

# CAMDEN COUNTY, NC

UNIFIED DEVELOPMENT ORDINANCE

**Initial Draft (subject to additional revision)**



# ACKNOWLEDGEMENTS



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# USING THIS UDO

This document is the draft version of the Camden County Draft Unified Development Ordinance (or “UDO”). It contains the rules that control how land can be used in the County, what kinds of uses may be located in particular locations, and how new development must be configured. The following paragraphs explain some of the attributes of this document.

The draft UDO is prepared in accordance with the Evaluation Report and Annotated Outline documents reviewed and discussed by the public and the County Commissioners in late 2016. It is intended to update and replace Chapter 151 of the current County Code of Ordinances, upon adoption by the Board of County Commissioners. While this document implements the county’s adopted policy guidance, like the County’s 2035 Comprehensive Plan, it is regulatory (not advisory) in nature, and is a legal document.

The County’s zoning map is the graphical depiction of the location of the zoning districts, and is adopted by reference in current Chapter 151. The new UDO adds a few new zoning districts and changes the names to other existing zoning districts, but the UDO does not anticipate or call for wide-scale rezoning of land in the County. There are zoning district translation provisions that describe how the current zoning districts are translated to corresponding zoning districts with new names.

This draft document contains 11 articles, or chapters, that consolidate similar kinds of provisions, like procedures, zoning districts, use standards, or development standards. The structure and organization of the document is further described on Pages 28 through 33 of the Evaluation Report. The first page of each article in this draft document includes the article’s number in yellow, along with a text box describing the key changes between the current regulations and the draft regulations proposed in that particular article. The second page of each article is a table of contents for the article. The digital version of this UDO includes dynamic links within each table of contents, so users may click a particular table of contents entry, and the document will automatically scroll to the selected location.

This draft document includes a text formatting system comprised of numbered section and subsection headings that are designed to help code users understand how the text in the document is organized. Section headings include different color backgrounds and subsection headings use underlining to help them be more visible.

The top of almost every page includes a listing of the particular article number and name, as well as the appropriate section number and name of the text on that particular page. Users may use the tops of pages to navigate the document. Page numbers are included at the bottom of each page. Page numbers include the article number so that a user may quickly see what article a particular page is located in (which is helpful for navigating the document). Some articles, like Article 151.2: Procedures, also include an introductory section that explains how the regulations in the article are structured and how to use them effectively.

Throughout this draft document, users will see yellow **highlighted** text. Highlighted text shows cross references to other sections or subsections in the document, or to the date the draft document is made effective (which may be the adoption date, or a subsequent date, as decided by the Board of County Commissioners). As with the table of contents entries, users of the digital version of this document will be able to click on a cross reference, and the digital document will automatically scroll to the location in the document being cross referenced. This dynamic cross referencing function will be integrated following adoption, and the yellow highlighting will be removed.

Most pages of the draft version of the document include footnotes at the bottom of the page. Each footnote has a unique number that shows up in the field of text on the page, as well as at the bottom of the page. Some footnotes may continue to the next page, depending upon their length. These footnotes are used to show the origin of draft text, to call attention to new provisions, or to pose questions for the County’s consideration during the drafting process. Footnotes including the word “NOTE” at the beginning indicate important notes for consideration. All the footnotes will be removed from the document after it is adopted.

As described on Page 31 of the Code Assessment, this new UDO will be supplemented with graphics and illustrations. Graphics are not prepared and inserted until the later stages of the project after the draft text has been completed, but prior to the adoption process. This delay helps ensure funds are not expended for graphics that support text not included in the adoption version of the UDO. This draft document includes individual table cells in various locations in the text that depict the approximate placement of a graphic or illustrations. Each of these tables is shown in yellow highlight and start with the words *Graphics Placeholder*. Additional text in the table cell describes the type of illustration anticipated for that particular location.

Prior to completion of the adoption version of the document, an index of key terms will be prepared so that users may quickly find the portion of the desired regulations. In addition to the index, the digital version of this document is fully searchable. The document also includes a number of other helpful features such as procedural flowcharts, a glossary of abbreviations, and tables that summarize information.

This section will be supplemented with a series of specific questions about how to accomplish typical development tasks. For example, questions could include any of the following:

What can I do or place on my land?

What permits do I need to build a house?

What permits do I need to build a porch or deck?

Do I need permits to have a home business?

How do I create a lot for a family member?

What is the process for rezoning my land?

How can I appeal a decision?

What's the best way to learn more about submitting an application for development?

Who can I call about flooding or other nuisances?

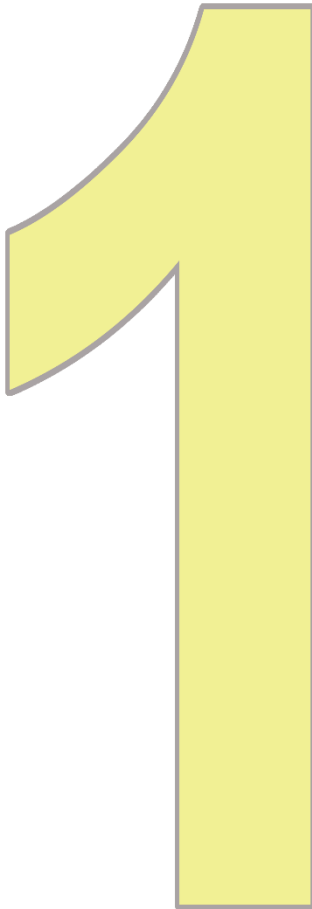
Answers to these questions will include links to the appropriate sections of the UDO. It will be important to include a caveat that this is general information and is included for the sake of convenience only. It is NOT part of the adopted UDO.



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# GENERAL PROVISIONS



## Key Changes in Article 151.1:

- This article includes the new format and page layout techniques described in the Evaluation Report and Annotated Outline.
- This article recognizes the County's status as a unified government under the General Statutes that allows the County to apply development regulations under the enabling legislation for counties or for municipalities.
- There is a new comprehensive set of purpose statements that include policy direction from the 2035 Comprehensive Plan.
- This draft UDO recognizes all forms of adopted policy guidance, and clarifies that policy guidance is advisory.
- There is a new detailed section describing how conflicts between the standards in this draft UDO and conflicts with other County standards are addressed.
- This article includes a new comprehensive set of rules of language construction.
- There is a new set of transitional standards that address how existing development, approved but incomplete development, and pending applications are addressed upon adoption of these standards. The transitional provisions also provide clarity on how to handle existing development subject to development approvals that are not included in this UDO.
- There is a new zoning district translation table that summarizes how current zoning district names and abbreviations are being translated to new more intuitive district names and abbreviations.
- There is a new section on the various ways in which vested rights may be established.

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# ARTICLE 151.1 GENERAL PROVISIONS

## 1.1 TITLE<sup>1</sup>

### 1.1.1 UNIFIED DEVELOPMENT ORDINANCE TEXT

This Ordinance is officially titled as the “Camden County Unified Development Ordinance,” and may be referred to as “the Unified Development Ordinance,” “this Ordinance,” and several abbreviated references (“the UDO,” “this UDO,” or “UDO”).

### 1.1.2 OFFICIAL ZONING MAP

The zoning map referenced in this Ordinance is officially titled as the “Camden County Zoning Map,” and may be referred to as “the Official Zoning Map” or the “OZM.” The Official Zoning Map is hereby incorporated by reference and made a part of this Ordinance.

## 1.2 EFFECTIVE DATE<sup>2</sup>

This Ordinance shall be in full force and effect on **[insert the effective date of this Ordinance]**, and repeals and replaces the Camden County Unified Development Chapter, as originally adopted on January 1, 1998, and subsequently amended.

## 1.3 AUTHORITY<sup>3</sup>

This Ordinance consolidates the County’s zoning, subdivision, and flood hazard area regulations, as authorized by the North Carolina General Statutes. It is adopted in accordance with the following:

### 1.3.1 GENERAL ASSEMBLY

The authority granted to the Camden County by the General Assembly of the State of North Carolina.

### 1.3.2 NORTH CAROLINA GENERAL STATUTES

The North Carolina General Statutes, including:

- A. Chapter 113a, Article 4 (Sediment and Pollution Control);
- B. Chapter 143, Article 21 (Water and Air Resources);
- C. Chapter 153A, Article 6 (Delegation and Exercise of the General Police Power);
- D. Chapter 153A, Article 18 (Planning and Regulation of Development);
- E. Chapter 153A, Article 24 (Unified Government); and
- F. Chapter 160A, Article 19 (Planning and the Regulation of Development).

### 1.3.3 OTHER RELEVANT LAWS

- A. All other relevant laws of the State of North Carolina; and
- B. Any special legislation for Camden County enacted by the General Assembly.

### 1.3.4 UNIFIED GOVERNMENT

- A. Camden County is designated as a unified government in accordance with Section 153A-471 of the North Carolina General Statutes. A unified government has the same powers, duties, rights, privileges, and immunities of a municipality, and as such may regulate planning and development in accordance with either the provisions in Chapter 153A (for counties) or 160A (for municipalities) of the North Carolina General Statutes.
- B. The County shall identify, in writing, decisions or actions undertaken in the administration of this Ordinance under the authority of Chapter 160A of the North Carolina General Statutes.

## 1.4 GENERAL PURPOSE AND INTENT<sup>4</sup>

<sup>1</sup> This section carries forward Section 151.002, Title, with new references to the Official Zoning Map.

<sup>2</sup> This section splits apart the standards in Section 151.006 of the current code. The material pertaining to effective date is carried forward while provisions pertaining to approved applications are relocated to the transitional provisions in new Section 1.10.

<sup>3</sup> This is a new section that builds on Section 151.001(A), and expands it to recognize the County’s status as a unified government. The language in Section 151.001(C) is relocated to purpose and intent provisions in new Section 1.4.

<sup>4</sup> This section replaces the purpose statement in Section 151.001(C) and expands it to include goals from the 2035 Comprehensive Plan in addition to the purposes in view taken from Section 153A-341 of the General Statutes.



## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.5 Applicability and Jurisdiction<sup>4F</sup>

#### 1.5.1 Where Applied

The purpose of this Ordinance is to protect the public health, safety, morals, and general welfare of the citizens and landowners of Camden County, and to implement the policies and objectives identified in the County's adopted policy guidance. More specifically, the intent of this Ordinance is to:

- A. Foster convenient, compatible, and efficient relationships among land uses;
- B. Better manage or lessen congestion in the streets;
- C. Ensure the provision of adequate open space between uses for light, air, and fire safety;
- D. Promote the aesthetic quality of development;
- E. Prevent the overcrowding of land and avoid undue concentrations of population;
- F. Produce a land use pattern that is primarily rural, but that includes high-quality, economically productive, mixed-use rural village centers and main roadway corridors in accordance with the County's adopted policy guidance;
- G. Promote a diverse and balanced economy that provides jobs, goods, and services;
- H. Protect property from blighted conditions and depreciation in value;
- I. Coordinate the transportation system with land use patterns;
- J. Preserve and protect natural resources and working lands;
- K. Provide adequate infrastructure and community facilities (including transportation, water, sewage, schools, parks, and other public requirements) in a fiscally-responsible manner;
- L. Protect development and residents from fire, flooding, and other natural hazards; and
- M. Foster stable neighborhoods and sustainable development practices.

