



**TOWN OF HARRISBURG, NORTH CAROLINA  
HARRISBURG TOWN HALL  
PLANNING AND ZONING BOARD MEETING**

**November 19, 2024  
6:00 PM**

**AGENDA**

**1. CALL TO ORDER**

**A. PUBLIC ACCESS TO LIVE MEETING VIA YOUTUBE**

Harrisburg Town Hall's Council Chambers will be open for the public to attend the meeting in person. The public has the option to watch the meeting virtually via the YouTube platform using the link below or attend in person.

**All persons wishing to address the Board for public comment or speak to a specific agenda item must be present in person.**

<https://www.youtube.com/@HarrisburgNC/streams>

**B. AGENDA ADOPTION**

**C. SPECIAL PRESENTATIONS**

**D. PUBLIC COMMENT - Anyone wishing to address the Board 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. Consideration of Approval of minutes from September 17, 2024 meeting**

**3. OLD BUSINESS**

**4. NEW BUSINESS**

**A. H-2024-01-S: McKinley Subdivision Preliminary Plat**

**B. H-2024-01-TA Text Amendments of Various Chapters of the Unified Development Ordinance**

**5. STAFF UPDATES/INFORMATION**

**A. Criteria Worksheet for Planning Board Use**

**6. ADJOURNMENT**

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**Vision Statement**

Harrisburg will be a distinctive, family-focused community where memories are made.

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**Mission Statement**

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Together, we enhance our quality of life by collaborating, planning, and investing to create our community of choice.

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## TOWN OF HARRISBURG

### Agenda Item Details

**Title:**

Consideration of Approval of minutes from September 17, 2024 meeting

**Presenting Personnel:**

Carly Bedgood, Planning Support Specialist

**Suggested Motion or Action:**

Motion to approve minutes of September 17, 2024 as presented.

**Description/Background:**

Attached are the minutes from September 17th, 2024 Planning Board Meeting.

**Recommendation:**

Approved as presented.

**Fiscal Impact:**

None.

**Attachments:**

1. PZ MINS SEP 17 24

**TOWN OF HARRISBURG, NORTH CAROLINA  
PLANNING & ZONING BOARD MEETING  
TUESDAY, SEPTEMBER 17, 2024  
6:00 PM**

**MINUTES**

**PRESENT:** Chairman, Monica Long, Vice-Chairman, Bill Leake, Suzi Schoonmaker, Kez Hubler, Jessica Fava

**ABSENT:** Jeremiah Norberg, Steven Larson, Faith Silva

**STAFF:** Zac Gordon, Planning Director, Shelley DeHart, Assistant Planning Director, Carly Bedgood, Planning Technician

**1. CALL TO ORDER**

**A. AGENDA ADOPTION**

Jessica Fava made a motion to adopt the agenda as presented. Bill Leake seconded the motion. **The motion passed 4-0.**

**B. SPECIAL PRESENTATIONS**

None.

**C. PUBLIC COMMENT**

None.

**2. CONSENT AGENDA**

A. Consider adoption of minutes from August 20, 2024, Planning and Zoning Board meeting.

**MOTION:** Jessica Fava made a motion to approve the minutes, second by Suzi Schoonmaker. **The motion passed 4-0.**

**3. OLD BUSINESS**

**4. NEW BUSIENSS**

**5. STAFF UPDATES/INFORMATION**

**A. Training: Zoning Map Amendments and Text Amendments.**

Assistant Planning Director, Shelley DeHart presented an overview about zoning in the Town stating that every piece of property in Harrisburg has a certain zoning classification. All different zoning classifications identify certain performance standards, a list of uses that are available either by right or special use permits. A zoning map amendment is when you are changing the zoning classification on a property. There are a few reasons this may occur: change allowable uses on a property, the Town may want to facilitate development for a targeted use, annexation or tied to a



**TOWN OF HARRISBURG, NORTH CAROLINA  
PLANNING & ZONING BOARD MEETING MINUTES  
SEPTEMBER 17, 2024**

development proposal. The property owner, Town or an applicant with property owners' consent may initiate a map amendment. The map amendment process is a legislative act that requires the Board to make two findings for approval they are: the amendment is consistent or inconsistent with adopted comprehensive plans, and it is a reasonable request and in the public interest. There are two types of map amendments which are Conventional and Conditional zoning districts. Conventional zoning district is allowed by right or could be subjected to limitations or could be allowed by a special use permit. A Conventional zoning classification cannot be conditioned but all future developments on that property do have to comply with all development regulations within the UDO. A Conditional Zoning district is a custom zoning district that must have a site plan attached to it. This type of zoning can have conditions attached to it.

Planning Director, Zac Gordon then gave a brief overview of Text Amendments. Text amendments are a legislative review process which can be initiated by town staff, town boards, town council, or citizens. The ordinance is land use law, and it is a guidebook for regulations. By state law, any change to the ordinance must go to the Planning and Zoning board with a recommendation to the Town Council. Any UDO (Unified Development Ordinance) Text Amendments officially changes the text of the UDO. A text amendment can be processed at any time. A few reasonings a text amendment may occur changes in state law, problems with implementation, development proposals, changes in building codes or uses.

After both presentations, a few questions came from the Board Members. Vice Chair, Bill Leake asked if there was a way the Planning Board members can get the minutes, or staff reports from the Town's Development Review (DRC) committee. Board Member Fava added to this question by stating the board would like to know what the fire department and sheriff's department say about the proposed projects that are brought to the DRC meetings. Assistant Planning Director, Shelley DeHart answered that a lot of projects that come to our DRC meeting are staff level discussions on project and other development that may, or may not, ever reach light of day or come before the Board for a decision. We will follow up with a discussion with the DRC and management about this issue. Vice Chair Leake also mentioned if the Planning Board could get on the neighborhood meeting notifications. Board Member Hubler asked if the board could bring an open discussion regarding a tree-saving text amendment during the updates of the UDO to keep all projects consistent. Planning Director Zac Gordon answered that this will be a large part of the UDO updates, and the Board and public will get to see the draft updates to include any comments or recommendations before it is approved.

## **6. ADJOURNMENT**

**MOTION:** There being no further business, Jessica Fava made a motion to adjourn, with a second from Suzi Schoonmaker. **The motion passed 4-0.**

**TOWN OF HARRISBURG, NORTH CAROLINA  
PLANNING & ZONING BOARD MEETING MINUTES  
SEPTEMBER 17, 2024**

Adopted on the 19<sup>th</sup> of November 2024

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Monica Long, Chairperson

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Carly Bedgood, Secretary



## TOWN OF HARRISBURG

### Agenda Item Details

**Title:**

H-2024-01-S: McKinley Subdivision Preliminary Plat

**Presenting Personnel:**

Shelley DeHart, Assistant Planning Director

**Suggested Motion or Action:**

Recommend approval of the preliminary plat to Town Council.

**Description/Background:**

A 60-lot conditional zoning map amendment was approved by Town Council on August 12, 2024. The next step towards development is to obtain approval of the preliminary plat prior to submitting the construction documents. The preliminary plat is reviewed for compliance of the approved rezoning plan by the Town Council as conditioned.

**Recommendation:**

Motion to approve as presented.

**Fiscal Impact:**

N/A

**Attachments:**

1. H-2024-01-S\_McKinley\_PB Report
2. Exhibit A\_McKinley\_Application and Recommended Plat
3. Exhibit B\_McKinley\_Signed Ordinance of Approval
4. Exhibit C\_Section 145.01.07-A



## Planning and Zoning Department

### Staff Report – Planning and Zoning Board H-2024-01-S: McKinley Subdivision Preliminary Plat

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**DATE:** November 19, 2024

**SUBJECT:** **H-2024-01-S: McKinley Subdivision Preliminary Plat**  
Request for approval of the preliminary plat associated with  
H-2023-03-R: McKinley Subdivision Conditional Zoning  
approved by the Town Council on August 12, 2024.

**LOCATION** 9820 Lower Rocky River Rd (PINs#5526-14-5424 & 5526-21-8401)

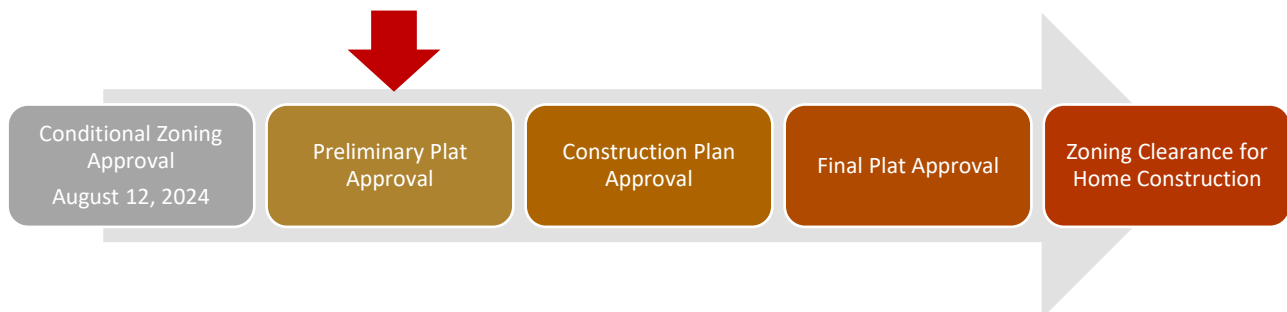
**APPLICANT:** Steve George of the CSC Group

**PROPERTY OWNER:** Bethesda Association LLC & Rocky Investments LLC  
Represented by Steve George

**Staff Report Prepared by:** Christine Hamlett, Senior Planner

#### APPLICATION SUMMARY:

- The applicant is requesting approval of the preliminary plat for the McKinley Subdivision, authorized with the approval of H-2023-03-R McKinley Map Amendment on August 12, 2024. This approval authorized the development of a 190-acre site to accommodate a 60-lot, single-family residential community with conditions of approval (see Attachment B – Ordinance of Approval).
- The applicant is required to obtain approval of the preliminary plat prior to submitting construction plans.



- The preliminary plat application has been reviewed by the Development Review Committee (DRC) and found to be in-compliance with the Unified Development Ordinance (UDO) and the associated conditional zoning approval (H-2023-03-R).

## STAFF ANALYSIS

Town staff has received and found that pursuant to the UDO, the preliminary plat has met the requirements of the “Common Decision Criteria.”

### **Common Decision Criteria (Section 145.01.07):**

1. The request complies with the applicable standards of this UDO and the Town Code, and the applicant to provide proof of compliance with any preceding and applicable county, state, or federal requirements.
  - This preliminary plat complies with the UDO; however, the applicant shall continue towards the construction plan process and meet compliance and permitting for the county, state, and federal requirements.
2. The project conforms to any associated prior approval for the development.
  - Yes, the project is consistent with the map amendment H-2023-03-R which was approved by the Town Council at its August 12, 2024, meeting.
3. The request promotes the purposes of the UDO criteria.
  - HALUP - The preliminary plat is consistent with the HALUP with the proposed low-density development and conservation design.
  - Public Health & Safety – The preliminary plat protects public health, safety, and environmental quality by providing a compatible housing choice, effective traffic design, and fire safety infrastructure.
  - Quality of Life – The preliminary plat includes site design and landscaping to promote walkability, provide connectivity between neighborhoods, protect scenic open areas, and include public and private amenities.
  - Economic Development – The preliminary plat encourages the expansion of public and private infrastructure, provides roadway capacity, and promotes economic viability in the area.
4. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
  - The preliminary plat is associated with the approved map amendment H-2023-03-R that includes safety features for public health and general welfare.

Staff recommends that the Planning and Zoning Board make a recommendation to the Town Council for approval of the proposed preliminary plat for the McKinley subdivision.

## RECOMMENDED ACTIONS:

Receive the report, public comment, and render a recommendation to approve, approve with modifications, or disapprove the preliminary plat to Town Council.

Attachment A – Application and Preliminary Plat for McKinley subdivision (H-2024-01-S)

Attachment B – H-2023-03-R McKinley Subdivision Signed Ordinance of Approval

Attachment C – UDO Section 145.01.07: Common Decision Criteria

# Subdivision Application

## 1. Application Type (select all that apply)

☐ Minor ☒ Major ☒ Preliminary Plat ☐ Final Plat

## 2. Project Information

- a. Project Name: McKinley Subdivision
- b. Project Location/Address: No address assigned - 500 ft North of Lower Rocky River Rd & Pioneer Mill Rd
- c. Tax Map and Parcel Number (PIN): 5526-21-8401 & 5526-14-5424
- d. Zoning: Existing: CZ-RL Conservation Subdivision Proposed: N/A
- e. Land Use: Existing: Wooded/Vacant Proposed: Single Family Detached Subdivision
- f. Description of Request (attach separate sheet if needed):

Request for review of a preliminary plat for the McKinley Subdivision project. Rezoning Case number H-2023-03 R. 60 lot single family subdivision.

## 3. Contact Information

- a. Project Manager/Contact Person: Andrew Allison
- Company: Timmons Group
- Address: 610 E Morehead St, Suite 250 City, State, Zip: Charlotte, NC 28202
- Phone Number: 704.227.1564 Email Address: andrew.allison@timmons.com
- b. Applicant Name (if different than above): Steve George
- Company: The CSC Group
- Address: 600 Park Offices Dr, Suite 372 City, State, Zip: Durham, NC 27709
- Phone Number: 919.815.9987 Email Address: steve@thecscgrp.com
- c. Owner Name: Steve George
- Company: Bethesda Investments, LLC & Rocky Investments, LLC
- Address: 600 Park Offices Dr, Suite 372 City, State, Zip: Durham, NC 27709
- 205 Iveyshaw Rd, Cary, NC 27519 Cary, NC 27519
- Phone Number: 919.815.9987 Email Address: steve@thecscgrp.com

#### 4. Owner's Consent

Steve George ("Owner") certifies that it is the owner of the property located at 500 ft North of Lower Rocky River Rd & Pioneer Mill Rd ("Subject Property") and expressly consents to the use of the Subject Property as described in this application and to all conditions that may be agreed to as a part of the approval of this application, which may be imposed by the decision making board.

Owner hereby authorizes, Timmons Group as agent, to file this application and represent Owner at any and all meetings and hearings required for the approval of this application.

Owner's Signature: \_\_\_\_\_

Date: 9/12/24

#### 5. Affidavit of Completeness and Accuracy (to be completed by the individual submitting the application)

Project Name: McKinley Subdivision

Submittal Date: 09/13/2024

##### STATEMENT OF COMPLETENESS AND ACCURACY:

I hereby certify all property owners have full knowledge the property they own is the subject of this application. I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related application material and all attachments become official records of the Planning and Zoning Department of Harrisburg, North Carolina, and will not be returned.

I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit. I further acknowledge that additional information may be required to process this application. I further consent to the Town of Harrisburg to publish, copy or reproduce any copyrighted documents submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Applicant Name: Steve George

Applicant Signature: \_\_\_\_\_

## 6. Staff Use Only:

### Record of Process

Date Received: 9/13/2024

Application Number: H-2024-01-S

Is Application Complete? ☒ Yes ☐ No

Public Hearing Date(s): \_\_\_\_\_

Published Notice Date: \_\_\_\_\_

Mailed Notice Date: \_\_\_\_\_

Posted Notice Date: \_\_\_\_\_

Final Action Applicant Notification Mailed Date: \_\_\_\_\_

Town Staff Signature: \_\_\_\_\_

### Record of Decision

Reviewed By: \_\_\_\_\_

Recommendation: ☐ Approve ☐ Deny

Final Action: ☐ Approve ☐ Deny



## 7. Required Attachments

### All development application submittals must be accompanied by:

- Applicable fee(s) (see Master Fee Schedule in Appendix B of the Development Guidebook);
- Attachments listed in under the pertinent application;
- Case numbers of other related development applications; and
- Any additional information or attachments required by the Town Attorney, Director or other Town staff, Historic Preservation Commission, Planning and Zoning Board, Board of Adjustment, or Town Council.

**Consult staff during pre-application meeting for any required paper copies consult staff during pre-application meeting for any required paper copies.**

#### Minor Subdivision

1. A digital (PDF) of minor plat (black and blue lines).  
Plat must contain elements listed for "Preliminary Plat"

#### Major Subdivision (Preliminary Plat)

1. A digital (PDF) of preliminary plat (black and blue lines) that includes the following elements:
  - a. Title
  - b. Vicinity map
  - c. Legal description including township, county, and state
  - d. Date(s) of survey
  - e. Date of any revisions to the plat
  - f. North arrow and declaration
  - g. Scale in feet per inch and bar graph
  - h. Name and address of the owner(s)
  - i. Name, address, registration number and seal of engineer and/or surveyor
  - j. Tract boundaries shown by a heavy line including all bearings and distances
  - k. Intersecting boundaries of adjoining lands
  - l. Location, purpose, and dimensions of areas to be used for other than residential purposes
  - m. Boundaries of floodways and one hundred-year flood plains + RSOD with no build buffer (if applicable)
  - n. Flood Panel(s)
  - o. Total acreage
  - p. Total number of lots
  - q. Lots numbered consecutively throughout the subdivision
  - r. Names of owners of adjoining properties
  - s. Building setbacks in table format
2. Street Name Review and Conformation form
3. Required number of copies of the Transportation Impact Analysis (Number of copies to be submitted to be determined at pre-submittal meeting)
4. List of who will provide utilities (public and private)

#### Major Subdivision (Final Plat)

1. A digital (PDF) of final plat (black and blue lines) that includes elements listed for "Preliminary Plat"
2. Letter of credit/bond reviews for performance and maintenance bonds and associated fees (Forms can be found at <https://harrisburgnc.org/270/Forms-Applications>)
3. Street Name Review and Conformation form (if streets have not already been approved/placed on reserve)

S:\10445805-Lower Rocky River Rd (CSC Group)\DWG\Sheet\Plat\45805-C000-COVER.dwg | Plotted on 11/14/2024 3:54 PM | by Elite Station

LEGEND

SEWER

- 8" SAN EXISTING SANITARY SEWER
- 8" SAN SANITARY SEWER
- 1 SANITARY MANHOLE NUMBER
- EX SANITARY MANHOLE
- SANITARY MANHOLE
- EXISTING CLEAN OUT
- CLEAN OUT

WATER

- 16" W EXISTING WATER LINE
- 8" W WATER LINE
- EXISTING WATER VALVE
- WATER VALVE
- WATER METER
- EXISTING FIRE HYDRANT
- FIRE HYDRANT
- WATER LINE PLUG
- WATER LINE TEE

MISCELLANEOUS UTILITIES

- EXISTING UTILITY POLE
- EXISTING OVERHEAD ELECTRIC

SITE

- EXISTING STORM SEWER
- STORM SEWER
- EX DROP INLET
- 1 DROP INLET & STRUCTURE NUMBER
- CATCH BASIN
- DOUBLE CATCH BASIN
- DROP INLET
- FLARED END SECTION
- EXISTING STORM SEWER MANHOLE
- STORM SEWER MANHOLE
- CURB & CUTTER
- PROPERTY LINE
- BENCH MARK
- LIMITS OF CONSTRUCTION
- EXISTING TREE LINE
- EXISTING SHRUB
- EXISTING TREE
- EXISTING FENCE
- FENCE
- EXISTING CONTOUR
- CONTOUR
- T/C 95.32 E/P 95.32 SWL 95.32 SPOT ELEVATION
- C/L SWALE
- EXISTING SIGN
- SIGN
- PROPERTY MARKER FOUND / ROD FOUND
- PIPE FOUND
- MONUMENT FOUND

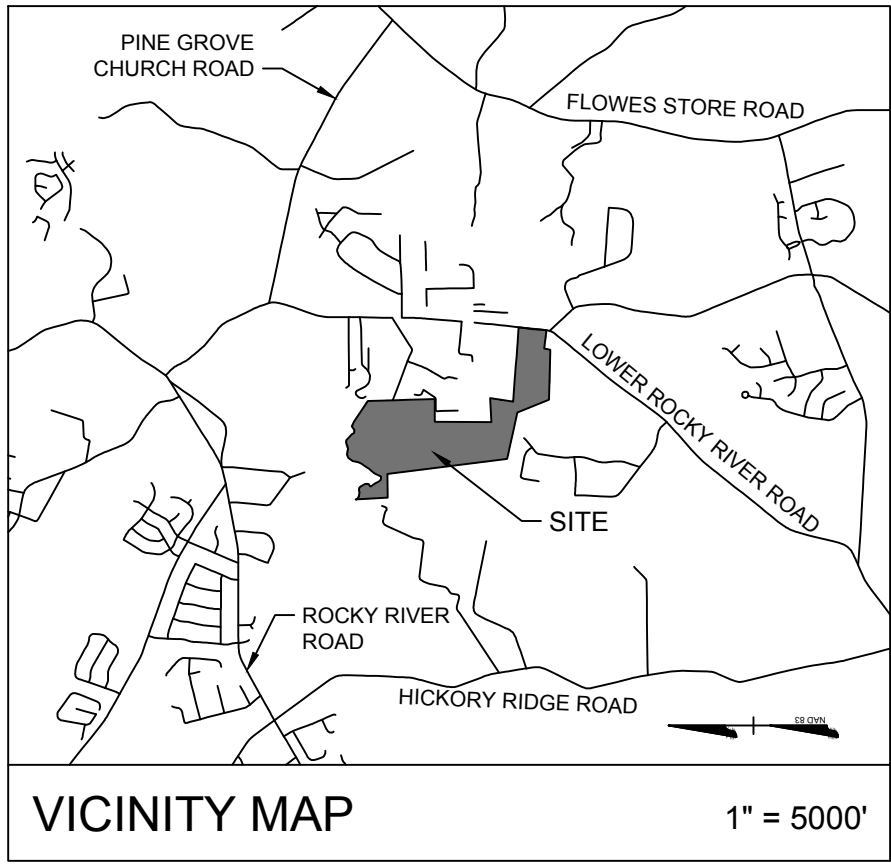
# MCKINLEY SUBDIVISION

## PRELIMINARY PLAT

### HARRISBURG, NORTH CAROLINA



SITE MAP



Sheet List Table

| Sheet Number | Sheet Title                                    |
|--------------|------------------------------------------------|
| C-000        | COVER SHEET                                    |
| C-001        | EXISTING CONDITIONS                            |
| C-002        | SITE DETAILS                                   |
| C-003        | PRELIMINARY PLAT                               |
| C-004        | SITE, STORM DRAINAGE, AND UTILITY PLAN OVERALL |
| C-005        | SITE, STORM DRAINAGE, AND UTILITY PLAN         |
| C-006        | SITE, STORM DRAINAGE, AND UTILITY PLAN         |
| C-007        | SITE, STORM DRAINAGE, AND UTILITY PLAN         |
| C-008        | SITE, STORM DRAINAGE, AND UTILITY PLAN         |
| C-009        | OFFSITE SEWER CONNECTION                       |
| C-010        | HOSE PULL MAP                                  |
| C-011        | HOSE PULL MAP                                  |
| C-012        | HOSE PULL MAP                                  |
| C-013        | HOSE PULL MAP                                  |
| C-014        | OPEN SPACE & AREA SUMMARY MAP                  |
| C-015        | LOWER ROCKY RIVER ROAD TURNING MOVEMENTS       |
| C-016        | LOWER ROCKY RIVER ROAD IMPROVEMENTS            |
| C-017        | PLANTING PLAN OVERALL                          |
| C-018        | PLANTING PLAN NOTES                            |
| C-019        | PLANTING PLAN                                  |
| C-020        | PLANTING PLAN                                  |
| C-021        | PLANTING PLAN                                  |
| C-022        | PLANTING PLAN                                  |
| C-023        | TREE SURVEY                                    |

DEVELOPER

CSC GROUP  
600 PARK OFFICES DRIVE, SUITE 372  
DURHAM, NC 27709  
CONTACT: STEVE GEORGE  
PHONE: 919.815.9987  
EMAIL: STEVE@THECSCGRP.COM

PROPERTY OWNERS

PARCEL ID: 55261454240000  
BETHESDA INVESTMENTS, LLC  
600 OFFICES DRIVE, DURHAM, NC 27709  
  
PARCEL ID: 55261454240000  
ROCKY INVESTMENTS, LLC  
205 IVYSHAW ROAD, CARY, NC 27519

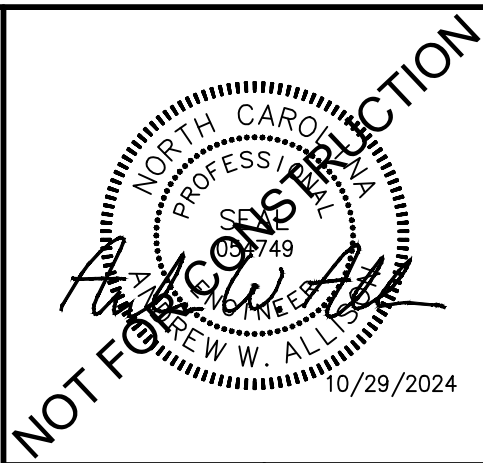
SUBMITTED BY:

CIVIL/LANDSCAPE

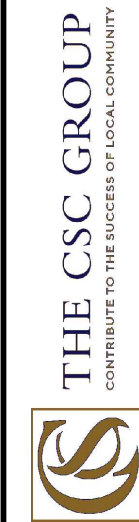
TIMMONS GROUP  
610 E. MOREHEAD STREET, SUITE 250  
CHARLOTTE, NC 28202  
ENGINEER OF RECORD: ANDREW ALLISON, P.E.  
PHONE: 704.227.1564  
EMAIL: ANDREW.ALLISON@TIMMONS.COM



- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TOWN OF HARRISBURG SPECIFICATIONS.
- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.



