use map as **Low Density Residential**. The description of Low Density Residential is as follows:

"This area is characterized by low- to moderate-density residential development (up to 3 dwelling units per acre). Single-family detached homes are complemented by natural areas as well as formal and informal open space amenities. Conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be recommended in locations with sensitive natural resources."

Based on the description of the Low Density Residential land use classification, the proposed development, at 0.80 dwelling units per acre would fall within the threshold of 3 dwelling units per acre that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-3** states that the Town should balance development and conservation interests. The proposed subdivision is mindful of naturally sensitive areas by designing the development pattern around those areas, while incorporating no build areas and walking trails.

Recommendation LU-7 of the Plan recommends consistency between the Town's zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the "appropriate" zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Low Density Residential. The table indicates that the RM-1 district is appropriate for this land use classification.

3. **The benefits or detriments for the owner, neighbors and surrounding community;**

   The benefits to the owner of the property would be that single-family residential development at the proposed density of 0.80 dwelling units per acre could be achieved under the proposed zoning and annexation allows to tap into town offered services.

   The addition of 42 homes has no detrimental impact to the surrounding community. The subdivision will be served with a new entrance on Hickory Ridge Road as well as an emergency access drive. Pedestrian connections have been provided to the adjacent school to the north and a stub drive to the vacant parcel to the south.

4. **Whether the proposed request is in compliance with the adequate public facilities criteria;**

   a. **Utilities:**

      Utilities are available in this area, and are sufficient to meet the needs of this property. Water and sewer are located along Hickory Ridge Road, and will be available to the development upon annexation. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

   b. **Transportation:**

      A TIA was not required based on the lower amount of traffic generated by this subdivision with only forty-two (42) proposed homes. Driveway access will be

reviewed and permitted by NCDOT during the Construction Documents (CDs) review.

c. Safety and Sanitation Services:

Adequate police, fire, and sanitation services are available for the proposed use, and will be provided upon annexation.

d. Schools:

Per Cabarrus County, the APF Ordinance for schools is currently not being enforced after a ruling by the NC Supreme Court. However, Cabarrus County Schools does still review the capacity of the K-12 schools that this development will feed into and provides future capacity numbers based on the units proposed. For this site, Cabarrus County has provided the following information:

Current Capacity:

Elementary (Hickory Ridge ES) -	88%
Middle (Hickory Ridge MS) -	93%
High (Hickory Ridge HS) -	110%

Future Capacity Based on Unbuilt Lots and Including this Request:

Elementary (Hickory Ridge ES) -	90%
Middle (Hickory Ridge HS) -	94%
High (Hickory Ridge HS) -	111%

As per Cabarrus County School, the Single-family homes in this development will generate upon full buildout an additional 18 elementary students, 9 middle school students, and 12 high school students.

5. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. The Commission shall consider the following:

a. Whether the proposed zoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting or other nuisances;

The proposed single-family development and density of the proposed development (0.80 dwelling units per acre) is compatible with surrounding land uses.

b. Any change of character in the area due to installation of public facilities, other zoning changes, new growth changes, deterioration, and development;

Like all other development activity in this area, the development of this land would convert former vacant land into residential neighborhoods, while preserving appropriate area for open space.

c. The zoning districts and existing land uses of the surrounding properties;

The areas around this property are generally zoned for low density residential use. Existing land use patterns in the area typically consist of low density residential neighborhoods and vacant forested land and land previously used for agricultural purposes.

d. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;

The property is suitable for the uses which it has been restricted to under the existing zoning classification.

e. Whether the rezoning is compatible with the adjacent neighborhood, especially concerning neighborhood stability and character;

As previously mentioned, the specific use of the property, single family residential, is consistent with surrounding neighborhoods and aligns with Harrisburg Area Land Use Plan (HALUP).

f. The length of time the subject property has remained vacant as zoned (if applicable);

This property has been vacant.

g. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs;

Land supply is not a direct issue in this area.

6. Whether the existing zoning was in error at the time of adoption.

The existing zoning was not in error at the time of adoption.

Furthermore, as a Conditional Zoning request, the Board must consider the following criteria:

7. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the current Land Use Plan.

The rezoning application to RM-1 district to the property, with the proposed density limitation, is consistent with the density and lot size standards established for the base

RM-1 Zoning District in the Unified Development Ordinance and Low Density Residential land use classification in the Land Use Plan.

The development proposal accompanying the rezoning request would restrict permitted uses to single family residences, which are appropriate in this area.

8. **The use(s) requested are among those listed as an eligible permitted or conditional use in the general use district as included in the rezoning request.**

   The applicant is seeking for the following uses to be allowed in this Conditional Zoning District:

   - Single-Family Detached Residential; this use is allowed in the RM-1 District.

9. **The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration and not create a nuisance.**

   The applicant intends to work collaboratively with both Harrisburg town staff and the NC Department of Transportation in establishing appropriate entrances, emergency access and a stub to the adjacent property to the south.

   Landscaping buffers shown exceed UDO requirements and are adequate to meet the needs of the adjacent properties, and open space is designated as part of the subdivision.

10. **The use limitations and conditions as proposed and/or imposed for the requested district can reasonably be implemented and enforced for the subject property.**

    The conditions proposed and imposed for this district can be reasonably implemented on this site.

11. **When implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district. If any standards are proposed that are different from the underlying zoning district, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the general district.**

    All proposed conditions recommended by staff are to bring the site into conformance with applicable local and state regulations.

12. **The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district.**

    The applicant will need to agree to all conditions listed in this staff report. Any additional conditions placed on this property will need the acceptance of the applicant before a decision can be made on this application.

13. **For an approval, the Board must adopt a consistency statement that the amendment being considered is either consistent or inconsistent with the adopted land use plan and that the Board considers the action to be reasonable and in the public interest.**

    The Planning and Zoning Board will need to adopt a consistency statement when a recommendation or decision is made on this item.

APPROVAL WITH CONDITIONS:

The proposal is a conditional re-zoning request. Conditions *may* be imposed on the zoning action; staff recommends that the following conditions be placed on this project. Applicant agrees to the following:

1. Applicant agrees to obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees to restrict cladding materials for all residential buildings to masonry products; vinyl siding will not be used.
3. Applicant agrees that there will be no exposed concrete foundations and that siding and/or appropriate materials must extend to the ground level on all sides of the homes.
4. Applicant agrees mailbox clusters shall meet ADA Standards at a minimum.
5. Applicant agrees to the mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
6. Applicant agrees that all ponds shall be wet detention ponds with fountains. Ponds shall be designed such that there is a minimum depth of 10' over at least 25% of the permanent pool area.
7. Applicant agrees the storm water facility shall be surrounded by a 5-foot aluminum fence for added security being next to the Harrisburg Elementary School.

8. Applicant agrees that all streets should be to the Town of Harrisburg Engineering Design standards, alternate pavement schedule is not allowable. Roadways cross sections will be reviewed and approved at the construction document phase.

RECOMMENDATION:

With the proposed site plan and conditions proposed, the rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request with conditions.

DEVELOPMENT NOTES

RM-1-CZ Zoning Site Development Standards:

Max Density:	**3 DUA**
Min. Lot Width:	**75 feet**
Proposed Lot Width:	**75 feet**
Min. Lot Size:	**15,000 square feet**
Proposed Typical Lot Size:	**15,000 square feet**
Min. Front Setback:	**25 feet**
Min. Corner Side Setback:	**25 feet**
Min. Internal Side Setback:	**10 feet**
Min. Rear Setback:	**25 feet**
Min. Links + Nodes:	**1.4**
Proposed Links + Nodes:	**1.5**

Site Development Data:

Acreage:	**+- 52.17 acres (located outside right-of-way)**
Tax Parcels:	**5516-41-0869 + 5516-51-2789 + 5516-42-6187**
Existing Zoning:	**Cabarrus County – LDR**
Proposed Zoning:	**Harrisburg – RM-1-CZ**
Existing Uses:	**Vacant + residential**
Proposed Uses:	**Up to 42 single-family detached lots**
Proposed Density:	**0.80 DUA**
Required Open Space:	**6.26 acres (12% of site)**
Proposed Open Space:	**12.57 acres (24.1% of site)**
Required Public Open Space:	**Site is less than less than 50 dwelling units + located within ¼ mile walking distance from Hickory Ridge Elementary School (contiguous), with recreation facilities accessible to the general public + exempt from requirements of Section 6.5.2.1.**

1. General Provisions:

These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Taylor Morrison (the "Petitioner") to accommodate the development of a single-family residential community on that approximately 52.17-acre site located on the west side of Hickory Ridge Road, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 5516-41-0869, 5516-51-2789 and 5516-42-6187.

Development of the Site shall be governed by the Rezoning Plan, the Site Development Data, and the applicable provisions of the Town of Harrisburg Unified Development Ordinance (the "Ordinance"). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the RM-1 Zoning District shall govern all development taking place on the Site.

Inasmuch as planning for the proposed redevelopment of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the development proposed, the exact alignments of streets and points of access, the configurations and placements of parking areas and the heights and masses of buildings have not yet been determined. As a consequence, the configurations, placements and sizes of the buildings and parking areas depicted on the Rezoning Plan are schematic in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified during design development and construction document phases so long as the maximum parking and building envelope lines established on the Rezoning Plan are not violated and the proposed alterations or modifications do not exceed the parameters established under the Site Development Data and under the Ordinance for the RM-1 District.

2. Permitted Uses and Maximum Development:

The Site may be developed with up to 42 single-family detached dwelling units, together with any incidental and accessory uses related thereto that are allowed in the RM-1 zoning district.

3. Open Space:

a) Open spaces are generally depicted on the Rezoning Plan. The placement and configuration on the Rezoning Plan is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by the Town of Harrisburg.

b) Site is less than 50 dwelling units + located within ¼ mile walking distance from Hickory Ridge Elementary School, with recreation facilities accessible to the general public, is exempt from the requirements of Section 6.5.2.1. School has existing recreational fields and play courts.

4. Transportation:

a) Vehicular access will be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point shown on the Rezoning Plan is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by the Town of Harrisburg and/or NCDOT for approval.

b) As depicted on the Rezoning Plan, the Site will be served by public streets.

c) Internal sidewalks and pedestrian connections shall be provided along all public streets throughout the Site.

5. Architectural Standards:

a) The principal buildings used for residential uses constructed on the Site may use a variety of building materials. The building materials used for buildings may be a combination of the following: brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious fiber board siding, EIFS or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, and handrails/railings. The proposed roofing materials may be architectural shingles, wood shake, slate, tile, and/or metal.

b) The Petitioner agrees to restrict cladding materials for all buildings to cladding products other than vinyl siding.

6. Streetscape and Landscaping, and Environmental Features:

a) The Petitioner shall provide a minimum 50 foot Type D Bufferyard, or reduced to 25 feet with a berm, along Hickory Ridge Road as generally depicted on the Rezoning Plan.

b) The Site shall meet the provisions of the Ordinance related to connectivity provided.

c) The Petitioner shall comply with Tree Preservation and Post Construction Stormwater requirements.

7. Amendments to Rezoning Plan:

Future amendments to the Site Development Data may be applied for by the then Owner or Owners of the parcel or parcels within the Site involved in accordance with the provisions of the Ordinance.

Further alterations or modifications to this Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Site Development Data or any of its conditions or which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the Ordinance, as applicable.

8. Binding Effect of the Rezoning Documents and Definitions:

a) If this Rezoning Plan is approved, all conditions applicable to development of the Site imposed under the Site Development Data will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

b) Throughout the Site Development Data, the terms, "Petitioner" and "Owner" and "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owners of the Site from time to time who may be involved in any future development thereof.

9. Additional Conditions:

a) Petitioner agrees to obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
b) Petitioner agrees to restrict cladding materials for all residential dwellings to masonry products; vinyl siding will not be used.
c) Petitioner agrees that there will be no exposed concrete block foundations and that siding must extend to the ground level on all sides of the residential dwellings.
d) Petitioner agrees mailbox clusters shall meet ADA Standards at a minimum.
e) Petitioner agrees to the mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg UDO.
f) Petitioner agrees that all ponds shall be wet detention ponds with fountains. Ponds shall be designed such that there is a minimum depth of 10 feet over at least 25% of the permanent pool area.
g) Petitioner agrees the stormwater facility shall be surrounded by a 5-foot aluminum fence for security since the site is contiguous to Hickory Ridge Elementary School.
h) Petitioner agrees that all streets should be to the Town of Harrisburg Engineering Design standards, alternate pavement schedule is not allowable. Roadways cross sections will be reviewed and approved at the construction document phase.
i) Petitioner agrees to divide the subdivision into two phases. Phase 1 shall have a maximum of thirty (30) lots, and Phase 2 shall incorporate the remainder, totaling forty-two (42) lots. Petitioner agrees that no more than thirty (30) lots may be platted or developed until a second access is designed, approved and constructed.
j) Proposed walking trail will be constructed or bonded prior to first final plat.
k) All residential lots will meet minimum setback requirements.
l) Stormwater management facility will have a dedicated access easement, adjacent to Lot 13, at no greater than 10% slope.
m) Petitioner acknowledges that overall lot count may be impacted by stormwater control facilities, existing power structures, and other proposed utilities. Lots may be lost during preliminary plat or construction document phase based on the final layout of the existing and proposed utilities and stormwater control measures.