## 1.5 APPLICABILITY AND JURISDICTION<sup>5</sup>

### 1.5.1 WHERE APPLIED

Except where exempted in accordance with [Section <>, Exemptions](#), the standards in this Ordinance apply to all lands within Camden County and its planning jurisdiction, including submerged lands, as identified on the Official Zoning Map.

### 1.5.2 NO DEVELOPMENT UNTIL COMPLIANCE WITH THIS ORDINANCE<sup>6</sup>

- A. **No Land Developed**  
Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable County, State, and federal regulations.
- B. **No Grading or Excavation**  
Unless exempted, no land shall be subjected to substantial clearing, grading, filling, or excavated without compliance with this Ordinance and all other applicable County, State, and federal regulations.
- C. **No Use or Occupancy**  
No person shall use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under their control, except in accordance with this Ordinance.
- D. **No Construction or Alteration**  
No building, or portion thereof, shall be erected, used, moved, or altered except in conformity with the regulations specified for the zoning district in which it is located and all other applicable provisions of this Ordinance.
- E. **No Improvement to Subdivided Land<sup>7</sup>**  
Improvements to subdivided land shall not be undertaken until approval of a preliminary plat for all or the active phase of a major subdivision or a minor subdivision approval for all or the active phase of a minor subdivision.
- F. **No Sale or Transfer**  
No lots in a subdivision may be sold or titles to land transferred until all the requirements of this Ordinance have been met, except as authorized by Section 153A-334 of the North Carolina General Statutes.

### 1.5.3 APPLICATION TO GOVERNMENTAL UNITS

Except where otherwise stated, the provisions of this Ordinance shall apply to:

- A. Development by the County or its agencies or departments;

<sup>5</sup> This section consolidates the standards from Sections 151.003, 151.005, 151.009, and 151.0013. It also includes new language pertaining to state and federal governments.

<sup>6</sup> This section carries forward the provisions in Sections 151.495 and 151.496, but removes the current language related to the paving of streets since this language is inconsistent with the subdivision standards and it is common to pave streets prior to completion of a project.

<sup>7</sup> NOTE TO STAFF: This section revises Section 151.495.C slightly with respect to the timing of improvements associated with a major subdivision.

## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.6 Conformance with Adopted Policy Guidance<sup>8F</sup>

#### 1.5.4 Exemptions

- B. Development of buildings by the State, public colleges or universities, or other political subdivisions of the State, in accordance with the North Carolina General Statutes; and
- C. Development owned or held in tenancy by the government of the United States, its agencies, departments or corporate services, to the full extent permitted by law.

#### 1.5.4 EXEMPTIONS

##### A. Bona Fide Farms<sup>8</sup>

1. Farming activities, as defined in Section 153A-340 of the North Carolina General Statutes, as well as farm-related buildings and structures occurring on bona fide farm land shall be exempted from the zoning-related provisions of this Ordinance, but shall be subject to the following standards:
  - a. Article 151.6: Subdivision Requirements;
  - b. Section <>, Floodplain Management;
  - c. Section <>, Sedimentation and Erosion Control; and
  - d. Section <>, Stormwater Management.
2. In addition to farming-related buildings and structures, the following types of buildings shall be considered part of a bona fide farm that is exempt from these standards:
  - a. The permanent residence of the owner or owner-occupant of the bona fide farm;
  - b. The permanent residence of the son, daughter, mother, father, grandmother, or grandfather of the owner of the bona fide farm; and
  - c. The permanent residence of any individual (including their immediate family) earning at least 75 percent of their annual income from employment on the bona fide farm.
3. In no instance shall non-farm related uses or activities be exempted from this Ordinance even in cases when the non-farm related use or activity takes place on a bona fide farm.

##### B. Court-Ordered Subdivisions

Court-ordered subdivisions of land that comply with State law shall be exempted from this Ordinance, but subsequent development proposed on a court-ordered subdivision shall comply with the applicable standards of this Ordinance, to the maximum extent practicable.

## 1.6 CONFORMANCE WITH ADOPTED POLICY GUIDANCE<sup>9</sup>

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the County's adopted policy guidance, or the framework of long range land use and transportation planning policy guidance. The adopted policy guidance includes, but is not limited to, the following:

### 1.6.1 COMPONENTS

The following documents comprise the County's adopted policy guidance:

- A. The 2035 Comprehensive Plan;
- B. The Advanced Core CAMA Land Use Plan;
- C. The Long Range Water and Sewer Comprehensive Master Plan 2012-2030;
- D. The Camden County Stormwater Drainage Design Manual; and
- E. Other documents as identified by the Board of County Commissioners.

### 1.6.2 CONFORMANCE

#### A. Advisory Only

1. Except for functional plans and documents, adopted policy guidance is advisory in nature and does not carry the effect of law.
2. Except for consistency with plan guidance related to areas of environmental concern (AEC) in accordance with Section 113A-111 of the North Carolina General Statutes, this Ordinance or any decisions made under this Ordinance may not be challenged on the basis of any alleged nonconformity with adopted policy guidance.

<sup>8</sup> NOTE: Additional research is necessary with respect to whether or not a bona fide farm is exempted from the County's subdivision regulations. Section 153A-340(a) uses the language "zoning and development regulation ordinances" in defining the types of regulations not applicable to bona fide farm uses. Section 160A-360 is clear that bona fide farms within an ETJ are exempted from municipal zoning and subdivision control. The County may adopt zoning regulations for large swine farm operations on bona fide farms in accordance with Section 153A-340, but there are no standards in place for these uses currently.

<sup>9</sup>. This section carries forward the provisions of 151.008, but supplements it with a discussion of the different forms of policy guidance included within the County's "adopted policy guidance"

## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.7 Regulatory Codes Adopted by Reference<sup>9F</sup>

#### 1.6.3 Functional Plans and Documents

##### B. Consistency Desired but not Required

This Ordinance seeks to ensure that all development within the County is consistent with the goals, objectives, policies, strategies, and actions contained in the County's adopted policy guidance, but consistency between a decision made under this Ordinance and the adopted policy guidance is not a legal requirement. Decisions on applications for amendments to the text of this Ordinance or the Official Zoning Map shall be accompanied by a statement of consistency recognizing if the proposed decision is or is not consistent with the County's adopted policy guidance.

##### C. Amendment upon Inconsistency

To the extent this Ordinance or the OZM is or becomes inconsistent with the County's adopted policy guidance, the County may amend this Ordinance or the OZM to better achieve consistency.

### 1.6.3 FUNCTIONAL PLANS AND DOCUMENTS

A. The County has adopted functional plans and documents relating to the provision of public infrastructure and services (e.g., the most recently- adopted Comprehensive Transportation Plan or the Stormwater Drainage Design Manual), economic development, and tourism.

B. Compliance with standards in functional plans and documents is mandatory.

## 1.7 REGULATORY CODES ADOPTED BY REFERENCE<sup>10</sup>

The following portions of the State Building Code (as amended) are hereby adopted and incorporated by reference into this Ordinance:

- A. Volume I: General Construction;
- B. Volume I-A: Administration and Enforcement Requirements;
- C. Volume I-C: Accessibility;
- D. Volume II: Plumbing;
- E. Volume III: Mechanical;
- F. Volume IV: Electrical;
- G. Volume V: Fire Prevention;
- H. Volume VI: Gas;
- I. Volume VII: Residential;
- J. Volume VIII: Modular Construction Regulations;
- K. Volume IX: Existing Buildings;
- L. Volume X: Energy; and
- M. Regulations for Manufactured/Mobile Homes.

## 1.8 RELATIONSHIP TO OTHER AGREEMENTS<sup>11</sup>

### 1.8.1 MINIMUM REQUIREMENTS

In the application of this Ordinance, all provisions shall be considered as minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted under the North Carolina General Statutes.

### 1.8.2 REVIEW OF PRIVATE AGREEMENTS

The County may review and comment on private agreements, such as those related to the establishment and operation of a home owner's or property owner's association; maintenance and operation of shared parking or cross-access agreement; drainage easements in favor of the County; or access easement between landowners in favor of the general public; but the County is not responsible for monitoring or enforcing private agreements, covenants, or deed restrictions.

### 1.8.3 EXISTING AGREEMENTS OR VESTED RIGHTS

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights, provided such agreements or vested rights are lawfully established and remain in effect.

<sup>10</sup> This section carries forward the standards in Section 151.430 of the current ordinance with no substantive changes.

<sup>11</sup> This is a new section that clarifies the County's role with respect to review and approval of some documents without requiring the County to enforce private agreements.

## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.9 Conflicting Provisions<sup>11F</sup>

#### 1.9.1 Conflicts with Other Codes or Laws

## 1.9 CONFLICTING PROVISIONS<sup>12</sup>

### 1.9.1 CONFLICTS WITH OTHER CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the County, the more restrictive provision shall govern unless the terms of the more restrictive provision specifies otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

### 1.9.2 CONFLICTS WITH STATE OR FEDERAL LAWS<sup>13</sup>

- A. If a provision of this Ordinance is inconsistent with State or federal law, the more restrictive provision controls, to the extent permitted by law.
- B. Except for minimum riparian buffer width standards, in cases where a State law related to an environmental issue is less restrictive than a comparable County standard, the State environmental standard shall control.
- C. The minimum riparian buffer width standards in this Ordinance are established for purposes of stormwater quantity management, not for purposes of maintaining environmental quality. As a result, the minimum riparian buffer width standards in this Ordinance shall control.

### 1.9.3 CONFLICTS BETWEEN STANDARDS IN THIS ORDINANCE

- A. When two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.
- B. In cases where development is configured in accordance with an authorized incentive or other flexibility provision included in this Ordinance (such as an administrative adjustment), the standards related to the incentive or flexibility provision shall control.
- C. The text of this Ordinance shall be interpreted in accordance with [Section <>, Interpretation](#). Nothing shall limit the UDO Administrator from preparing a written interpretation of how conflicting provisions are interpreted on a case-by-case basis.