THIS DRAWING PREPARED AT THE  
**CHARLOTTE OFFICE**  
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202  
TEL 704.602.8600 FAX 704.576.1076 www.timmons.com



YOUR VISION ACHIEVED THROUGH OURS.

# TIMMONS GROUP

NORTH CAROLINA LICENSE NO. C-1652

## MCKINLEY SUBDIVISION

HARRISBURG, NORTH CAROLINA

### COVER SHEET

JOB NO.  
**45805**

SHEET NO.  
**C-000**











ZONING CODE SUMMARY:

PROPERTY OWNER: BETHESDA INVESTMENTS, LLC  
600 OFFICES DRIVE, DURHAM, NC 27709  
ROCKY INVESTMENTS, LLC  
205 IVEYSHAW ROAD, CARY, NC 27519

TOTAL SITE ACREAGE: 190.521± ACRES  
FLOOD PANEL: 5526 MAP DATE 11/16/2018  
TAX PARCEL #S: 5526-21-8401 & 5526-14-5424  
EXISTING ZONING: CZ-RL CONSERVATION SUBDIVISION  
PROPOSED ZONING: CZ-RL CONSERVATION SUBDIVISION  
EXISTING USE: VACANT  
PROPOSED USE: SINGLE FAMILY - DETACHED  
NUMBER OF LOTS: 60 LOTS (50 LOTS PHASE 1; 10 LOTS PHASE 2)  
MAXIMUM DENSITY: 2.0 UNITS PER ACRE  
DENSITY PROVIDED: 60 / 190.521 = 0.32 UNITS PER ACRE (LOW DENSITY)

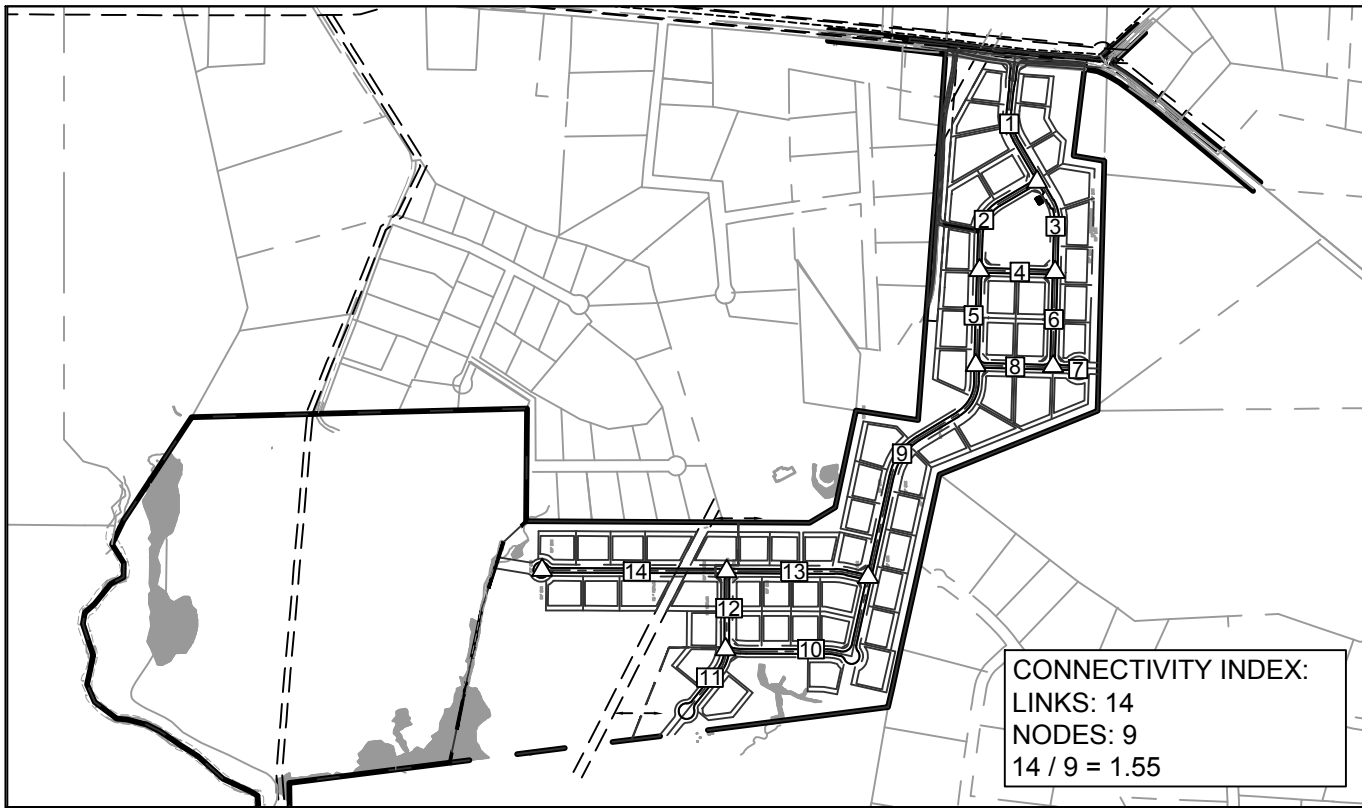
REQUIRED FRONT SETBACK: 25' (MIN.)  
REQUIRED REAR SETBACK: 25' (MIN.)  
REQUIRED SIDE SETBACK: 10' (MIN.)  
REQUIRED EXTERIOR SIDE SETBACK: 20' (MIN.)  
MINIMUM GARAGE SETBACK: 20' FROM PROPERTY LINE (SIDES)  
REQUIRED LOT WIDTH: 75' (MIN.)  
PROPOSED LOT DEPTH: 112' (MIN.) (VARIES)  
REQUIRED LOT SIZE: 21,780 SF (MIN.)  
LOT AREA RANGE/AVERAGE LOT AREA: 26,708-61,298 SF / AVG. 34,861 SF  
MAXIMUM LOT COVERAGE: 35%  
MAXIMUM BUILDING HEIGHT: 35'

REQUIRED CONNECTIVITY RATIO: 1.40  
PROVIDED CONNECTIVITY RATIO: 1.55  
LINKS: 14  
NODES: 9

TOTAL SITE AREA = 190.521± ACRES  
\*PERIMETER BUFFER= 19.55± ACRES  
\*ROAD RIGHT-OF-WAY AREA = 12.88± ACRES  
\*RESIDENTIAL LOT AREA = 48.04± ACRES  
\*EASEMENT AREA = 9.30± ACRES  
FLOODPLAIN AREA = 30.02± ACRES  
FLOODWAY AREA = 10.49± ACRES  
INACCESSIBLE SLOPES = 0.13± ACRES  
\*STORMWATER DETENTION AREA = (SEE LOW DENSITY - STORMWATER NOTES)  
\*PROVIDED ACREAGES AND PERCENTAGES MAY BE MODIFIED DURING CONSTRUCTION DOCUMENT PROCESS AS LONG AS TOWN ORDINANCE REQUIREMENTS ARE MET.

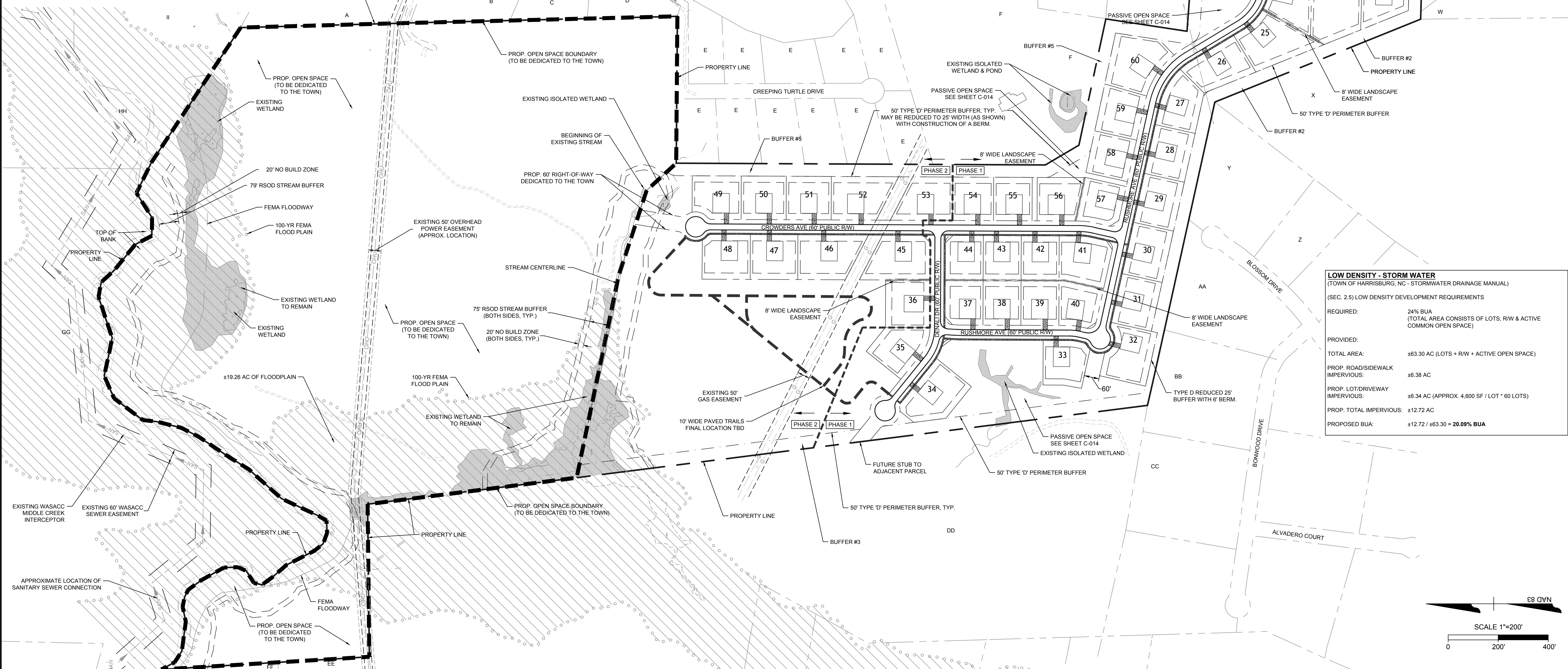
BLOCK LENGTH SUMMARY:

MCKINLEY AVE (LOWER ROCKY RIVER RD TO RUSHMORE AVE): 680'  
MCKINLEY AVE (RUSHMORE AVE TO OLYMPUS AVE): 504'  
MCKINLEY AVE (OLYMPUS AVE TO TOLUCA AVE): 495'  
RUSHMORE AVE (MCKINLEY AVE TO OLYMPUS AVE): 629'  
RUSHMORE AVE (OLYMPUS AVE TO TOLUCA AVE): 495'  
RUSHMORE AVE (CROWDERS AVE TO CUL-DE-SAC): 418'  
RUSHMORE AVE (CUL-DE-SAC TO DENALI DR): 663'  
OLYMPUS AVE (MCKINLEY AVE TO RUSHMORE AVE): 395'  
TOLUCA AVE (MCKINLEY AVE TO RUSHMORE AVE): 395'  
TOLUCA AVE (MCKINLEY AVE TO CUL-DE-SAC): 241'  
CROWDERS AVE (RUSHMORE AVE TO DENALI DR): 752'  
CROWDERS AVE (DENALI DR TO CUL-DE-SAC): 968'  
DENALI DR (CROWDERS AVE TO RUSHMORE AVE): 413'  
DENALI DR (RUSHMORE AVE TO CUL-DE-SAC): 546'



NOTE:

- SEE SHEET C-001 - EXISTING CONDITIONS FOR CORRESPONDING EXISTING PROPERTY OWNER INFORMATION TABLE.
- SEE THE APPROVED REZONING PLAN FOR DETAILED NOTES AND CONDITIONS PERTAINING TO THE DEVELOPMENT.



| LOW DENSITY - STORM WATER                             |                                                                          |
|-------------------------------------------------------|--------------------------------------------------------------------------|
| (TOWN OF HARRISBURG, NC - STORMWATER DRAINAGE MANUAL) |                                                                          |
| (SEC. 2.5) LOW DENSITY DEVELOPMENT REQUIREMENTS       |                                                                          |
| REQUIRED:                                             | 24% BUA<br>(TOTAL AREA CONSISTS OF LOTS, R/W & ACTIVE COMMON OPEN SPACE) |
| PROVIDED:                                             |                                                                          |
| TOTAL AREA:                                           | ±63.30 AC (LOTS + R/W + ACTIVE OPEN SPACE)                               |
| PROP. ROAD/SIDEWALK IMPERVIOUS:                       | ±6.38 AC                                                                 |
| PROP. LOT/DRIVEWAY IMPERVIOUS:                        | ±6.34 AC (APPROX. 4,600 SF / LOT * 60 LOTS)                              |
| PROP. TOTAL IMPERVIOUS:                               | ±12.72 AC                                                                |
| PROPOSED BUA:                                         | ±12.72 / ±63.30 = <b>20.09% BUA</b>                                      |



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DURHAM, NC 27719



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DRAWN BY  
**E. SCANLON**

DESIGNED BY  
**A. ALLISON**

CHECKED BY  
**C. TODD**

SCALE  
**1" = 200'**

**TIMMONS GROUP**

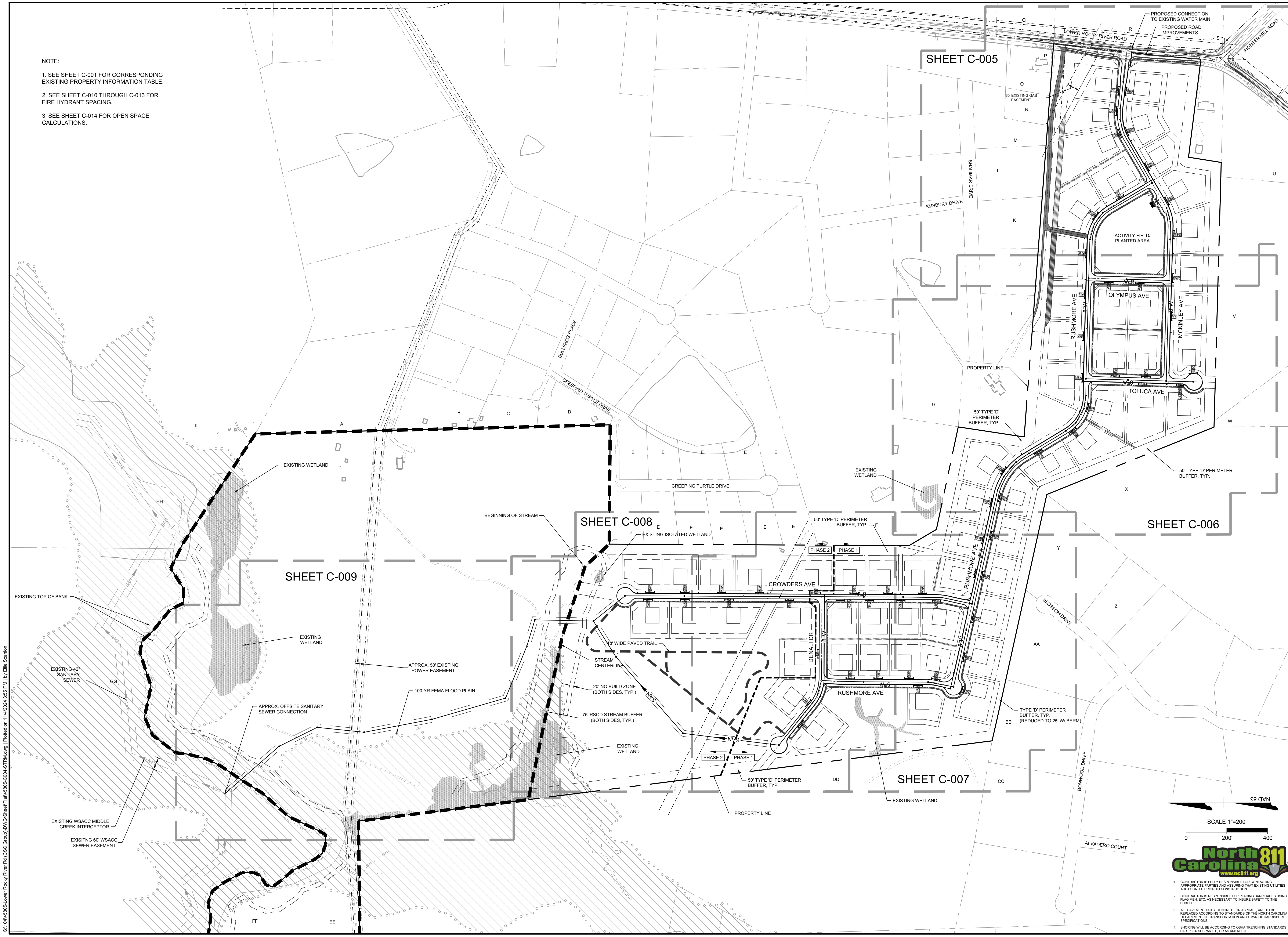
**MCKINLEY SUBDIVISION**  
NORTH CAROLINA LICENSE NO. C-1652  
HARRISBURG, NORTH CAROLINA  
PRELIMINARY PLAT

JOB NO.  
**45805**

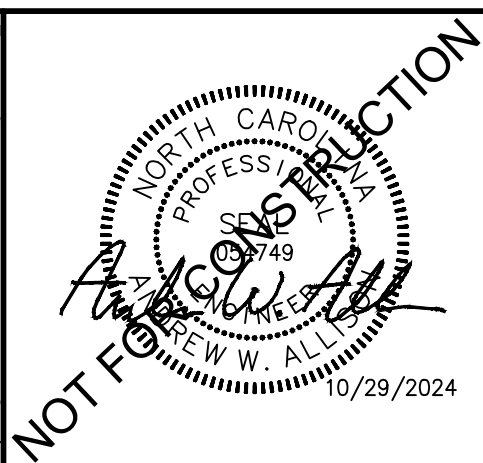
SHEET NO.  
**C-003**

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- NOTE:
1. SEE SHEET C-001 FOR CORRESPONDING EXISTING PROPERTY INFORMATION TABLE.
  2. SEE SHEET C-010 THROUGH C-013 FOR FIRE HYDRANT SPACING.
  3. SEE SHEET C-014 FOR OPEN SPACE CALCULATIONS.



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600 PARK OFFICES DRIVE, SUITE 372  
DURHAM, NC 27709

DATE

10/29/2024

REVISION DESCRIPTION

REVISED PER TOWN COMMENTS

DATE

09/13/2024

DRAWN BY

E. SCANLON

DESIGNED BY

A. ALLISON

CHECKED BY

C. TODD

SCALE

1" = 200'

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North Carolina 811

www.nc811.org

MCKINLEY SUBDIVISION

NORTH CAROLINA LICENSE NO. C-1652

HARRISBURG, NORTH CAROLINA

SITE, STORM DRAINAGE, AND UTILITY PLAN OVERALL

JOB NO.

45805

SHEET NO.

C-004

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TOWN OF HARRISBURG SPECIFICATIONS.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.

Page 18 of 93

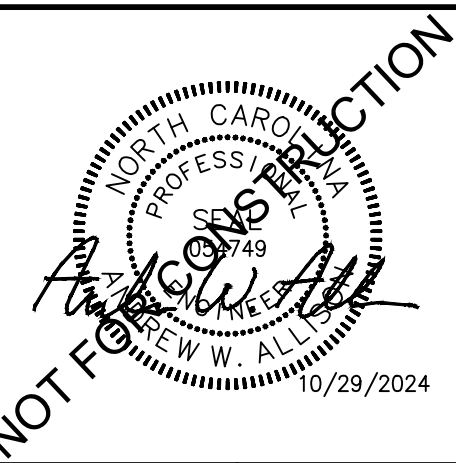


NOTE:

1. SEE SHEET C-001 FOR CORRESPONDING EXISTING PROPERTY INFORMATION TABLE.
2. SEE SHEET C-010 THROUGH C-013 FOR FIRE HYDRANT SPACING.
3. SEE SHEET C-014 FOR OPEN SPACE CALCULATIONS.



S:\10445805-Lower Rocky River Rd (CSC Group)\DWG\Sheet\Plan\45805-C004-STRM.dwg | Plotted on 11/6/2024 3:55 PM | by Elle Scanlon



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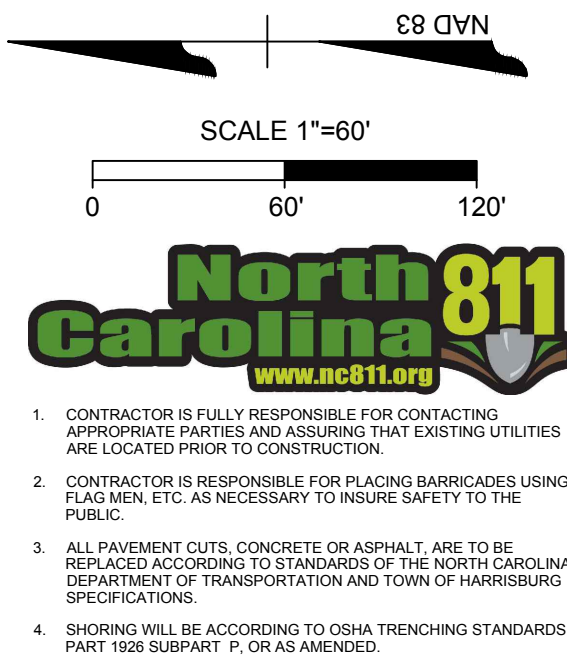
| DATE        | REVISION DESCRIPTION      |
|-------------|---------------------------|
| 10/29/2024  | REVISED PER TOWN COMMENTS |
| 09/13/2024  |                           |
| DRAWN BY    | E. SCANLON                |
| DESIGNED BY | A. ALLISON                |
| CHECKED BY  | C. TODD                   |
| SCALE       | 1" = 60'                  |

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MCKINLEY SUBDIVISION  
HARRISBURG, NORTH CAROLINA  
SITE, STORM DRAINAGE, AND UTILITY PLAN

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JOB NO.  
**45805**

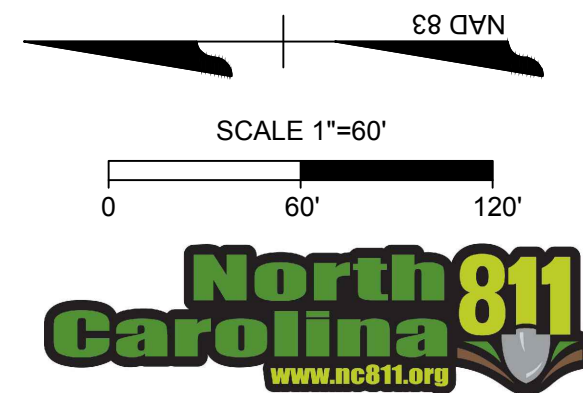
SHEET NO.  
**C-005**



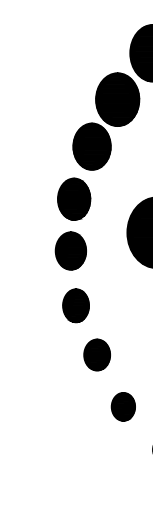
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4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.



1. SEE SHEET C-001 FOR CORRESPONDING EXISTING PROPERTY INFORMATION TABLE
2. SEE SHEET C-010 THROUGH C-013 FOR FIRE HYDRANT SPACING.
3. SEE SHEET C-014 FOR OPEN SPACE CALCULATIONS.