London
50' Classics

Pikewood
50' Reflections

McADAMS
The John R. McAdams Company, Inc.
3430 Toringdon Way
Suite 110
Charlotte, NC 28277
phone 704. 527. 0800
fax 919. 361. 2269
license number: C-0293
www.mcadamsco.com

CLIENT

ALAN KERLEY
TAYLOR MORRISON
1410 WEST MOOREHEAD STREET, SUITE 100
CHARLOTTE , NORTH CAROLINA 28208
PHONE: 704.357.6632

taylor morrison
Homes Inspired by You

HICKORY RIDGE SINGLE FAMILY
REZONING CONCEPT PLAN
9556 HICKORY RIDGE ROAD
HARRISBURG, NORTH CAROLINA

REVISIONS

NO.	DATE	
1	04. 08. 2021	CITY'S 1ST COMMENTS
2	05. 06. 2021	CITY'S 2ND COMMENTS
3	05. 11. 2021	CITY'S 3RD COMMENTS
4	06. 15. 2021	CITY'S 4TH COMMENTS

PLAN INFORMATION

PROJECT NO.	TMH-20100
FILENAME	TMH20100-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	
DATE	12. 08. 2020

SHEET

REZONING NOTES

RZ.02

FINAL DRAWING - NOT RELEASED FOR CONSTRUCTION

M:\Projects\TaylorMorr\TMH-20100\04-Production\Engineering\Current Drawings\Rezoning\TMH20100-RZ1.dwg, 6/15/2021 1:49:06 PM, Singleton, Drew

Essex II
50' Classics

Southport
50' Signature

Rochester
50' Signature

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4	06. 15. 2021	CITY'S 4TH COMMENTS

PLAN INFORMATION

PROJECT NO.	TMH-20100
FILENAME	TMH20100-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	
DATE	12. 08. 2020

SHEET

REZONING NOTES

RZ.03

FINAL DRAWING - NOT RELEASED FOR CONSTRUCTION

M:\Projects\TaylorMorr\TMH-20100\04-Production\Engineering\Current Drawings\Rezoning\TMH20100-RZ1.dwg, 6/15/2021 1:49:28 PM, Singleton, Drew

McADAMS

EXAMPLE RENDERINGS

London
50’ Classics

EXAMPLE RENDERINGS

Whitmore II
50’ Reflections

McADAMS

EXAMPLE RENDERINGS

Kenilworth
50’ Classics

McADAMS

EXAMPLE RENDERINGS

Rochester
50’ Signature

McADAMS

EXAMPLE RENDERINGS

Wembley
50’ Classics

MCADAMS

COMMUNITY MEETING REPORT

REZONING PETITION H2021-03-(R)

APPLICANT: **ALAN KERLEY, TAYLOR MORRISON**

LAND PLANNING/CIVIL: **EDDIE MOORE, AICP, MCADAMS** EM

PROPERTY: **+- 51 ACRES (WEST OF HICKORY RIDGE AND GRADY HARRIS SR ROADS AND SOUTH OF HICKORY RIDGE ELEMENTARY SCHOOL)**
PARCELS 55164108690000 and 55165127890000

DATE: **JANUARY 25, 2021**

This Community Meeting Report is being filed with the Town of Harrisburg Planning + Zoning Department and available for review.

TIME AND LOCATION OF MEETING:

The Community Meeting required by the Ordinance was held on virtually, via Zoom, on Thursday, January 21, 2021 at 7:00 PM. McAdams provided the Town with a mailing list of adjacent property owners and the Town mailed notices of this meeting to those property owners.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. Overview of Applicant's Presentation.

Introduction and Overview of Rezoning + Development Plan:

Sushil Nepal of Harrisburg opened the meeting and introduced the Applicant. Mr. Nepal gave an overview of the site, area zoning, and explained the proposed zoning district that has been requested and described the type of development intended.

The property owner is requesting a rezoning of these parcels, currently located in the County, from CR (Countryside Residential) to CZ-RM-1, Conditional Zoning Residential Medium Density. The purpose of the rezoning is to enable the property owner to develop and subdivide the property for 38 single-family homes.

Alan Kerley of Taylor Morrison gave on overview of the company and provided information on current and past development projects within Harrisburg. Eddie Moore of McAdams gave an overview of the

site plan and existing site constraints. There is a 1 acre parcel holdout, surrounded by the site, that is not part of this rezoning request.

II. Summary of Questions/Comments and Responses:

Attendees made the following statements and asked the following questions and the Town and development team provided responses to those questions:

1. With sewer existing on the property and water available next door, should this be an easier decision for the Town? – *Proposed rezoning will have to go through the Town's review process and ultimately decided upon by Council.*
2. Statements were made of potential trespassing on neighboring properties. Will any fencing be provided at the proposed stub street?– *Trespassing on neighboring property is an enforcement issue to be handled by the appropriate authority. The proposed stub street will be built to a point and a physical barrier will be provided at the end of the pavement so vehicles cannot drive onto the neighboring property and deter pedestrians walking onto the property.*
3. Any FEMA floodway or floodway encroaching into the intermittent streams? – *There is no floodway within the intermittent streams. Stream buffers are provided since they are identified as intermittent streams.*
4. Have heritage trees been surveyed and taken into consideration with this layout? – *Yes, the heritage trees have been surveyed and accounted for in the layout.*
5. Will these homes be sprinkled since there is no 2nd vehicular access? – *Either the site will have a secondary access point onto Hickory Ridge Road or the homes will be sprinkled. This item is to be addressed during Town review.*
6. Where will the houses be placed on the lots? – *Due to the increased depths of the lots, the dwellings will be placed on the upper third or half of the lots to preserve existing trees in the rear of the lots.*
7. What are the next steps? – *Town staff will continue to review the petition and will be scheduled for Planning Commission and Town Council action when appropriate.*
8. Is Reedy Creek cutting through the rear of some lots or a spring fed branch? Will the road crossing have a culvert or bridge? – *Reedy Creek crosses the site in the upper northwest corner of the site. The proposed road crossing is over an intermittent stream/branch to Reedy Creek. The type of road crossing has not been determined at this point in the process.*
9. Is the final decision on selling the property contingent upon a successful rezoning – *Yes.*
10. The proposed lower density, as part of this rezoning, is more appealing than other recent developments. Like the larger lots.
11. What is the anticipated price point and square feet of homes? – *Price points may start in the mid to upper $400,000 and may average 3,200 square feet in size.*
12. What are the building materials? – *The conditional rezoning limits the use of vinyl and aluminum as primary exterior building materials. These materials may be used for windows, building trim, soffits, etc.*
13. Where is the tie-in gravity sewer location? – *An existing gravity sewer line ls located in the western third of the site.*
14. Where can other questions be addressed and when will the presentation slides be available? – *Town staff may be contacted with other questions and the presentation will be available on the Town's website.*

DigiSign Verified: 3C801211-8D00-45DF-A923-0B8E44D4499F

Harrisburg NC
The right side of opportunity

PETITION REQUESTING ANNEXATION

DATE: November 30, 2020

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.
2. The area to be annexed is:

   ☒ CONTIGUOUS ☐ NON-CONTIGUOUS

   to the Town of Harrisburg and the boundaries of such territory are:

   ☒ ATTACHED ☐ DESCRIBED AS FOLLOWS:

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

NAME	ADDRESS
John Thomas Howie	9556 Hickory Ridge Rd, Harrisburg, NC 28075
John T Howie	704-305-2834

Harrisburg NC
The right side of opportunity

PETITION REQUESTING ANNEXATION

DATE: April 12, 2021

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.
2. The area to be annexed is:

   ☒ CONTIGUOUS ☐ NON-CONTIGUOUS

   to the Town of Harrisburg and the boundaries of such territory are:

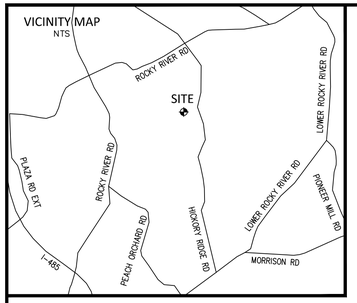
   ☒ ATTACHED ☐ DESCRIBED AS FOLLOWS:

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

NAME	ADDRESS
Cynthia C Howie (55164261870000)	17 TAFEL CT FORT MYERS, FL 33912
Cynthia Christine Haire f/k/a Cynthia Christine Howie	

VICINITY MAP
NTS

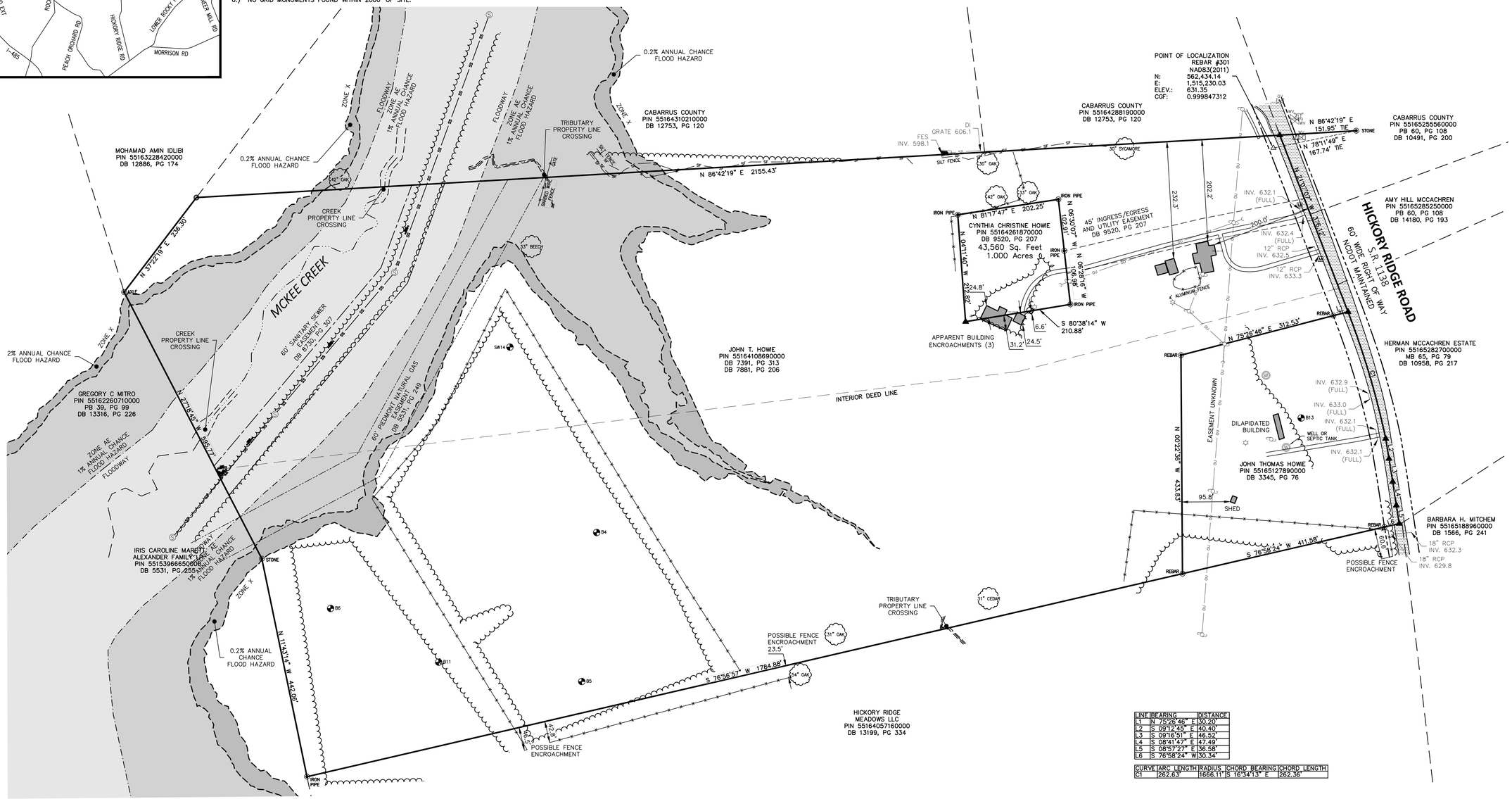


GENERAL NOTES

1.) THIS IS A SURVEY OF AN EXISTING PARCEL OF LAND. THIS IS A BOUNDARY SURVEY.
2.) BEARINGS FOR THIS SURVEY ARE BASED ON NC STATE PLANE NAD83(2011).
3.) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4.) FLOOD NOTE: THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "AE FLOODWAY" AS DEFINED BY FEMA F.I.R.M. MAP NUMBER 3710551600K DATED NOVEMBER 16, 2008.
5.) REFERENCES: DB 7391, PG 313; DB 7881, PG 206; DB 469, PG 297; DB 3345, PG 76; DB 9520, PG 207 OF THE CABARRUS COUNTY REGISTRY PIN 55164108690000, 55164261870000 & 55165127890000
6.) NO GRID MONUMENTS FOUND WITHIN 2000' OF SITE.