## 1.10 RULES OF LANGUAGE CONSTRUCTION<sup>14</sup>

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

### 1.10.1 MEANINGS AND INTENT

- A. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in [Section <>, General Purpose and Intent](#), and the specific purpose statements set forth throughout this Ordinance.
- B. When a specific section of these regulations gives a different meaning than the general definition provided in [Section <>, Definitions and Rules of Measurement](#), the specific section's meaning and application of the term shall control.
- C. Terms that are not defined are subject to their common or customary meaning.

### 1.10.2 HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map other than the OZM, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### 1.10.3 LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

<sup>12</sup> This section modifies and builds on the standards in 151.004 along with a new section that addresses conflicts in this Ordinance in a more broad fashion.

<sup>13</sup> NOTE: We are suggesting the County take the position that riparian buffer widths exceed state minimums for reasons other than environmental quality. This is an issue that needs to be considered by the County Attorney.

<sup>14</sup> This section consolidates and replaces various provisions in 151.001(B), 151.012, and portions of 151.018. It includes several new provisions address language construction.

## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.10 Rules of Language Construction13F

#### 1.10.4 Computation of Time

#### 1.10.4 COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County.

#### 1.10.5 TIME-RELATED LANGUAGE

- A. Time Standard**  
Whenever certain hours are named, they shall mean standard time or daylight saving time, as may be in current use in Camden County.
- B. Day**  
The term “day” means a calendar day, including weekends and holidays.
- C. Holiday**  
The term “holiday” means a legal holiday recognized by the County, State, or federal government.
- D. Month**  
The term “month” means a calendar month.
- E. Year**  
The term “year” means a calendar year.
- F. Temporary**  
The term “temporary” shall mean a condition lasting for only a limited period of time; not permanent.

#### 1.10.6 REFERENCES TO THIS ORDINANCE

A reference to an article, section, subsection, or paragraph means an article, section, subsection, or paragraph of this Ordinance, unless otherwise specified.

#### 1.10.7 REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

#### 1.10.8 REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

#### 1.10.9 DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the County to do some act or perform some duty, the officer or employee may designate, delegate, and authorize subordinates to perform the act or duty, unless the terms of the provision specifically provide otherwise

#### 1.10.10 JOINT AUTHORITY

All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

#### 1.10.11 TECHNICAL AND NON-TECHNICAL TERMS

- A.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- B.** In cases where words or phrases in this Ordinance use two or more meanings, all meanings shall be identified in [Article 151.10: Definitions and Measurement](#).

#### 1.10.12 PUBLIC OFFICIALS AND AGENCIES



## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.11 Transitional Provisions<sup>14F</sup>

#### 1.10.13 Mandatory and Discretionary Terms

All public officials, bodies, and agencies to which references are made in this Ordinance are those of the Camden County, North Carolina, unless otherwise indicated.

#### 1.10.13 MANDATORY AND DISCRETIONARY TERMS

- A. The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may,” “can,” and “should” are permissive in nature.
- B. The words “provision,” “standard,” and “requirement” are used interchangeably and all have the same meaning.
- C. The words “condition of approval” are used interchangeably with the word “stipulations” with regard to conditions or requirements attached to the approval of a proposed development.

#### 1.10.14 CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions, or events apply.
- B. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

#### 1.10.15 TENSES, PLURALS, AND GENDER OF WORDS

- A. **Tense**  
Words used in the past or present tense include the future tense as well as the past and present.
- B. **Number**  
Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- C. **Gender**  
Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

#### 1.10.16 OATH

The term “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms “swear” and “sworn” shall be equivalent to the terms “affirm” and “affirmed.”

#### 1.10.17 TERM NOT DEFINED

If a term used in this Ordinance is not defined, the UDO Administrator is authorized to provide a definition in accordance with [Section <>, Interpretation](#), based upon the definitions used in professionally accepted sources.

### 1.11 TRANSITIONAL PROVISIONS<sup>15</sup>

The standards in this section address existing violations, nonconformities, and applications in process at the time this Ordinance is adopted.

#### 1.11.1 VIOLATIONS CONTINUE

- A. Violations of the previous ordinance shall continue to be violations under this Ordinance, unless the development complies with this Ordinance and is no longer considered to be in violation, or the ability to address the violation has lapsed in accordance with [Section <>, Statute of Limitations](#).
- B. Any violation of the previous UDO that is no longer a violation under this Ordinance shall not be considered a violation.
- C. Violations of this Ordinance shall be subject to the penalties set forth in [Article 151.9: Enforcement](#), unless the development complies with the express terms of this Ordinance or other applicable ordinances, laws, or statutes.

#### 1.11.2 EXISTING NONCONFORMITIES

If any use, building, structure, lot, sign, or site feature legally existed on [\[insert the effective date of this Ordinance\]](#), but does not fully comply with the standards of this Ordinance, the use, building, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall comply with the requirements in [Article 151.8: Nonconformities](#).

<sup>15</sup> This section simplifies and replaces 151.006 related to development in process but not yet complete upon the effective date of these provisions. The standards add considerable new guidance in addressing pending applications, or development subject to approvals not being carried forward, like conditional use permits.

## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.11 Transitional Provisions<sup>14F</sup>

#### 1.11.3 Approved Applications

### 1.11.3 APPROVED APPLICATIONS

- A. Any development approvals granted before *[insert the effective date of this Ordinance]* shall remain valid until their expiration date.
- B. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.
- C. Portions of developments, including subdivisions, reserved as future development sites where no lot lines are shown on a preliminary plat, site plan, PD master plan, or other plan of development shall comply with the provisions of this Ordinance.
- D. If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.
- E. An applicant shall be deemed to have initiated an approved development upon the subsequent application for and diligent pursuit of other required County, State, or federal permits or approvals.
- F. Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.
- G. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of **Article 151.8: Nonconformities**.

### 1.11.4 PENDING APPLICATIONS<sup>16</sup>

- A. **Final Action Pending**
  - 1. Any development application submitted and accepted as complete before *[insert the effective date of this Ordinance]*, but still pending final action as of that date, may be decided in accordance with either the regulations in effect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant.
  - 2. To the extent an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of **Article 151.8: Nonconformities**.
  - 3. If the development subject to an application approved under the prior UDO fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.
- B. **Complete Applications**
  - 1. Applications accepted as complete prior to *[insert the effective date of this Ordinance]* may be decided in accordance with either the regulations in effect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant.
  - 2. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of **Article 151.8: Nonconformities**.
  - 3. If the development subject to an approved application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.
- C. **Submitted, but Not Complete Applications**

Applications that have been submitted prior to *[insert the effective date of this Ordinance]* but not determined to be complete by the UDO Administrator as of that date shall be reviewed and decided in accordance with this Ordinance.

### 1.11.5 PRIOR APPROVED PLANNED UNIT DEVELOPMENT

- A. A planned unit development (PUD) subject to a master plan and conditional use permit approved prior to *[insert the effective date of this Ordinance]* shall retain the PUD classification and continue to be subject to the master plan, the conditional use permit, and all associated conditions of approval.
- B. Amendments to a PUD, excluding minor changes as identified in **Section <>, Amendments**, established prior to *[insert the effective date of this Ordinance]* shall be in accordance with the standards of this Ordinance or a development agreement, if applicable.

<sup>16</sup> NOTE: This section has been prepared for consistency with recent “permit choice” laws enacted by the General Assembly that allow an applicant to choose which rules to follow in cases when rule changes take place after application submittal. These standards are careful to distinguish that only applications that have been determined to be complete shall be considered as a submitted application.

**ARTICLE 151.1 GENERAL PROVISIONS**

**Section 1.12 Zoning District Translation<sup>16F</sup>**

1.11.6 Pre-Existing Conditional Use Permits

**1.11.6 PRE-EXISTING CONDITIONAL USE PERMITS**

- A. Development subject to a conditional use permit issued prior to *[insert the effective date of this Ordinance]* shall continue to be subject to the conditional use permit requirements and all conditions of approval.
- B. Amendments to a conditional use permit established prior to *[insert the effective date of this Ordinance]* shall be in accordance with the standards in *Section <>, Special Use Permit.*

**1.11.7 ESTABLISHED USES WITHOUT A SPECIAL USE PERMIT**

- A. If a use was a lawfully established permitted use before *[insert effective date of this ordinance]* and is subsequently made a special use in *Table <>, Principal Use Table*, the lawfully-established pre-existing permitted use *Shall be considered a nonconforming use in accordance with Section <>, Nonconforming Uses, and* may continue in operation.
- B. Any changes to a lawfully established pre-existing permitted use that requires a special use permit by this Ordinance after *[insert effective date of this ordinance]* shall require a special use permit in accordance with *Section <>, Special Use Permit.*

**1.12 ZONING DISTRICT TRANSLATION<sup>17</sup>**

On *[insert the effective date of this Ordinance]*, land zoned with a zoning district classification from the previous UDO shall be translated or reclassified to one of the zoning district classifications in this Ordinance as set forth in *Article 151.3: Zoning Districts. Table <>, Zoning District Translation*, summarizes the translation or reclassification of the zoning districts used in the previous UDO to the zoning districts used in this Ordinance. For example, the table shows that all lands classified as General Use (GU) in the previous ordinance (under the column titled “Districts in the Former UDO”) are now classified Working Lands (WL) in this Ordinance (under the column titled “Districts in This UDO”).

<b>TABLE &lt;&gt;: ZONING DISTRICT TRANSLATION</b>			
<b>DISTRICTS IN THE FORMER UDO</b>		<b>DISTRICTS IN THIS UDO</b>	
<b>SPECIAL DISTRICTS</b>			
CD	Conservation	CP	Conservation & Protection
<b>RESIDENTIAL DISTRICTS</b>			
GU	General Use	WL	Working Lands
R-3-2	Basic Residential	RR	Rural Residential
R-3-1	Basic Residential	SR	Suburban Residential
R-2	Mixed Single-Family Residential	NR	Neighborhood Residential
R-1	Mixed Village Residential	VR	Village Residential
<b>COMMERCIAL DISTRICTS</b>			
NCD	Neighborhood Commercial	CC	Crossroads Commercial
CCD	Community Core Commercial	VC	Village Commercial
HC	Highway Commercial	HC	Highway Commercial
MC	Marine Commercial	MC	Maritime Commercial
		MX	Mixed-Use [NEW]
I-1	Light Industrial	LI	Light Industrial
I-2	Heavy Industrial	HI	Heavy Industrial
<b>PLANNED DEVELOPMENT</b>			
PUD	Planned Unit Development	[1]	
		PD	Planned Development [NEW]

<sup>17</sup> The provisions in this section are new and are structured as a district translation, not a zoning map amendment. The translation from one zoning district to another may take place as part a text amendment instead of a zoning map amendment. Any new zoning districts identified in the table (like the MX district) are made available to landowners following the adoption of the updated UDO, but the County does not anticipate proactively establishing any new district designations as part of the UDO adoption process

## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.13 Vested Rights<sup>17F</sup>

#### 1.13.1 Building Permit

#### TABLE <>: ZONING DISTRICT TRANSLATION

##### DISTRICTS IN THE FORMER UDO

##### DISTRICTS IN THIS UDO

**NOTES:**

[1] Existing planned unit development districts will be carried forward in accordance with their approved master plans and conditional use permits, but shall not be expanded or revised without conforming to the new Planned Development (PD) district standards in this Ordinance.