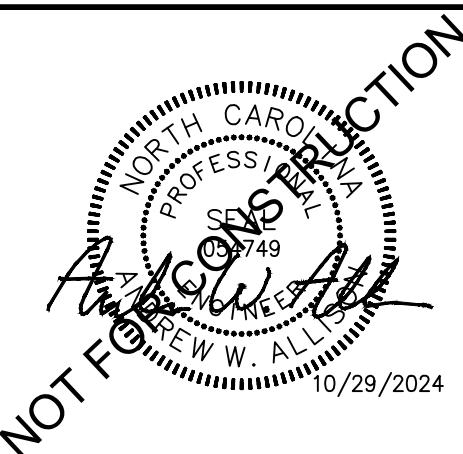


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4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS



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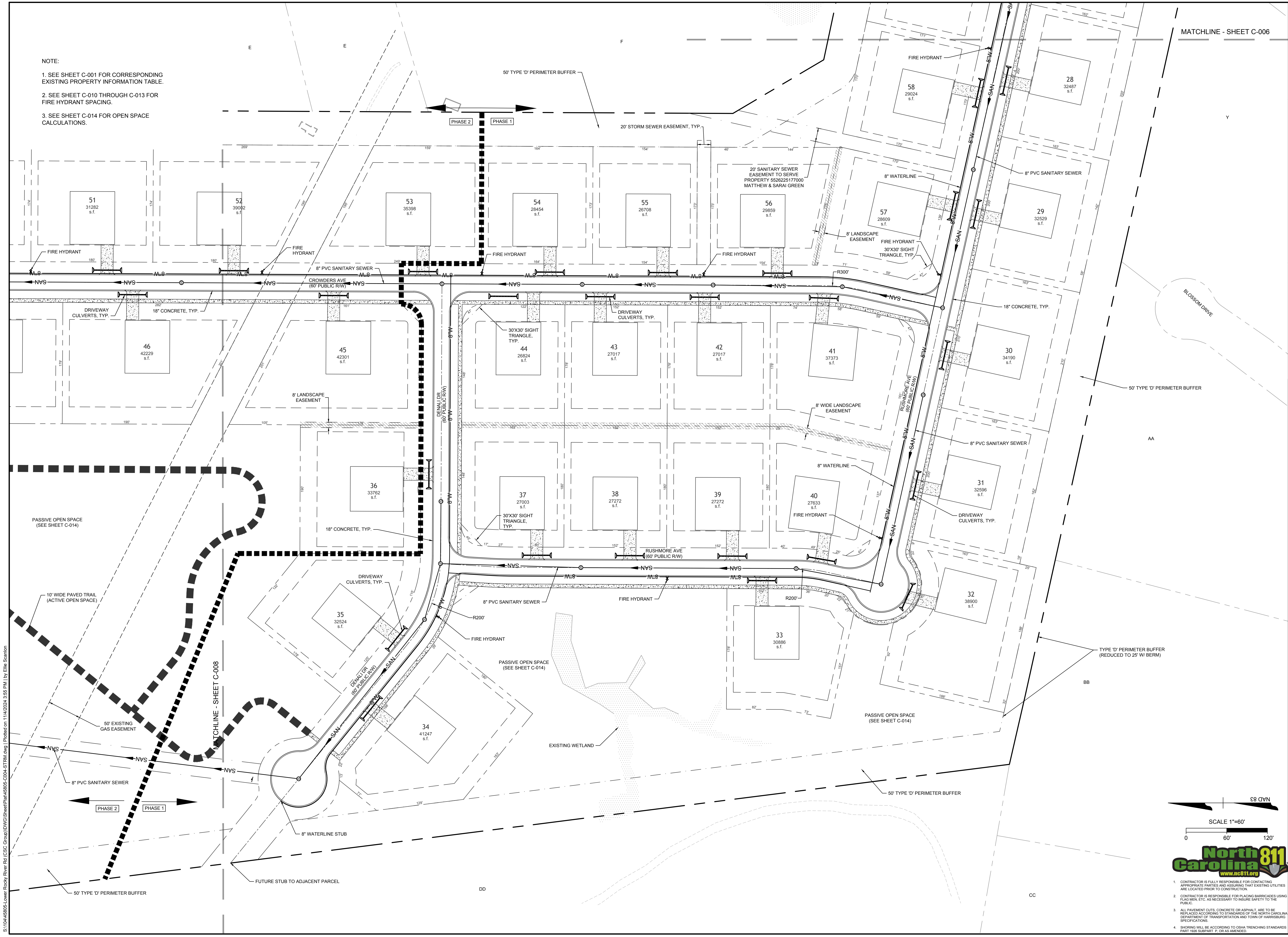
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|  |  |                                                                                                                                                              |  |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  | JOB NO.                                                                                                                                                      |  |
|  |  | <b>45805</b>                                                                                                                                                 |  |
|  |  | SHEET NO.                                                                                                                                                    |  |
|  |  | <b>C-006</b>                                                                                                                                                 |  |
|  |  | <div style="text-align: center;"> <b>MCKINLEY SUBDIVISION</b><br/> HARRISBURG, NORTH CAROLINA<br/><br/> <b>SITE, STORM DRAINAGE, AND UTILITY PLAN</b> </div> |  |
|  |  |                                                                                                                                                              |  |
|  |  |                                                                                                                                                              |  |
|  |  |                                                                                                                                                              |  |
|  |  |                                                                                                                                                              |  |
|  |  |                                                                                                                                                              |  |
|  |  |                                                                                                                                                              |  |
|  |  | SCALE                                                                                                                                                        |  |
|  |  | <b>1" = 60'</b>                                                                                                                                              |  |
|  |  | CHECKED BY                                                                                                                                                   |  |
|  |  | <b>C. TODD</b>                                                                                                                                               |  |
|  |  | DESIGNED BY                                                                                                                                                  |  |
|  |  | <b>A. ALLISON</b>                                                                                                                                            |  |
|  |  | DRAWN BY                                                                                                                                                     |  |
|  |  | <b>E. SCANLON</b>                                                                                                                                            |  |
|  |  | DATE                                                                                                                                                         |  |
|  |  | <b>09/13/2024</b>                                                                                                                                            |  |
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|  |  | REVISED PER TOWN COMMENTS                                                                                                                                    |  |
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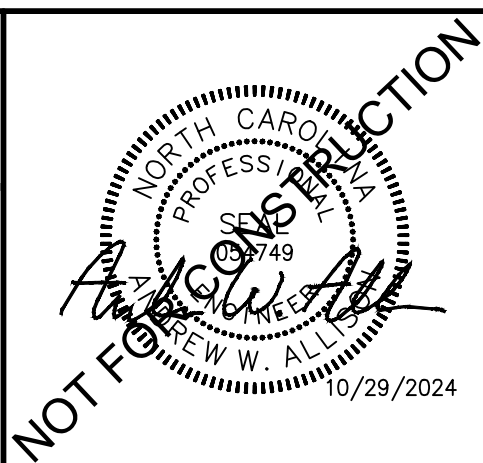
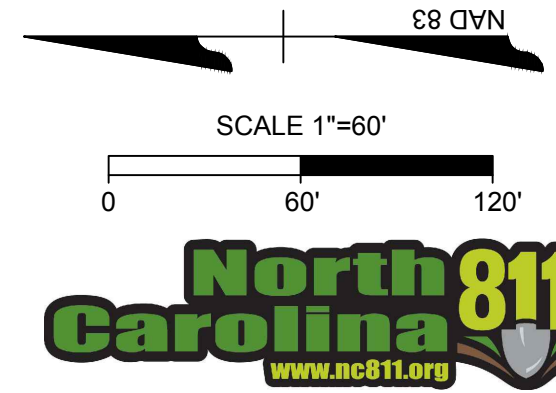




NOTE:  
1. SEE SHEET C-001 FOR CORRESPONDING EXISTING PROPERTY INFORMATION TABLE.  
2. SEE SHEET C-010 THROUGH C-013 FOR FIRE HYDRANT SPACING.  
3. SEE SHEET C-014 FOR OPEN SPACE CALCULATIONS.

MATCHLINE - SHEET C-006

MATCHLINE - SHEET C-008



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NORTH CAROLINA LICENSE NO. C-1652  
HARRISBURG, NORTH CAROLINA  
**SITE, STORM DRAINAGE, AND UTILITY PLAN**

JOB NO.  
**45805**

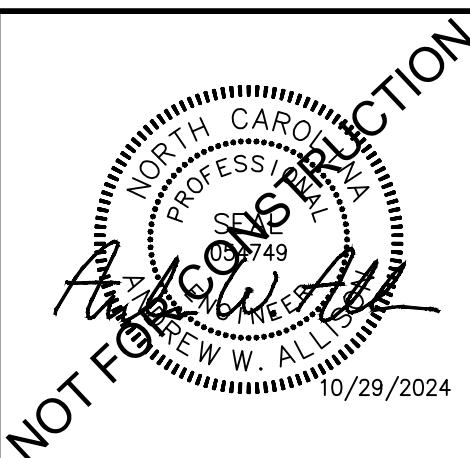
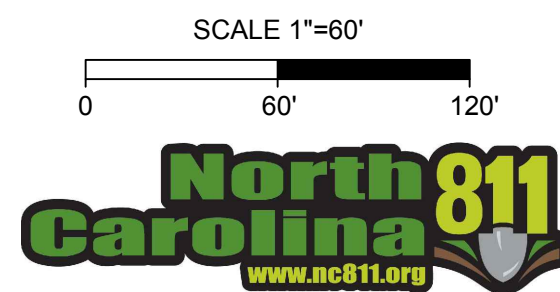
SHEET NO.  
**C-007**

- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
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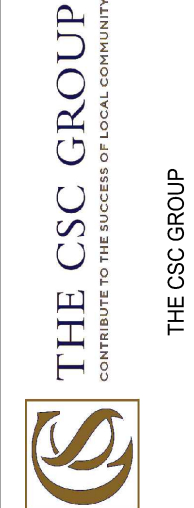
S:\10445805-Lower Rocky River Rd (CSC Group)\DWG\Sheet\Plan\45805-C004-STRM.dwg | Plotted on 11/6/2024 3:55 PM | by Elle Scanlon



1. SEE SHEET C-001 FOR CORRESPONDING EXISTING PROPERTY INFORMATION TABLE
2. SEE SHEET C-010 THROUGH C-013 FOR FIRE HYDRANT SPACING.
3. SEE SHEET C-014 FOR OPEN SPACE CALCULATIONS.



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NORTH CAROLINA LICENSE NO. C-1652

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**MCKINLEY SUBDIVISION**  
HARRISBURG, NORTH CAROLINA

---

**E, STORM DRAINAGE, AND UTILITY PLAN**

**MCKINLEY SUBDIVISION**  
HARRISBURG, NORTH CAROLINA  
**SITE, STORM DRAINAGE, AND UTILITY PLAN**

JOB NO.  
45805

SHEET NO.  
C-008

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2. SEE SHEET C-010 THROUGH C-013 FOR FIRE HYDRANT SPACING.
3. SEE SHEET C-014 FOR OPEN SPACE CALCULATIONS.

PROP. OPEN SPACE  
(TO BE DEDICATED TO THE TOWN)  
(SEE SHEET C-014)

— EXISTING WETLAND TO REMAIN

20' NO BUILD ZONE  
(TYP. BOTH SIDES)

30' SANITARY SEWER EASEMENT-

8" PVC SANITARY SEWER

EXISTING WETLAND TO REMAIN

EXISTING WSACC  
MIDDLE CREEK  
INTERCEPTOR  
EXISTING 42"  
SANITARY SEWER

APPROX. SANITARY SEWER  
OFFSITE CONNECTION

EXISTING 60' WSACC  
SANITARY SEWER  
EASEMENT

SCALE 1"=60'

0 60' 120'

**North Carolina 811**

[www.nc811.org](http://www.nc811.org)



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
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4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART C, OR AS MENED.

MATCHLINE - SHEET C-008

EXISTING STREAM -

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THE CSC GROUP  
600 PARK OFFICES DRIVE, SUITE 372  
DURHAM, NC 27709

DATE  
09/13/2024

E. SCANLON

DESIGNED BY  
*A. ALLISON*

CHECKED BY  
C. TODD

SCALE  
 $1'' = 60'$

**TIMMONS GROUP**

NORTH CAROLINA LICENSE NO. C-1652

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## MCKINLEY SUBDIVISION

HARRISBURG, NORTH CAROLINA  
OFFSITE SEWER CONNECTION

JOB NO.  
45805

SHEET NO.  
*C-009*

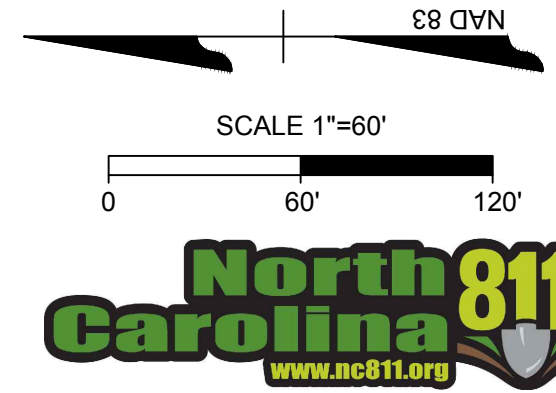
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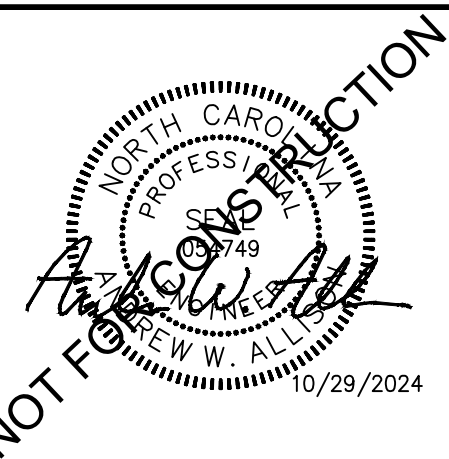
S:\1045805-Lower Rocky River Rd (CSC Group)\DWG\Sheet\Plan\45805-C009-HOSE.dwg | Plotted on 11/6/2024 3:55 PM | by Ella Scanlon



MATCHLINE - SHEET C-011



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| DRAWN BY    |                           |                      |
| E. SCANLON  |                           |                      |
| DESIGNED BY |                           |                      |
| A. ALLISON  |                           |                      |
| CHECKED BY  |                           |                      |
| C. TODD     |                           |                      |
| SCALE       |                           |                      |
| 1" = 60'    |                           |                      |

**TIMMONS GROUP**  
NORTH CAROLINA LICENSE NO. C-1652

**MCKINLEY SUBDIVISION**  
HARRISBURG, NORTH CAROLINA

**HOSE PULL MAP**

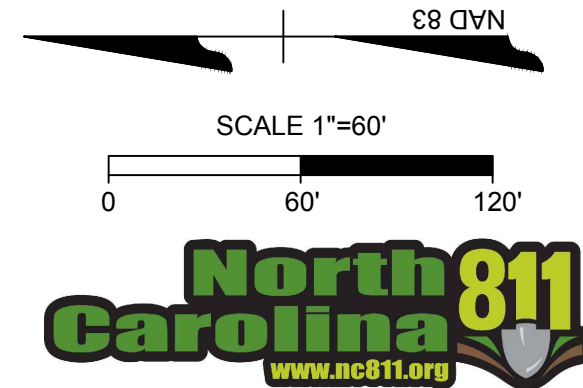
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**45805**

SHEET NO.  
**C-010**

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NORTH CAROLINA LICENSE NO. C-1652

MCKINLEY SUBDIVISION

HARRISBURG, NORTH CAROLINA

HOSE PULL MAP

JOB NO.  
45805

SHEET NO.  
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DATE

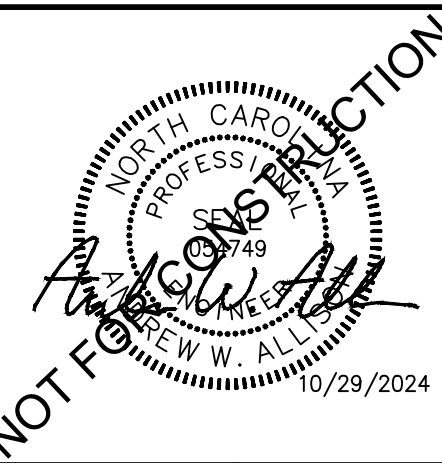
10/29/2024

DRAWN BY  
E. SCANLON

DESIGNED BY  
A. ALLISON

CHECKED BY  
C. TODD

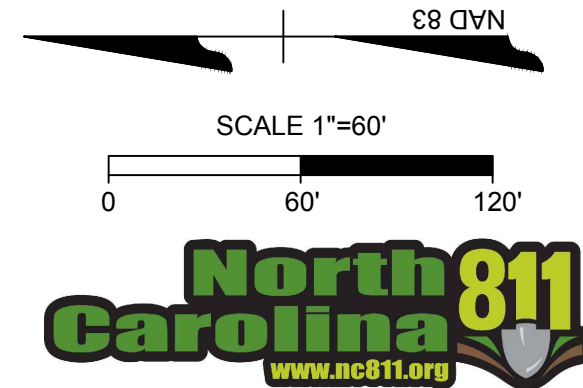
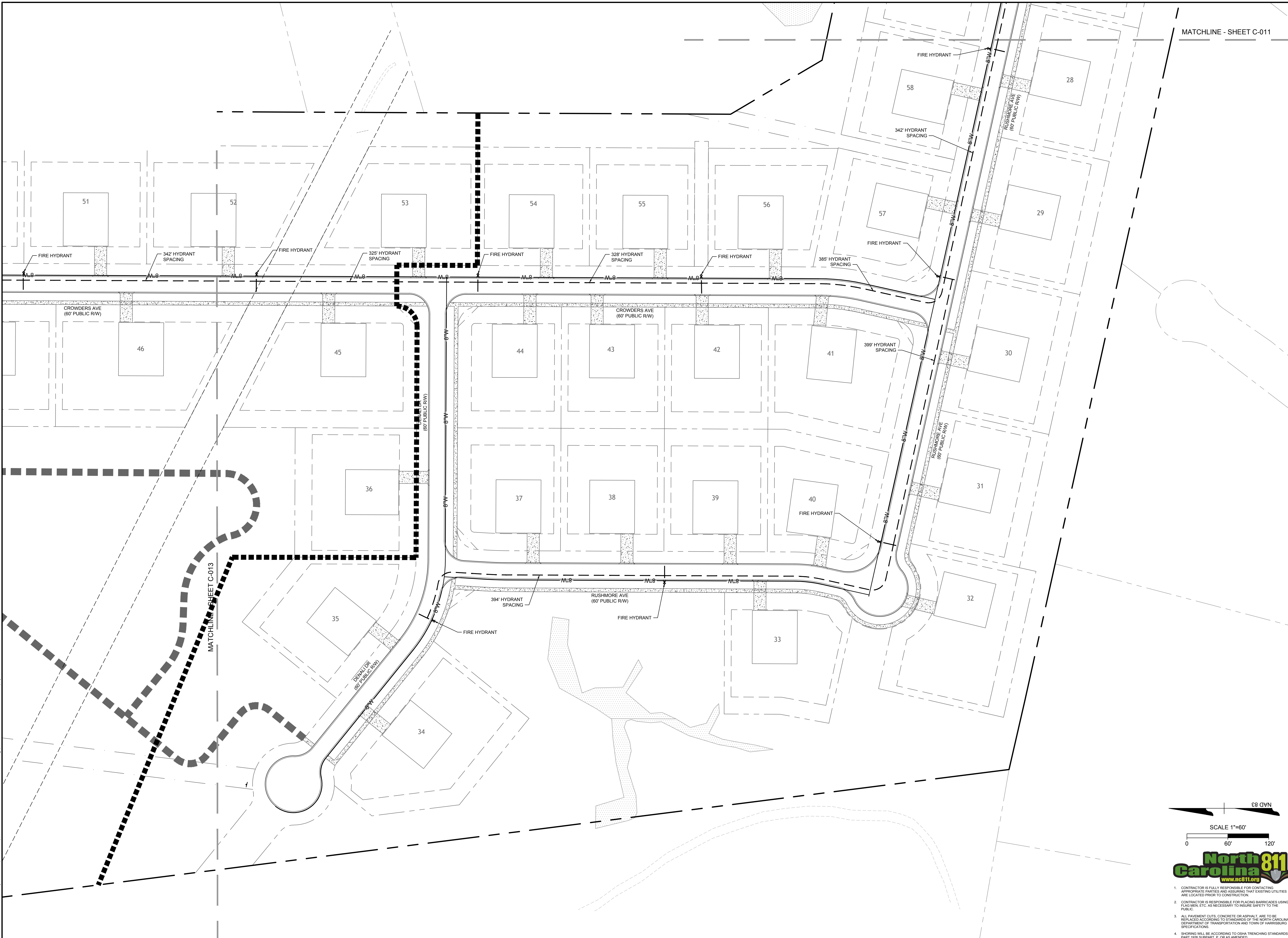
SCALE  
1" = 60'



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**TIMMONS GROUP**  
NORTH CAROLINA LICENSE NO. C-1652  
MCKINLEY SUBDIVISION  
HARRISBURG, NORTH CAROLINA  
HOSE PULL MAP

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CONSTRUCTION SERVICES COMPANY

THE CSC GROUP  
600 PARK OFFICES DRIVE, SUITE 372  
DURHAM, NC 27709

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DATE  
10/29/2024

DRAWN BY  
E. SCANLON

DESIGNED BY  
A. ALLISON

CHECKED BY  
C. TODD

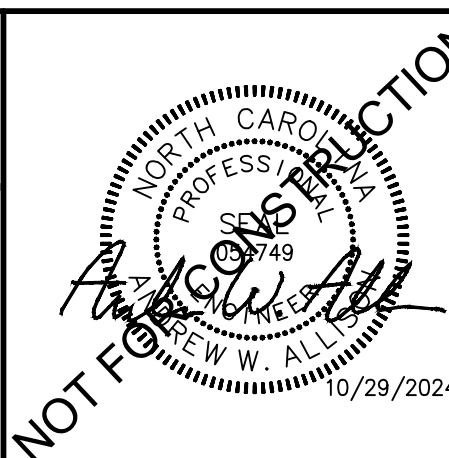
SCALE  
1" = 60'

REVISION DESCRIPTION

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
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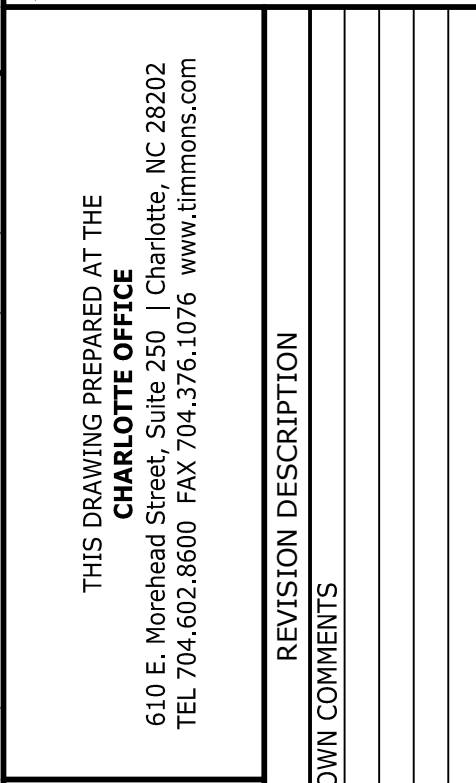
JOB NO.  
**45805**

SHEET NO.  
**C-012**



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|                                                                                     |                                  |
|-------------------------------------------------------------------------------------|----------------------------------|
|  | DRAWN BY<br><i>E. SCANLON</i>    |
|                                                                                     | DESIGNED BY<br><i>A. ALLISON</i> |
|                                                                                     | CHECKED BY<br><i>C. TODD</i>     |
|                                                                                     | SCALE<br><i>1" = 60'</i>         |
|                                                                                     | IN ACHIEVED THROUGH OURS.        |

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REQUIRED:

PROVIDED:

|                          |                                                |
|--------------------------|------------------------------------------------|
| TOTAL SITE AREA =        | 190.521± ACRES                                 |
| PERIMETER BUFFER=        | 12.09± ACRES                                   |
| ROAD RIGHT-OF-WAY AREA = | 12.70± ACRES                                   |
| RESIDENTIAL LOT AREA =   | 48.02± ACRES                                   |
| EASEMENT AREA =          | 9.54± ACRES                                    |
| FLOODPLAIN AREA=         | 19.26± ACRES (2.12 AC DEDICATED TO OPEN SPACE) |
| FLOODWAY AREA =          | 10.49± ACRES                                   |
| INACCESSIBLE SLOPES =    | 0.13± ACRES                                    |

\* PROVIDED ACREAGES AND PERCENTAGES MAY BE MODIFIED DURING CONSTRUCTION DOCUMENT PROCESS AS LONG AS TOWN ORDINANCE REQUIREMENTS ARE MET.