AREA TABLE

PARCEL	AREA OUTSIDE OF RIGHT OF WAY	AREA WITHIN RIGHT OF WAY	TOTAL
55164108690000	2,046,191 SQ. FT. 46.974 AC.	11,376 SQ. FT. 0.261 AC.	2,057,567 SQ. FT. 47.235 AC.
55165127890000	158,504 SQ. FT. 3.639 AC.	12,997 SQ. FT. 0.298 AC.	171,501 SQ. FT. 3.937 AC.
55164261870000	43,560 SQ. FT. 1.000 AC.	0 SQ. FT. 0 AC.	43,560 SQ. FT. 1.000 AC.
TOTAL	2,248,255 SQ. FT. 51.613 AC.	24,373 SQ. FT. 0.559 AC.	2,272,628 SQ. FT. 52.172 AC.



LINE	BEARING	DISTANCE
L1	N 75°26'46" E	30.20'
L2	S 09°12'45" E	40.40'
L3	S 09°16'51" E	46.52'
L4	S 08°41'47" E	47.49'
L5	S 08°57'27" E	36.58'
L6	S 76°58'24" W	30.34'

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	262.63'	1666.11'	S 16°34'13" E	262.36'

I, KEVIN S. BAUCOM, PLS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

(1)CLASS OF SURVEY: CLASS A
(2)POSITIONAL ACCURACY: < 0.10'
(3)TYPE OF GPS FIELD PROCEDURE: VRS
(4)DATE OF SURVEY: 11-06-2020
(5)DATUM/EPOCH: NAD 83(2011)
(6)PUBLISHED/FIXED-CONTROL USED: NC49
(7)GEOID MODEL: GEOID12A
(8)COMBINED GRID FACTOR(S): 0.99984013
(9)UNITS: METERS CONVERTED TO US SURVEY FEET

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOK AND PAGE SHOWN; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE SHOWN; THAT THE RATIO OF PRECISION IS GREATER THAN 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS _____ DAY OF _____, 20___.

_____
KEVIN S. BAUCOM, PLS L-4275

NORTH CAROLINA PROFESSIONAL SEAL L-4275 LAND SURVEYOR KEVIN S. BAUCOM

PRELIMINARY
NOT FOR RECORDATION, CONVEYANCES OR SALES

LEGEND

- FOUND PROPERTY CORNER
- CONCRETE MONUMENT
- SET PROPERTY CORNER
- CALCULATED CORNER
- CALCULATED CORNER
- POINT OF LOCALIZATION
- CATCH BASIN
- DROP INLET
- FLARED END SECTION
- STORM DRAINAGE MANHOLE
- JUNCTION BOX
- ROOF DRAIN
- SANITARY SEWER MANHOLE
- CLEANOUT
- GREASE TRAP
- ELECTRIC VAULT
- ELECTRIC BOX
- TRANSFORMER
- POWER POLE
- GUY ANCHOR
- LIGHT POLE
- ELECTRIC METER
- ELECTRIC MANHOLE
- HVAC UNIT
- TRAFFIC SIGNAL BOX
- TELEPHONE MANHOLE
- TELEPHONE BOX
- FIBER OPTIC MANHOLE
- FIBER OPTIC VAULT
- CABLE BOX
- WATER VALVE
- WATER LINE MARKER
- BACKFLOW PREVENTER
- WATER VAULT
- WATER MANHOLE
- IRRIGATION CONTROL VALVE
- FIRE HYDRANT
- GAS VALVE
- GAS METER
- MAILBOX
- BORE HOLES
- SCHEDULE BII EXCEPTIONS
- TREE LINE
- RAILROAD TRACKS
- GUARD RAIL
- STORM DRAIN
- OVERHEAD UTILITY LINE
- UNDERGROUND ELECTRIC
- UNDERGROUND COMMUNICATIONS LINE
- WATER LINE
- SANITARY SEWER LINE
- GAS LINE
- FENCE LINE (CHAIN LINK)
- FENCE LINE (SILT)
- SURVEYED PROPERTY LINE
- PROPERTY LINE NOT SURVEYED

NC GRID (NAD83)

GRAPHIC SCALE
100 0 50 100 200
1 inch = 100 ft.

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OWNER

TAYLOR MORRISON
11405 N. COMMUNITY HOUSE RD.
SUITE 150
CHARLOTTE, NORTH CAROLINA 28277

HICKORY RIDGE ROAD

BOUNDARY SURVEY
9556 HICKORY RIDGE ROAD
TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA

REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO.	TMH-20100
FILENAME	TMH20100-AT1.DWG
CHECKED BY	KSB
DRAWN BY	CCG
SCALE	1"=100'
DATE	XX. XX. XXXX

SHEET

BOUNDARY SURVEY

1-1

HarrisburgNC
The right side of opportunity

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Harrisburg of Harrisburg North Carolina:

I, Janet Rackley, Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Harrisburg of Harrisburg, North Carolina, this 27th day of April 2021.

(Seal)

SEAL OF THE TOWN OF HARRISBURG NORTH CAROLINA ★ 1973 ★

Janet Rackley

Janet Rackley, Clerk

Harrisburg NC
The right side of opportunity

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held (virtually) at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on June 14, 2021.

Section 2. The area proposed for annexation is described as follows:

Being located in Number 1 Township, Town of Harrisburg, Cabarrus County, North Carolina and being more particularly described as follows:

Being that certain tract of land, being parcels: 55164108690000, 55165127890000 & 55164261870000, lying and being situate in Harrisburg, Cabarrus County, North Carolina and being more particularly described as follows: Commencing at a rebar lying in the westerly right-of-way line of Hickory Ridge Road (SR 1138), a public right-of-way, said rebar lying in the northern line of John Thomas Howie (DB 3345, PG 76), and having NC Grid Coordinates of N:562,101.27' and E:1,515,348.81' (NAD 83-2011); THENCE North 75°26'46" East 30.20 feet to a point lying in the centerline of said Hickory Ridge Road; THENCE with said centerline the following five courses: 1) with a curve to the right having an arc length of 262.63 feet, a radius of 1,666.11 feet, and a chord bearing and distance of South 16°34'13" East, 262.36 feet to a point; 2) South 09°12'45" East 40.40 feet to a point; 3) South 09°16'51" East 46.52 feet to a point; 4) South 08°41'47" East 47.49 feet to a point; and 5) South 08°57'27" East 36.58 feet to a point; THENCE leaving said centerline and with the lines of Hickory Ridge Meadows LLC (DB 13199, PG 334) the following three courses: 1) South 76°58'24" West 30.34 feet to a rebar; 2) South 76°58'24" West 411.58 feet to a rebar; and 3) South 76°56'57" West 1,784.88 feet to an iron pipe in the line of Iris Caroline Marett Alexander Family LP (DB 3142, PG 246 and DB 5531, PG 255); THENCE with the lines of said Alexander and Gregory C. Mitro (DB 13316, PG 226 and PB 39, PG 99) North 11°43'14" West 442.06 feet to a stone; THENCE North 27°18'45" West 595.77 feet to an axle, a corner with Mohamad Amin Idlibi (DB 12886, PG 174); THENCE with the line of said Idlibi North 37°22'19" East 236.30 feet to an iron pipe set in the line of Cabarrus County (DB 12753, PG 120); THENCE with the line of Cabarrus County North 86°42'19" East 2,155.43 feet to a point lying in the centerline of aforementioned Hickory Ridge Road; THENCE with said centerline South 21°07'06" East 376.12 feet to the POINT OF BEGINNING, containing 2,272,628 Square Feet, or 52.172 Acres, more or less.

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.

Steven J. Sciascia, Mayor

ATTEST:

Janet Rackley, Town Clerk

SEAL OF THE TOWN OF HARRISBURG NORTH CAROLINA * 1973 *

ORDINANCE #7018
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG, NORTH CAROLINA

WHEREAS, the Town Council has adopted a resolution under G. S. 160A-31 stating its intent to annex the area described below; and

WHEREAS, a public hearing on the question of annexation was held (virtually) at Harrisburg Town Hall, 4100 Main Street, Suite 101, Harrisburg NC at 6:00 p.m. on June 14th, 2021 after due notice; and

WHEREAS, the Town Council finds that the proposed annexation meets the requirements of G. S. 160A-31;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. By virtue of the authority granted by G. S. 160A-31, the following described contiguous property is hereby annexed into the Town of Harrisburg as of July 12th, 2021:

Being located in Number 1 Township, Town of Harrisburg, Cabarrus County, North Carolina and being more particularly described as follows:

Being that certain tract of land, being parcels: 55164108690000, 55165127890000 & 55164261870000, lying and being situate in Harrisburg, Cabarrus County, North Carolina and being more particularly described as follows: Commencing at a rebar lying in the westerly right-of-way line of Hickory Ridge Road (SR 1138), a public right-of-way, said rebar lying in the northern line of John Thomas Howie (DB 3345, PG 76), and having NC Grid Coordinates of N:562,101.27' and E:1,515,348.81' (NAD 83-2011); THENCE North 75°26'46" East 30.20 feet to a point lying in the centerline of said Hickory Ridge Road; THENCE with said centerline the following five courses: 1) with a curve to the right having an arc length of 262.63 feet, a radius of 1,666.11 feet, and a chord bearing and distance of South 16°34'13" East, 262.36 feet to a point; 2) South 09°12'45" East 40.40 feet to a point; 3) South 09°16'51" East 46.52 feet to a point; 4) South 08°41'47" East 47.49 feet to a point; and 5) South 08°57'27" East 36.58 feet to a point; THENCE leaving said centerline and with the lines of Hickory Ridge Meadows LLC (DB 13199, PG 334) the following three courses: 1) South 76°58'24" West 30.34 feet to a rebar; 2) South 76°58'24" West 411.58 feet to a rebar; and 3) South 76°56'57" West 1,784.88 feet to an iron pipe in the line of Iris Caroline Marett Alexander Family LP (DB 3142, PG 246 and DB 5531, PG 255); THENCE with the lines of said Alexander and Gregory C. Mitro (DB 13316, PG 226 and PB 39, PG 99) North 11°43'14" West 442.06 feet to a stone; THENCE North 27°18'45" West 595.77 feet to an axle, a corner with Mohamad Amin Idlibi (DB 12886, PG

174); THENCE with the line of said Idlibi North 37°22'19" East 236.30 feet to an iron pipe set in the line of Cabarrus County (DB 12753, PG 120); THENCE with the line of Cabarrus County North 86°42'19" East 2,155.43 feet to a point lying in the centerline of aforementioned Hickory Ridge Road; THENCE with said centerline South 21°07'06" East 376.12 feet to the POINT OF BEGINNING, containing 2,272,628 Square Feet, or 52.172 Acres, more or less.

Map recorded at Cabarrus County Register of Deeds, Book _____ Page _____

Section 2. Upon and after 12th day of July, 2021 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Harrisburg and shall be entitled to the same privileges and benefits as other parts of the Town of Harrisburg. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3: The Mayor the Town of Harrisburg shall cause to be recorded in the office of Register of Deeds Cabarrus County, and in the Office of Secretary of the State in Raleigh, North Carolina, an accurate map of the annexed property, along with a certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G. S. 163-288.1.

Adopted this the 12th day of July 2021.

_____
Steven J. Sciascia, Mayor

ATTEST:

_____
Janet Rackley, Town Clerk

TOWN OF HARRISBURG

Agenda Item Details

Title:
Consideration of Conditional Rezoning, Zoning Map Amendment and Annexation of 3 parcels along Plaza Rd Ext, associated with Hooks Landing Subdivision (H2021-02-R).

Presenting Personnel:
Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:
If approved, the following motion is suggested:
To approve the Conditional Rezoning, Zoning Map Amendment and Annexation for parcels along Hickory Ridge Rd (H-2021-02 (R)).

If denied, the following motion is suggested:
To deny the Conditional Rezoning, Zoning Map Amendment and Annexation for parcels along Hickory Ridge Rd (H-2021-02 (R)).