### 1.13 VESTED RIGHTS<sup>18</sup>

Vested rights under this Ordinance shall be established only in accordance with the following.

#### 1.13.1 BUILDING PERMIT

The issuance of a building permit (see [Section <>, Building Permit](#)) establishes a vested right to development in accordance with Section 153A-344.1 of the North Carolina General Statutes, as long as the building permit complies with the terms and conditions of its approval.

#### 1.13.2 VESTED RIGHTS DETERMINATION

A vested right for a nonresidential major site plan, preliminary plat, special use permit, or planned development, may be established in accordance with [Section <>, Vested Rights Determination](#).

#### 1.13.3 DEVELOPMENT AGREEMENT

Development subject to a development agreement approved in accordance with [Section <>, Development Agreement](#), shall be subject to vested rights as specified in the agreement.

#### 1.13.4 COMMON LAW VESTING

A common law vested right is established only when the following can be demonstrated by the landowner:

- A. There is an affirmative governmental act by the County in the form of acceptance of applicant-proposed conditions or an approval of a permit or development approval under this Ordinance; and
- B. The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and
- C. It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.

#### 1.13.5 PRIOR VESTING

Amendments, supplements, repeals, or other changes in zoning regulations and zoning boundaries shall not be applicable or enforceable without the consent of the landowner with regard to lots for which building permits or vested rights determinations have been issued (pursuant to State law) prior to the enactment of the ordinance making the change(s), so long as the vested rights, building permit, or vested rights determination remain valid and unexpired.

### 1.14 SEVERABILITY<sup>19</sup>

The legislative intent of the Board of Commissioners (BOC) in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the County as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of Camden County. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, the BOC hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.

<sup>18</sup> This is a new section that clarifies the ways in which development obtains vested rights, including issuance of a building permit, granting of a Vested Rights Determination (a new procedure proposed under the updated UDO), development subject to a Development Agreement, common law vesting, and development vested prior to the effective date of the updated UDO.

<sup>19</sup> This section replaces 151.011.

# PROCEDURES



## Key Changes in Article 151.2:

- This article consolidates all the development review procedural material into a single location, and includes a new section on how to use the article
- There is a new consolidated set of standard review procedures that are used in the review of every application. The standards are listed once instead of repeated in different sections (as is the case in the current ordinance)
- There are broadened pre-application conference requirements for 10 of the 25 specific review procedures
- There is a new neighborhood meeting requirement for subdivisions and planned developments
- There are new application completeness requirements
- These standards suggest codified notice standards that mirror state requirements, instead of the current expanded (150') notice provided (expanded notice may continue to be provided via policy instead of codified standard)
- This article includes a new summary table outlining the review authorities and process for each of the specific review procedures
- There are several new procedures added, including administrative adjustments, development agreements, and comprehensive plan amendments
- Several currently uncoded procedures (like building permits, certificates of occupancy, or minor CAMA permits) are now codified
- Each specific review procedure is organized to follow a standardized format and includes a procedural flow chart showing the steps in the approval process
- Each development review procedure includes approval criteria
- The conditional use permit has been abolished (and removed from the planned development procedure)
- The special use permit requirement for subdivisions has been removed (since it introduces a quasi-judicial procedure into a ministerial permit type)
- Quasi-judicial procedures, like the special use permit, are heard by only one review authority during a quasi-judicial public hearing
- The residential/commercial distinction between site plan procedures is converted to a major/minor process, and the Planning Board is authorized to decide major site plans
- The major site plan procedure has been simplified and allows applicants to delay state and federal permits until after preliminary plat approval (to help reduce expense and foster predictability)
- There is a codified vested rights determination process
- The procedures have been updated to address changes in the North Carolina statutes made through the summer of 2017
- The UDO Administrator is authorized to review and decide final plats
- The zoning map amendment process has been revised to recognize conditions proposed by the applicant as part of the application process



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# ARTICLE 151.2 PROCEDURES

## 2.1 HOW TO USE THIS ARTICLE<sup>20</sup>

This section describes the structure and contents of Article 151.2: Procedures

### A. Article Contents

Article 151.2: Procedures, is comprised of two sections: a set of standard (or common) review procedures applicable to all application types and a set of specific development application review procedures that include the rules pertaining to each individual application type.

### B. Steps in Process

1. The first step in using these standards is to determine the specific type(s) of development application to be submitted. **Table <>, Specific Development Review Procedures**, describes all the specific development application review procedures in this Ordinance and the review authority who decides them.
2. The second step is to examine each of the standard review procedures in **Section 2.2** to determine how to file an application and how it is processed.
3. The third step is to find the rules pertaining to the specific application type being submitted in **Section 2.3** to better understand the steps and the criteria used in the decision-making process.

**Suggest Illustration showing process steps**

### C. For Additional Information

Applicants who are unsure of how to file an application should schedule a pre-application conference with the Udo Administrator (see **Section <>, Pre-application Conference**) to better understand the review requirements and relevant procedural steps associated with their particular application.

## 2.2 STANDARD REVIEW PROCEDURES<sup>21</sup>

### 2.2.1 PURPOSE AND INTENT

This section describes the standard (or common) procedural steps and rules generally applicable to all development applications reviewed under this Ordinance, unless otherwise specified in Section <>, **Specific Review Procedures**. It is the intent of this section to establish a uniform set of processes to foster greater efficiency and predictability for applicants, adjacent landowners, elected officials, and County staff.

### 2.2.2 PRE-APPLICATION CONFERENCE<sup>22</sup>

#### A. Purpose

The purpose of a pre-application conference is to provide an opportunity for the applicant to learn about the submittal requirements, procedures, and standards applicable to a particular development application. A pre-application conference is also an opportunity for County staff to become familiar with, and offer preliminary comments about the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.

#### B. Applicability

##### 1. Pre-Application Conference Required

A pre-application conference between the applicant and County staff is required before submittal of the following applications:

- a. Administrative adjustments;
- b. Development agreements;

<sup>20</sup> This is a new section that informs potential applicants how the procedures article is structured.

<sup>21</sup> This is a new section described on Pages 38 and 39 of the Evaluation Report that consolidates the procedures currently found in many locations throughout the UDO, including in Sections 151.230-151.247 (collectively called the Major Subdivision Design Requirements, Review Procedures, and Approval Process) and Sections 151.260-151.263 (collectively called the Minor Subdivision Requirements, Review and Approval Process), Section 151.298 (Planned Development), and Section 151.017 (Building Permit). This section consolidates the procedural steps common to most applications from submittal through approval, deferral, continuance, and withdrawal (as appropriate). The specific review procedures in the next section then refer back to the standard review procedures rather than restating them. This is an efficient way to list standards without need for repetition which adds bulk and the possibility of inconsistency as the UDO evolves over time.

<sup>22</sup> This section builds on the standards in Section 151.499 of the current code which requires pre-application conferences for special use permits associated with a subdivision, and encourages a conference for all other applications. This section goes farther by requiring mandatory pre-application conferences for more application types and sets out additional information regarding the procedure and effect. The County may wish to be more specific with respect to submittal requirements.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>20F</sup>

#### 2.2.3 Neighborhood Meeting<sup>22F</sup>

- c. Major site plans;
- d. Planned developments;
- e. Preliminary plats;
- f. Special use permits;
- g. UDO text amendments;
- h. Variances (to include flood hazard area variances);
- i. Vested rights determinations; and
- j. Zoning map amendments.

#### 2. Pre-Application Conference Optional

A pre-application conference between the applicant and County staff is optional before submittal of the following applications:

- a. Appeals;
- b. CAMA minor permits;
- c. Comprehensive plan amendments;
- d. Final plats;
- e. Interpretations;
- f. Minor site plans;
- g. Minor subdivisions;
- h. Temporary use permits; and
- i. Zoning compliance permits.

#### 3. Pre-Application Conference Not Conducted

A pre-application conference is not required or conducted as part of applications filed by the County, or for the following:

- a. Building permits;
- b. Certificates of occupancy;
- c. Exempt subdivisions;
- d. Expedited subdivisions;
- e. Floodplain development permits;
- f. Sign permits; and
- g. Transfer plats.

#### C. Scheduling

Applicants shall contact the UDO Administrator to schedule a pre-application conference.

#### D. Procedure

1. Following receipt of a request for a pre-application conference, the UDO Administrator shall schedule the conference and notify the applicant of the time and location. During the conference, County staff members will explain the application review process and any special issues or concerns regarding the subject proposal.
2. The applicant is encouraged to submit a sketch or conceptual plan, if appropriate, to County staff during the pre-application conference.
3. In cases where a pre-application conference is required, the UDO Administrator shall forward a brief written summary of the issues discussed during the pre-application conference to the applicant for inclusion with the application materials.

#### E. Effect

1. When required, a completed pre-application conference entitles an applicant to take the next step in the application process. Applications types requiring a pre-application conference will not be accepted until after the mandatory pre-application conference has been completed.
2. Discussions at a pre-application conference are not binding on the County and do not constitute submittal for formal review of an application.

## 2.2.3 NEIGHBORHOOD MEETING<sup>23</sup>

#### A. Purpose

The purpose of the neighborhood meeting is to inform landowners and occupants of nearby lands about a development application that is going to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the development proposal as a means of resolving conflicts and outstanding issues, where possible.

<sup>23</sup> This is a new procedure described on Page 38 of the Evaluation Report. It is required for major subdivisions and planned developments, and is optional for all other application types. There is also a provision that allows the BOC to require a neighborhood meeting during the review process if they consider it necessary. The standards set out the process for conduct of the meeting. Staff is not required to attend, but if they do, they should limit their discussion solely to the applicable code requirements and review procedures.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures20F

#### 2.2.4 Application Submittal23F

#### B. Applicability

1. A neighborhood meeting, conducted in accordance with the standards of this section, shall be conducted prior to submittal of an application for the following applications:
  - a. Major subdivisions;
  - b. Minor subdivisions;
  - c. Planned developments; and
  - d. Zoning map amendments
2. A neighborhood meeting, conducted in accordance with the standards of this section, is optional for any other proposed development application.
3. The Board of Commissioners may require an applicant to conduct a neighborhood meeting (even for applications not subject to mandatory neighborhood meeting requirements prior to filing an application) prior to taking action on the development application. The BOC may require this meeting by a simple majority vote on a motion. In these cases, the public hearing is continued to a date after the applicant has had an opportunity to conduct a neighborhood meeting.