- 
- RIGHT-OF-WAY
- LOTS
- PERIMETER BUFFER
- EASEMENTS
- GREENWAY  
EASEMENTS
- FLOODWAY
- 100-YR FLOODPLAIN
- STORMWATER POND
- PASSIVE OPEN SPACE
- ACTIVE OPEN SPACE
- PROP. OPEN SPACE BOUNDARY  
TO BE DONATED TO TOWN

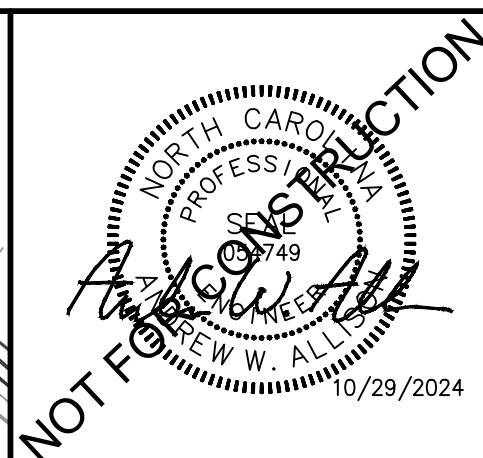
SCALE 1"=200'

0 200' 400'

**North Carolina 811**

[www.nc811.org](http://www.nc811.org)

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVED CUTS, CONCRETE OR ASPHALT, ARE TO BE REPAVED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TOWN OF HARRISBURG SPECIFICATIONS.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART D, OR AS AMENDED.



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**THE CSC GROUP**  
CONTRIBUTE TO THE SUCCESS OF LOCAL COMMUNITY

**THE CSC GROUP**  
600 PARK OFFICES DRIVE, SUITE 372  
CLINTON, MA. 01510-0372



YOUR VISION ACHIEVED THROUGH CLIPS

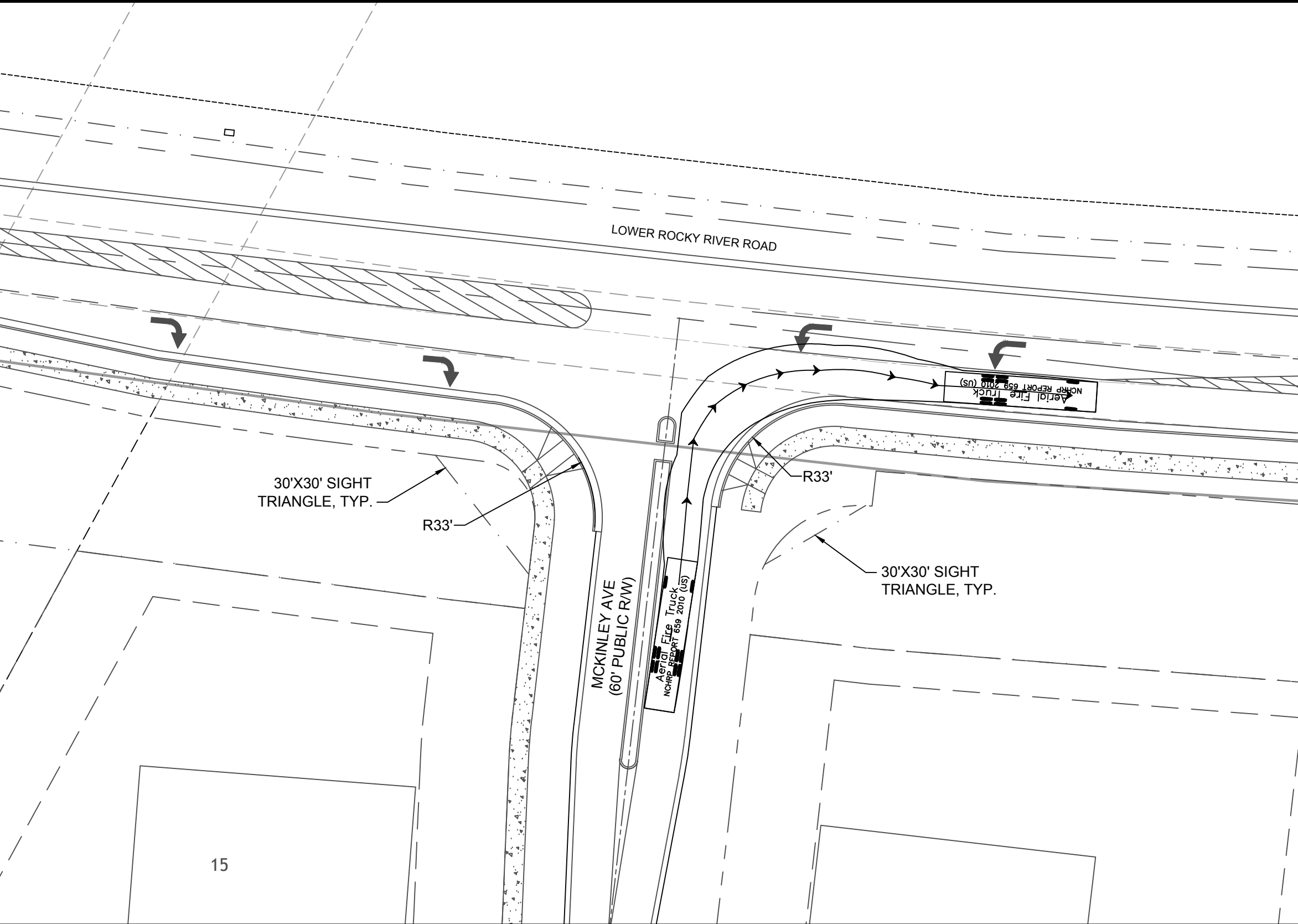
**ONS GROUP**  
NORTH CAROLINA LICENSE NO. C-1652

JOB NO.  
45805

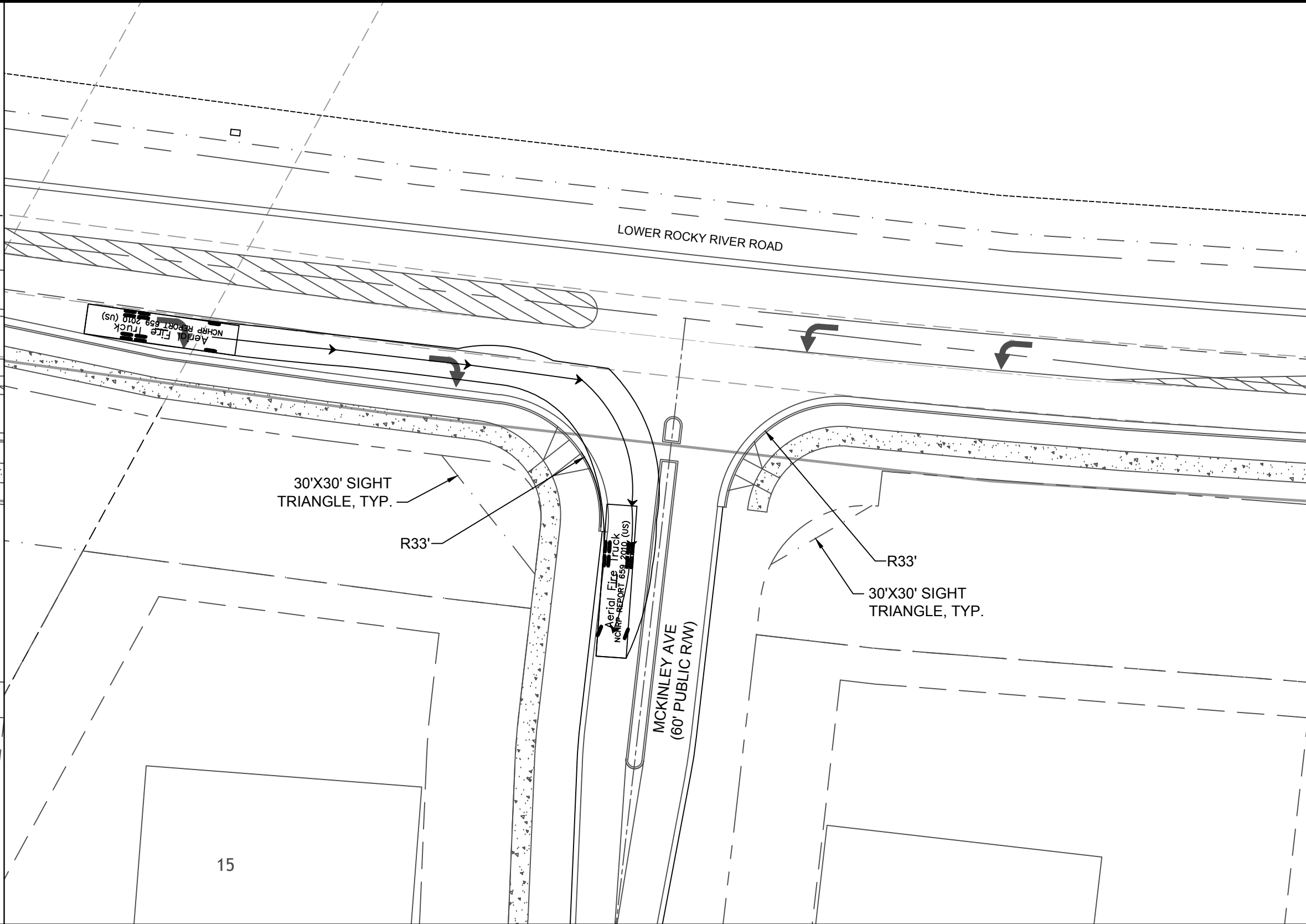
SHEET NO.  
C-014



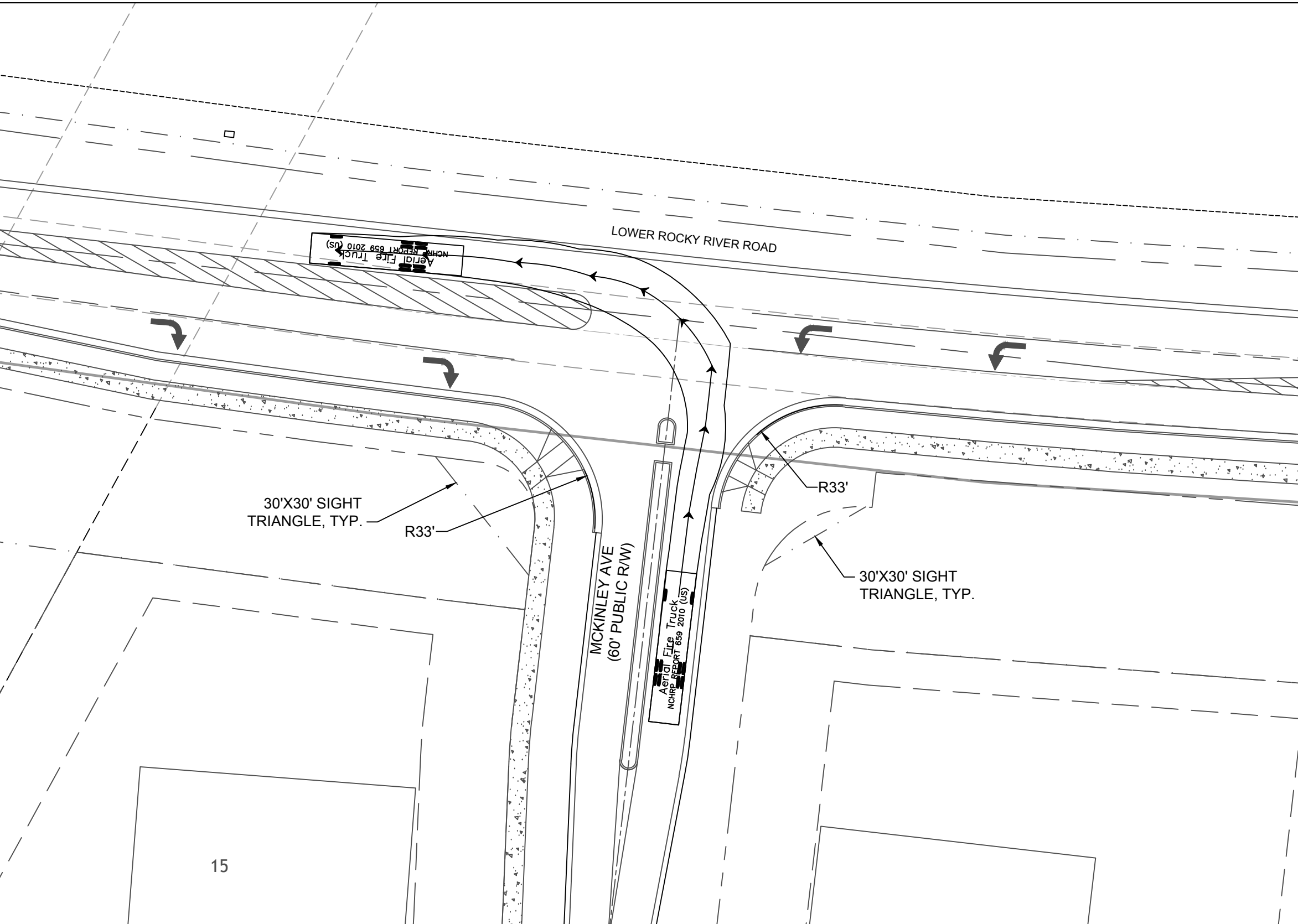
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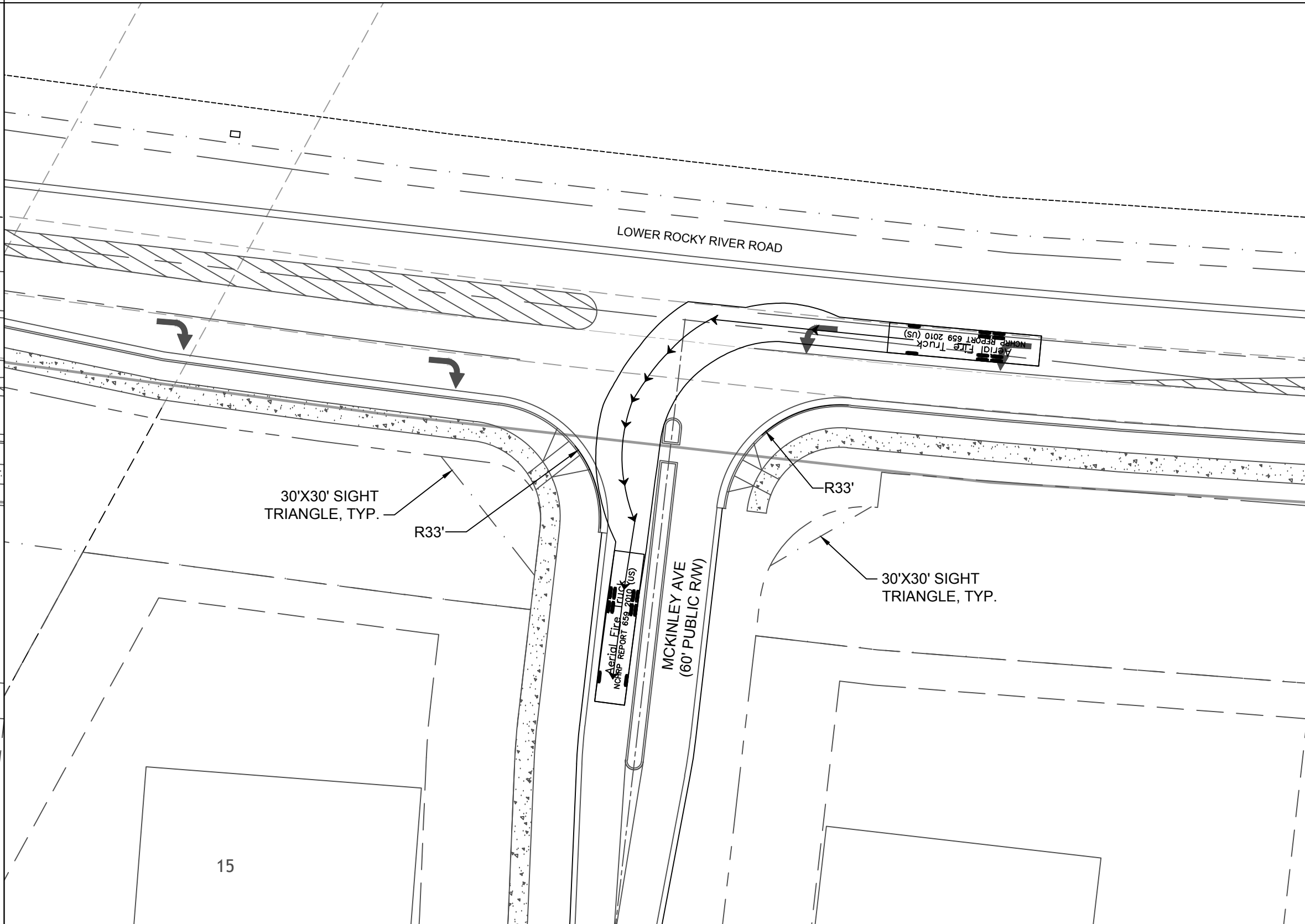
MCKINLEY AVE TO LOWER ROCKY RIVER - RIGHT TURN EGRESS 1" = 30'



LOWER ROCKY RIVER TO MCKINLEY AVE - RIGHT TURN INGRESS 1" = 30'



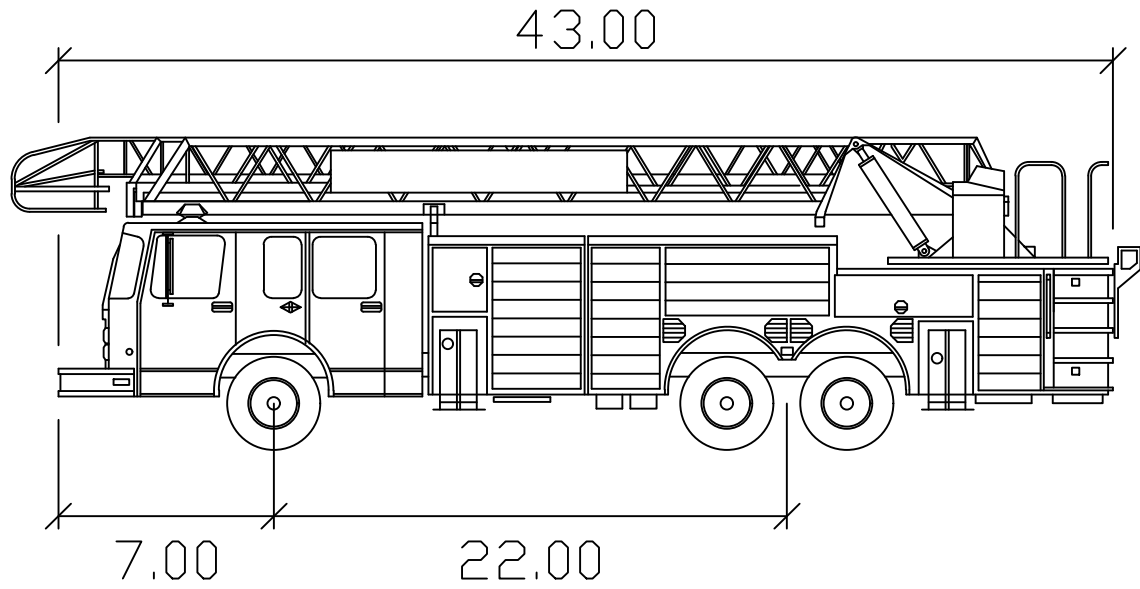
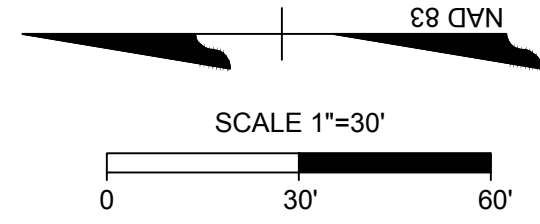
MCKINLEY AVE TO LOWER ROCKY RIVER - LEFT TURN EGRESS 1" = 30'



LOWER ROCKY RIVER TO MCKINLEY AVE - LEFT TURN INGRESS 1" = 30'



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
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4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.



Aerial Fire Truck  
NTS

|                   |        |
|-------------------|--------|
| Width             | : 8.50 |
| Track             | : 8.50 |
| Lock to Lock Time | : 6.0  |
| Steering Angle    | : 33.3 |

**TIMMONS GROUP**

NORTH CAROLINA LICENSE NO. C-1652  
**MCKINLEY SUBDIVISION**  
HARRISBURG, NORTH CAROLINA  
**LOWER ROCKY RIVER ROAD TURNING MOVEMENTS**

JOB NO.  
**45805**  
SHEET NO.  
**C-015**



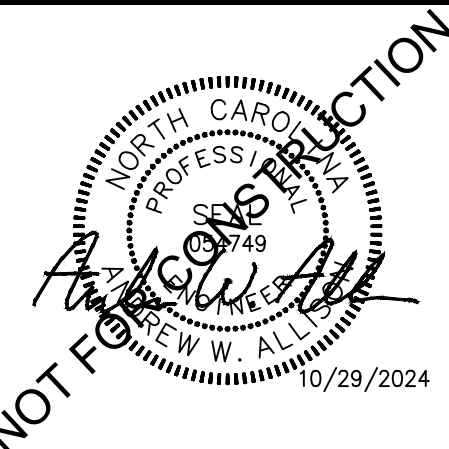
THE CSC GROUP  
CONSTRUCTING THE FUTURE OF NORTH CAROLINA  
THE CSC GROUP  
600 PARK OFFICES DRIVE, SUITE 372  
DURHAM, NC 27709

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| DATE       | REVISION DESCRIPTION      |
|------------|---------------------------|
| 10/29/2024 | REVISED PER TOWN COMMENTS |
|            |                           |
|            |                           |
|            |                           |
|            |                           |

DATE  
09/13/2024  
DRAWN BY  
E. SCANLON  
DESIGNED BY  
A. ALLISON  
CHECKED BY  
C. TODD  
SCALE  
1" = 30'

YOUR VISION ACHIEVED THROUGH OURS.