Description/Background:
True Homes, Inc. on behalf of the the property owners of parcels 5506-11-3265, 5506-11-4009, 5506-10-4854 has submitted a request to rezone approximately 2.45 acres of land located off Plaza Rd Ext. The applicant proposes to develop 6 single-family attached residential dwellings (townhomes). To achieve this, the applicant is requesting that the property be rezoned from County LDR (Low Density Residential) to CZ-RV (Conditional Zoning Residential Village). The proposed gross density of the site is 2.45 dwelling units per acre. The project is part of larger project that expands into Mecklenburg County.

The property is in the County, and the applicant has also submitted a petition requesting annexation for the subject property which is non-contiguous to the current Town of Harrisburg corporate limits.

A staff report is included for more information and a site plan is submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the subsequent Preliminary Plat and Construction Document (CDs) reviews.

A public hearing was held at the June 14th Town Council meeting. Council will be taking action on the July 12th Town Council meeting.

Recommendation:
With the conditions proposed, the rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Board recommended approval at their May meeting.

Planning and Zoning Department staff supports approval of the annexation and rezoning request (H2021-02-R) with conditions.

Fiscal Impact:

The annexation has no direct fiscal impact as a result of the annexation itself, however, the result of the development on the annexed properties will both generate additional property tax revenue for the Town and add to the costs associated with providing the additional homes with Town services.

Attachments:

1. RZ_H2021-02-R_ Rezoning Application
2. RZ_H_2021_02_R Staff Report TC
3. RZ_H2021-02-R_Site Location Map
4. RZ_H2021-02-R_Rezoning Site Plan
5. RZ_H2021-02-R_Elevation Example
6. RZ_H2021-02-R_Neighborhood Meeting Summary
7. ANX_Hooks Landing_ Annexation Application
8. ANX_Hooks Landing_Annexation Map
9. ANX_Certificate of Sufficiency - Hooks Landing
10. Resolution Fixing Date of Public Hearing - Hooks Landing
11. Annexation Ordinance Hooks Landing

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APPLICATION FOR CONDITIONAL REZONING

Applications for a Conditional District must be accompanied by an application for a Zoning Map Amendment.

1. Please submit fifteen (15) copies of a complete development plan in conformance with Appendix B, Section B-4 of the UDO (all conditional rezoning applications shall include a site specific development plan which, if approved, shall be binding on the property in question). If approved, a zoning site plan review and approval will be required to receive a zoning compliance permit. For specific requirements, please see the form entitled "Site Plan Requirements".
2. Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Article 4.6 in the Harrisburg UDO titled "Use Regulations" and shall correspond to the Zoning District requested.

6 Single-Family Attached (town-home) units with rear load garages.

3. Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width, etc.).

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Subject Property Information

1. Street Address: 13224 Plaza Rd Ext, Charlotte, NC 28215; 13250 Plaza Rd Ext, Charlotte, NC 28215; 13280 Plaza Rd Ext, Charlotte, NC 28215
2. PIN(s) (10 digit#): 5506104854 + 5506114009 + 5506113265
3. Deed Reference Book 01967 + 03316 + 00579 Page 0094 + 0084 + 0733
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage): +- 2.45 ac
6. Street Frontage (feet): +-730'
7. Current Land Use: Vacant + Residential
8. Surrounding Land Use and Zoning Classification

   North: Zoning LDR Land Use Residential / Agriculture

   South: Zoning LDR Land Use Residential / Agriculture

   East: Zoning N/A Land Use Charlotte City Limits

   West: Zoning LDR Land Use Residential
9. Request to Change Zoning From LDR to RV (CD)
10. Is this a request for a Conditional Rezoning? X YES NO

    (If YES, you must also submit an application for a Conditional Rezoning)
11. Purpose for Request: 6 Single-Family Attached (townhome) units with rear load garages

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Owner Information (5506104854)

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the development plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

If, after two years from the date of approval substantial construction has not begun, the property in question may revert to its prior zoning designation after a public hearing is held in compliance with the required procedure for a zoning map amendment.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

Property Owner	Clyde Hooks Jr
	Tommy E. Hooks
Address	1560 WOODCROFT DR
	FORT MILL, SC 29708
Phone	803-417-7907
Fax	
Signature	

NOTE: **If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.**

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Owner/Agent/Applicant Information (55061048540000)

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner: Clyde Hooks Jr & Tommy E. Hooks
    Address: 1560 WOODCROFT DR, FORT MILL, SC 29708
    Phone: 803-417-7200
    Fax:
    Email: CLYDE-HOOKS@COMPORIUM.NET
    Signature: Clyde Hooks Jr. Tommy Hooks Diane H. Rich Ronald Hooks

13. Agent (if any): Eddie Moore - McAdams
    Address: 3430 Toringdon Way, Suite 110, Charlotte, NC 28277
    Phone: 704-724-3594
    Fax:
    Email: emoore@mcadamsco.com
    Signature: Eddie Moore

14. Applicant (if any): Shaun Gasparini - True Homes
    Address: 2649 Breckonridge Centre Dr, Suite 110, Monroe, NC 28110
    Phone: 704-779-4126
    Fax:
    Email: sgasparini@truehomesusa.com
    Signature:

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

Harrisburg NC
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Owner Information (5506114009)

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the development plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

If, after two years from the date of approval substantial construction has not begun, the property in question may revert to its prior zoning designation after a public hearing is held in compliance with the required procedure for a zoning map amendment.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

Property Owner	The Estate of Clyde Hooks
Address	C/O CLYDE HOOKS JR FORT MILL, SC 29708
Phone	803-417-7900
Fax	
Signature	Agent for Jerry E. Hooks Diane H. Kelly, Ronald Hooks

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

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Owner/Agent/Applicant Information (55061140090000)

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner: The Estate of Clyde Hooks
    Address: C/O CLYDE HOOKS JR, FORT MILL, SC 29708
    Phone:
    Fax:
    Email:
    Signature:

13. Agent (if any): Eddie Moore - McAdams
    Address: 3430 Toringdon Way, Suite 110, Charlotte, NC 28277
    Phone: 704-724-3594
    Fax:
    Email: emoore@mcadamsco.com
    Signature:

14. Applicant (if any): Shaun Gasparini - True Homes
    Address: 2649 Breckonridge Centre Dr, Suite 110, Monroe, NC 28110
    Phone: 704-779-4126
    Fax:
    Email: sgasparini@truehomesusa.com
    Signature:

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

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Owner Information (5506113265)

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the development plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

If, after two years from the date of approval substantial construction has not begun, the property in question may revert to its prior zoning designation after a public hearing is held in compliance with the required procedure for a zoning map amendment.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

Property Owner: Nancy N. Hooks

Address: 13280 PLAZA RD EXT
CHARLOTTE, NC 28215

Phone: _____

Fax: _____

Signature: _____

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

Not Our Parcel
Janet H. Hargett

Harrisburg NC
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Owner/Agent/Applicant Information (55061132650000)

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner: Nancy N. Hooks
    Address: 13280 PLAZA RD EXT, CHARLOTTE, NC 28215
    Phone: 704-436-8302
    Fax: gbrown@stalite.com
    Email:
    Signature: Janet H. Haggett, Carol H Brown, Michael Hook

13. Agent (if any): Eddie Moore - McAdams
    Address: 3430 Toringdon Way, Suite 110, Charlotte, NC 28277
    Phone: 704-724-3594
    Fax:
    Email: emoore@mcadamsco.com
    Signature: Eddie Moore

14. Applicant (if any): Shaun Gasparini - True Homes
    Address: 2649 Breckonridge Centre Dr, Suite 110, Monroe, NC 28110
    Phone: 704-779-4126
    Fax:
    Email: sgasparini@truehomesusa.com
    Signature:

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: June 28, 2021

SUBJECT:

Request H-2021-02-(R):	To rezone approximately 2.45 acres from County LDR (Low Density Residential) to CZ-RV (Conditional Zoning Residential Village)
Location:	The subject properties are located on the western side of the intersection of Plaza Road Ext and Vandora Drive (PIN 5506-11-3265, 5506-11-4009, 5506-10-4854)
Applicant:	True Homes, represented by McAdams Company (Eddie Moore)
Staff Report Prepared by:	Craig Thomas, Senior Planner
Neighborhood Meeting:	Held January 21, 2021

BACKGROUND:

Area:	±2.45 acres Total
Existing Land Use:	Vacant/Single-Family Residential
Zoning within 500 feet:	North - Planned Unit Development (PUD), Town South - Low Density Residential (LDR), Cabarrus County East - Low Density Residential (LDR), County West - Residential (R-3), Charlotte/Mecklenburg County
Land Uses within 500 feet:	North - Single-family Residential and Commercial, Town South - Single-family Residential, County East - Single-family Residential, Town West - Single-family Residential, Mecklenburg County

APPLICATION SUMMARY:

- The applicant proposes to develop a single-family subdivision with attached units (town homes). The majority of the project lies in Mecklenburg County, but there are six units in Cabarrus County. To achieve this, the applicant is requesting that the property be rezoned from County LDR (Low Density Residential) to CZ-RV (Conditional Zoning Residential Village).
- The proposed density of the site is 2.45 dwelling units per acre on the Cabarrus County side. The RV district has a maximum density of 8 dwelling units per acre but upon approval of this rezoning, the density will be capped at 2.45 units/acre and the site plan will be attached with the land.
- Per the Town subdivision regulations, the applicant is providing dedicated public open space. The applicant proposes the development of 1.03 acres of active open space as part of the development in Harrisburg limits, the overall site (including Charlotte portion) includes 3.58 acres of open space within the subdivision. A fee-in-lieu will be paid towards the Public Open Space requirements.
- As a conditional zoning request, the applicant has submitted a site plan along with the request for rezoning, which is attached for your consideration.
- The property is in the County, applicant has also submitted a Petition requesting Annexation for the subject property which is non-contiguous to the current Town of Harrisburg corporate limits.

APPROVAL CRITERIA:

1. **The size of the tract in question**;

   The subject property is approximately 2.45 acres in size.

2. **Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives and policies of the Ordinance;**

   Per the Unified Development Ordinance, the intent of the proposed district depicted on the submitted site plan is as follows:

   RV: *The RV district is established to provide areas for detached and attached single family homes, with a maximum of eight (8) dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. RV supports the principles of concentrating urban growth and reinforcing existing community centers. Design controls are required for single-family attached projects as set forth in Article 11.*

Per the Harrisburg Area Land Use Plan, the subject property is located at the edge of an area designated on the future land use map as **Mixed Use**. The description of Mixed Use is as follows:

"This area encourages the blending of complementary commercial, office and a mix of residential housing types. These areas typically offer a horizontal mix of uses where changes in use occur between adjacent buildings. Buildings are typically one and two stories. Designed to facilitate access via walking and biking, mixed-use areas should be located near potential commercial and mixed use nodes where access via the road network, sidewalks, greenways, and/or future transit is feasible."

Based on the description of the Mixed Use land use classification, the proposed density, proximity to commercial development, and sidewalk connections would meet the intent that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-5** states that the Town should "Expand Housing Options" to appeal to a broad range of audiences just starting out or looking to downsize with affordable high-quality products not currently available.

Recommendation LU-7 of the Plan recommends consistency between the Town's zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the "appropriate" zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Mixed Use and a slightly higher density designated by the RV district is appropriate for this land use classification.

3. **The benefits or detriments for the owner, neighbors and surrounding community;**

   The benefits to the owner of the property would be that single-family residential development at the proposed density of 2.45 dwelling units per acre could be achieved under the proposed zoning and annexation allows to tap into town offered services.

   The addition of six single-family attached homes has no detrimental impact to the surrounding community. The homes will be served with an upgraded intersection at Plaza Road Extension and Vandora Drive, which will help with turning movements and traffic flow on Plaza Road Extension.

4. **Whether the proposed request is in compliance with the adequate public facilities criteria;**

   a. **Utilities:**

      Utilities are available in this area, and are sufficient to meet the needs of this property. Water and sewer access are located along Rockwood Road in Cabarrus Woods Subdivision, and will be available to the development upon annexation. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

b. Transportation:

A TIA was not required based on the lower amount of traffic generated by this minor subdivision with only six (6) homes. Driveway access will be reviewed and permitted by NCDOT during the Construction Documents (CDs) review.

c. Safety and Sanitation Services:

Adequate police, fire, and sanitation services are available for the proposed use, and will be provided upon annexation.

d. Schools:

The proposed development would generate less than 6 students across all levels. Cabarrus County School did not offer an impact statement for this rezoning and single family development as the impact is so minimal.

5. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. The Commission shall consider the following:

a. Whether the proposed zoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting or other nuisances;

The proposed single-family development and density of the proposed development (2.45 dwelling units per acre) is compatible with surrounding land uses, particularly the PUD area.

b. Any change of character in the area due to installation of public facilities, other zoning changes, new growth changes, deterioration, and development;

Like all other development activity in this area, the development of this land would convert former vacant land into residential neighborhoods, while preserving appropriate area for open space.

c. The zoning districts and existing land uses of the surrounding properties;

The areas around this property are generally zoned for low to medium density residential use, norther edge property designated for mixed-used already contains mixture of commercial, office and residential use. Existing land use patterns in the area typically consist of low to medium density residential neighborhoods and vacant forested land and land previously used for agricultural purposes.

d. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;

The property is suitable for the uses which it has been restricted to under the existing zoning classification.

e. **Whether the rezoning is compatible with the adjacent neighborhood, especially concerning neighborhood stability and character;**

As previously mentioned, the specific use of the property, single family attached homes, is consistent with surrounding neighborhoods and aligns with Harrisburg Area Land Use Plan (HALUP), particularly the mixed-use areas.

f. **The length of time the subject property has remained vacant as zoned (if applicable);**

This property has been vacant.

g. **Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs;**

Land supply is not a direct issue in this area.

6. **Whether the existing zoning was in error at the time of adoption.**

The existing zoning was not in error at the time of adoption.

Furthermore, as a Conditional Zoning request, the Board must consider the following criteria:

7. **The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the current Land Use Plan.**

The rezoning application to RV district to the property, with the proposed density limitation, is consistent with the density and lot size standards established for the base RV Zoning District in the Unified Development Ordinance and Mixed Use land use classification in the Land Use Plan.

The development proposal accompanying the rezoning request would restrict permitted uses to single family attached residences, which are appropriate in this area.

8. **The use(s) requested are among those listed as an eligible permitted or conditional use in the general use district as included in the rezoning request.**

The applicant is seeking for the following uses to be allowed in this Conditional Zoning District:

- Single-Family Attached Residential; this use is allowed in the RV District.

9. **The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and**

avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration and not create a nuisance.

The applicant intends to work collaboratively with both Harrisburg town staff and the NC Department of Transportation in establishing appropriate intersection improvements for the development. Improvements include widening of Plaza Road Extension and turn lanes in both directions.

Landscaping buffers shown are adequate to meet the needs of the adjacent properties, and active open space is designated as part of the subdivision.

10. **The use limitations and conditions as proposed and/or imposed for the requested district can reasonably be implemented and enforced for the subject property.**

    The conditions proposed and imposed for this district can be reasonably implemented on this site.

11. **When implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district. If any standards are proposed that are different from the underlying zoning district, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the general district.**

    All proposed conditions recommended by staff are to bring the site into conformance with applicable local and state regulations.

12. **The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district.**

    The applicant will need to agree to all conditions listed in this staff report. Any additional conditions placed on this property will need the acceptance of the applicant before a decision can be made on this application.

13. **For an approval, the Board must adopt a consistency statement that the amendment being considered is either consistent or inconsistent with the adopted land use plan and that the Board considers the action to be reasonable and in the public interest.**

    The Planning and Zoning Board will need to adopt a consistency statement when a recommendation or decision is made on this item.

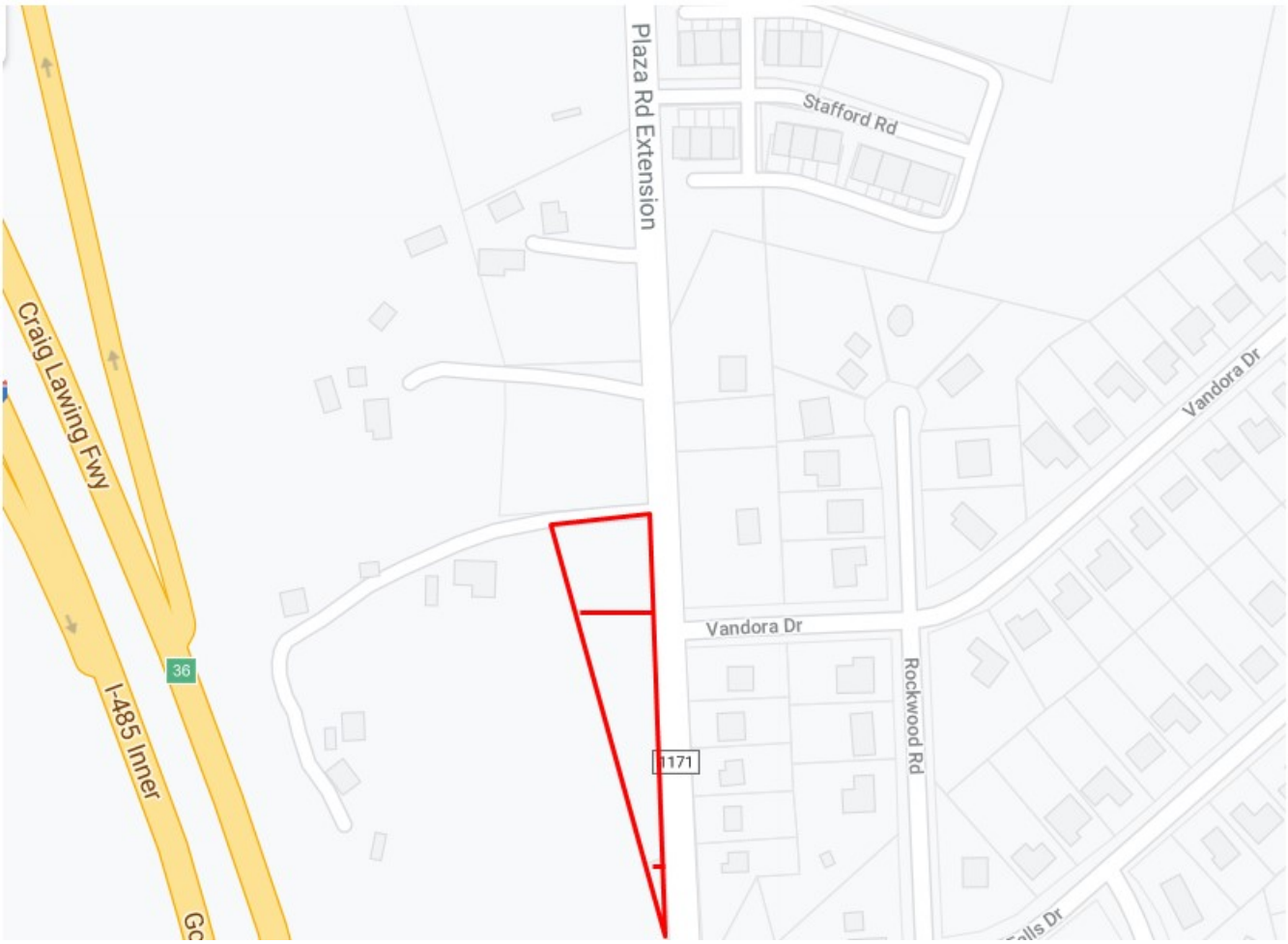
APPROVAL WITH CONDITIONS:

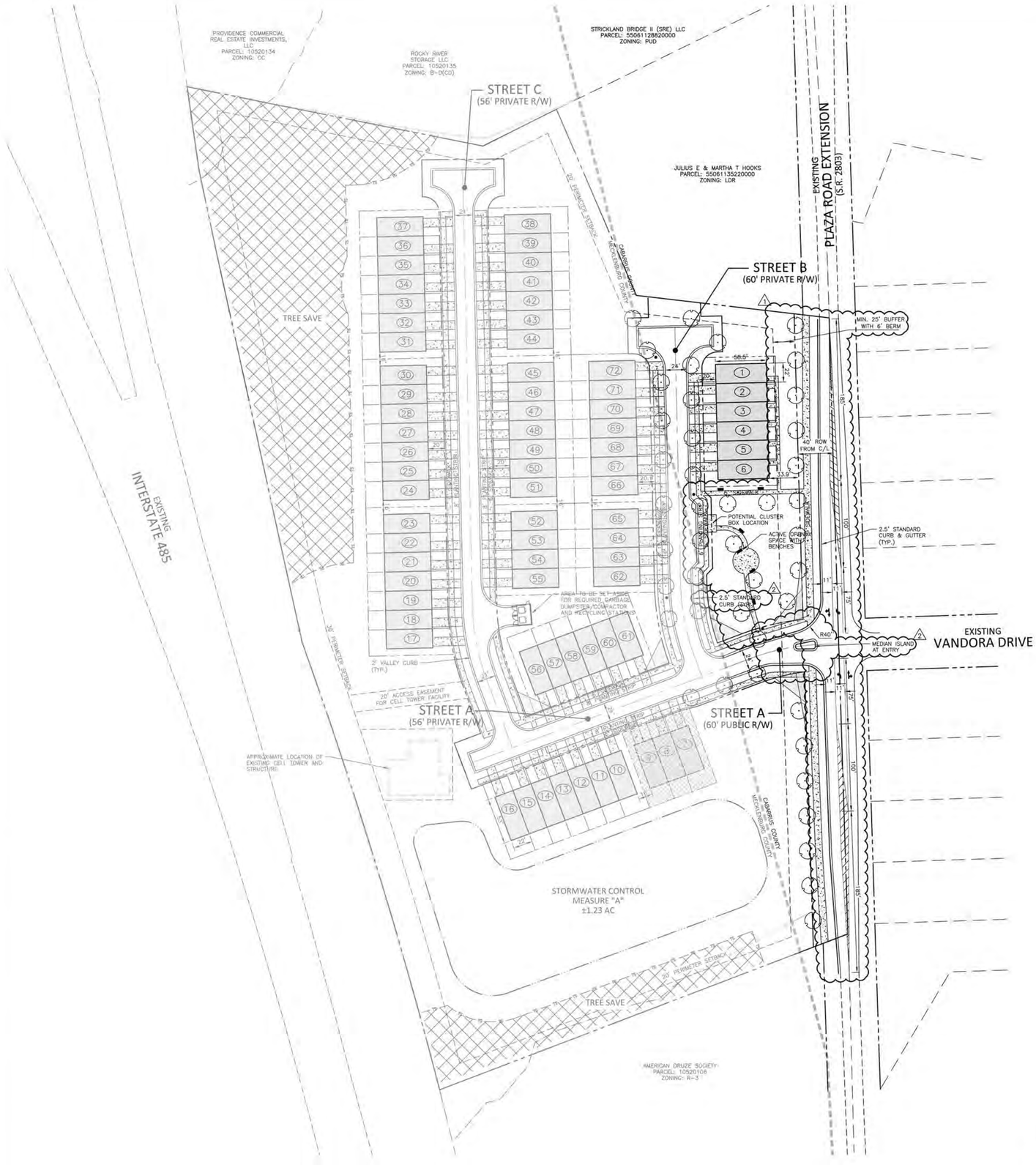
The proposal is a conditional re-zoning request. Conditions *may* be imposed on the zoning action; staff recommends that the following conditions be placed on this project. Applicant agrees to the following:

1. Applicant agrees to obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees mailbox clusters shall meet ADA Standards at a minimum.
3. Applicant agrees to restrict primary cladding materials for all attached residential buildings within Harrisburg limits to masonry or similar products as outlined in Appendix E; vinyl siding will not be used.
4. Applicant agrees to restrict primary cladding materials for attached residential buildings fronting Street B (as shown on Rezoning site plan) within Charlotte limits to masonry or similar products; vinyl siding will not be used.
5. Applicant agrees that there will be no exposed concrete foundations and that siding and/or other material must extend to the ground level on all sides of the homes.

RECOMMENDATION:

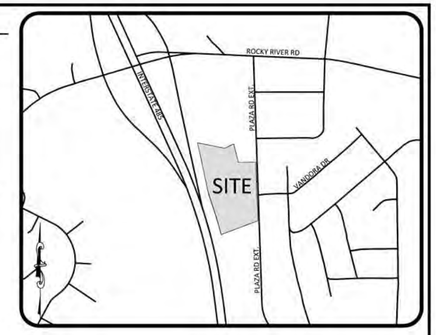
With the proposed site plan and conditions proposed, the rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request with conditions.