#### C. Procedure

When a neighborhood meeting is conducted, it shall comply with the following requirements:

##### 1. Timing

The applicant shall hold the neighborhood meeting prior to submittal of an application, or by a time directed by the BOC (as applicable). The meeting shall be held at a time of day when the maximum number of neighbors may attend.

##### 2. Form

The neighborhood meeting can take the form of a meeting or gathering between the applicant, or the applicant's representative, and landowners or other interested parties. Nothing shall prohibit multiple meetings from taking place, provided all meetings are conducted in accordance with these standards.

##### 3. Notification

- a. The applicant shall provide notification of the meeting, by mail, a minimum of 10 days in advance of the meeting, to all landowners within 300 feet of the land subject to the application, as shown on the most recent County tax listing.
- b. Failure of a party to receive notice of the meeting shall not invalidate the application.

##### 4. Information Provided

The applicant shall provide the following information to those attending a meeting:

- a. A description of the proposed development;
- b. The purpose of the neighborhood meeting;
- c. The development review procedure(s) the application will follow;
- d. The potential for changes in the applicant's development proposal as it proceeds through the review process;
- e. Sources of further information about the development review process; and
- f. Any additional information that would promote understanding of the development proposal.

##### 5. Conduct of Meeting

At the meeting, the applicant shall explain the development proposal and the proposed application, respond to questions and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.

##### 6. Staff Attendance

County staff may, but are not required to, attend a neighborhood meeting. Staff members shall not act as facilitators or become involved in discussion about a development proposal though they may provide information about County requirements or procedures.

#### D. Summary

1. Prior to submitting an application, or as directed by the BOC, the applicant shall submit a written summary of the neighborhood meeting that includes:
  - a. The date, time, and location of the meeting;
  - b. The method and date of notification about the meeting;
  - c. A list of landowners notified about the meeting;
  - d. A list of meeting attendees;
  - e. The description of the development proposal presented to the attendees; and
  - f. A summary of attendee comments, ideas, and suggestions from citizens to be incorporated into the development proposal.
2. The written summary shall be included with the application materials and be made available to the public for inspection.



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### Section 2.2 Standard Review Procedures<sup>20F</sup>

#### 2.2.4 Application Submittal<sup>23F</sup>

#### 2.2.4 APPLICATION SUBMITTAL<sup>24</sup>

##### A. Authority to File Applications

Unless expressly stated otherwise in this Ordinance, development applications associated with a particular lot or site reviewed under this Ordinance shall be submitted by the landowner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed.

##### B. Application Content<sup>25</sup>

The UDO Administrator is authorized to establish the application content and forms, which shall be maintained in the offices of the Planning Department.

##### C. Application Fees<sup>26</sup>

1. The Board of Commissioners shall establish application fees, and may amend and update those fees as necessary. Fees shall cover the costs of review, including public notification, as required.
2. No action shall be taken on an application and no application approval shall be issued until all required application fees are paid in full.

##### D. Submittal and Review Schedule<sup>27</sup>

1. The UDO Administrator is authorized to and shall establish specific rules for submittal and review schedules (including time frames for review) for the various types of development applications, which shall be on file and available for inspection in the offices of the Planning Department during normal business hours.
2. Nothing shall require or prohibit the UDO Administrator from reducing the amount of time necessary for review of an application as workflow allows, but the timeframes for public notice in **Section <>, Public Notice**, shall not be reduced.

##### E. Application Submittal

1. Applications shall be submitted to the UDO Administrator in the form established by the UDO Administrator, along with the appropriate application fee.
2. An application shall not be considered to be submitted until determined to be complete in accordance with **Section <>, Determination of Application Completeness**.
3. No application shall be reviewed or decided until after it is determined to be complete.
4. No application shall be accepted for development proposed on a lot or site until property taxes are paid in full, as determined by the Camden County Tax Assessor.

##### F. Burden of Presenting Complete Application

The burden of presenting and maintaining a complete application shall be solely upon the applicant.

##### G. Determination of Application Completeness<sup>28</sup>

On receiving a development application, the UDO Administrator shall determine, within a reasonable period of time, whether the application is complete or incomplete. A complete application is one that:

1. Contains all information and materials identified in the appropriate County documentation as required for submittal of the particular type of application;
2. Is in the form and number of copies required by the appropriate County documentation;
3. Is legible and printed to scale (where appropriate);
4. Is signed by the person with the authority to file the application;

<sup>24</sup> This section includes the provisions related to filing an application for a development approval. It builds on the standards in Sections 151.497 and 151.498 with respect to who may file an application and the application completeness process for zoning, special use, and conditional use permits. These draft provisions are broadened to apply to all application types. One notable difference in these draft standards is that an application is not considered to be submitted until it is determined to be complete. This change is proposed to protect the County from incomplete applications filed as a means of avoiding rule changes under the recent 'permit choice' doctrine adopted by the General Assembly.

<sup>25</sup> NOTE TO STAFF: Some communities adopt an outside procedures manual that contains application forms and submittal requirements. While this is outside the scope of the current UDO process, the County should consider creating such a document. By locating this material outside the codified UDO (and adopting it via BOC resolution) the contents of the manual may be revised without need of a public hearing (as is required if application-related provisions are maintained as appendices in the UDO). In addition, we suggest the UDO Administrator not be allowed to waive or reduce application requirements as this could result in legal challenge under equal protection doctrine.

<sup>26</sup> This section replaces Section 151.010 related to fees in the current code.

<sup>27</sup> NOTE TO STAFF: Review schedules are ideal things to include in a procedures manual.

<sup>28</sup> NOTE TO STAFF: This section replaces Sections 151.498 and 151.500 and broadens their applicability to all application types. It also includes additional criteria for determining completeness. One issue for further discussion is the time period (if any) associated with completeness review. A typical rule of thumb used by other jurisdictions is 7 calendar days. Section 151.498 specifies that applications for special use permit and conditional use permit applications must be submitted at least 20 working days prior to date the application is to be heard. Discussion is also needed regarding Section 151.504 of the current code that appears to allow an incomplete application to advance to the review stage without a conclusion determination of completeness by staff.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>20F</sup>

#### 2.2.5 Staff Review and Action<sup>29F</sup>

5. Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance;
6. Is accompanied by the fee established for the particular type of application;
7. Includes material associated with a pre-application conference, if one is required; and
8. Includes the written summary of a neighborhood meeting, if one was conducted prior to application submittal.

#### H. **Application Incomplete**<sup>29</sup>

If the application is incomplete, the UDO Administrator shall notify the applicant of the deficiencies. The applicant may correct the deficiencies and resubmit the application for completeness determination.

#### I. **Application Complete**

1. On determining that the application is complete, it shall be considered as submitted, the County shall notify the applicant and commence review in accordance with the procedures and standards of this Ordinance.
2. Nothing shall preclude the UDO Administrator or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete.

### 2.2.5 STAFF REVIEW AND ACTION<sup>30</sup>

#### A. **Initial Staff Review**

1. Following application completeness determination, it shall be distributed by the UDO Administrator to all appropriate staff and review agencies for review and comment.
2. Applications shall be reviewed during the review cycle in place when the application is determined to be complete.
3. In considering the application, the UDO Administrator or other County staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.
4. If deficiencies in complying with applicable standards of this Ordinance are identified, the UDO Administrator shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

#### B. **Staff Report and Recommendation**<sup>31</sup>

1. Except for development agreements, the UDO Administrator shall prepare a written staff report on any application to be reviewed or decided by the Planning Board, Board of Commissioners, or Board of Adjustment.
2. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance, and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, in accordance with **Section <>, Specific Review Procedures**.
3. In cases where the staff finds an application does not comply with the applicable provisions of this Ordinance the staff report shall cite the specific code section(s) in question and the reasons why the application fails to comply.
4. The staff report may identify and recommend modifications to the development proposal that specify how compliance deficiencies might be corrected and how adverse effects of the development application (if any) might be mitigated.
5. A staff report is not required for applications decided by the UDO Administrator, Building Inspector, or other designated County staff, though one may be prepared.

#### C. **Distribution and Availability of Application and Staff Report**

In cases where a staff report is prepared, the UDO Administrator shall take the following actions within a reasonable time period before the application is scheduled for review:

1. Schedule and ensure any required public notice of the application (if appropriate) is prepared in accordance with **Section <>, Public Notice**;
2. Transmit the application, related materials, and staff report to the appropriate review authority (ies);
3. Transmit a copy of the staff report and any related materials to the applicant; and
4. Make the application, related materials, and staff report available for examination by the public.

#### D. **Applications Subject to Decision by Staff**

<sup>29</sup> NOTE TO STAFF: Additional discussion is needed on whether or not the County wishes to include provisions that allow an applicant to declare an application complete without further revision following notification of deficiencies by County staff.

<sup>30</sup> This section builds on the standards in Section 151.500 of the current ordinance.

<sup>31</sup> This section builds on the standards in Section 151.505 and 151.506.B of the current ordinance.

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2.2.6 Public Notice31F

In cases where a development application is decided by the UDO Administrator or Building Inspector, the appropriate County staff member shall make one of the following decisions, based on the review standards set forth in **Section <>, Specific Review Procedures**:

1. Approve the application;
2. Approve the application, subject to conditions necessary to bring the application into compliance with this Ordinance (or other applicable standard); or
3. Disapprove the application.

**2.2.6 PUBLIC NOTICE<sup>32</sup>**

**A. Public Hearing Scheduling**

When a development application is subject to a public hearing, the UDO Administrator shall ensure that the public hearing is scheduled for a regular meeting or a meeting specially called for that purpose by the review authority.

**B. Public Notification Requirements**

**1. Applicable State Law**

All development applications subject to public notification shall comply with standards in Section 153A-323, as well as Sections 160A-364, 160A-384, and 160A-388 of the North Carolina General Statutes (as appropriate) and the other provisions in this Ordinance related to public notice.