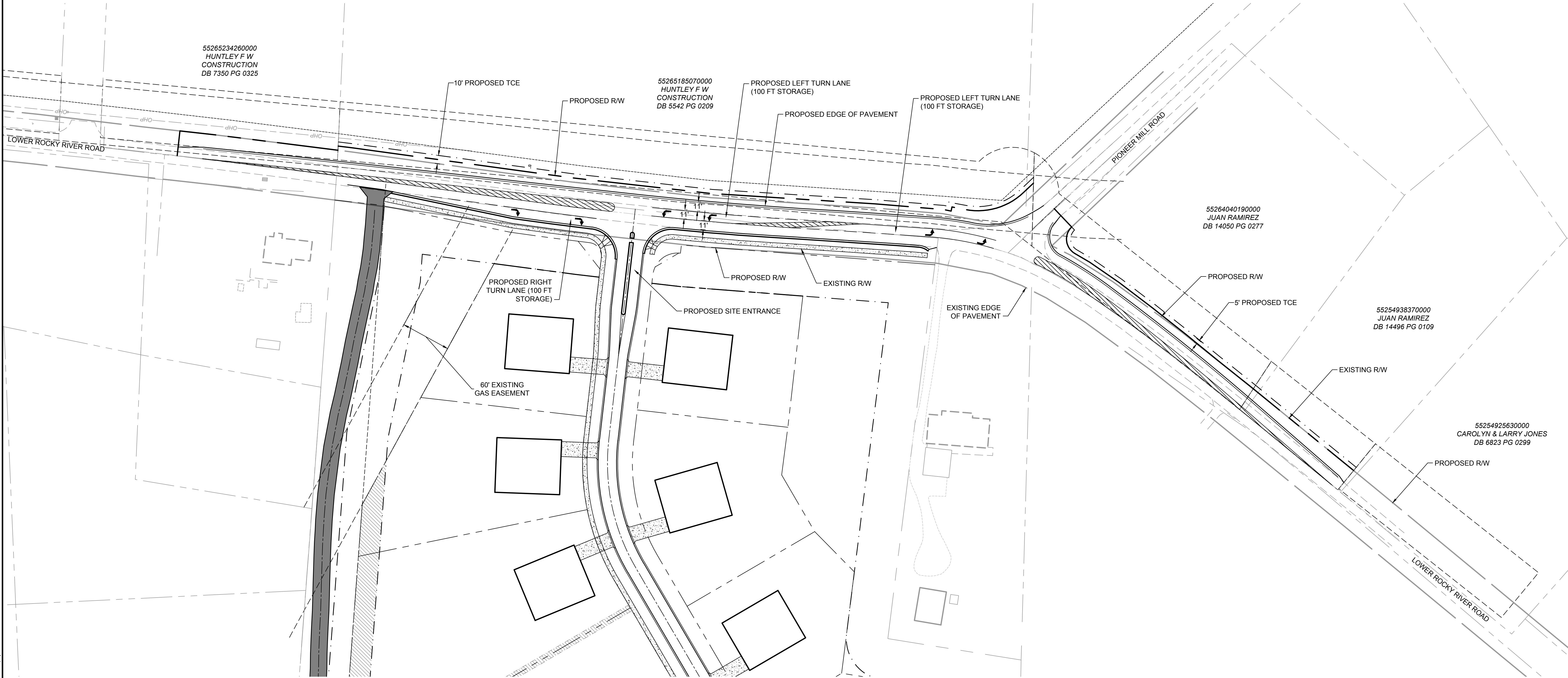


NOT FOR CONSTRUCTION

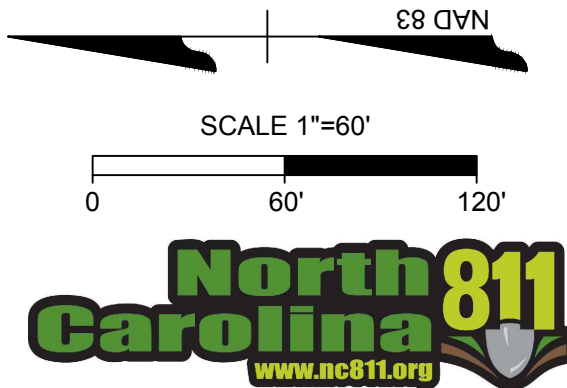
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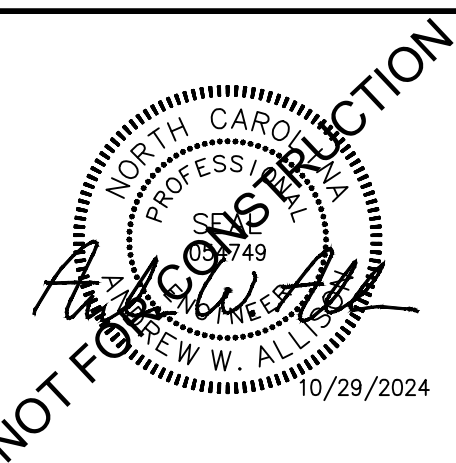
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PIONEER MILL ROAD & LOWER ROCKY RIVER - ROAD IMPROVEMENTS  
(PHASE 1)



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
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**THE CSC GROUP**  
CONSTRUCTION SERVICES  
THE CSC GROUP  
600 PARK OFFICES DRIVE, SUITE 372  
DURHAM, NC 27709

| DATE       | REVISION DESCRIPTION      |
|------------|---------------------------|
| 10/29/2024 | REVISED PER TOWN COMMENTS |
| 09/13/2024 |                           |

**TIMMONS GROUP**  
NORTH CAROLINA LICENSE NO. C-1652  
MCKINLEY SUBDIVISION  
HARRISBURG, NORTH CAROLINA  
LOWER ROCKY RIVER ROAD IMPROVEMENTS

JOB NO.  
**45805**

SHEET NO.  
**C-016**

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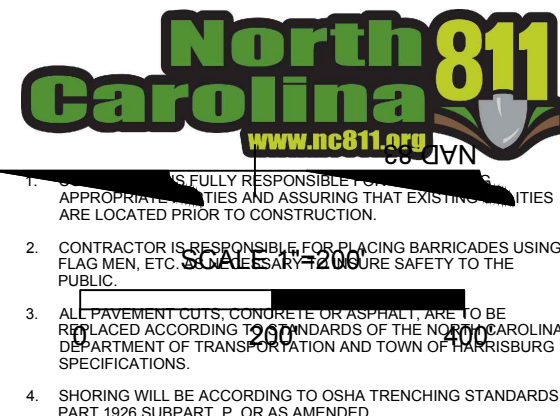


| AREES | QTY | BOTANICAL NAME                  | COMMON NAME           | SIZE | CAL  | HT       | SPAC | REMARKS                     |
|-------|-----|---------------------------------|-----------------------|------|------|----------|------|-----------------------------|
| AB    | 16  | ACER BUERGERIANUM               | TRIDENT MAPLE         | B&B  | 3"   | 12' MIN. | A.I. | SINGLE STEM, CENTRAL LEADER |
| CC    | 92  | CERIS CANADENSIS 'FOREST PANSY' | FOREST PANSY REDBUR   | B&B  | 2"   | 8' MIN.  | A.I. | SINGLE STEM                 |
| CC    | 10  | CORNUS KOUSA                    | KOUSA DOGWOOD         | B&B  | 2"   | 8' MIN.  | A.I. | SINGLE STEM                 |
| JA    | 25  | ILEX X ATTENUATA 'FOSTERI'      | FOSTER HOLLY          | B&B  | 2"   | 8' MIN.  | A.I. | FULL TO GROUND              |
| LT    | 51  | LIRIODENDRON TULIPIFERA         | TULIP POPLAR          | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM, CENTRAL LEADER |
| NS    | 29  | NYSSA SYLVATICA 'GREEN GABLE'   | GREEN GABLE BLACK GUM | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM, CENTRAL LEADER |
| QF    | 10  | QUERCUS ALBA                    | WHITE OAK             | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM, CENTRAL LEADER |
| QF    | 10  | QUERCUS FALCATA                 | SOUTHERN RED OAK      | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM, CENTRAL LEADER |
| QF    | 30  | QUERCUS LYRATA                  | LAUREL OAK            | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM, CENTRAL LEADER |
| QS    | 41  | QUERCUS SHUMARDII               | SHUMARD OAK           | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM, CENTRAL LEADER |
| QF    | 17  | ULMUS PRAEFOLIOL                | LACEBARK ELM          | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM                 |
| ZS    | 39  | ZELKOVA SERRATA                 | JAPANESE ZELKOVA      | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM                 |

| TYPE                    | QTY | BOTANICAL NAME                      | COMMON NAME          | SIZE | CAL  | HT       | SPAC | REMARKS                     |
|-------------------------|-----|-------------------------------------|----------------------|------|------|----------|------|-----------------------------|
| SHADE TREE SPECIES      |     |                                     |                      |      |      |          |      |                             |
|                         | 376 | ACER RUBRUM                         | RED MAPLE            | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM, CENTRAL LEADER |
|                         |     | BETULA NIGRA 'DURAHEAT'             | DURAHEAT RIVER BIRCH | B&B  | 3.0" | 12' MIN. | A.I. | MULTI-STEM                  |
|                         |     | LIQUIDAMBAR STYRACIFLUA ROTUNDILOBA | FRUITLESS SWEETGUM   | B&B  | 3.5" | 12' MIN. | A.I. | SINGLE STEM, CENTRAL LEADER |
| EVERGREEN TREE SPECIES  |     |                                     |                      |      |      |          |      |                             |
|                         | 943 | JUNIPERUS VIRGINIANA                | EASTERN RED CEDAR    | B&B  | 3.0" | 12' MIN. | A.I. | FULL TO GROUND              |
|                         |     | CEODRUS DEODARA                     | DEODAR CEDAR         | B&B  | 3.0" | 12' MIN. | A.I. | FULL TO GROUND              |
|                         |     | TAXODIUM DISTICHUM                  | BALD/CYPRESS         | B&B  | 3.0" | 12' MIN. | A.I. | FULL TO GROUND              |
| ORNAMENTAL TREE SPECIES |     |                                     |                      |      |      |          |      |                             |
|                         | 376 | CERCIS CANADENSIS 'FOREST PANSY'    | FOREST PANSY REDBUD  | B&B  | 2"   | 8' MIN.  | A.I. | MULTI-STEM                  |
|                         |     | LAGERSTROMIA INDICA                 | CRAPLE MYRTLE: SP    | B&B  | 2"   | 8' MIN.  | A.I. | MULTI-STEM                  |
|                         |     | PRUNUS CERASIFERA                   | PURPLE-LEAF PLUM     | B&B  | 2"   | 8' MIN.  | A.I. | SINGLE STEM                 |

SEE SHEET C-018 FOR PLANTING NOTES, DETAILS AND PLANTING CALCULATIONS

|                                                                                     |                                      |
|-------------------------------------------------------------------------------------|--------------------------------------|
|  | EXISTING TREE                        |
|  | PROPOSED 50' WIDE TYPE D BUFFER YARD |
|  | PROPOSED 25' WIDE TYPE D BUFFER YARD |
|  | PROPOSED TREE MITIGATION AREA        |



|                                                                                                                                                                                                              |                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
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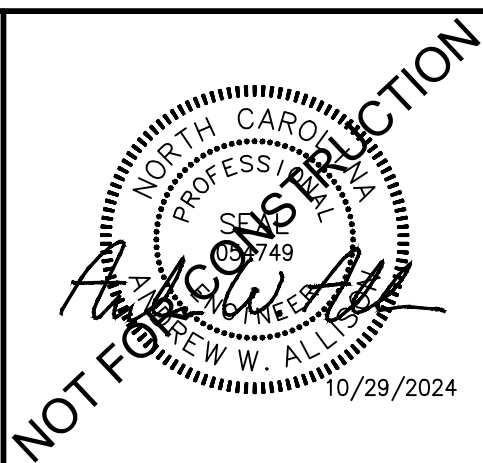
|                                                                                      |                                    |
|--------------------------------------------------------------------------------------|------------------------------------|
|  | YOUR VISION ACHIEVED THROUGH OURS. |
|                                                                                      | <i>E. SCANLON</i>                  |
|                                                                                      | DESIGNED BY<br><i>A. ALLISON</i>   |
|                                                                                      | CHECKED BY<br><i>C. TODD</i>       |
|                                                                                      | SCALE<br><i>1" = 200'</i>          |

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|                                                                                                                                                                         |                      |

|                                                                                                                                                                  |                                                                                 |                            |                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------|-------------------------|
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|                                                                                                                                                                  | <p>DATE<br/>10/29/2024</p>                                                      | <p>DATE<br/>09/13/2024</p> |                         |

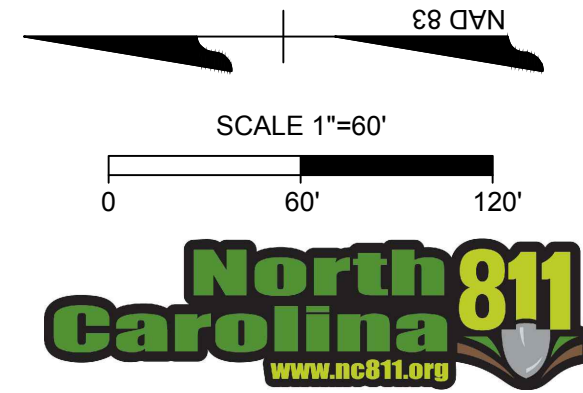
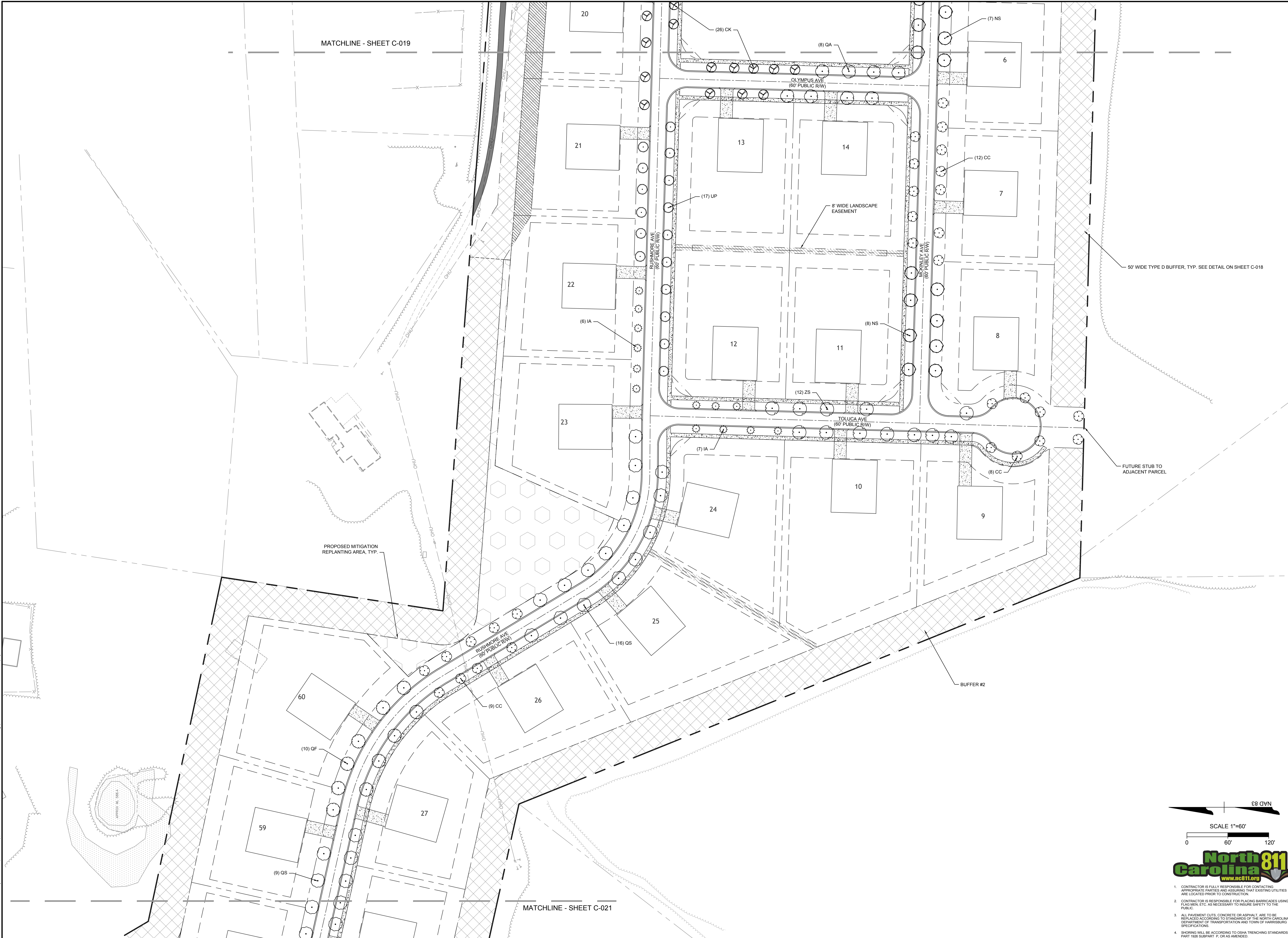
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|  | DRAWN BY<br><i>E. SCANLON</i>    |
|                                                                                     | DESIGNED BY<br><i>A. ALLISON</i> |
|                                                                                     | CHECKED BY<br><i>C. TODD</i>     |
|                                                                                     | SCALE<br><i>1" = 60'</i>         |
|                                                                                     |                                  |

|                                                                 |       |
|-----------------------------------------------------------------|-------|
| <h1>TIMMONS GROUP</h1> <p>NORTH CAROLINA LICENSE NO. C-1652</p> |       |
| <h2>MCKINLEY SUBDIVISION</h2> <p>HARRISBURG, NORTH CAROLINA</p> |       |
| <h3>PLANTING PLAN</h3>                                          |       |
| JOB NO.                                                         | 45805 |
| SHEET NO.                                                       | C-019 |

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1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TOWN OF HARRISBURG SPECIFICATIONS.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.

# TIMMONS GROUP

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NORTH CAROLINA LICENSE NO. C-1652

MCKINLEY SUBDIVISION

HARRISBURG, NORTH CAROLINA

PLANTING PLAN

JOB NO.  
45805

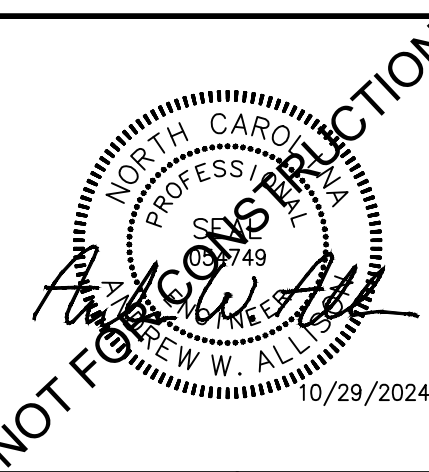
SHEET NO.  
C-020



THE CSC GROUP  
CONSTRUCTION MANAGEMENT AND DESIGN

THE CSC GROUP  
600 PARK OFFICES DRIVE, SUITE 372  
DURHAM, NC 27709

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REVISION DESCRIPTION

REVISED PER TOWN COMMENTS

DATE

10/29/2024

DRAWN BY

E. SCANLON

DESIGNED BY

A. ALLISON

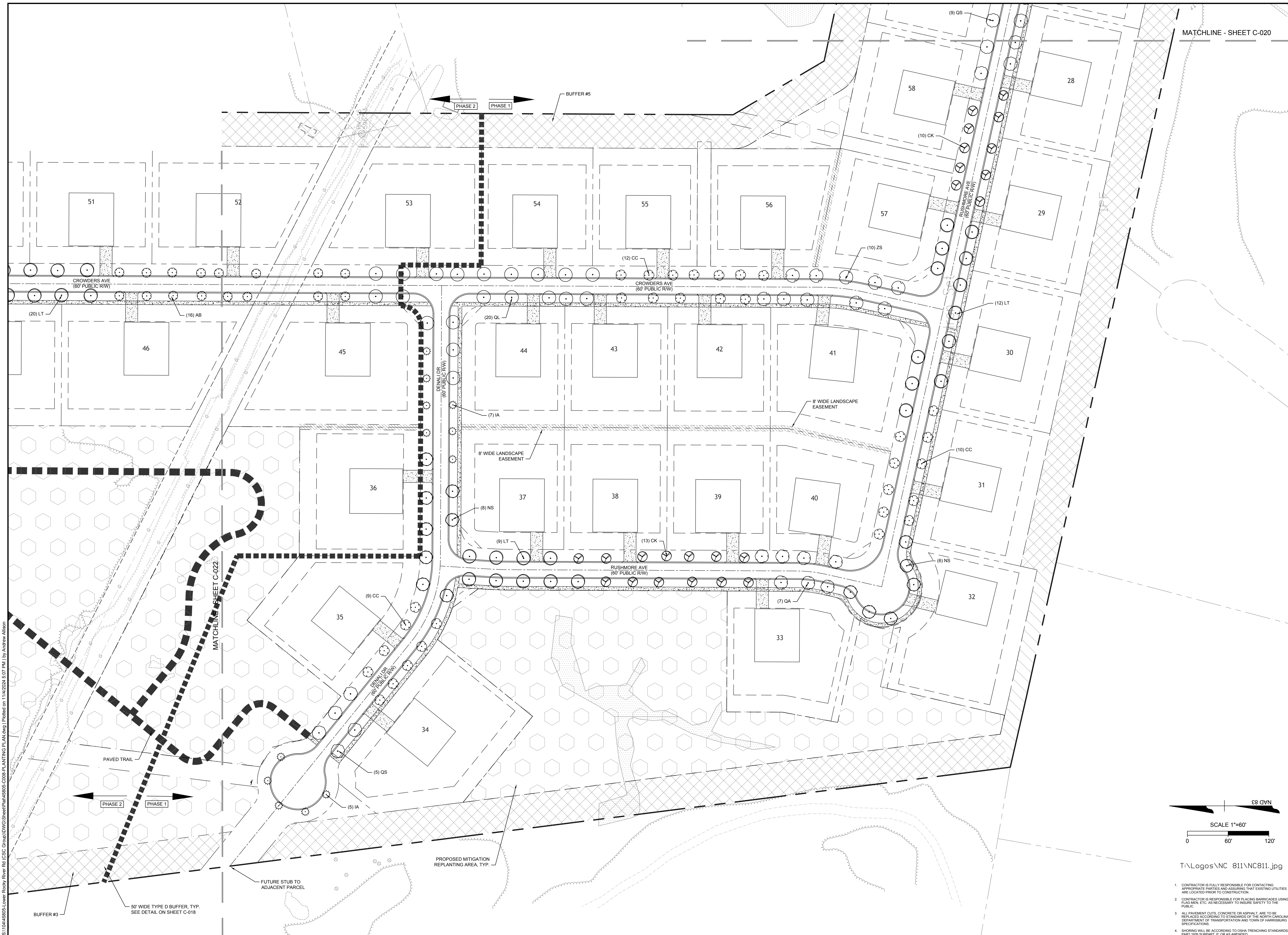
CHECKED BY

C. TODD

SCALE

1" = 60'





1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
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4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART C OR AS AMENDED.

|                                                                                                                                                                                                                |                      |
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|                                                                                     |                                                                          |  |                    |  |
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|  | <b>THE CSC GROUP</b><br>CONTRIBUTING TO THE SUCCESS OF A LOCAL COMMUNITY |  | REVISED PER TOWN   |  |
|                                                                                     | THE CSC GROUP<br>800 PARK OFFICES DRIVE, SUITE 372<br>DURHAM, NC 27708   |  | DATE<br>10/29/2024 |  |
| DATE<br>09/13/2024                                                                  |                                                                          |  |                    |  |

|                                                                                     |                           |                                  |
|-------------------------------------------------------------------------------------|---------------------------|----------------------------------|
|  | IN ACHIEVED THROUGH OURS. | DRAWN BY<br><i>E. SCANLON</i>    |
|                                                                                     |                           | DESIGNED BY<br><i>A. ALLISON</i> |
|                                                                                     |                           | CHECKED BY<br><i>C. TODD</i>     |
|                                                                                     |                           | SCALE<br><i>1" = 60'</i>         |

# ONS GROUP

NORTH CAROLINA LICENSE NO. C-1652

## MCKINLEY SUBDIVISION

HARRISBURG, NORTH CAROLINA

### PLANTING PLAN

|                                                                                                                  |                           |
|------------------------------------------------------------------------------------------------------------------|---------------------------|
| <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; font-size: 2em;">TIME</div> |                           |
|                                                                                                                  | JOB NO.<br><b>45805</b>   |
|                                                                                                                  | SHEET NO.<br><b>C-022</b> |

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**ORDINANCE TO AMEND THE TOWN OF HARRISBURG OFFICIAL ZONING MAP  
AND ENTER INTO A DEVELOPMENT AGREEMENT**

**WHEREAS**, the Town of Harrisburg has a Unified Development Ordinance (UDO) and Official Zoning Map that provides for various rules and operational framework for how land can be used and developed within Harrisburg's planning and zoning jurisdiction; and

**WHEREAS**, Bethesda Associations, LLC and Rocky Investments, LLC represented by Steve George of the CSC Group, applicant, and property owner of record, submitted a zoning map amendment petition (H-2023-03-R) to amend an existing CZ-RL conditional use zoning district for the McKinley Subdivision to modify the approved zoning site plan by reducing the total lot count from 162 lots to 60 residential lots; and

**WHEREAS**, the zoning map amendment petition is accompanied by a development agreement between the Town and the applicant that sets forth the conditions of the approval granted by the Council, including the benefits to be received by the Town and Developer resulting from development of this project, along with the obligations to be met by both parties to this Agreement.; and

**WHEREAS**, the public hearing for this zoning map amendment and development agreement has been noticed in compliance with North Carolina General Statutes; and

**WHEREAS**, the Planning and Zoning Advisory Board reviewed this zoning map amendment petition (H-2023-03-R) at its June 18, 2024, public meeting and voted 5-1 to recommend approval to the Town Council finding the amendment consistent with the Common Decision Criteria found in Sections 145.01.07.A and Specific Review Criteria found in Section 145.03.03 (E) of the UDO, and with the goals of the Harrisburg Area Land Use Plan (HALUP); and

**WHEREAS**, the Harrisburg Town Council held a public hearing on August 12, 2024, for the map amendment and development agreement, and, after considering the testimony in the public hearing and Council deliberations, made the finding that this petition is consistent with Common Decision Criteria found within Section 145.01.07.A and Specific Review Criteria in Section 145.03.03(E) of the UDO and the HALUP because:

*The proposed zoning map amendment modifying the associated zoning plan for the McKinley Subdivision is a reasonable request and is consistent with the goals of the HALUP, as follows:*

- *The 190-acre site is located within a rural area of the Town that promotes the use of conservation-designed communities to preserve the natural resources of the area; and*
- *The proposed project is reducing the number of approved lots from 162-lots to 60-lots, thus reducing the potential impacts to the natural environment, traffic impacts, and stormwater runoff, while providing housing opportunities within the Town.*



- *LU-3: Balance Development and conservation interest-the development is utilizing the conservation design approach development, maintaining over 50% open space.*
- *LU-2: Link Land Use with Transportation Improvements: the development includes transportation improvements on adjacent roads appropriate for this development.*
- *PR-3: Integrate Open Space & Amenities in New Development: this project's conservation design and open space preservation is proposed within an area having sensitive natural resources.*

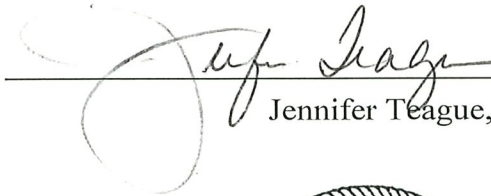
**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Harrisburg, North Carolina, that approval is hereby granted to H-2023-03-R McKinley Subdivision modifying the zoning site plan as described on Exhibit A (attached herein), **and** development agreement attached herein as Exhibit B, fully enforced from the time this ordinance is adopted as conditioned below:

1. The conditional zoning district shall be restricted to a 60-lot, single-family detached residential community as designed within the accompanied site plan (Exhibit A). The proposed development includes the dedication of an 88.77 acre as depicted in the rezoning plan. Dedication shall occur prior to the recording of the first final plat.
2. Obtain all applicable local, state, and federal permits required for development before any development activity can take place.
3. Primary cladding materials for all residential buildings are restricted to masonry or similar products (no vinyl siding).
4. No exposed concrete foundations are permissible, and appropriate cladding must extend to the ground level on all sides of the homes.
5. The following transportation improvements are required and shall be installed and complete prior to the recordation of the first final plat:
  - a. **Lower Rocky River Road & Pioneer Mill Road**
    - i. Construction of a southbound left-turn lane along Lower Rocky River Road with a minimum of 100 ft of storage.
    - ii. Construction of a three-lane section along Lower Rocky River Road between Pioneer Mill Road and Site Access.
  - b. **Lower Rocky River Road and Site Access**
    - i. Construction of the eastbound approach with one ingress & one egress land and an internal protected stem of 100 ft.
    - ii. Construction of a southbound right-turn lane along Lower Rocky River Road, with a minimum storage length of 100 ft.
    - iii. Construction of a northbound left-turn lane along lower Rocky River Road with a minimum storage length of 100 ft.
6. An 8-foot landscape easement (4 feet on each side of the property line) is required for residential lots sharing a rear property line. Easements shall be recorded with Final Plats
7. All ponds, if required, shall be wet detention ponds with fountains. Ponds shall be designed such that there is a minimum depth of ten' over at least 25% of the permanent pool area. Said pond shall be fence with a vinyl 4-rail farm fence, preferably white.