Plaza Rd Extension
Stafford Rd
Craig Lawing Fwy
I-485 Inner
36
Vandora Dr
Vandora Dr
Rockwood Rd
1171



SITE LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- TREE SAVE AREA
- PEDESTRIAN STREET LIGHTS



VICINITY MAP
NTS

CUMULATIVE SITE DATA

PREPARED BY: MCADAMS COMPANY
3430 TORINGDON WAY, SUITE 110
CHARLOTTE, NC 28277
704.527.0800

MECKLENBURG COUNTY PID: 10520130, 10520107, 10520108, 10520117 = +/- 10.69 AC

CABARRUS COUNTY PIN: 5506113265, 5506114009, 5506104854 = +/- 2.45 AC

TOTAL SITE ACREAGE:	± 13.14 AC
EXISTING ZONING:	MECKLENBURG COUNTY: R-3 CABARRUS COUNTY: LDR
PROPOSED ZONING:	CHARLOTTE: R-8MF HARRISBURG: RV (CD)
EXISTING USE:	VACANT, RESIDENTIAL, WIRELESS COMMUNICATIONS TOWER
PROPOSED USE:	UP TO 72 SINGLE-FAMILY ATTACHED (TOWNHOME) UNITS 6 REAR-LOAD UNITS (HARRISBURG) & 66 FRONT-LOAD UNITS (CHARLOTTE)
DENSITY PROPOSED:	5.47 DWELLING UNITS PER ACRE
PROPOSED NUMBER OF UNITS:	72 TOWNHOMES
REQUIRED TREE SAVE AREA (CHARLOTTE):	1.60 AC (15% OF SITE AREA)
PROVIDED TREE SAVE AREA (CHARLOTTE):	2.07 AC (19.31% OF SITE AREA)
HERITAGE TREE PRESERVATION (HARRISBURG):	NONE EXIST
PROVIDED OPEN SPACE AREA:	3.58 AC (27.25% OF SITE AREA-EXCLUDING TREE SAVE)
2 PROVIDED OPEN SPACE DEDICATION:	PAYMENT IN LIEU (1/35 AC x 6 = .171 AC AVERAGE FAIR MARKET VALUE)

DENSITY CALCULATION:
TOTAL SITE AREA = 13.14 AC
NUMBER OF DWELLING UNITS: 72

DWELLING UNITS/AC = 72/13.14 = 5.47 DU/AC

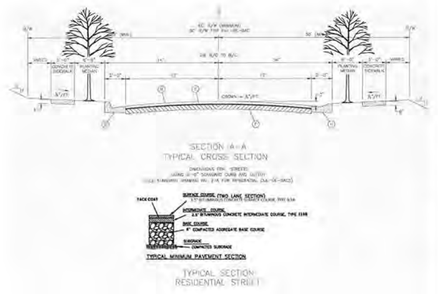
LINEAR FEET OF ROADS:
STREET 'A' - 431
STREET 'B' - 404
STREET 'C' - 785

1 IMPERVIOUS CALCULATION:
STRUCTURE = 7,722 SF
ROADWAY = 41,569 SF
SIDEWALKS = 12,122 SF

TOTAL IMPERVIOUS = 61,413 SF

OPEN SPACE CALCULATION:
ACTIVE OPEN SPACE (HARRISBURG) = 1.03 AC
ACTIVE OPEN SPACE (CHARLOTTE) = 2.55 AC
TOTAL SITE AREA OPEN SPACE = 3.58 AC

GRAPHIC SCALE
0 30 60 120
1 inch = 60 ft.



McADAMS
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Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

TRUE HOMES
SHAUN GASPARINI
2649 BRECKONRIDGE CENTRE DRIVE
SUITE 104
MONROE, NORTH CAROLINA 28110

HOOKS LANDING
REZONING CONCEPT PLAN
PLAZA RD EXTENSION
HARRISBURG & CHARLOTTE, NORTH CAROLINA

REVISIONS

NO.	DATE	
1.	04. 08. 2021	PER CITY AND NCDOT COMMENTS
2.	05. 11. 2021	PER CITY COMMENTS
3.	06. 25. 2021	PER CITY COMMENTS

PLAN INFORMATION

PROJECT NO.	2020210121
FILENAME	2020210121-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1"=60'
DATE	09. 18. 2020

SHEET

REZONING PLAN

RZ-1

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

M:\Projects\TrueHomes\2020210121\04-Production\Engineering\Preliminary Engineering\2020210121-RZ1.dwg, 6/25/2021 8:42:31 AM, Singleton, Drew

DEVELOPMENT NOTES

RV Zoning Site Development Standards:

Max Density:	**8 DUA**
Impervious Surface Ratio:	**0.5**
Proposed Impervious Surface Ratio:	**0.24**
Min. Street Frontage:	**15 feet**
Proposed Street Frontage:	**22 feet (units fronting Plaza Rd Ext)**
Min. Building Spacing:	**20 feet**
Proposed Building Spacing:	**N/A – 1 building**
Min. Front Setback:	**20 feet**
Max. Front Setback:	**35 feet**
Proposed Front Setback:	**34 feet along Plaza Rd Ext**
Max. Building Length:	**150 feet**
Proposed Max. Building Length:	**135 feet**

Site Development Data:

Acreage:	**+- 2.45 acres**
Tax Parcels:	**5506113265, 5506114009, 5506104854**
Existing Zoning:	**Cabarrus County – LDR**
Proposed Zoning:	**Harrisburg – RV (CD)**
Existing Uses:	**Vacant**
Proposed Uses:	**Up to 6 single-family attached (Townhome) units**
Proposed Density:	**2.44 DUA**
Required Open Space:	**.294 acres or 12,807 square feet (12% of site)**
Proposed Open Space:	**.635 acres or 27,692 square feet (25.9% of site)**
Required Public Open Space:	**.171 acres or 7,449 square feet (1/35 x 6)**
Proposed Public Open Space:	**.303 acres or 13,235 square feet**

1. General Provisions:

These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by True Homes (the "Petitioner") to accommodate the development of a residential townhome community on that approximately 2.45-acre site located on the west side of Plaza Road Extension and across Vandora Drive, which is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Numbers 5506-10-4854, 5506-11-3265, and 5506-11-4009.

Development of the Site shall be governed by the Rezoning Plan, the Site Development Data, and the applicable provisions of the Town of Harrisburg Unified Development Ordinance (the "Ordinance"). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the RV Zoning District shall govern all development taking place on the Site.

Inasmuch as planning for the proposed redevelopment of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the development proposed, the exact alignments of streets and points of access, the configurations and placements of parking areas and the heights and masses of buildings have not yet been determined. As a consequence, the configurations, placements and sizes of the buildings and parking areas depicted on the Rezoning Plan are schematic in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified during design development and construction document phases so long as the maximum parking and building envelope lines established on the Rezoning Plan are not violated and the proposed alterations or modifications do not exceed the parameters established under the Site Development Data and under the Ordinance for the RV District.

1 Petitioner agrees to the following:

a) Obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
b) Mailbox clusters shall meet minimum ADA Standards.

2. Permitted Uses and Maximum Development:

The Site may be developed with up to 6 single-family attached dwelling units (townhomes), together with any incidental and accessory uses related thereto that are allowed in the RV zoning district.

3. Transportation:

a) Vehicular access will be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access point shown on the Rezoning Plan is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by the Town of Harrisburg and/or NCDOT for approval.

b) As depicted on the Rezoning Plan, the Site will be served by public and/or private streets.

c) Internal sidewalks and pedestrian connections shall be provided along all public and private streets throughout the Site.

1 d) Coordination with NCDOT has occurred regarding a left turn lane, along Plaza Rd Ext, as depicted on the Rezoning Plan.

4. Architectural Standards:

a) The principal buildings used for residential uses constructed on the Site may use a variety of building materials. The building materials used for buildings may be a combination of the following: brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, and cementitious fiber board siding. Vinyl or aluminum as a building material may only be used on windows, soffits, and handrails/railings. The proposed roofing materials may be architectural shingles, wood shake, slate, tile, and/or metal.

b) The Petitioner agrees to restrict cladding materials for all buildings to cladding products other than vinyl siding.

1 c) The façade of the residential uses constructed on the Site will have a minimum 35% brick and/or stone façade as depicted on the elevation drawing. There will be no exposed concrete foundations and that siding and/or other material must extend to the ground level on all sides of the homes.

3 d) Applicant agrees to restrict cladding materials for all attached residential buildings within Harrisburg limits to masonry or similar products as outlined in Appendix E; vinyl siding will not be used.

e) Applicant agrees to restrict primary cladding materials for attached residential buildings fronting Street B (as shown on Rezoning site plan) within Charlotte limits to masonry or similar products; vinyl siding will not be used.

1 ~~5. Streetscape and Landscaping, and Environmental Features:~~

a) The Petitioner shall provide a minimum 20 foot and maximum 35 foot front setback along Plaza Rd Ext.. An 8 foot sidewalk, as generally depicted on the Rezoning Plan may encroach into the minimum 20 foot and maximum 35 foot front setback. A 25 foot bufferyard, with a 6 foot berm, will start at the edge of the dedicated right-of-way along Plaza Rd Ext. Said bufferyard will be incorporated into the minimum 20 foot and maximum 35 foot front setback.

b) The Site shall meet the provisions of the Ordinance related to connectivity provided.

c) The Petitioner shall comply with Tree Preservation and Post Construction Stormwater requirements.

6. Amendments to Rezoning Plan:

Future amendments to the Site Development Data may be applied for by the then Owner or Owners of the parcel or parcels within the Site involved in accordance with the provisions of the Ordinance.

Further alterations or modifications to this Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Site Development Data or any of its conditions or which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the Ordinance, as applicable.

7. Binding Effect of the Rezoning Documents and Definitions:

a) If this Rezoning Plan is approved, all conditions applicable to development of the Site imposed under the Site Development Data will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

b) Throughout the Site Development Data, the terms, "Petitioner" and "Owner" and "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owners of the Site from time to time who may be involved in any future development thereof.

1

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REVISIONS

NO.	DATE	
1	04. 08. 2021	PER CITY AND NCDOT COMMENTS
2	05. 11. 2021	PER CITY COMMENTS
3	06. 25. 2021	PER CITY COMMENTS

PLAN INFORMATION

PROJECT NO.	2020210121
FILENAME	2020210121-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	
DATE	11. 05. 2020

SHEET

REZONING NOTES

RZ-2

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

M:\Projects\TrueHomes\2020210121\04-Production\Engineering\Preliminary Engineering\2020210121-RZ1.dwg, 6/29/2021 11:18:39 AM, Singleton, Drew

MCADAMS

COMMUNITY MEETING REPORT

REZONING PETITION H2021-02-(R)

APPLICANT: **SHAUN GASPARINI, TRUE HOMES**

LAND PLANNING/CIVIL: **EDDIE MOORE, AICP, MCADAMS** EM

PROPERTY: **+- 2.45 ACRES (WEST OF PLAZA ROAD EXT, SOUTH OF ROCKY RIVER ROAD, AND EAST OF I485)**

DATE: **JANUARY 25, 2021**

This Community Meeting Report is being filed with the Town of Harrisburg Planning + Zoning Department and available for review.

TIME AND LOCATION OF MEETING:

The Community Meeting required by the Ordinance was held on virtually, via Zoom, on Thursday, January 21, 2021 at 6:30 PM. McAdams provided the Town with a mailing list of adjacent property owners and the Town mailed notices of this meeting to those property owners.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. Overview of Applicant's Presentation

Introduction and Overview of Rezoning + Development Plan:

Sushil Nepal of Harrisburg opened the meeting and introduced the Applicant. Mr. Nepal gave an overview of the site, area zoning, and explained the proposed zoning district that has been requested and described the type of development intended.

The property owner is requesting a rezoning of these parcels, currently located in the County, from LDR (Low Density Residential) to CZ-RV, Conditional Zoning Residential Village. The purpose of the rezoning is to enable the property owner to develop and subdivide the property for up to 6 townhomes.

Shaun Gasparini of True Homes gave an overview of the site plan and explained this rezoning is part of a larger project with a rezoning underway in Charlotte. The overall development will consist of 6 townhomes in Harrisburg and 57 townhomes in Charlotte. Mr. Gasparini committed to meeting the

town's 35% brick or stone veneer requirement along the front façade of the 6 townhomes in Harrisburg.