**2. Notice Type and Timing**

The UDO Administrator shall ensure public notification (whether via published notice, mailed notice, or posted notice) is provided in accordance with the requirements in **Table <>, Public Notice Type and Timing**, for the type of application and the type of notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

**TABLE <>: PUBLIC NOTICE TYPE AND TIMING**

APPLICATION TYPE	REVIEW AUTHORITY [1]	TYPE OF PUBLIC NOTIFICATION "X" = REQUIRED		
		PUBLISHED NOTICE [2]	MAILED NOTICE [3]	POSTED NOTICE [4]
Appeal	BOA	.	X [5]	X [5]
Comprehensive Plan Amendment	BOC	X	.	.
Development Agreement	BOC	X [6]	X	X
Major Site Plan	PB	.	X	X
Planned Development	BOC	X [6]	X	X
Preliminary Plat	BOC	[6]	X	X
Special Use Permit	BOC	X [6]	X	X
UDO Text Amendment [7]	BOC	X [6]	.	.
Variance	BOA	.	X	X
Vested Rights Determination	BOC	X [6]	X	.
Zoning Map Amendment [7]	BOC	X [6]	X [8]	X

**NOTES:**  
 [1] "BOA" = Board of Adjustment; "PB" = Planning Board; "BOC" = Board of Commissioners.  
 [2] Published notice shall be provided once a week for 2 successive calendar weeks, with the first notice published between 10 and 25 days before the public hearing.  
 [3] Mailed notice shall be provided to the applicant, affected landowners, and landowners of abutting land

<sup>32</sup> NOTE TO STAFF: This section consolidates the public notice provisions from Sections 151.551 and 151.583. With respect to mailed notice, the General Statutes are clear that mailed notice need only be provided to landowners with lands abutting the subject property. In practice, local governments often exceed this minimum requirement for political reasons. For example, the current ordinance specifies mailed notice of special use permit hearings to landowners within 150 feet of the subject property. We suggest the UDO comply with the state's minimum requirements and that the County address any desired additional mailing requirements as a matter of policy (in a document outside the codified UDO). Additional discussion is required with respect to the application types included here that do not have state-mandated public notice requirements like major site plans and preliminary plats. In addition, some local governments choose to provide public notice prior to consideration of an administrative adjustment.

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2.2.7 Public Meetings and Hearings32F

<b>TABLE &lt;&gt;: PUBLIC NOTICE TYPE AND TIMING</b>				
<b>APPLICATION TYPE</b>	<b>REVIEW AUTHORITY [1]</b>	<b>TYPE OF PUBLIC NOTIFICATION "X" = REQUIRED</b>		
		<b>PUBLISHED NOTICE [2]</b>	<b>MAILED NOTICE [3]</b>	<b>POSTED NOTICE [4]</b>
<p>between 10 and 25 days before the public hearing.</p> <p>[4] Posted notice shall be provided between 10 and 25 days before the public hearing.</p> <p>[5] Mailed and posted notice shall only be required in cases where an appeal pertains to particular lot or site.</p> <p>[6] Applications that would change the OZM, the range of allowable uses, changes to telecommunications towers or windmills, changes to major subdivision plats, or increases of 50 percent or more in the size of an existing subdivision within 5 miles of a military installation shall require mailed notice be provided via certified mail to the military base commander between 10 and 25 days before the public hearing.</p> <p>[7] Review of text and map amendments (including planned developments) require consideration by the Planning Board, but these reviews are conducted during public meetings, not publically-noticed hearings.</p> <p>[8] Mailed notice shall not be required when a zoning map amendment includes more than 50 lots or tracts owned by at least 50 different landowners, provided the County publishes a map (occupying at least ½ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for 2 successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to <b>Section &lt;&gt;, Mailed Notice Requirements.</b></p>				

**3. Published Notice Requirements**

- a. When the provisions of this Ordinance require that public notice be published, the UDO Administrator shall publish a notice in a newspaper that is regularly published at least one time per week and that has general circulation in the County.
- b. The content and form of the notice shall comply with the applicable requirements in the North Carolina General Statutes.

**4. Mailed Notice Requirements**

- a. Mailed notice specified in **Table <>, Public Notice Type and Timing**, shall be mailed to:
  - 1. All landowners subject to the application;
  - 2. The applicant, if different from the landowner; and
  - 3. All landowners entitled to receive notice (including landowners located outside the County) whose address is known by reference to the latest County tax listing.
- b. Notice shall be deemed mailed by its deposit in the United States mail, first class or certified (as appropriate), properly addressed, postage paid.
- c. The content and form of the notice shall comply with the applicable requirements in the North Carolina General Statutes.
- d. A copy of the mailed notice shall be maintained in the Planning Department for public inspection during normal business hours.

**5. Posted Notice Requirements**

- Posted notice shall be made by the UDO Administrator, and shall comply with the following:
- a. A sign shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.
  - b. The content and form of the notice shall comply with the applicable requirements in the North Carolina General Statutes.

**6. Constructive Notice**

- a. Minor defects in any notice shall not impair the notice or invalidate proceedings if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:
  - 1. Errors in a legal description;
  - 2. Errors or omissions in the tax listing provided by the County; or
  - 3. Typographical or grammatical errors that do not impede communication of the notice to affected parties.
- b. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property(ies) shall be strictly adhered to.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>20F</sup>

#### 2.2.7 Public Meetings and Hearings<sup>32F</sup>

### 2.2.7 PUBLIC MEETINGS AND HEARINGS<sup>33</sup>

#### A. Public Meetings

Applications subject to a recommendation by the Planning Board in **Table <>, Specific Development Review Procedures**, shall be heard by the Planning Board during a public meeting (not a public hearing noticed in accordance with **Section <>, Public Notice**). The public meeting shall be open to the public and shall be conducted in accordance with the Planning Board's adopted rules of procedure for public meetings. There is no requirement to allow public comment or testimony during a public meeting.

#### B. Legislative Public Hearings

Applications decided by the BOC, Planning Board, or BOA in **Table <>, Specific Development Review Procedures**, shall be reviewed during a legislative public hearing subject to prior public notification in accordance with **Section <>, Public Notice**. The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public hearings. Attendees shall be afforded the opportunity to comment or provide testimony during a public hearing, as authorized in the adopted rules of procedure.

#### C. Quasi-Judicial Public Hearings

Some applications in **Table <>, Specific Development Review Procedures**, are decided following a quasi-judicial public hearing, which shall be conducted in accordance with the review authority's rules of procedure and the following:

##### 1. Opportunity to Present Testimony and Evidence

Any party with standing shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of the applicant, the applicant's representatives, Town staff, and the Town staff's representatives.

##### 2. Limitation on Evidence

The Chair or other presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and ad hominem attacks.

##### 3. Conflicts of Interest

A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall, by majority vote, rule on the objection.

##### 4. Ex Parte Communication

Ex parte communications between an applicant or an affected party and a member of the decision-making body are prohibited. If it occurs, it shall be disclosed during the quasi-judicial public hearing.

#### D. Modification of Application

1. An applicant may revise an application during a public hearing in response to recommendations or suggestions of the review authority.

2. The review authority may approve an application modified during a public hearing provided that the zoning compliance or building permit will not be issued until plans reflecting the agreed upon changes are submitted to and approved by the appropriate County staff members.

#### E. Record

1. A recording shall be made of all public hearings and the recordings shall be kept for at least two years.

2. Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

3. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the County for at least two years.

### 2.2.8 REVIEW BY PLANNING BOARD<sup>34</sup>

<sup>33</sup> This section builds on Sections 151.550 and 151.552 of the current ordinance, and adds additional material related to quasi-judicial hearings.

<sup>34</sup> This is a new section for the County's consideration. It standardizes the process for review of certain applications by the Planning Board. Establishing this section here allows it to be cross-referenced in Section 2.3, Specific Review Procedures, instead of being repeated in several specific review procedures.



## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>20F</sup>

#### 2.2.9 Action by Review Authority<sup>34F</sup>

If an application requires review and a recommendation by the Planning Board, it shall review the application in accordance with the following procedures:

**A. General**

The review authority shall consider the application, relevant support materials, staff report, and any public comments. One of the decisions authorized for the particular type of application shall be recommended, based on the review standards applicable to the application type, as set forth in [Section <>, Specific Review Procedures](#).

**B. Clearly State Factors for Recommendation**

The recommendation shall clearly state the factors considered in making the recommendation and the basis or rationale for the recommendation.

**C. Vote**

1. A decision to recommend approval shall be decided by a simple majority of the members present, a quorum being present.
2. A tie vote by members of the review authority shall be forwarded without a recommendation.

**D. Timing**

Unless an application is deferred or continued in accordance with [Section <>, Deferral and Continuance](#), a recommendation on an application shall be made within 60 days from the date of the initial meeting where it is considered.

**E. Failure to Recommend**

If the review authority fails to make a recommendation in the time allotted for review, the application shall be forwarded to the BOC without a recommendation from the review authority.

### 2.2.9 ACTION BY REVIEW AUTHORITY<sup>35</sup>

If an application is subject to a decision by the Planning Board, BOC, or BOA, the review authority shall review and decide the application in accordance with the following procedures:

**A. General**

The review authority shall conduct any required public hearing(s) and consider the application, relevant support materials, staff report, any other review authority recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in [Section <>, Specific Review Procedures](#).

**B. Remand**

The review authority may remand the application to County staff or another review authority for further consideration of new information or specified issues or concerns, if appropriate. In addition, the BOC may, in accordance with [Section <>, Neighborhood Meeting](#), require the applicant to conduct a neighborhood meeting before rendering a decision on the application.

**C. Burden of Persuasion<sup>36</sup>**

1. The burden of persuasion of whether the development, if completed as proposed, will comply with the requirements of this Ordinance remains, at all times, on the applicant.
2. The burden of persuasion of whether the application should be denied for any of the reasons set forth in this Ordinance rests on the party or parties urging that the application should be denied.
3. In the case of appeal of an administrative decision, justification of the order or decision shall be upon the County staff member issuing the order or decision.

**D. Clearly State Factors for Decision**

Unless stated otherwise in this Ordinance, the decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision.

**E. Application Revision**

The review authority may revise an application to apply more restrictive requirements, or to ensure the application better serves the purpose and intent of this Ordinance. In cases where an application is revised by a review authority in this manner, additional public notification or public hearings are not required.

**F. Vote**

**1. Quasi-Judicial Hearing**

Members of a review authority making a quasi-judicial decision shall not participate in or vote in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible

<sup>35</sup> This is a new section for the County's consideration. It standardizes the decision-making process for the BOC, BOA, or Planning Board. Establishing this section here allows it to be cross-referenced in Section 2.3, Specific Review Procedures, instead of being repeated in several specific review procedures.

<sup>36</sup> This section carries forward the relevant portions of Section 151.504 and Section 151.535 in the current Ordinance.



## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>20F</sup>

#### 2.2.10 Conditions of Approval

violations of due process include, but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex-parte communications; a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

#### 2. Legislative Public Hearing

A board member shall recuse themselves from voting on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on them or a member of their immediate family.

#### G. Timing

The review authority shall take action on the application as promptly as reasonably possible in consideration of the public interest.