8. The existing gravel driveway, on an existing easement that runs parallel along the proposed lots 15 through 21 and provides access to parcel 55262174560000 outside this proposed subdivision, shall be:
  - a. Established as a sixty-foot-wide easement; and
  - b. Paved to Town standards; and
  - c. Prohibit parking within said easement; and
  - d. Equipped with a fire access gate with Knox box.
9. Mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
10. The mailbox clusters shall meet minimum ADA Standards and include a cover structure.
11. 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.
12. The applicant shall have a certified professional inspect ground water wells located within 100 ft from rock blasting activities a minimum of 14 days prior to any blasting activities. The well shall be reinspected a minimum of two times over the course of rock blasting activities with the final inspection occurring within 30 days of completion of the rock blasting. Inspection report shall be documented and presented to Town Staff for review. If it is determined that rock blasting construction had a negative impact on the well, the property owner will be compensated for any loss and such negotiations will occur between the applicant and affected property owner.
13. There will be no more than 10% of the residential units as rentals at any given time and will be restricted as such by deed restrictions.
14. The developer shall enter into a Development Agreement with the Town as provided by in Exhibit B.
15. The conditions shall run with the Property, and every purchaser, assignee, or transferee of an interest in the Property or any portion thereof, shall be obligated and bound by the terms and conditions of this conditional zoning ordinance.

PASSED and ADOPTED this 12th day of August, 2024.

  
\_\_\_\_\_  
Jennifer Teague, Mayor

ATTEST:

  
\_\_\_\_\_  
Janet Rackley, Town Clerk







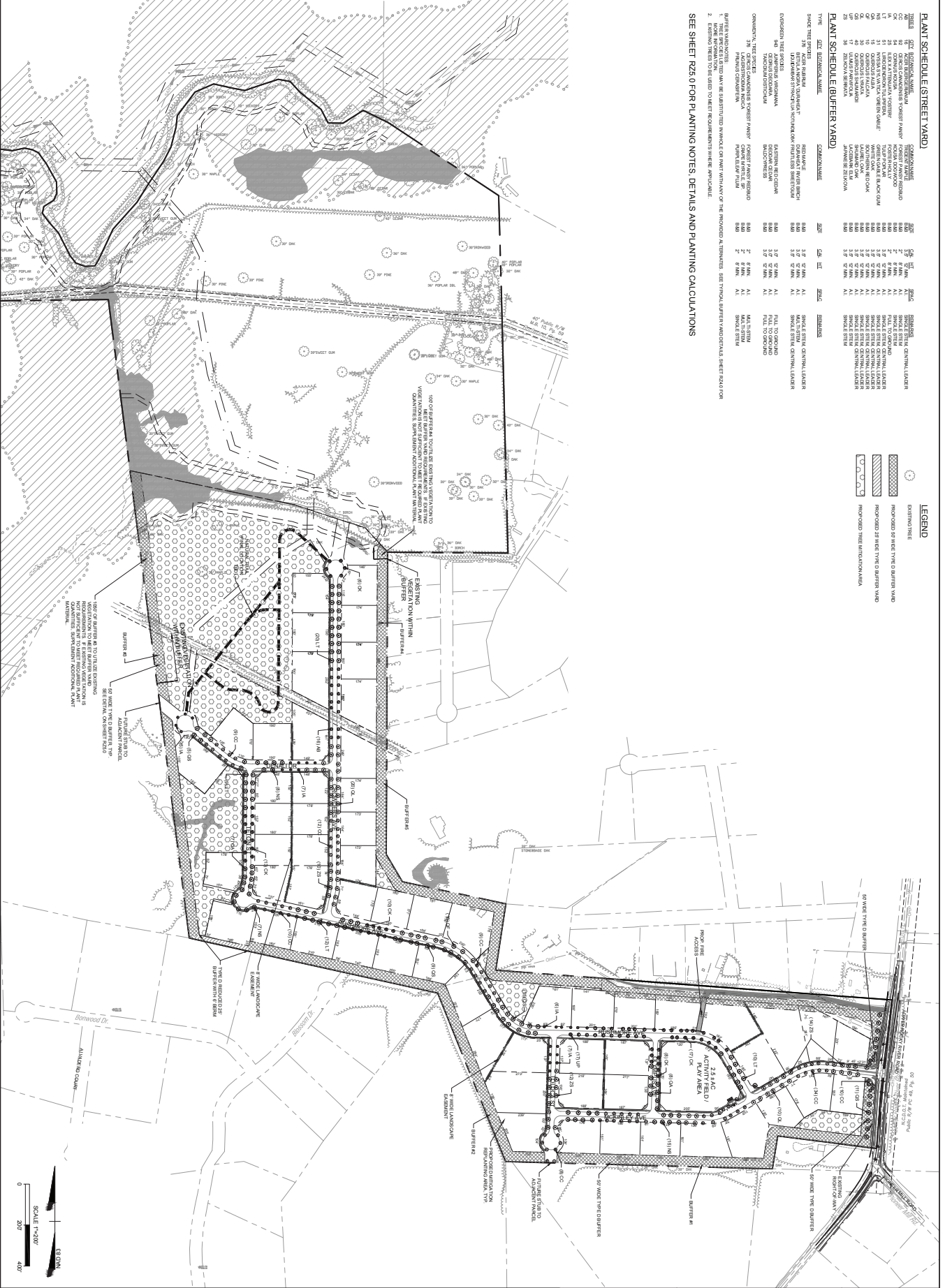






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# TIMMONS GROUP

NORTH CAROLINA LICENSE NO. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

## MCKINLEY SUBDIVISION

HARRISBURG, NORTH CAROLINA

### PLANTING PLAN

Scale: 1" = 200'

Sheet No. R2 4.0

THE CSC GROUP

602 PARK OFFICE DRIVE, SUITE 372  
DURHAM, NC 27709

DATE: 06/23/2023

DESIGNED BY: A. ALLISON

CHECKED BY: A. CARLSON

SCALE: 1" = 200'

REVISION DESCRIPTION

| DATE       | REVISION DESCRIPTION                     |
|------------|------------------------------------------|
| 09/28/2021 | REVISED PER TOWN COMMENTS                |
| 03/05/2024 | REVISED PER TOWN COMMENTS                |
| 05/22/2024 | REVISED PER TOWN COMMENTS                |
| 07/26/2024 | REVISED STREET SECTION PER TOWN COMMENTS |

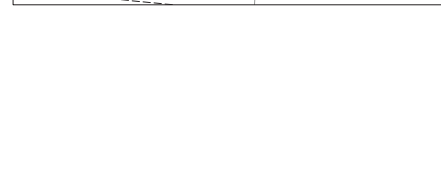
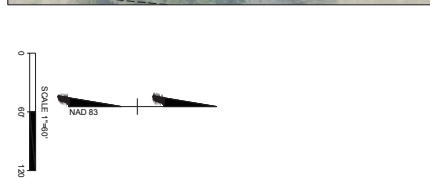
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SCANNED AND RETURNED

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN**

**THE TOWN OF HARRISBURG, NORTH CAROLINA**

**AND**

**BETHESDA ASSOCIATION, LLC, AND ROCKY INVESTMENTS, LLC**

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FILED  
CABARRUS COUNTY NC  
WAYNE NIXON  
REGISTER OF DEEDS  
FILED Sep 16, 2024  
AT 02:09 pm  
BOOK 17099  
START PAGE 0347  
END PAGE 0374  
INSTRUMENT # 19678  
EXCISE TAX \$0.00  
ABA



## **DEVELOPMENT AGREEMENT**

This development agreement (together with the Exhibits attached hereto, (the “Agreement”) is entered into effective as of the   14th   day of   September  , 2024 (the “Effective Date”), by and between the Town of Harrisburg, a municipal corporation of the State of North Carolina (the “Town”) and Bethesda Association, LLC, and Rocky Investments, LLC (collectively “Developer”), both of which are limited liability companies. The project (“Project”) is known as “McKinley Subdivision.” The Town and the Developer are sometimes separately referred to in this Agreement as a “party” or jointly referred to as the “parties.”

## **LEGAL FRAMEWORK**

The North Carolina General Statutes (“N.C.G.S.”) §160D-1001 through §160D-1012, as it exists on the Effective Date of this Agreement (the “Development Agreement Act”), enables local governments to enter into binding development agreements with entities intending to develop real property under certain conditions set forth in the Development Agreement Act.

N.C.G.S. 160D-1001(a)(1) provides that “Development projects often occur in multiple phases over several years, requiring a long-term commitment of both public and private resources.”

N.C.G.S. 160D-1001(a)(3) provides that “Because of their scale and duration, such projects often require careful coordination of public capital facilities planning, financing, and construction schedules and phasing of the private development.”

N.C.G.S. 160D-1001(a)(4) provides that “Such projects involved substantial commitments of private capital, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of development.”

N.C.G.S. 160D-1001(a)(5) provides that “Such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas.”

N.C.G.S. 160D-1001(a)(6) provides that “To better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs, local governments need flexibility to negotiate such developments.”

In view of the foregoing, N.C.G.S. §160D-1001 through §160D-1012 (Development Agreements) expressly authorize local governments and agencies to enter into development agreements with developers pursuant to the procedures and requirements of N.C.G.S. 160D-1001 through 1012, which procedures and requirements include approval of the development agreement by the governing body of the local government by ordinance after a duly notice public hearing.

N.C.G.S. 160D-1004 provides that “a local government may enter into a development agreement with a developer for the development of property as provided in this Article for developable property of any size,” and that “development agreements shall be of a reasonable term specified in the agreement.”

In addition to any force of law conferred upon this Agreement by North Carolina law related to local governments, the terms of this Agreement are also contractual in nature, are a significant inducement and consideration to enter into this Agreement and may be enforced as contractual terms.



### **RECITALS**

- A. The Developer is the fee simple owner of the real property described as Cabarrus County Property Real ID, as further depicted on **Exhibit A** and defined herein, and has the full and complete authority to enter into this Agreement.
- B. The Town is a local government entity, which is governed by its Town Council, and has full and complete authority to enter into this Agreement, which is being entered into for the public interest.
- C. The North Carolina Department of Transportation (the “NCDOT”) is the owner and maintenance provider of SR-1139 (“Lower Rocky River Road”) and SR-1134 (“Pioneer Mill Road”).
- D. The parties have determined that it is in the best interest of each to enter into this Agreement as described below.
- E. The purpose of this Agreement is to facilitate the Development (as defined herein) of the Property, of which the Developer is the fee simple owner, in a way that best realizes the benefits to the parties.
- F. The Development of the Property requires a major investment by the Developer and substantial commitment of resources to achieve the benefits of the Development for the Parties.
- G. The Development of the Property is consistent with the Town’s Unified Development Ordinance (“UDO”) and is reasonable and in the public interest for the following reasons, each of which serve as a benefit to the Town:
  - 1. Furthering the goals of securing an appropriate use and density on the Property and implementation of the Development Plan (as defined below); and
  - 2. Provision of an efficient, effective, and practical overall plan for addressing the Development of the Property.
- H. The general benefits to be received by the Developer from the Development of the Property include, without limitation:
  - 1. Development rights for residential development community, consisting of sixty (60) detached single-family units.
  - 2. A sewer allocation in accordance with the Town’s “Wastewater Allocation and Commitment Policy (see Exhibit E)
- I. The general benefits to be received by the Town from the Development of the Property include, without limitation:
  - 1. Enhancement of the tax base of the Town and provision of needed single-family housing; and
  - 2. Construction by Developer of public infrastructure as described in **Paragraph 11, Section.B**; and
  - 3. Development of the Property in accordance with the Harrisburg Area Land Use Plan (“HALUP”).
- J. This Agreement would be a companion item to Conditional Rezoning Case #H-2023-03-R.



K. This Agreement was considered by the Harrisburg Town Council at its August 12, 2024 meeting, in a duly called and advertised public hearing, pursuant to NCGS 160D-1005. The notice of public hearing specified, among other things, the location of the Property subject to this Agreement, the development uses proposed on the Property in accordance with the Development Plan, and a place where a copy of the proposed Agreement could be obtained. The Agreement was available for public inspection on the Town's website and at Town Hall.

**NOW, THEREFORE**, in consideration of the above Recitals and Terms contained below, the Developer and the Town agree as follows:

### **TERMS**

1. **The Property.** The property to be developed pursuant to this Agreement is described and depicted in the map recorded in Book 49 Page 50 of the Cabarrus County Register of Deeds Office ("Property").
2. **Definitions.** Capitalized terms in the Agreement shall have the meanings assigned to them below or elsewhere in this Agreement:
  - a) "Applicable Law" means all federal, state, and local statutes, ordinances, regulations, and requirements governing the Project, including, without limitation, the Current Regulations.
  - b) "Current Regulations" means all ordinances, resolutions, regulations, and comprehensive plans adopted by the Town on or before the Effective Date affecting the Development of the Property and includes, without limitation, laws governing permitted uses of the Property, density, design, and improvements, subject to Section 6 below.
  - c) "Development" shall have the same meaning as it does in the Harrisburg Unified Development Ordinance, Chapter 148: *Word Usage*.
  - d) "Zoning Permit" or "Development Permit" means any building permit, site plan, subdivision approval, rezoning certification, variance, certificate of occupancy and any other official action of Local Government having the effect of permitting the Development for the use of the Property contemplated in this Agreement.
  - e) "Development Plan" means a type of plan that becomes part of the zoning of a property that establishes the level of development allowed absent further zoning action except as otherwise allowed or required under this Agreement, and which is incorporated into the zoning map change approved as part of Case #H-2023-03-R, and as set forth on **Exhibit B** hereto.
  - f) "Development Schedule" means the schedule for development as shown in **Exhibit C**.
  - g) "Infrastructure" means major capital or community developments including, but not limited to, transportation, sanitary sewer, solid waste, drainage, and potable water.
  - h) "Local Government" means any municipality or governmental entity of the State of North Carolina established pursuant to Applicable Law which exercises regulatory authority over, and grants Development Permits for land Development or which provides public Infrastructure.
  - i) "Parcel" means any lot of record on which Development may occur in accordance with the Development Plan.
  - j) "Project" means the Development that will occur within and upon the Property pursuant to this Agreement and in accordance with the Development Plan.
  - k) "Property Owner" means (i) any person or entity, other than the Town, which shall have acquired any portion of the fee interest in the Property from and after the Effective Date, and (ii) any successor in interest to such person or entity.
3. **Relationship of the Parties.** This Agreement creates a contractual relationship between the parties. This Agreement shall not be interpreted or construed to create the relationship of master/servant,



principal/agent, association, partnership, joint venture, or any other relationship where one party may be held responsible for acts of the other party. This Agreement does not impose any partnership obligation or liability upon either party. Further, this Agreement is not intended to create, nor does it create a relationship whereby the conduct of Developer constitutes “state action” for any purposes.

4. Legislative Act. Any change in the Developer Obligations established by this Agreement and as set forth in Paragraph 11, shall require the approval of Harrisburg Town Council, subject to compliance with applicable statutory procedures and consistent with Section 6(a). This Agreement constitutes a legislative act of Town Council. Town Council adopted this Agreement only after following procedures required by Applicable Law.
5. Covenants Running with the Property. The conditions, covenants, and benefits set forth in this Agreement shall run with the Property, and every purchaser, assignee, or transferee of an interest in the Property or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be entitled to the benefits of this Agreement, as set forth in paragraph H. of the Recitals, for a duration of five (5) years in accordance with the terms of this Agreement. In addition, even after the term of this Agreement shall have expired, the zoning for the Property as described in the Development Plan shall survive and shall apply to future development of the Property, unless the Property is subsequently rezoned.
6. Applicable Regulations.
  - a) Applicable Law and Development Standards. Except as otherwise provided by this Agreement and in accordance with N.C.G.S. § 160D-1001-1012 (Development Agreements), Development of the Property, including, without limitation, approval procedures and impact fees applicable thereto, shall be in conformance with the Current Regulations and all other Applicable Law.
  - b) Vested Rights. Pursuant to the authority granted therefor in N.C.G.S. § 160D-1001 through 1012 and subject to the provisions of subparagraph (a) above, all rights and prerogative accorded the Developer by this Agreement, including, without limitation, application of the Current Regulations, shall constitute vested rights for the Development of the Property throughout the term of this Agreement.
  - c) Building Codes and Laws Other Than Land Use Regulations. Developer, notwithstanding any provision which may be construed to the contrary in this Agreement, must comply with any building, housing, electrical, mechanical, plumbing and gas codes subsequently adopted by the Town or other governmental entity. This Agreement shall not be construed to supersede or contravene the requirements of any building, housing, electrical, mechanical, plumbing and gas codes subsequently adopted by the Town or other governmental entity.
  - d) Updates to Town Ordinances. Where any Town ordinance, fee structure, resolution, or regulation adopted after of the date hereof (a “New Ordinance”), differs from the Current Regulations, Developer may, at any time after adoption of such New Ordinance, request that such New Ordinance, or any portion thereof, be incorporated into the Current Regulations. The parties recognize that this section shall not apply to any commitments reflected in the Development Plan or this Agreement. Developer shall submit such request in writing to the Town, and the Town shall review and respond to such request within sixty (60) days. Incorporation of a New Ordinance, or any portion thereof, into the Current Regulations shall be a non-material change to the Agreement.
7. Local Development Permits and Other Permits Needed. The parties anticipate that the following local Development Permits and other regulatory permits will be needed to complete the Development of the Project: Rezoning approval, Site Plan approval, plat approvals (preliminary or final), street, water, sewer, and stormwater construction drawing approval, zoning clearance permits, building permits, certificate of compliance, Town water and sewer permits, and stormwater control measure agreements. The failure of this Agreement to address a particular permit, condition, term, or restriction does not



relieve the Developer of the necessity of complying with all laws governing permit requirements, conditions, terms, or restrictions. It shall be the responsibility of the developer to obtain all applicable local, state and federal permits and adhere to the terms and conditions of these permits.

8. Project Development

a) Project Development. Developer shall construct the Project substantially in accordance with the provisions of **Exhibit B** ("Development Plan"), including improvements within the public right-of-way, attached hereto and this Agreement.

i. Significant Changes. Significant changes to the Development Plan or the Development Agreement, which is incorporated into the Development Plan as a text commitment, shall be considered in accordance with the procedures set forth in the UDO and State law.

9. Town Obligations.

a) In accordance with the Town's **Wastewater Allocation and Commitment Policy** (see **Exhibit D**), Developer may apply for a Wastewater Allocation Permit ("Allocation Permit") to supply public water and sewer treatment for the Project as provided therein for an amount not to exceed 60 lots, or 22,500 gpd.

10. Other Approvals. To the extent that any county or other Local Government, state or federal approvals are required in connection with the Development of the Project, the Town shall use reasonable efforts to assist Developer in obtaining such approvals.

11. Developer Obligations.

A. Developer shall develop the property in accordance with the Development Plan and conditions of approval granted by the Town of Harrisburg on August 12, 2024, as enumerated below. For purposes of this section, "Applicant" shall mean and refer to Developer as herein defined.

1. The conditional zoning district shall be restricted to a 60-lot, single-family detached residential community as designed within the accompanied site plan. The proposed development includes the dedication of 88.77 acres to the Town as depicted in the rezoning plan. Dedication shall occur prior to the recording of the first final plat.
2. Obtain all applicable local, state, and federal permits required for development before any development activity can take place.
3. Primary cladding materials for all residential buildings are restricted to masonry or similar products (no vinyl siding).
4. No exposed concrete foundations are permissible, and appropriate cladding must extend to the ground level on all sides of the homes.
5. An 8-foot landscape easement (4 feet on each side of the property line) is required for residential lots sharing a rear property line. Easements shall be recorded with Final Plats
6. All ponds, if required, shall be wet detention ponds with fountains. Ponds shall be designed such that there is a minimum depth of ten' over at least 25% of the permanent pool area. Said pond shall be fence with a vinyl 4-rail farm fence, preferably white.
7. The existing gravel driveway, on an existing easement that runs parallel along the proposed lots 15 through 21 and provides access to parcel 55262174560000 outside this proposed subdivision, shall be:



- a) Established as a sixty-foot-wide easement; and
  - b) Paved to Town standards; and
  - c) Prohibit parking within said easement; and
  - d) Equipped with a fire access gate with Knox box.
8. Mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
  9. The mailbox clusters shall meet minimum ADA Standards and include a cover structure.
  10. 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.
  11. The applicant shall have a certified professional inspect ground water wells located within 100 ft from rock blasting activities a minimum of 14 days prior to any blasting activities. The well shall be reinspected a minimum of two times over the course of rock blasting activities with the final inspection occurring within 30 days of completion of the rock blasting. Inspection report shall be documented and presented to Town Staff for review. If it is determined that rock blasting construction had a negative impact on the well, the property owner will be compensated for any loss and such negotiations will occur between the applicant and affected property owner.
  12. There will be no more than 10% of the residential units as rentals at any given time and will be restricted as such by deed restrictions.
  13. The conditions shall run with the property, and every purchaser, assignee, or transferee of an interest in the Property or any portion thereof, shall be obligated and bound by the terms and conditions of this conditional zoning ordinance.