II. Summary of Questions/Comments and Responses:

Attendees made the following statements and asked the following questions and the Town and development team provided responses to those questions:

1. Is this site on the Harris Teeter side or Brookdale side? – *Site is located 1 parcel south of the Novant facility on the west side of Plaza Road Ext.*

PETITION REQUESTING ANNEXATION

DATE: April 9, 2021

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.
2. The area to be annexed is:

   □ CONTIGUOUS ☒ NON-CONTIGUOUS

   to the Town of Harrisburg and the boundaries of such territory are:

   ☒ ATTACHED □ DESCRIBED AS FOLLOWS:

   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

   NAME ADDRESS

   Clyde Hooks Jr + Tommy E Hooks - 1560 WOODCROFT DR, FORT MILL, SC 29708
   (55061048540000)

   The Estate of Clyde Hooks - 1560 WOODCROFT DR, FORT MILL, SC 29708
   (55061140090000)

   Nancy Hooks - 13280 PLAZA RD EXT, CHARLOTTE, NC 28215
   (55061132650000)

Harrisburg NC
The right side of opportunity

Owner/Agent/Applicant Information (55061048540000)

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner: Clyde Hooks Jr & Tommy E. Hooks
    Address: 1560 WOODCROFT DR, FORT MILL, SC 29708
    Phone: 803-417-7200
    Fax:
    Email: CLYDE-HOOKS@COMPORIUM.NET
    Signature: Clyde Hooks Jr. Tommy Hooks Diane H. Rich Ronald Hooks

13. Agent (if any): Eddie Moore - McAdams
    Address: 3430 Toringdon Way, Suite 110, Charlotte, NC 28277
    Phone: 704-724-3594
    Fax:
    Email: emoore@mcadamsco.com
    Signature: Eddie Moore

14. Applicant (if any): Shaun Gasparini - True Homes
    Address: 2649 Breckonridge Centre Dr, Suite 110, Monroe, NC 28110
    Phone: 704-779-4126
    Fax:
    Email: sgasparini@truehomesusa.com
    Signature:

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

Harrisburg NC
The right side of opportunity

Owner/Agent/Applicant Information (55061140090000)

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner: The Estate of Clyde Hooks
    Address: C/O CLYDE HOOKS JR, FORT MILL, SC 29708
    Phone:
    Fax:
    Email:
    Signature:

13. Agent (if any): Eddie Moore - McAdams
    Address: 3430 Toringdon Way, Suite 110, Charlotte, NC 28277
    Phone: 704-724-3594
    Fax:
    Email: emoore@mcadamsco.com
    Signature:

14. Applicant (if any): Shaun Gasparini - True Homes
    Address: 2649 Breckonridge Centre Dr, Suite 110, Monroe, NC 28110
    Phone: 704-779-4126
    Fax:
    Email: sgasparini@truehomesusa.com
    Signature:

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

Harrisburg NC
The right side of opportunity

Owner/Agent/Applicant Information (55061132650000)

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

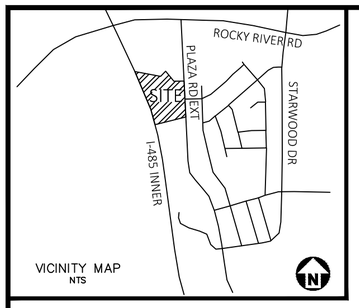
I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner: Nancy N. Hooks
    Address: 13280 PLAZA RD EXT, CHARLOTTE, NC 28215
    Phone: 704-436-8302
    Fax: gbrown@stalite.com
    Email:
    Signature: Janet H. Haggett, Carol H Brown, Michael Hook

13. Agent (if any): Eddie Moore - McAdams
    Address: 3430 Toringdon Way, Suite 110, Charlotte, NC 28277
    Phone: 704-724-3594
    Fax:
    Email: emoore@mcadamsco.com
    Signature: Eddie Moore

14. Applicant (if any): Shaun Gasparini - True Homes
    Address: 2649 Breckonridge Centre Dr, Suite 110, Monroe, NC 28110
    Phone: 704-779-4126
    Fax:
    Email: sgasparini@truehomesusa.com
    Signature:

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.



GENERAL NOTES

1.) This is a survey of an existing parcel of land. This is a boundary survey.

2.) Bearings are relative to NC grid north NAD83 (2011).

3.) All distances are horizontal ground distances.

4.) Flood note: this property is not located in a special flood hazard zone. it is located in zone "X" as defined by FEMA F.I.R.M. map number 3710550600k dated November 16, 2018.

5.) References: DB 7982, PG 789; DB 24459, PG 762 of the Mecklenburg county registry

PIN 10520108, 10520117, 10520107, 10520130

references: DB 4902, PG 233; DB 3316, PG 94; DB 1967, PG 94 of the Cabarrus county registry

PIN 55061132650000, 55061140090000, 55061048540000

6.) No grid monuments found within 2000' of site.

7.) The purpose of this plat is to annex the portion of the subject parcels PIN 55061132650000, 55061140090000, 55061048540000 into Mecklenburg county.

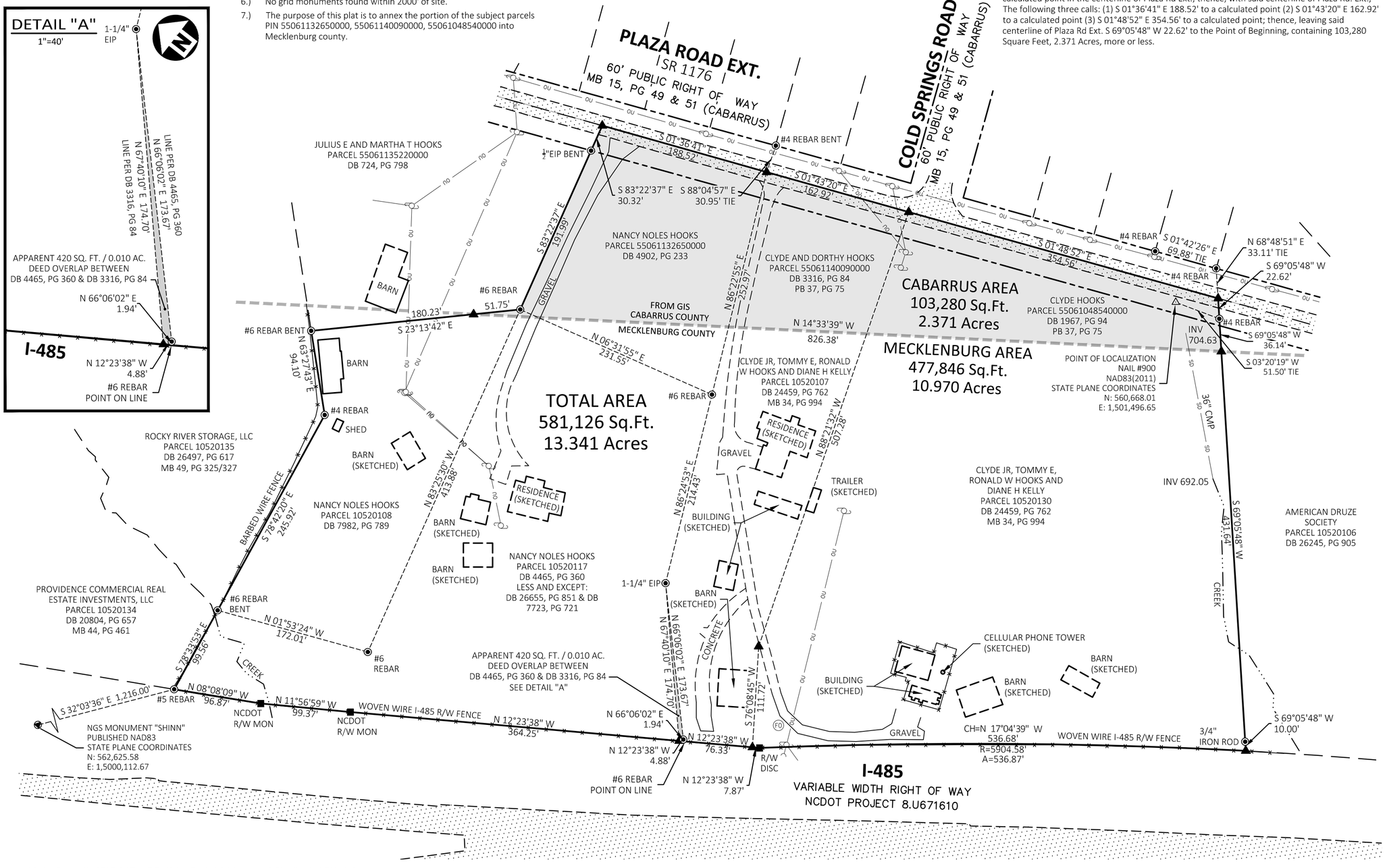
LEGEND

- FOUND PROPERTY CORNER
- CONCRETE MONUMENT
- SET PROPERTY CORNER
- CALCULATED CORNER
- FIBER OPTIC MANHOLE
- CALCULATED CORNER
- POINT OF LOCALIZATION
- NGS MONUMENT
- POWER POLE
- GUY ANCHOR
- STORM DRAIN
- FENCE LINE
- SURVEYED PROPERTY LINE
- PROPERTY LINE NOT SURVEYED

NC GRID (NAD83)

CABARRUS AREA DESCRIPTION

Being that certain tract of land containing a portion of parcels 55061132650000, 55061140090000, 55061048540000 in Cabarrus county North Carolina. Said combined tract of land being bounded on the East by Plaza Road Extension (60' right of way MB 15, PG 49& 51 Cabarrus county) and on the West by Interstate 485 and being more particularly described as follows:
Commencing at a nail (#900) on the west side of Plaza Rd Ext. being the point of localization and having NC state plane NAD83(2011) coordinates: N 560,668.01', E 1,501,496.65, thence S 03°20'19" W 51.50' to a #4 rebar on the northern line of that American Druze Society parcel (DB 26245, PG 905) being the point of beginning of the herein described tract. Thence, in a clockwise direction with said Druze line, S 69°05'48" W 36.14' to a calculated point on the approximate Mecklenburg/Cabarrus county line; thence, with said approximate county line N 14°33'39" W 826.38' to a calculated point on the western line of that Julius and Martha T Hooks parcel (DB 724, PG 798); thence, with said Hooks parcel, the following three calls: (1) S 23°13'42" E 51.75' to a #6 rebar (2) S 83°22'37" E 191.99' to a bent 1/2" iron pipe (3) S 83°22'37" E 30.32' to a calculated point in the centerline of Plaza Rd Ext.; thence, with said centerline of Plaza Rd. Ext., The following three calls: (1) S 01°36'41" E 188.52' to a calculated point (2) S 01°43'20" E 162.92' to a calculated point (3) S 01°48'52" E 354.56' to a calculated point; thence, leaving said centerline of Plaza Rd Ext. S 69°05'48" W 22.62' to the Point of Beginning, containing 103,280 Square Feet, 2.371 Acres, more or less.



I, BRIAN E. HICKS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOK AND PAGE SHOWN; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS

22nd DAY OF January, A.D. 2021.

BRIAN E. HICKS, PLS L-4281

PRELIMINARY
NOT FOR RECORDATION, CONVEYANCES OR SALES

NORTH CAROLINA PROFESSIONAL SEAL L-4281 LAND SURVEYOR BRIAN E. HICKS

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE: G.S. 47-30 (f)(11)(d). THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

PROFESSIONAL LAND SURVEYOR

I, BRIAN E. HICKS, PLS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

(1)CLASS OF SURVEY: CLASS A
(2)POSITIONAL ACCURACY: < 0.100'
(3)TYPE OF GPS FIELD PROCEDURE: VRS
(4)DATE OF SURVEY: 12-31-2020
(5)DATUM/EPOCH: NAD 83(2011)
(6)PUBLISHED/FIXED-CONTROL USED:NC49
(7)GEOID MODEL: GEOID12A
(8)COMBINED GRID FACTOR(S):0.99987305
(9)UNITS: METERS CONVERTED TO US SURVEY FEET

GRAPHIC SCALE
80 0 40 80 160
1 inch = 80 ft.

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HOOKS LANDING
ANNEXATION PLAT
PLAZA ROAD EXT
MECKLENBURG AND CABARRUS COUNTIES

REVISIONS

NO.	DATE

PLAN INFORMATION

PROJECT NO.	2020210121
FILENAME	2020210121-F2
CHECKED BY	BEH
DRAWN BY	CFA
SCALE	1"=80
DATE	4-12.2021

SHEET

ANNEXATION PLAT
1-1

Harrisburg NC
The right side of opportunity

To the Town Council of the Town of Harrisburg of Harrisburg North Carolina:

I, Janet Rackley, Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Harrisburg of Harrisburg, North Carolina, this 27th day of April, 2021.

(Seal) SEAL OF THE TOWN OF HARRISBURG NORTH CAROLINA * 1973 *

Janet Rackley

Janet Rackley, Clerk

Harrisburg NC
The right side of opportunity

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.1

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held (virtually) at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on June 14, 2021.

Section 2. The area proposed for annexation is described as follows:

Being that certain tract of land containing a portion of parcels 55061132650000, 55061140090000, 55061048540000 in Cabarrus county North Carolina. Said combined tract of land being bounded on the East by Plaza Road Extension (60' right of way MB 15, PG 49& 51 Cabarrus county) and on the West by Interstate 485 and being more particularly described as follows:
Commencing at a nail (#900) on the west side of Plaza Rd Ext. being the point of localization and having NC state plane NAD83(2011) coordinates: N 560,668.01', E 1,501,496.65, thence S 03°20'19" W 51.50' to a #4 rebar on the northern line of that American Druze Society parcel (DB 26245, PG 905) being the point of beginning of the herein described tract. Thence, in a clockwise direction with said Druze line, S 69°05'48" W 36.14' to a calculated point on the approximate Mecklenburg/Cabarrus county line; thence, with said approximate county line N 14°33'39" W 826.38' to a calculated point on the western line of that Julius and Martha T Hooks parcel (DB 724, PG 798); thence, with said Hooks parcel, the following three calls: (1) S 23°13'42" E 51.75' to a #6 rebar (2) S 83°22'37" E 191.99' to a bent 1/2" iron pipe (3) S 83°22'37" E 30.32' to a calculated point in the centerline of Plaza Rd Ext.; thence, with said centerline of Plaza Rd. Ext., The following three calls: (1) S 01°36'41" E 188.52' to a calculated point (2) S 01°43'20" E 162.92' to a calculated point (3) S 01°48'52" E 354.56' to a calculated point; thence, leaving said centerline of Plaza Rd Ext. S 69°05'48" W 22.62' to the Point of Beginning, containing 103,280 Square Feet, 2.371 Acres, more or less.