### 2.2.10 CONDITIONS OF APPROVAL

- A. Conditions of approval may be applied to the approval of an application subject to a quasi-judicial procedure as identified in **Table <>, Specific Development Review Procedures**, as deemed necessary by a review authority.
- B. Conditions of approval shall be limited in both type and amount to those that address:
  - 1. The conformance of the development to this Ordinance or other applicable County ordinances;
  - 2. The conformance of the development to the adopted policy guidance; and
  - 3. The impacts reasonably expected to be generated by the development on the public and surrounding land.
- C. All conditions of approval shall be expressly set forth in the development permit or approval, and may be subject to appeal in accordance with **Section <>, Appeal**.

### 2.2.11 NOTIFICATION OF DECISION<sup>37</sup>

#### A. Content

The notification of decision on an application shall be issued in the name of the applicant or applicant's agent, as appropriate, directed to the address(es) identified in the application materials, and shall identify the following:

- 1. The land or matter subject to the application;
- 2. A reference to any approved plans, as appropriate;
- 3. The approved use(s), if any; and
- 4. Any conditions of approval or other applicable requirements.

#### B. Timing

Except where otherwise stated in this Ordinance, the UDO Administrator shall provide the applicant written notification of a decision or action within 10 business days after a final decision on a development application.

#### C. Copy of Decision

In addition to providing notification of a decision on an application to an applicant, the UDO Administrator shall make a copy of the decision available to the public in the offices of the Planning Department during normal business hours.

### 2.2.12 EFFECT<sup>38</sup>

#### A. Effect

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan for development, or other specific activity approved.

#### B. Permit Prerequisite

In the event a permit or development approval is a prerequisite to another permit or development approval (e.g., administrative adjustment or variance approval prior to a site plan approval), development may not take place until all prerequisite approvals are obtained. Approval of one development application does not guarantee approval of any subsequent development application.

#### C. Transfer

- 1. Except when otherwise specified, development approvals may be transferred from one owner to another, provided the land, structure, or use type continues to be used for the same purpose for which the approval was granted.
- 2. The terms and requirements of the approval shall continue to apply to all subsequent owners or interests.

<sup>37</sup> This section builds on the standards in Section 151.495.C of the current ordinance.

<sup>38</sup> This section builds on the standards in Section 151.514 of the current ordinance.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>20F</sup>

#### 2.2.13 Continuance<sup>38F</sup>

### 2.2.13 CONTINUANCE<sup>39</sup>

An applicant may request that a review authority's consideration of an application at public meeting or hearing be continued by submitting a written request to the UDO Administrator.

#### A. UDO Administrator Action

If public notice has not been provided in accordance with this Ordinance prior to the request for a continuance, the UDO Administrator shall consider and decide the request. A request for continuance shall be approved only in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, or bring the application into closer alignment with the adopted policy guidance or the requirements of this Ordinance.

#### B. Review Authority Action

1. If public notice has been provided in accordance with this Ordinance, the request for continuance shall be placed on the agenda of the review authority on the date the application is to be considered. The review authority may approve the request for good cause.
2. The applicant shall be responsible for any additional public notification expenses.

#### C. General Requirements

1. No more than one continuance may be granted.
2. The continuance shall not exceed six months in duration.
3. A second continuance request shall be considered as withdrawal of the application.

#### D. Continuance of Public Hearing

1. A review authority may continue a public hearing until a subsequent meeting and may keep the hearing open to receive additional information up to the point when a final decision is made.
2. No further notice of a continued hearing is not required unless a period of eight or more weeks lapse between hearing dates.

### 2.2.14 WITHDRAWAL

- A. An applicant may withdraw an application at any time.
- B. If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal.
- C. Application fees for withdrawn applications shall not be refunded.

### 2.2.15 LIMITATION ON SUBSEQUENT SIMILAR APPLICATIONS<sup>40</sup>

- A. If a development application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless the review authority approves a reduction in this time limit in accordance with subsection (B) below. For the purposes of this section, "the same or similar development" shall mean:
  1. The same use type(s) in the same approximate location(s) as the denied application; or
  2. The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.
- B. The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for reduction of the time limit, along with a fee to defray the cost of processing the request, to the UDO Administrator, who shall transmit the request to the review authority. The review authority may grant the request only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:
  1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
  2. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
  3. The new application proposed to be submitted is materially different from the prior application; or
  4. The final decision on the prior application was based on a material mistake of fact.

### 2.2.16 AMENDMENT<sup>41</sup>

<sup>39</sup> This is a new section for the County's consideration.

<sup>40</sup> NOTE: This section replaces Section 151.516 in the current ordinance. The current standards prohibit rehearing of a denied special use or variance unless there are changed conditions. These proposed standards allow an applicant to resubmit another application after a year, and create a set of conditions that would allow a reduction of the one-year waiting period for a new application.

<sup>41</sup> NOTE: This section replaces Section 151.515 of the current ordinance, but requires major changes to be treated the same as a new application.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>20F</sup>

#### 2.2.17 Expiration<sup>41F</sup>

Unless expressly prohibited in the approval, subsequent plans and permits for development may include minor changes (including changes from approved conditions), provided the development continues to meet the minimum requirements of this Ordinance and the following:

#### A. Minor Changes

1. Minor changes are limited to changes that:
  - a. Have no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development;
  - b. Will result in equal or better compliance with this Ordinance or conditions of approval; or
  - c. Address technical considerations that could not reasonably be anticipated at the time of the approval.
2. The following minor changes may be approved by the UDO Administrator:
  - a. Changes to the location of entrances or driveways, minor rearrangement of internal streets, turn lanes, drives, or access restrictions;
  - b. Increases in or changes to the configuration of parking areas;
  - c. Increases in or changes to the configuration or location of open space or placement of required amenities;
  - d. Changes to the arrangement or location of buildings, provided there is no increase in number;
  - e. Changes to the proposed building elevation or façade, including materials, provided that the change retains the same general architectural character and same building height;
  - f. Changes to the configuration of landscape yards, including types of materials, provided the screening function is maintained;
  - g. Decreases in residential density or non-residential gross floor area; and
  - h. Minor changes to lot line locations, provided there is no increase in the total number of lots and provided all lots comply with the dimensional requirements for the zoning district where located.

#### B. Material Changes are Amendments

Changes that materially affect the basic configuration of the development or are beyond the scope of a minor change listed in subsection A above are not considered minor changes, and shall be reviewed and considered in accordance with the procedures and standards established for the original approval.

### 2.2.17 EXPIRATION<sup>42</sup>

- A. Development approvals granted in accordance with this Ordinance shall expire as provided in **Section <>, Specific Review Procedures**, for the particular type of development permit or approval.
- B. If no expiration period is provided in **Section <>, Specific Review Procedures**, then the development approval does not expire.
- C. A change in ownership of the land shall not affect the established expiration time period. The filing of an appeal shall delay the established expiration period until final resolution of the appeal.

<sup>42</sup> This is a new section for the County's consideration.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.1 Purpose and Intent

## 2.3 SPECIFIC REVIEW PROCEDURES

### 2.3.1 PURPOSE AND INTENT

This section sets out supplemental procedures, review criteria, and related information for each of the specific review procedures identified in [Table <>, Specific Development Review Procedures](#). The standards in this section apply in addition to the procedures set forth in [Section <>, Standard Review Procedures](#). In cases where the standards in this section conflict with the standards in [Section <>, Standard Review Procedures](#), the standards in this section shall control.

### 2.3.2 OVERVIEW

- A. Development application provisions in this section are organized in alphabetical order in accordance with the sequence of procedures in [Table <>, Specific Development Review Procedures](#).
- B. Each development application review procedure in this section includes a procedural flowchart that depicts the steps in the review process. White boxes indicate actions of the applicant. Purple boxes indicate actions of County staff. Black boxes show quasi-judicial public hearings, and grey boxes show public hearings or public meetings (as appropriate). Boxes with dashed lines show optional steps.

### 2.3.3 SPECIFIC REVIEW PROCEDURES SUMMARY TABLE<sup>43</sup>

The following table sets out the review authority and relevant procedural steps for each of type of development application under this Ordinance.

<sup>43</sup> The development review summary table provides code users with an overview of the available procedures, the body or individual responsible for making recommendations and decisions and hearing appeals (review authority), and the type of public hearing required, if any.

As mentioned on Page 43 of the Evaluation Report, the table contains seven new procedures: Administrative Adjustment, Certificate of Occupancy, Comprehensive Plan Amendment, Development Agreement, Exempt Subdivision, Temporary Use Permit, and Vested Rights Determination. An Administrative Adjustment is a new procedure which formalizes and standardizes the procedures in Section 151.018 of the current ordinance and allows for minor deviations from numerical standards, including setbacks, bulk standards, and parking counts. Certificates of Occupancy are discussed in the current UDO but do not have a codified procedure. The Comprehensive Plan Amendment is a new procedure that provides a codified way to update the Comprehensive Plan (Land Use Plan) ahead of a zoning text or map amendment as a means of helping ensure consistency between the plan and the UDO. The Development Agreement procedure creates a way for the County to make an agreement on development phasing, infrastructure provision, and development build-out with a developer. The Exempt Subdivision formalizes the process for the UDO Administrator to determine whether or not a division of land is exempted from subdivision standards. The Temporary Use Permit is a new procedure for land uses of a temporary nature that sets out the maximum duration and frequency of temporary uses. The Vested Rights Determination is mentioned in the current ordinance, but not codified as a procedure. The procedure set out in this draft requires an applicant to request this determination along with the application and requires a public hearing if one is not already required. In addition to these new procedures, Session Law 2017-10 from the General Assembly establishes a new class of subdivision called an "Expedited Subdivision" of no more than 3 lots on land under common ownership that is at least five acres in area. The expedited subdivision is subject to the same review procedure as a minor subdivision, but there are limitations on neighborhood meetings, in-lieu fees, and access requirements that are not applied to a minor subdivision. As a result, the expedited subdivision review procedure has been added to recognize these distinctions.

Pages 40 through 42 of the Evaluation Report suggest changes to four other current procedures. The Major Subdivision procedure has been altered to remove the special use permit requirement, allow the TRC to review the sketch plan (as a pre-application conference), allow applicants to submit a conceptual stormwater plan at the preliminary plat stage (but finalized prior to approval of a final plat), to delay the submission of state and federal permits until after preliminary plat approval, and to authorize the UDO Administrator to approve the final plat. The Planned Unit Development procedure has been revised to make planned development a more viable development option by removing the requirements for a conditional use permit, minimum district size, and use-mixing. New detail has been added to clarify that a planned development cannot alter some standards, including stormwater and design provisions. The Special Use Permit is a standalone procedure for consideration of particular uses, due to its quasi-judicial nature. The Site Plan procedure is divided into major and minor site plans, with major site plans decided by the Planning Board.