B. The following transportation improvements are required and shall be installed and complete prior to the recordation of the first final plat:

- a) **Lower Rocky River Road & Pioneer Mill Road**
  - i. Construction of a southbound left-turn land along Lower Rocky River Road with a minimum of 100 ft of storage.
  - ii. Construction of a three-lane section along Lower Rocky River Road between Pioneer Mill Road and Site Access.
- b) **Lower Rocky River Road and Site Access**
  - i. Construction of the eastbound approach with one ingress & one egress land and an internal protected stem of 100 ft.
  - ii. Construction of a southbound right-turn lane along Lower Rocky River Road, with a minimum storage length of 100 ft.
  - iii. Construction of a northbound left-turn lane along lower Rocky River Road with a minimum storage length of 100 ft.

C. Developer will be responsible for the acquisition of all necessary right-of-way to accommodate the required road improvements noted in subsection 11.B.of this agreement. Should it be necessary, the Town will assist in the right-of-way acquisition process to the extent allowed under the NCGS.



D. Developer will dedicate all public utilities and public right of way improvements to the Town and/or NCDOT as appropriate and required by Ordinance.

12. Schedule. All work relating to the Project shall be in accordance with the specifications (zoning, details, etc.) as detailed in the applicable Project documents (site plan, preliminary plat and construction drawings, etc.) and Exhibit C, Development Schedule and Public Facilities Schedule/Scope of Work.

13. (Intentionally Omitted)

14. Maintenance and Warranty. The Developer will be bound to warranty and maintenance of the Project after completion solely prescribed within any surety bond or other Project agreement entered into with the Town or the NCDOT.

15. Default.

a) Developer Default. Per **Section 4. Procedure**, of the “Town of Harrisburg Wastewater Allocation and Commitment Policy”, Developer must initiate construction of the Project on or before 180 days following issuance of a “Preliminary Sewer Allocation Permit. Commencement of installation of water and/or sewer infrastructure shall begin within 120 days of final permit approval,” or approval shall be revoked. In cases where no utility extensions are necessary, construction permits must be obtained and building foundations constructed within 120 days of construction drawing approval or final allocation will be revoked. In the event the extension of utilities is required, construction of the Project must be initiated on or before 180 days after issuance of the NC Department of Environmental Quality Wastewater Collection System Extension Permit. If the Developer fails to make continuous progress (which for purposes of this section shall be defined as proceeding with the planning and construction of the Project without major (more than 90 days) interruption) in the period following submission of construction plans for review and issuance of the NC Department of Environmental Quality Wastewater Collection System Extension Permit the projects sewer allocation may be revoked in the discretion of the Town as a material default under this Agreement. This requirement applies to construction for each phase of the Project for which an Allocation Permit is issued. If the Developer commits a material breach of the terms or conditions of this Agreement, Town shall serve notice in writing upon the Developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and the Developer shall have sixty (60) days to cure such breach, provided that if such breach cannot be cured within sixty (60) days using commercially reasonable efforts, the Developer shall be permitted such time as reasonably necessary to effect such cure so long as the Developer shall use commercially reasonable efforts to diligently prosecute such cure.

b) Town Default. If the Town commits a material breach of the terms or conditions of this Agreement, Developer shall serve notice in writing upon the Town setting forth with



reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and the Town shall have sixty (60) days to cure such breach, provided that if such breach cannot be cured within sixty (60) days using commercially reasonable efforts, the Town shall be permitted such time as reasonably necessary to effect such cure so long as the Town shall use commercially reasonable efforts to diligently prosecute such cure.

16. Remedies.

- a. Town Remedies for Developer Default. In the event of a Developer material breach of this Agreement and fails to cure such breach within a 60-day period following notice Town may:
  - i) Refuse to issue certificates of compliance for the Development.
  - ii) Rescind any sewer allocation permit
  - iii) Terminate this agreement.
- b. Developer Remedies. If the Town fails to cure any material breach within a 60-day period following notice, then such breach shall be a "Town Default" hereunder, and Developer may be entitled to reimbursement of an amount of actual damages suffered by Developer from that breach, and shall not include any special, indirect, incidental, consequential or exemplary damages.

17. General Provisions.

- a. Term. The term of this Agreement shall commence only upon the full execution of this Agreement. This Agreement shall terminate five (5) years thereafter. The end of the term of this Agreement (the "Termination Date"), as may be extended from time to time by the parties or earlier terminated in accordance with the provisions of this Agreement.
- b. Amendment. As required by N.C.G.S. § 160D-1006(e), major modifications or significant changes to this Agreement shall follow the same notice, public hearing, and approval procedures as were followed initially when the parties formed this Agreement. A major modification or significant change of this agreement shall include any change not agreed to by both parties hereto. Except as otherwise set forth herein, this Agreement may be amended only by written mutual consent of the parties or by their successors in interest. Wherever said consent or approval is required, the same shall not be unreasonably withheld. In the event state or federal laws or regulations prevent or preclude compliance with one or more provisions of this Agreement, the pertinent provisions of this Agreement shall be modified or suspended as may be necessary to comply with the state or federal laws or regulations. In such event, compliance with all other provisions of this Agreement shall remain unaffected and unmodified.
- c. Severability. If any word, phrase, sentence, paragraph, or provision of this Agreement shall be finally adjudicated to be invalid, void, or illegal, it shall be deleted and in no way affect, impair, or invalidate any other provision hereof.
- d. Merger. This Agreement, coupled with its Exhibits, which are incorporated herein by reference, state the final and complete expression of the parties' intentions with respect to the subject matter hereof.



- e. Further Assurances. The parties hereto shall cooperate with each other to effectuate the provisions of this Agreement and to act reasonably and expeditiously in all obligations under the Agreement. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties shall cooperate in defending such action.
- f. Governing Law and Venue. This Agreement shall be construed and enforced in accordance with the substantive laws of the State of North Carolina, without regard to principles of conflicts of laws. The only proper venue and court for litigation related to, arising out of, or connected with this Agreement or the relationships between the parties established by this Agreement shall be Cabarrus County Superior Court.
- g. Successors in Interest and Recordation. The burdens of this Agreement are binding upon, and the benefits of this Agreement shall inure to, all assignees or successors in interest of the Parties to this Agreement. The term "Developer" as used herein, shall denote
  - (i) the named Developer herein, and (ii) any successor of Developer (which shall mean any person or entity that takes over the Project from Developer). The Developer shall record this Agreement in the Cabarrus County public records within fourteen (14) days after the execution of the Agreement by the parties. The rights and obligations contained herein shall run with the land.
- h. Third Parties. Notwithstanding any provision herein to the contrary, this Agreement shall not be binding and shall have no force or effect as to persons or entities not parties or successors and assigns to this Agreement.
- i. Estoppel. Each party agrees, from time to time, within thirty (30) days after request of another party, to deliver to the requesting party or such party's designee, an estoppel certificate stating that this Agreement is in full force and effect, the unexpired term of this Agreement, and whether or not, to such party's knowledge, there are any existing defaults or matter which, with the passage of time, would become defaults under this Agreement. It is understood and agreed that the party's obligations to furnish such estoppel certificates in a timely fashion is a material inducement for execution of this Agreement.
- j. Representations and Warranties of the Developer. The Developer represents and warrants to the Town that:
  - i) It is an entity duly organized, existing, and in good standing under the laws of the State of Delaware; and
  - ii) It has the full right, power, and authority to enter into this Agreement and to perform its obligations hereunder.
- k. Force Majeure. In addition to specific provisions of this Agreement, no party shall be responsible for any default, delay or failure to perform if such default, delay or failure to perform is due to causes beyond such party's reasonable control, including, but not limited to, strikes, lockouts, actions or inactions of governmental authorities, epidemics, pandemic, wars, embargoes, fires, hurricanes, adverse weather, acts of God, interference duly caused by any other party, or the default of a common carrier. In the event of a default, delay or failure to perform due to causes beyond such party's reasonable control or due to interference by another party, any date or times by which the parties are otherwise scheduled to perform, if any, shall be extended for a period of time equal in duration to the time lost by reason of the cause beyond the reasonable control of such party. Written notice of such alleged delay shall



be given to the other party within thirty days of the commencement of such delay. An extension of time, if any, for such cause shall be mutually agreed upon in writing by the parties. The parties agree that such consent to an extension of time shall not be unreasonably withheld.

- l. Construction of Agreement. Both parties hereto have been represented by counsel in the negotiation of this Agreement, and neither this Agreement nor any provision hereof shall be construed against a party hereto because such party drafted it or caused it to be drafted.
- m. No Waiver. Failure of a party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future time said right or any other right it may have hereunder. Unless this Agreement is amended by vote of the Town Council taken with the same formality as the vote approving this Agreement, no officer, official or agent of the Town has the power to amend, modify or alter this Agreement or waive any of its conditions except as set forth herein.
- n. E-Verify . For agreements that include construction or services, parties contracting with the Town as identified in Article 2 of Chapter 64 of the NC General Statutes must comply with E-Verify requirements to contract with a North Carolina local government entity.
- o. Notices. All notices hereunder shall be given in writing by certified mail, postage prepaid, or by delivery through a nationally recognized overnight carrier, delivery confirmation required, provided that such notices may be delivered via electronic mail if such notice shall also be delivered by one of the other methods described in this section. Delivery shall be deemed effective as of the date of the delivery receipt, or, for notices delivered electronically, on the date such notice was sent via electronic mail without automatic notification of any delivery error. Notices shall be delivered to the following addresses:

**To the Town:**

Town Manager's  
Office Town of  
Harrisburg 4100 Main  
Street  
Harrisburg, North Carolina 28075  
**Email:** [rdonham@harrisburgnc.org](mailto:rdonham@harrisburgnc.org)

**With copies to:**

Town Attorney  
Town of  
Harrisburg  
3220 Prosperity Church Road, Suite 201  
Charlotte, NC 28269  
**Email:** [lawoffice@richardkochlaw.com](mailto:lawoffice@richardkochlaw.com)



**To the Developer:**

Steve George  
steve@thescgrp.com  
10030 Green Level Church Road  
Suite 802, #149  
Cary, NC 27519  
**Email:** ping@thescgrp.com

**With copies to:**

Nicole Loeffler  
Weatherspoon & Voltz  
3700 Glenwood Avenue  
Suite 250  
Raleigh, NC 27612  
**Email:** nicole@wvllp.com

Ping Chen  
10030 Green Level Church Road  
Suite 802, #149  
Cary, NC 27519  
**Email:** [ping@thescgrp.com](mailto:ping@thescgrp.com)

- p. Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile or scanned copies of executed originals and may further be executed by counterpart signature pages.
- q. Time for Performance. Any reference to “day” or “days” herein shall mean calendar day(s) unless otherwise specified, and any deadline or outside date set forth herein falling on a Saturday, Sunday, or holiday on which banks are closed for business in Harrisburg, North Carolina shall be automatically extended to the following business day.
- r. Conflicting Terms; Conflicting Requirements. In the event of a conflict between the requirements of this Agreement and the requirements of any Exhibits, the more stringent requirements shall apply.



[Separate Signature Page To Follow]



IN WITNESS WHEREOF, this Development Agreement has been executed by the parties on the day and year first above written.

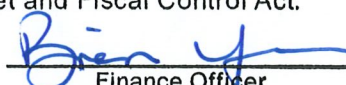
**TOWN OF HARRISBURG**

**By:** Robert Donham  
**Title:** Town Manager



Attest:   
Janet Rackley, CMC  
Town Clerk

This instrument has been preaudited  
in the manner required by the NC  
Budget and Fiscal Control Act.

8.14.24   
Date Finance Officer

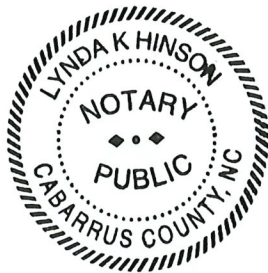
STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

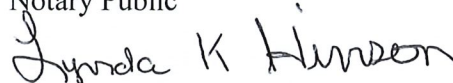
I, Lynda K. Hinson, a Notary Public of the County and State aforesaid, certify that Janet Rackley personally came before me this day and acknowledged that she is Town Clerk of the Town of Harrisburg, a North Carolina municipal corporation, and that by authority duly given and as the act of the Town of Harrisburg, the foregoing instrument was signed in its name by Robert Donham, Town Manager, sealed with its municipal seal and attested by her as its Town Clerk.

Witness my hand and notarial seal, this 14<sup>th</sup> day of August, 2024.

[SEAL]



Notary Public

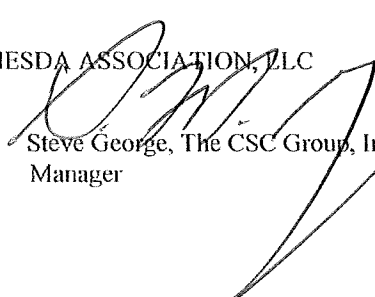


My commission expires: 01/26/2027



DEVELOPER

BETHESDA ASSOCIATION, LLC

By:  Steve George, The CSC Group, Inc.  
Title: Manager

STATE OF NORTH CAROLINA

COUNTY OF ~~CABARRUS~~ Wake

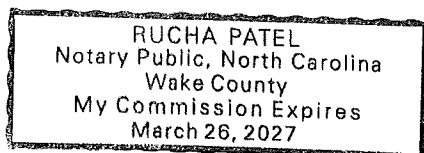
I, RUCHA PATEL, a Notary Public of the County and State aforesaid, certify that Stephen M. George personally came before me this day and acknowledged that (s)he is manager of Rocky Investment, LLC, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by.

Stephen M. George. manager

Witness my hand and notarial seal, this 4<sup>th</sup> day of September 2024.

Notary Public

[SEAL]



My commission expires: March 26, 2027

ROCKY INVESTMENTS, LLC

By: Steve George, The CSC Group, Inc  
Title: Manager

STATE OF NORTH CAROLINA

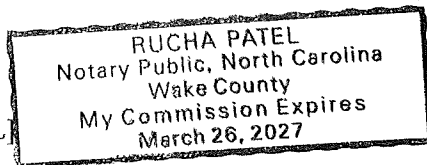
COUNTY OF ~~CABARRUS~~ Wake

I, Rucha Patel, a Notary Public of the County and State aforesaid, certify that Stephan M. George personally came before me this day and acknowledged that (s)he is manager of Rocky Investments and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by.

Stephan M. George, manager.

Witness my hand and notarial seal, this 15<sup>th</sup> day of Sept., 2024.

[SEAL]



Notary Public

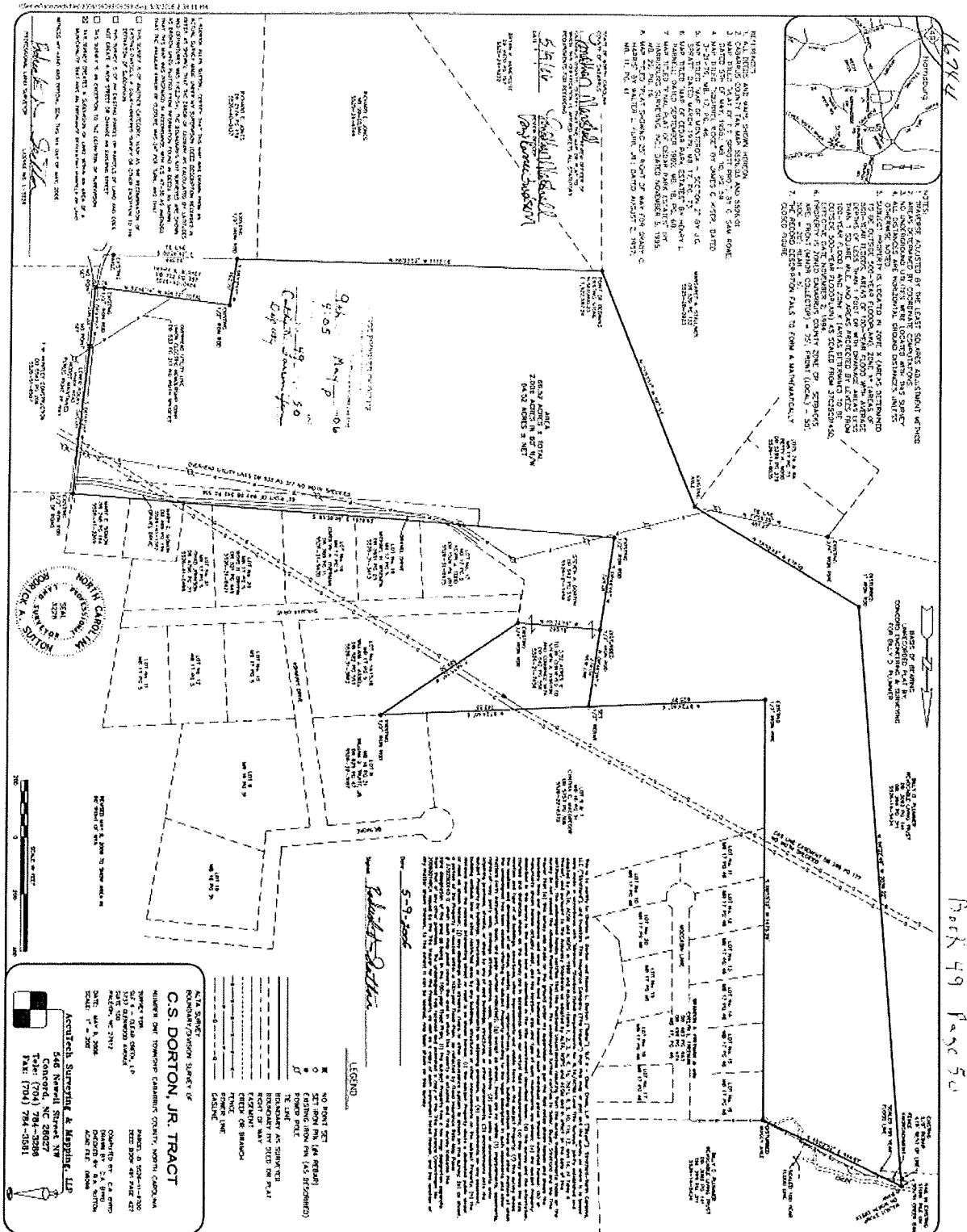
[Signature]

My commission expires: March 26, 2027

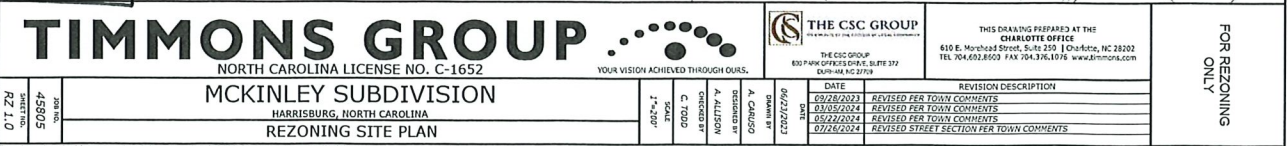


## EXHIBIT A

### Property Survey



S:\110460423-McKinley Subdivision (DRH)\DWG\Sheet\RZ60423C-REZONING PLAN.dwg | Plotted on 7/29/2024 8:38 AM | by Andrew Allison





**EXHIBIT C**  
**Development Schedule and Public Facilities**  
**Schedule/Scope of Work**

1. Development of sixty (60) single-family detached homes in a residential community, including all infrastructure improvements for water, sanitary sewer, paving, and drainage, in accordance with the approved Construction documents for the McKinley Subdivision.
2. Construction of road improvements detailed in Section 11.B., with all transportation improvements to be completed prior to recording of the first final plat.
3. Comply with the requirements of the Town's Wastewater Allocation and Commitment Policy, adopted by the Town of Harrisburg on April 11, 2022, and as amended March of 2024.
4. Development Project is anticipated to be completed on or before December 31, 2026, but such construction completion timetable shall not be an obligation of Developer.

**EXHIBIT D**  
**Town of Harrisburg**  
**Wastewater Allocation and**  
**Commitment Policy**  
(See Next Page)





HarrisburgNC

*The right side of opportunity*

## Wastewater Allocation and Commitment Policy

Originally Published: April 2022

Modified: March 2024

### 1. Term

- a. This policy shall control the preliminary allocation of wastewater capacity to projects requiring permits based upon 15A NCAC Subchapter 2T rules and the Water and Sewer Authority of Cabarrus County ("WSACC"). This Policy may be amended by the Harrisburg Town Council at any time.

### 2. Policy Applicability.

- a. All development within the Town of Harrisburg ("Town") which requires development approval in accordance with the Unified Development Ordinance (UDO) and any successor ordinance(s) will be required to make a request for a Wastewater Treatment Capacity Allocation Permit ("Allocation Permit"). Any existing development approval - with or without an Allocation Permit - that is modified or expanded in any way shall be considered a new allocation and will require a new Allocation Permit. More specifically, any increase in wastewater collection/treatment impacts, including discharge limits and volume allocation will require a new Allocation Permit.

In general, parcels of land with an existing wastewater service connection at the time of the adoption of this policy is considered to have an existing wastewater treatment capacity allocation based on current land and/or building use. A parcel of land with no wastewater service connection at the time of the adoption of this Policy is considered to not have an existing wastewater treatment capacity allocation.

Approval of a new or modified Allocation Permit will be at the sole and absolute discretion of the Town and shall be in accordance with this Policy. An allocation committee comprised of the Town Manager, Deputy Town Manager, and one staff member from each of the following Town Departments - Engineering, Public Works, and Planning, shall make allocation determinations under this Policy and hereafter referred to as "Allocation Committee".

b. Notwithstanding the provisions of Section 3, the following types of developments are exempt from the requirements of this Policy:

1. A single- or two-family home on one existing, recorded lot at the time of the adoption of this Policy.
2. New or expanded accessory building on a lot, where a primary structure already exists.
3. New additions or interior renovations to existing residential or commercial buildings.
4. Property serviced by a septic system which will not be connected to the Town's wastewater system.

### 3. General Policy.

The Town seeks to grant wastewater allocations in a way that supports its economic growth, economic diversity, strengthening of the tax base, creation of jobs, and promotion of high- quality development, while maximizing existing infrastructure and service delivery capacity. To provide a foundation for this policy, the Harrisburg Town Council hereby adopts the following broad development priorities and determines that they are in the best interests of the Town, its citizens and stakeholders.

This Policy provides that all development projects seeking an Allocation Permit fall into one of three (3) categories as described below. The priorities are rank ordered (first being most important).

- a. Priority 1: Economic Development and Strategic Reserve. This priority consists of a strategic reserve of wastewater treatment capacity to support future projects or development sites that support the general policy statement at the beginning of this Section IV, the Town economic development process, or municipal or civic facilities. These projects fall into a wide range of the development process from conceptual to preliminary plat or preliminary site plan submittal. In some cases no specific project will have been identified and only a **high-level** development carrying capacity estimate (density and design) for a particular site will be used. This estimate will be prepared by the Town. Further, a reserve amount for a general land development category (and not a specific site) may be set aside. The decision to set aside capacity for these projects, future sites and development categories will be at the sole discretion of the Town. Generally, these projects, project sites or development categories are expected to have significant positive community impacts. These strategic reserve projects, sites and development categories are intended to align with the following strategic priorities:



1. **Recent Town investments.** These are projects or project sites served by water, wastewater, storm water, street, buildings or other such public investments currently secured by current Town debt obligations.
  2. **Town Center Development.** These are projects or project sites: 1) located in the Harrisburg Town Center; and 2) identified by the Town as high quality that meet a Town need and complement the existing uses of Town Center
  3. **Economic Development.** These projects or project sites include commercial, office and industrial development (and similar uses) which create significant tax base, create jobs and require limited public resources.
  4. **Improved Town services or infrastructure.** These are projects that, if developed, will result in significant improvements to existing Town services or infrastructure through private financial participation. Examples may be partnerships on water or wastewater extensions that meet a Town need, or dedication of land for a public park. The improvements must be substantial in nature including a significant private commitment of funding or other public asset development.
- b. Priority 2: Waiting List Projects. These are projects that are not included in Section 3.a and have been previously denied a Wastewater Allocation Permit. The projects in this priority category become part of a waiting list and they are delineated as such on forms developed by Town staff. Should additional wastewater capacity become available from WSACC or from projects not proceeding expeditiously in accordance with this Policy, then projects on the waiting list will become eligible to request an Allocation Permit. Prior to considering approval of an Allocation Permit for a project on the waiting list, the Town shall review the project plan and re-affirm and/or update the prioritization scoring results based on any changes that may have been made to the project. This potential for assigning additional allocation will only occur once every six (6) months after receiving updated capacity reports from WSACC (expected by the end of January and July of each year) except in extraordinary circumstances as approved by the Town Manager. Projects that have secured preliminary plat or preliminary site plan approval at the time of the adoption of this policy shall be given first consideration for additional allocation over other projects.

#### 4. Procedure.

- a. Amount of wastewater allocation:
  1. The amount of wastewater allocation available and attributable to any designated calendar year shall be the amount given by WSACC to the Town,

as determined through the interlocal agreement executed by the Town Council.