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.

Steven J. Sciascia, Mayor

ATTEST:

Janet Rackley, Clerk

SEAL OF THE TOWN OF HARRISBURG NORTH CAROLINA 1973

ORDINANCE #7019

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF HARRISBURG, NORTH CAROLINA

WHEREAS, the Town of Harrisburg has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town of Harrisburg has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town of Harrisburg Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held (virtually) at Harrisburg Town Hall, 4100 Main Street, Suite 101, Harrisburg, N.C. on June 14th, 2021, after due notice by Independent Tribune; and

WHEREAS, the Town of Harrisburg finds that the area described therein meets the standards of G.S. 160A-58,1(b), to wit:

a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Harrisburg;
b. No point of the proposed satellite corporate limits is closer to another municipality than to the Town of Harrisburg;
c. The area described is so situated that the Town of Harrisburg will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Harrisburg; and

WHEREAS, the Town Council further finds that the petition has been signed by all owners of the real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Harrisburg and of the area proposed for annexation will best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Harrisburg of Harrisburg, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Harrisburg:

Being that certain tract of land containing a portion of parcels 55061132650000, 55061140090000, 55061048540000 in Cabarrus County North Carolina. Said combined tract of land being bounded on the East by Plaza Road Extension (60' right of way MB 15, PG 49& 51 Cabarrus county) and on the West by Interstate 485 and being more particularly described as follows:
Commencing at a nail (#900) on the west side of Plaza Rd Ext. being the point of localization and having NC state plane NAD83(2011) coordinates: N 560,668.01', E 1,501,496.65, thence S 03°20'19" W 51.50' to a #4 rebar on the northern line of that American Druze Society parcel (DB 26245, PG 905) being the point of beginning of the herein described tract. Thence, in a clockwise direction with said Druze line, S 69°05'48" W 36.14' to a calculated point on the approximate Mecklenburg/Cabarrus county line; thence, with said approximate county line N 14°33'39" W 826.38' to a calculated point on the western line of that Julius and Martha T Hooks parcel (DB 724, PG 798); thence, with said Hooks parcel, the following three calls: (1) S 23°13'42" E 51.75' to a #6 rebar (2) S 83°22'37" E 191.99' to a bent 1/2" iron pipe (3) S 83°22'37" E 30.32' to a calculated point in the centerline of Plaza Rd Ext.; thence, with said centerline of Plaza Rd. Ext., The following three calls: (1) S 01°36'41" E 188.52' to a calculated point (2) S 01°43'20" E 162.92' to a calculated point (3) S 01°48'52" E 354.56' to a calculated point; thence, leaving said centerline of Plaza Rd Ext. S 69°05'48" W 22.62' to the Point of Beginning, containing 103,280 Square Feet, 2.371 Acres, more or less.

Map recorded at Cabarrus County Register of Deeds, Book _____ Page _____

Section 2. Upon and after July 12th, 2021, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in forced in the Town of Harrisburg and shall be entitled to the same privileges and benefits as other parts of the Town of Harrisburg. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Harrisburg shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the Cabarrus County Board of Election, as required by G.S. 163-288.1.

Adopted this 12th day of July, 2021

_____
Steven J. Sciascia, Mayor

ATTEST:

_____
Janet Rackley, Town Clerk

TOWN OF HARRISBURG

Agenda Item Details

Title:
Discussion of Changes to the Town of Harrisburg Stormwater Ordinance and to Set a Public Hearing for August 9, 2021 to Consider Such Changes.

Presenting Personnel:
Mallory Hodgson, Project Manager

Suggested Motion or Action:
Motion to set a public hearing for the August 9, 2021 Town council meeting to consider changes to the Town Stormwater Ordinance

Description/Background:
At the June 2021 Town Council Meeting, Staff presented options for improvements to the Town's policy on post construction stormwater pond escrow account management. In order to implement the changes, Town staff will make revisions to the Stormwater Ordinance.

The Town, in close coordination with the Town Council, proposes to change the developer contribution into an escrow account to be used by the HOA for pond maintenance from 15% to 25% of the initial construction costs associated with the pond. The Total contribution will be dropped from 100% of the initial construction costs to 75%. 50% of the initial construction cost shall be contributed by the HOA over a 15 year period starting when the Town accepts maintenance and ownership responsibility of the subdivision streets.

Recommendation:
Staff recommends setting a public hearing for the August 9th Town Council meeting to consider changes to the Town Stormwater Ordinance.

Fiscal Impact:
There is no fiscal impact to changing the stormwater ordinance, all work will be performed with Town staff.

Attachments:
None

TOWN OF HARRISBURG

Agenda Item Details

Title:
Discussion of Disc Golf Course at Harrisburg Park.

Presenting Personnel:
James Spina, Parks and Recreation Director

Suggested Motion or Action:
None at this time.

Description/Background:
At the June 14, 2021 Town Council meeting, Council approved staff to move forward with entering into a contract with a company to design and install a 9-hole disc golf course at Harrisburg Park for an amount up to $10,000.

Town Council would like to further discuss this at the July 12, 2021 Town Council meeting.

Recommendation:
None at this time.

Fiscal Impact:
n/a

Attachments:
None

TOWN OF HARRISBURG

Agenda Item Details

Title:
Consideration of next steps for the Law Enforcement Study.

Presenting Personnel:
Lee Connor, Assistant Town Manager

Suggested Motion or Action:
Staff is requesting direction from Town Council on next steps with the proposed law enforcement study.

Description/Background:
On October 12, 2020, Town Council was presented with a law enforcement study by David Graham with U.S. ISS Agency, LLC. This study provided a feasibility study for what it would take from an organizational and infrastructure basis to create a full-service Town Police Department. This is in comparison to our current relationship with the Cabarrus County Sheriff's Office contracting with the Town to operate a Harrisburg Division dedicated to the Town's law enforcement needs.

Summary of costs from the proposed Law Enforcement Study:

- Total startup costs - $2,995,522.50
- Total annual expenses - $3,838,458.06 (includes 37 police department employees)
- Additional costs identified as one more HR staff ($67k annually) and one more IT staff ($90k annually) which are not included in the number above
- This study proposed that the police department would be housed in Town Hall (once YMCA moves out) and the Harrisburg Train Station. If a self contained police department was built, the startup costs would be significantly higher
- Total average cost per patrol division (officer to Sgt) - $94,406 not including vehicles
- Pennies on tax rate to cover annual cost (14.02 cents)

Current contract with Cabarrus County Sheriff's Dept:

- Total FY2022 budget, including vehicle replacements - $1,586,050
- Total of 19 deputies (17 Harrisburg paid and 2 Cabarrus County paid)
- Average cost of patrol division (deputy to Sgt) - $74,126 not including vehicles
- Pennies on tax rate to cover annual cost (5.57 cents)

At the conclusion of that study presentation, Town Council did not vote on whether to accept the study. Rather, Council gave the direction of the next step being a workshop to further discuss the study by itself. To date, this has not been done. Staff is requesting updated direction as to what Council would like the next steps to be.

Recommendation:
n/a

Fiscal Impact:
None unless study is adopted.

Attachments:
None

TOWN OF HARRISBURG

Agenda Item Details

Title:
Consideration of Resolution Accepting American Rescue Plan Act (ARPA) Funds.

Presenting Personnel:
Brian Lee, Finance Director

Suggested Motion or Action:
Motion to approve the attached Resolution Accepting American Rescue Plan Act (ARPA) Funds.

Description/Background:
The Coronavirus State and Local Fiscal Recovery Funds are intended to provide a substantial infusion of resources to assist in addressing the economic fallout from the pandemic as well as lay a foundation for a strong recovery.

The Town is considered a non-entitlement municipality. This means that the Town is included in the distribution pool of $19.5 billion across the State. If any municipalities in the group did not apply, do not accept, or are required to return the funds in the future, those funds are returned to the pool and distributed to the group proportionally. Any additional distributions will be presented to Council for acceptance in the future.

The Town has been officially notified from the Governor's office that we are scheduled to receive **$5,282,728.83**. The first disbursement will be received in FY2022 (calendar year 2021) in the amount of $2,641,364.42. The second disbursement will be received no sooner than one year after the first disbursement and can vary depending on funds returned by other units.

The Town has until December 31, 2024 to use or encumber (signed contract in place) these funds. For those funds encumbered but not spent as of December 31, 2024, there is a two year period expiring on December 31, 2026, to finish any associated work and make final payments.

The funds can only be used for the following allowable purposes:
- Support public health expenditures, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic (Not applicable for the Town of Harrisburg);
- Provide premium pay for essential workers, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors;
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

The attached resolution accomplishes the following tasks:
- Formally accept the total allocation of ARPA funds;

- Ratify the application submitted by the Finance Director to the NC Pandemic Recovery Office (NC PRO) and the State Treasurer's Office;
- Ratify the acceptance by the Town Manager of the notice of award from the Governor's Office; and
- Designate the Town Manager (Interim) and Finance Director to take all actions deemed reasonably necessary on behalf of Town Council to apply for, receive, and administer the funds in accordance with all applicable laws, regulations, and guidance;

Next Steps:
- Town staff will accumulate potential uses of funds, within the allowable uses of the program, and present options and recommendations to Council for appropriation after the initial deposit is received;
- Guidance is continuing to come out from the Treasury, NC Treasurer's Office, NC OMB, and various other State resources that is shaping how the funds may be used. State agencies are advising local governments to take the time to fully understand options and restrictions and ultimately use the funds in a transformative manner, and take advantage of the almost-four year window of time to encumber the funds for use.
- A Grant Project Ordinance will be adopted to account for the funds in a separate accounting fund, ensuring the funds are not co-mingled with other revenues.

Recommendation:
Staff recommends adoption of the attached Resolution Accepting American Rescue Plan Act (ARPA) Funds.

Fiscal Impact:
The fiscal impact to the Town in FY2022 is revenue in the amount of $2,641,364.42 and total revenue of at least $5,282,728.83 over the multi-year life of this grant.

As previously stated, the expenditures will be directed by Council as allowable uses of the funds are presented by staff for consideration prior to 12/31/2024.

This grant has an impact to the Finance Department, in particular, due to the required grant monitoring and reporting beginning in July 2021 and carrying through to the conclusion of the grant ordinance. In addition to the standard grant requirements, tasks, and added reporting, the Town will be subject to a Federal Single Audit for each fiscal year in which the Town expends more than $750,000 of any federally granted funds, which include ARPA funds. A Federal Single Audit over compliance with the requirements of the grant does result in an increased annual audit fee; however, this increase can be funded with the grant funds, rather than impacting normal operations.

Attachments:
1. Resolution Accepting ARPA Funds 07122021

Harrisburg NC
The right side of opportunity

RESOLUTION ACCEPTING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

WHEREAS, the Town of Harrisburg is eligible to receive funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF) directly from the US Treasury Department currently estimated in the total amount of $5,282,728.83, and has applied for the first tranche of said funds in the amount of $2,641,364.42; and

WHEREAS, all funding received under the CSLRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes, and must also be spent only for certain purposes specifically authorized by the CSLRF (including applicable regulations and guidance of the US Treasury Department), and also in compliance with the laws and applicable regulations of the State of North Carolina; and

WHEREAS, in accordance with the foregoing, the Town of Harrisburg must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for all CSLRF funds; and

WHEREAS, the Town Council is required to take formal action through the passage of this Resolution to formally approve the application for and formally accept the CSLRF funds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg as follows:

1. That the Town Manager and Town Finance Officer are designated and directed to take all actions deemed reasonably necessary on behalf of the Town Council to apply for, receive, and administer the CSLRF funds in accordance with all applicable federal and state laws, regulations, and guidance; and

2. That the previously submitted application for eligible CSLRF funding submitted by the Town Manager and Town Finance Officer on behalf of the Town of Harrisburg is hereby ratified and approved; and

3. That all such CSLRF funding for which the Town of Harrisburg is eligible which has been or will be distributed by the US Treasury Department and which is received by the Town of Harrisburg is hereby accepted subject to all applicable federal and state laws, regulations, and guidance; and

Adopted this 12th day of July, 2021.

_____
Steve Sciascia, Mayor

_____
Janet Rackley, Town Clerk