2. The Town shall reserve at least 30 percent (30%) its available wastewater capacity for Economic Development projects and as a Strategic Reserve. As Economic Development flow is allocated, non-residential flow will be used to re-balance the Economic Development reserve, if available.
3. The Town shall allot from the remaining amount 40% to residential, 60% to non-residential .

Mixed use projects may be allocated using allocations from the non-residential and residential allocations, if available and approved by Allocation Committee.

- b. The owner or developer of any project requiring an Allocation Permit from the Town shall submit a written application via a form provided by Town staff. The application shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule and phasing in relation to demand of utility capacity, and other supporting information demonstrating how the project serves the needs and interests of the Town Additional information may be required and may be subject to other ordinances or policies of the Town and WSACC.
- c. Projects exempt from submitting a written application for wastewater treatment capacity allocation, still require Allocation Permit issued by the Town prior to construction commencing.
- d. In accordance with the Allocation Agreement, every six (6) months the updated wastewater treatment capacity available to the Town from WSACC will be reconciled with a list of projects that have applied for but have not yet received an Allocation Permit. At this time the Town will consider allocating some or all of its then available wastewater treatment capacity to strategic reserve projects and waiting list projects. There is no guarantee of any project receiving an Allocation Permit.

The assignment of any additional wastewater treatment capacity will only occur once every three (3) months except in extraordinary circumstances as approved by the Town Manager.

- e. Due to weather-related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available capacity is, by its very nature, inexact and subject to change. The Town will continually track allocation reservations granted and the amount of capacity available. Such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.



- f. Allocation Permits issued by the Town will reserve the approved wastewater treatment plant capacity and permit the completion by the applicant of construction drawings. The Allocation Permit issued by the Town will be followed by the corresponding final allocation approval by WSACC following the final approval of construction drawings by the Town.
- g. Allocation Permits are not transferrable except upon written consent of the Town.
- h. Preliminary Allocation approvals
  - 1. Allocation Committee will be the body to approve preliminary allocation requests.
  - 2. Projects (excluding Economic Development) will be presented quarterly to the Allocation Committee. The Town Council will approve Economic Development projects separately.
  - 3. The Allocation Committee will be presented with current allocation available, and the impact of the projects presented on remaining capacity. Projects will be assigned prioritization points based upon the point system attached.
  - 4. Residential approvals may be phased to allow a maximum of 50 units per year. The 50 units is within a project and not cumulative Town-wide.
  - 5. If approved by the committee, a Preliminary Wastewater Allocation Permit shall be issued. A Preliminary Wastewater Allocation Permit may not be issued without the acceptance of Construction Documents for review by the Town, unless approved by the Town Manager. The Preliminary Permit will expire after six months. In the event where construction document approvals are not secured by the applicant within six months, a new Preliminary Wastewater Allocation Permit may be required. A project must have a valid Preliminary Wastewater Allocation Permit prior to receiving a final wastewater allocation, which shall occur at the time of utility permitting. The final wastewater allocation shall not be more than the preliminary wastewater allocation.
  - 6. Commencement of installation of water and/or wastewater infrastructure shall begin within 120 days of final permit approval, or approval shall be revoked. In cases where no utility extensions are necessary, construction permits must be obtained and building foundations constructed within 120 days of construction drawing approval or final allocation will be revoked.
  - 7. Any extension of preliminary or final wastewater allocation timelines must be approved by the Town Manager.

i. Project Prioritization Scoring

1. Projects will be scored using the table below.

**The project score is simply a guide for Town to evaluate the projects based on the given criteria.** Project scores do not guarantee acceptance or rejection and projects are also not specifically competing against each other. Project scores are one evaluation technique for Town Staff. Final allocation authority is the sole decision of the Town.

2. Projects deemed Economic Development projects will not be scored and will be evaluated by Town Council and potentially awarded an allocation through existing Economic Development processes.

RESIDENTIAL PRIORITIZATION EVALUATION

|                                                             |    |
|-------------------------------------------------------------|----|
| • Located within an adopted small area plan or growth nodes | +2 |
| • Vertical mixed use                                        | +2 |
| • Redevelopment Site                                        | +1 |
| • Horizontal mixed use                                      | +1 |
| • Town Center Development                                   | +1 |
| • Construction of an existing Town C.I.P.                   | +1 |
| • Low Density Storm Water Qualified                         | +2 |
| • Median lot sizes greater than ¾ acre                      | +2 |
| • Significant non-required Park and Rec. elements           | +1 |
| • Contiguous Annexation                                     | -1 |
| • Non-Contiguous Annexation                                 | -2 |

NON-RESIDENTIAL PRIORITIZATION EVALUATION

|                                                             |    |
|-------------------------------------------------------------|----|
| • Office                                                    | +1 |
| • Located within an adopted small area plan or growth nodes | +1 |
| • Part of an approved mixed-use plan or PUD                 | +1 |
| • Contiguous Annexation (Non- economic development)         | -1 |
| • Non-Contiguous Annexation (Non- economic development)     | -2 |
| • Industrial use                                            | +1 |
| • Construction of an existing Town C.I.P.                   | +1 |
| • Complementary use to existing development*                | +2 |

\*If seeking points for complementary use, the applicant should define the proposed use for the site and how it complements adjacent and nearby development.

- j. Additional Factors which Town may consider.



1. Whether in Town's opinion, the application is for a land use which is consistent with the Town's adopted policies concerning growth and development, and
2. Such other factors as may be identified by the Allocation Committee in its deliberations, which either suggest that a particular application promotes or undermines the public health or safety, or the general welfare of the Town.

## **5. General Conditions**

- a. This Policy shall replace any previous practices or policies on wastewater treatment capacity allocations adopted by the Town.
- b. Due to the limited wastewater treatment capacity, it is the intention of this Policy to prohibit "capacity banking" where valuable wastewater treatment capacity is allocated but not used by a development project within a reasonable timeframe. More specifically all allocation execution timeframes in accordance with section 4(a) shall apply to the priority categories described in Section 3(a-c) above unless otherwise approved by the Town Manager
- c. For large, multi-phase projects, an approved phasing plan will include specific timing of construction drawing submittals that will generally adhere to the principles of this policy; however, the first phase must comply with the timeframes of subsection 4(a). Notwithstanding the above, if contractual obligations between a developer and the Town provide a different schedule for securing these approvals the contractual obligations shall become the requirement.
- d. An Allocation Permit will expire if a project has not progressed in accordance with the timeframes described in Sections 4(a) above and any approved extensions. Projects with an expired Allocation Permit will be required to submit a new application. These projects will be placed on the waiting list described in Section 3(c).
- e. The final decisions on project phasing will be at the sole discretion of the Town Manager or designee due to the phased nature of wastewater treatment capacity increases and the intent to provide a fair and equitable allocation of capacity to as many development projects as possible.
- f. If a project is unsuccessful in obtaining any required federal, State, or local government permit or approval the allocation may be retracted. The Town shall bear no liability for any costs incurred by the applicant, or any further responsibility in the matter.

- g. Granting of a wastewater treatment capacity allocation does not imply or confer approval of any other applications or reviews as may be required by Town Ordinance or policy and does not imply or create any vested right.
- h. This policy shall be reviewed annually and, when appropriate, modified by Town Council.

## **6. Appeals Process**

Any issue relating to a decision assigned to any project may be appealed to the Town Manager. A final decision shall be rendered by the Manager. Such decision may be appealed to the Town Council who shall hear the appeal at the next regularly scheduled council meeting and render a final decision. Notice for any appeal shall be delivered to the Town Clerk for scheduling within following notice of the final decision by written notice or e-mail from the Town Manager.



### 145.01.07 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 145.01.07-1, *Common Decision Criteria Applicability*. Additional review criteria may apply and are enumerated in the specific review procedures of this Section.

| Table 145.01.07-1, Common Decision Criteria Applicability                                                                                                                                                                                                                                                        |                               |                          |                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------|------------------------------------------|
| Common Decision Criteria                                                                                                                                                                                                                                                                                         | All Applications <sup>1</sup> | Legislative Applications | Quasi-Judicial Applications <sup>1</sup> |
| 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 144.01.02, <i>Purposes</i> , 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.                                                                                                                                              |                               | ♦ <sup>2</sup>           | ♦ <sup>3</sup>                           |
| 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.                                       |                               | ♦ <sup>2</sup>           | ♦                                        |
| TABLE NOTES:<br>♦ = Basic review criteria applies<br><sup>1</sup> Excluding Appeals of Administrative Decisions<br><sup>2</sup> Excluding UDO Text Amendments<br><sup>3</sup> Excluding Variances                                                                                                                |                               |                          |                                          |



## TOWN OF HARRISBURG

### Agenda Item Details

**Title:**

H-2024-01-TA Text Amendments of Various Chapters of the Unified Development Ordinance

**Presenting Personnel:**

Zachary Gordon, Planning Director

**Suggested Motion or Action:**

**Motion to:**

- Recommend approval of H-2024-01-TA to the Town Council; and
- Find the proposed text amendments are consistent with the applicable criteria of Section 144.01.02 of the UDO and consistent with the goals of the HALUP in the areas of Park, Recreation, & Open Space, Public Safety, and Land Use & Development Design.

**Description/Background:**

A request to amend various chapters of the UDO to:

- Establish standards for the design and placement of "Cluster Box Units (CBU's) in new residential developments
- Codify requirements typically placed on conditional zoning projects, thus establishing them as standard regulations; and
- Clarify use definition for limited-service restaurants; and
- Enhance the quality of life for residents.

**Recommendation:**

Approve as presented.

**Fiscal Impact:**

None

**Attachments:**

1. H-2024-01-TA Various Chapters
2. Attachment A\_Section 140.04.07
3. Attachment B\_Section 142.02.11
4. Attachment C\_Section 148.02





Planning and Zoning Department

**Staff Report – Planning and Zoning Board  
H-2024-01-TA: Various Chapters**

---

**DATE:** November 19, 2024

**SUBJECT:** **H-2024-01-TA:** Various Chapters of the Unified Development Ordinance (UDO). Request to amend various Chapters of the UDO for the purpose of correction, clarification, or adding regulations.

**Applicant:** Staff Text Amendment

**Staff Report Prepared by:** Shelley DeHart, Assistant Planning Director

**Neighborhood Meeting:** N/A

**APPLICATION SUMMARY:**

- Staff is proposing the modification of various sections of the UDO. The intent behind this proposed action is to:
  - Codify requirements typically placed on conditional zoning projects, thus establishing them as standard regulations; and
  - Clarify use definition for limited-service restaurants; and
  - Enhance the quality of life for residents.
- These amendments are focused on:
  - Establishing regulations for Cluster Box Units (cluster mailbox units) that include location requirements, safety features, accessibility, and shelter from the weather.
  - Modifying stormwater pond regulations to require amenities around facilities that include walking trails, benches, dog-waste stations, with the ability to count the areas toward meeting active open space requirements.
  - Definition for Restaurant – Limited Service- clarifying that some interior sit-down service is required within drive-through restaurant businesses.
  - Minor editorial corrections within the Chapters proposed for amendment.
- These proposed amendments are recommended by staff and found to be consistent with the criteria outlined in Section 145.01.07 of the UDO and the goals of the Harrisburg Area Land Use Plan (HALUP).

## STAFF ANALYSIS

Town staff maintains a log of proposed modifications to the Town’s Unified Development Ordinance (UDO). These amendments vary from minor edits to full rewrite of Chapters. A number of these amendments are developed as the result of added “conditions of approval” placed on conditional zonings applications, staff identified issues that affect implementation of the codes, or changing conditions in land use or technology. This request is the first of many that will be processed over the coming year as we undertake a comprehensive update of the UDO.

## AMENDMENTS

**Section 140.04.07 Accessory Use and Structure Standards:** This amendment proposes to add performance standards for the installation of Cluster Box Units (CBUs), more commonly known as “cluster mailbox units” utilized for the delivery of mail by the US Postal Service. The UDO has a definition for CBUs, however, there are no performance standards related to placement or design. See **Attachment A** for complete edits within this Section of the UDO.

12. **Cluster Box Units (CBUs):** *All CBU’s shall meet the standards set forth by the U.S. Postal Service and the Town.*
  - a. **Location:** All units shall be placed in a safe and accessible location within a development’s common open space or amenity center (outside of a public right-of-way). When CBU locations are dispersed throughout a community the unit placement shall be positioned within a block walking distance of the users. If large clusters of units are proposed, they shall be located at the common amenity center, or other common open space area, with designated off-street parking.
  - b. **Site Design:** All units shall be in compliance with the U.S. Postal Service criteria and shall include the following:
    - i. Each CBU shall be installed under a covered structure or within a building that is architecturally compatible with the development.
    - ii. Adequate lighting shall be provided for public safety.
    - iii. Designated parking spaces are required and shall be ADA accessible.
    - iv. Additional requirements may apply pursuant to the Town’s development standards and specifications.
  - c. **Permitting:** All CBU sites shall be reviewed and approved by the Town for compliance with Town standards.

**Section 142.02.11 Open Space and Park Design and Dedication:** The Town continues to identify projects and/or code changes that will encourage wellness, movement, and enhance the quality of life for its residents. One such focus area is parks, open space, and greenway opportunities within developments. The benefits from these uses include:

- Facilitating physical activity and improves social health and connections; and
- Improves water quality, preserves wildlife areas, and improves air quality supporting environmental protections; and
- Supports community in the form of providing neighborhood connections, reconnecting children with nature, and promoting regional thinking; and
- Supports property values, promotes tourism, and other areas of the economy.



Staff is proposing an amendment that will activate areas of all developments that are typically underutilized to further the goals and benefits of an active lifestyle. Stormwater pond areas within developments fall into the underutilized category.

**This amendment is proposing to require:**

- All stormwater facilities shall be a wet pond design in compliance with the Town’s stormwater development standards.
- Amenities within a stormwater pond area shall include:
  - Paved 10’ multi-use path around the pond facility that can be easily accessed within the development by a connecting sidewalk.
  - Benches and lighting.
  - Tree plantings
  - Dog-Waste Station.
- Landscape buffer if area directly abuts residential lot.

**Additionally, the following modifications are proposed:**

- The landscape buffer, and amenity enhancements listed above, will also apply to trails not associated with a stormwater pond; and
- The developer will receive credit for the stormwater pond area as “active” open space, where this area was previously prohibited to receive such credit.

Other corrections and edits are included in this amendment. Refer to **Attachment B** of this report to review the proposed amendments of **Section 142.02.11 Open Space and Park Design and Dedication** in their entirety.

**Section 148.02 Definitions:** This amendment proposes to modify the existing definition for restaurant, specifically “limited service.” The intent of this amendment is to clarify the existing definition to ensure future restaurant use includes dine-in service. Please see **Attachment C**.

**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 *and shall include some interior sit-down, dine-in service as determined by* according to the Director.

**PLANNING AND ZONING BOARD CONSIDERATION:**

The Planning and Zoning Board review of text amendments is outlined in Section 145.03.01 of the UDO. The Board shall consider the **applicable** common decision criteria in 145.01.07, together with the following:

1. *Errors.* The amendment is necessary to correct an error or inconsistency in the UDO; or *This amendment is necessary to correct issues with implementation of the code, clarify definitions, and correct references within the UDO.*
2. *Changing Conditions:* The amendment is necessary to meet the challenge of a changing condition that was not anticipated in the HALUP. *The text amendments further the goals*

*of the HALUP in Parks, Recreation & Open space, Public Safety, and Land Use and Development design.*

**Applicable Common Decision Criteria:**

1. The amendment promotes the purposes of the UDO as found in Section 144.01.02 as follows:
  - a. Comprehensive Plan (HALUP) – The amendment furthers the goals around Park & Recreation, Community Design, and Land Use.
  - b. Public Health & Safety – The amendment adds performance standards around public health and safety as it relates to trails and CBU's design and placement.
  - c. Quality of Life – The amendment promotes good design principles and practices, walkability, and strengthening connectivity between neighborhoods and public and private amenities.
  - d. Economic Development – The amendment enhances the quality of life that promotes economic growth and vitality within a community.
2. The proposed text amendment includes clarification of a use to protect the public health and welfare by reducing future conflicts between pedestrians and vehicles associated with exclusive drive-thru only establishments; thus, promoting social interactions and reducing traffic congestion.
3. This text amendment application is following the required meeting and public hearing process as outlined in the UDO.
4. The proposed amendment furthers the implementation goals of the HALUP.

**RECOMMENDED ACTIONS:** Receive the report, public comment, and render a recommendation to approve, approve with modifications, or disapprove the text amendment to Town Council.

**Attachment A** – Section 140.04.07 Accessory Use and Structure Standards

**Attachment B** – Section 142.02.11 Open Space and Park Design and Dedication

**Attachment C** – Section 148.02 Definitions



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.

#### 140.04.07 Accessory Use and Structure Standards

##### 140.04.07.A General Provisions

1. **Generally.** Permitted accessory uses and structures are set forth in Table 140.04.07.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 140.04.07.A, below, shall be permitted by right (unless noted otherwise) in any of the listed zoning districts.

| Table 140.04.07.A, Permitted Accessory Uses and Structures                         |                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Accessory Use                                                                      | Zoning Districts                                                                                                                                                                                  |
| Accessory Dwelling Unit                                                            | Permitted by Right Subject to Limitations in Subsection 140.04.07.B, <i>Standards</i> , according to Table 140.02.01-2, <i>Permitted Uses by Residential Zoning District and Development Type</i> |
| Agricultural Structure                                                             | Permitted by Right Subject to Limitations in Subsection 140.04.07.B in AG, RE, RL                                                                                                                 |
| <i>Cluster Box Units (CBUs) (This will be linked to the definition in the UDO)</i> | <i>Permitted by Right Subject to Limitations in Subsection 140.04.07 B in all Districts.</i>                                                                                                      |
| Family Care Home or Family Child Care Home                                         | Permitted by Right in All Residential Zoning Districts<br>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 140.04.07.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 140.04.07.B in All Zoning Districts                                                                                                       |
| Recycling Facilities and Drop Off Sites                                            | Permitted by Right Subject to Limitations in Subsection 140.04.07.B in All Zoning Districts                                                                                                       |
| Satellite Dish                                                                     | Permitted by Right in All Zoning Districts                                                                                                                                                        |

**Table 140.04.07.A, Permitted Accessory Uses and Structures**

| Accessory Use                                                                                                 | Zoning Districts                                                                                                        |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Bed & Breakfast Inn or Short-Term Rental (Host-Occupied)                                                      | Permitted by Right Subject to Limitations in Subsection <a href="#">140.04.07.B</a> in All Residential Zoning Districts |
| Sign                                                                                                          | Permitted by Right subject to § <a href="#">141.05</a> 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 <a href="#">140.04.07.B</a> in All Residential Zoning Districts |
| Tennis Court                                                                                                  | Permitted by Right in All Zoning Districts                                                                              |
| Wireless Telecommunications Antenna or Tower (subject to § <a href="#">140.04.03</a> , Limited Use Standards) | Special Use subject to Section <a href="#">140.04.05</a> 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 [140.04.07.B](#), *Standards*.
5. **Location.**
  - a. *Required Setbacks.* Except as may be required for a specific accessory use or structure in Subsection [140.04.07.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 [140.02](#), *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.





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*The right side of opportunity*

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~~ **four** feet in height. Recreational facility fences are exempt from the height restrictions listed in this section.
  - b. *Individual* Mailboxes;
  - c. Plant materials;
  - d. Any structure or improvement, once installed, is at grade or less than one foot above grade.

#### **140.04.07.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 140.04.07.A, *General Provisions*.
2. **Accessory Dwelling Units (ADUs).**
  - a. *Zoning Districts.* ADUs are allowed in accordance with the use tables in § 140.02, *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 140.04.07.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 140.04.07.B ADU 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 [145.04.03, 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 refurbishing;



- 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 *to* 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 *zone* 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.
9. **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.
10. **Food Truck Courts.**
  - a. *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.
  - b. *Placement.* The food truck court shall not be located in any required setback, sight triangle, or buffer.
  - c. *Associated Use Categories.* Food truck courts are permitted as accessory uses to uses in the following use categories:
    - i. Community Amenities;
    - ii. Educational Facilities;
    - iii. Medical Facilities;
    - iv. Parks and Open Areas;
    - v. Public Assembly;
    - vi. Entertainment, Indoor;
    - vii. Entertainment, Outdoor;
    - viii. Office; or
    - ix. Retail Repair, Sales, and Service.
  - d. *Food Trucks in Public Right-of-Way.* This section of the UDO does not regulate the placement of food trucks in the public right-of-way.
11. **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.
- 12. **Cluster Box Units (CBUs):** *All CBU's shall meet the standards set forth by the U.S. Postal Service and the Town.*
  - a. **Location:** All units shall be placed in a safe and accessible location within a development's common open space or amenity center (outside of a public right-of-way). When CBU locations are dispersed throughout a community the unit placement shall be positioned within a block walking distance of the users. If large clusters of units are proposed, they shall be located at the common amenity center, or other common open space area, with designated off-street parking.
  - b. **Site Design:** All units shall be in compliance with the U.S. Postal Service criteria and shall include the following:
    - i. Each CBU shall be installed under a covered structure or within a building that is architecturally compatible with the development.
    - ii. Adequate lighting shall be provided for public safety.
    - iii. Designated parking spaces are required and shall be ADA accessible.
    - iv. Additional requirements may apply pursuant to the Town's development standards and specifications.
  - c. **Permitting:** All CBUs sites shall be reviewed and approved by the Town for compliance with Town standards.

- 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.

#### 142.02.10 Stormwater Runoff

- 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 §141.04, *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 142.02.11, *Open Space and Park Design and Dedication*.
- E. **Best Management Practices (BMP) Buffers.** There must be 50 feet of separation from the normal pool to the property line and 20 feet of separation from the 100-year level to the property line.

#### 142.02.11 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~~ *Harrisburg adopted Plans*, which ~~is~~ *are*



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](#) ([Link to New Park & Rec 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 § 140.02, *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~~ *homeowner'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:
    - i. Demand that deficiency of maintenance be corrected; or
    - ii. Enter the open space to maintain *the* same. The cost of such maintenance shall be charged to the homeowner's 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 Subdivisions along Adopted Alignments.*

- i. Greenways connecting residences, schools, and recreational areas are required based on the **Harrisburg Bicycle Pedestrian and Greenway Plan** *or other adopted plans*. 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 the greenway as part of the subdivision process. The greenway shall, at a minimum, meet the standards set forth in Section E.4, *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*.
  - a. 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 to all development types:
    - i. 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.
    - ii. Required open space shall not consist of any designated floodway.
    - iii. 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).
  - b. No residential lot in a Conservation or Planned development type 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. *Conventional subdivision design shall not have a separation greater than one-half of a mile from residential lot to required open space.*
- 3. *Use of Stormwater Detention Basins*. Stormwater retention areas or detention basins which may be required as part of Section **142.02.13, Storm Drainage**, ~~shall not qualify as an open space area. These areas shall be considered inaccessible open space—~~ *shall be designed as a wet pond in compliance with the Stormwater Development Standards. Additionally, amenities are required to be located adjacent to facility and shall be counted as “active open space.” The amenities shall include:*
  - a. *A 10-foot-wide multi-use path (paved), benches, lighting, and dog-waste station; and*
  - b. *Shall be accessible to the neighborhood with connection to public sidewalks.*
- 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. *Said trails shall include amenities such as dog-waste stations, benches, and lighting and be accessible through connections to a public sidewalk.*
  - b. Subdividers shall provide finish grading and turf establishment for all disturbed areas and provide landscaping and/or screening in accordance with § **141.04, Trees, Landscaping, and Buffering**. *A minimum of a type A landscape buffer is required adjacent to active open space areas and adjacent residential lots.*
  - c. Of the required open space set forth in § **140.02, 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'~~ **25'** 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. Computation of Size of Area Required for Dedication.** The amount of land required to be dedicated is to be computed on the basis of the following formula: Area to be dedicated (in acres) equals 1/35 of an acre times the number of dwelling units or lots, whichever is greater.
- 3. 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.5, below.
- 4. 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.
- 5. 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.
6. *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 a rezoning process or the preliminary plat approval (if rezoning is not required and is a by-right development), 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 a~~ *of a* rezoning process or the preliminary plat approval (if rezoning is not required and is a by-right development), 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 and recorded as such in the Final Plat
7. *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.
8. *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.
9. *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.
10. *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.
11. *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.





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**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 *shall include some interior sit-down, dine-in service as determined by* 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.