The Conditional Use Permit is deleted and replaced with new use-specific standards to address special use-related considerations. The Special Use Permit procedure is proposed to replace the Conditional Use Permit with respect to review of extraordinary uses.

**ARTICLE 151.2 PROCEDURES**

**Section 2.3 Specific Review Procedures**

2.3.3 Specific Review Procedures Summary Table42F

**TABLE <>: SPECIFIC DEVELOPMENT REVIEW PROCEDURES**

Pre-application Conference: "M" = Mandatory "O" = Optional "." = not applicable  
 Type of Action: "R"=Recommendation "D"=Decision "A"=Appeal  
 Table symbols: < >=Legislative Public Hearing / \ =Quasi-Judicial Hearing "." = not applicable [ ] = see Notes

REVIEW PROCEDURE	SECTION REFERENCE	PRE-APPLICATION	REVIEW AUTHORITIES				
			UDO ADMINISTRATOR	BUILDING INSPECTOR	PLANNING BOARD [1]	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Administrative Adjustment	<>	M	D	.	.	.	/A\
Appeal	<>	O	.	.	.	.	/D\
Building Permit	<>	.	.	D	.	.	/A\
CAMA Minor Permit	<>	O	D	.	.	.	/A\
Certificate of Occupancy	<>	.	.	D	.	.	.
Comprehensive Plan Amendment	<>	O	.	.	R	<D>	.
Development Agreement	<>	M	.	.	R	<D>	.
Exempt Subdivision	<>	.	D	.	.	.	/A\
Expedited Subdivision	<>	.	D	.	.	.	/A\
Final Plat	<>	O	D	.	.	.	.
Floodplain Development Permit	<>	.	.	D	.	.	/A\
Interpretation	<>	O	D	.	.	.	/A\
Major Site Plan	<>	M	.	.	<D>	.	.
Minor Site Plan	<>	O	D	.	.	.	/A\
Minor Subdivision	<>	O	D	.	.	.	.
Planned Development	<>	M	.	.	R	<D>	.
Preliminary Plat	<>	M	[2]-	.	R	<D>	.
Sign Permit	<>	O	D	.	.	.	/A\
Special Use Permit	<>	M	.	.	.	/D\	.
Transfer Plat	<>	.	D	.	.	.	/A\
Temporary Use Permit	<>	O	D	.	.	.	/A\
UDO Text Amendment	<>	M	.	.	R	<D>	.
Variance	<>	M	.	.	.	.	/D\
Vested Rights Determination	<>	M	.	.	.	<D>	.
Zoning Compliance Permit	<>	O	D	.	.	.	/A\
Zoning Map Amendment	<>	M	.	.	R	<D>	.

**NOTES:**

[1] Applications subject to a recommendation by the Planning Board shall be heard by the Planning Board during a public meeting, but public meetings are not subject to public notification requirements in [Section <>, Public Notice](#).

[2] [The TRC shall review applications for preliminary plats prior to consideration by the Planning Board.](#)

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.4 Administrative Adjustment<sup>43F</sup>

### 2.3.4 ADMINISTRATIVE ADJUSTMENT<sup>44</sup>

#### A. Purpose and Intent

The purpose for the administrative adjustment procedure is to establish a clear procedure and measurable review criteria for the administrative consideration of requests for minor deviations to certain numeric standards in this Ordinance (like district dimensional standards). The intent of the procedure is to provide relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by this Ordinance, only in cases where the adjustment does not interfere with a proposed development's compatibility with its surroundings.

#### B. Applicability

1. Except where otherwise prohibited, an administrative adjustment may be requested for a modification or deviation of up to 10 percent to any district dimensional standard in Article 151.3: Zoning Districts, a numeric standard in Article 151.4, Use Regulations, or any numeric standard in Article 151.5: Development Standards.
2. In no instance shall an administrative adjustment application seek to reduce the required minimum lot area or maximum residential density on a lot.

#### C. Timing

1. An administrative adjustment may be requested either as a stand-alone application, or in combination with another application for development review.
2. In cases when submitted with another application, the administrative adjustment portion of the application shall be reviewed and decided prior to the other portion(s) of the application.

#### D. Administrative Adjustment Procedure

1. **Pre-Application Conference**  
Mandatory (see Section <>, Pre-Application Conference).
2. **Application Submittal**  
Applicable (see Section <>, Application Submittal).
3. **Staff Review and Action**  
Applicable (see Section <>, Staff Review and Action).

#### E. Administrative Adjustment Review Standards

An administrative adjustment shall be approved if the applicant demonstrates all of the following:

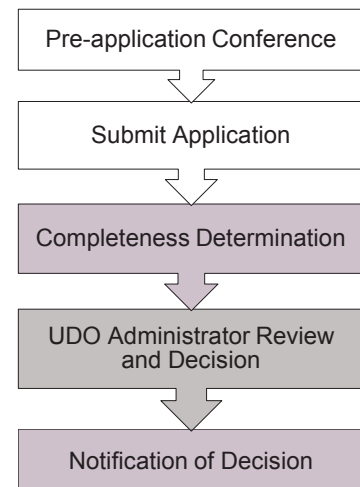
1. The administrative adjustment:
  - a. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or
  - b. Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or
  - c. Is necessary to allow for proper functioning of on-site wastewater or stormwater management devices; or
  - d. Saves healthy existing trees;
2. The administrative adjustment does not exceed the maximum allowable threshold;
3. The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;
4. The administrative adjustment will not pose a danger to the public health or safety;
5. The administrative adjustment will not negatively impact the function or performance of on-site wastewater or stormwater management devices;
6. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and
7. The development standard being adjusted is not the subject of a previously approved administrative adjustment on the same site.

#### F. Conditions of Approval

Applicable (see Section <>, Conditions of Approval).

#### G. Effect

**FIGURE <>  
ADMINISTRATIVE  
ADJUSTMENT  
PROCEDURE**



<sup>44</sup> This is a new procedure described on Page 43 of the Evaluation Report. It is intended to replace provisions like those in Section 151.018 that allows the UDO Administrator to deviate from any numeric standard by up to 5 percent. This draft procedure increases the maximum allowable deviation up to 10 percent but establishes review standards.



## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.4 Administrative Adjustment43F

Approval of an administrative adjustment application allows consideration of any concurrent and related applications.

**H. Amendment**

Applicable (See [Section <>, Amendment](#)).

**I. Expiration**

If an administrative adjustment is associated with another permit or development approval, the expiration of the administrative adjustment shall be the same as the permit or development approval with which it is associated. In all other cases, the administrative adjustment shall run with the land.

**J. Appeal**

Appeal of a decision on an administrative adjustment shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with [Section <>, Appeal](#).

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.5 Appeal44F

2.3.5 APPEAL<sup>45</sup>

A. Purpose and Intent

This appeal procedure is proposed to establish a clear and predictable procedure for persons with standing to appeal a decision or interpretation of this Ordinance, the OZM, or a condition of approval by a review authority.

B. Applicability

- 1. Unless otherwise provided by State law or this Ordinance, this section sets out the procedure and standards for appealing any decision or interpretation by a County official made pursuant to this Ordinance.
- 2. Appeals of decisions made by the Planning Board, BOC, or BOA shall be to the Superior Court for Camden County, in accordance with State law.
- 3. In the event an applicant wishes to appeal a standard outside this Ordinance, or a decision by a staff member not addressed by this Ordinance, the appeal shall be made to the County Manager in accordance with County policy, not this appeal procedure.

C. Initiation

An appeal shall be initiated by filing a written notice of appeal with the UDO Administrator within 10 days of the date the written determination or decision being appealed is received by the applicant (except where otherwise specified in this Ordinance).

D. Appeal Procedure

1. Pre-Application Conference

Optional (see Section <>, Pre-Application Conference).

2. Application Submittal

- a. Applicable (see Section <>, Application Submittal).
- b. The written notice of appeal shall include a statement of the error or improper decision, the date of the decision or interpretation, the grounds for the appeal, and all related support materials.

3. Staff Review and Action

- a. Applicable (see Section <>, Staff Review and Action).
- b. On accepting a notice of appeal, the UDO Administrator shall transmit to the BOA the record of material considered by the decision-maker in making the decision or interpretation as well as the application for the appeal.

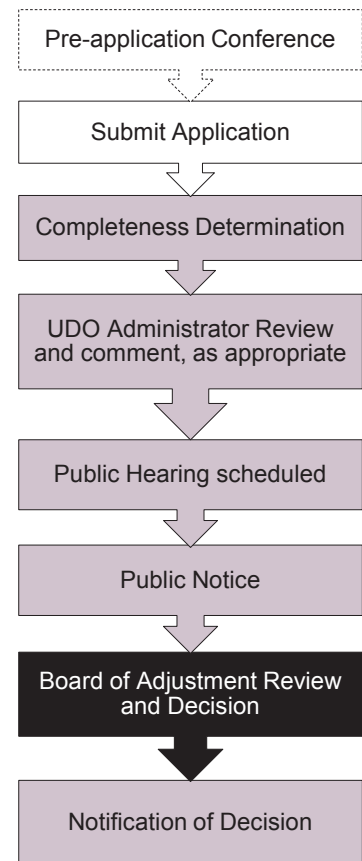
4. Public Notice

Applicable (see Section <>, Public Notice).

5. Review and Decision by the Board of Adjustment

- a. Applicable (see Section <>, Action by Review Authority, and Section <>, Public Meetings and Hearings).
- b. The BOA, at the conclusion of a quasi-judicial public hearing, shall decide the application for the appeal.
- c. The decision shall be based on the competent, material, and substantial evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section <>, Appeal Review Standards.
- d. The decision shall be one of the following:
  - 1. Affirmation of the decision or interpretation (in whole or in part);
  - 2. Modification of the decision or interpretation (in whole or in part); or
  - 3. Reversal of the decision or interpretation (in whole or in part).
- e. A vote to reverse or modify a decision or determination shall require approval of a majority of a quorum present at the hearing.
- f. Each decision shall be made in writing and reflect the BOA's determination of contested facts and their application to the standards in this Ordinance.
- g. The written decision shall be signed by the Chair or other duly authorized member of the BOA.
- h. The decision of the BOA shall be effective upon the filing of the written decision.

FIGURE <> APPEAL PROCEDURE



<sup>45</sup> This procedure carries forward the standards and requirements in Sections 151.530, 151.536, and 151.550 with the new standardized procedural layout.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.5 Appeal44F

#### 6. Notification of Decision

The decision of the BOA shall be delivered by personal service, electronic mail, or by first-class mail to the applicant, the landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person providing notification of decision shall certify that proper notification has been made.

#### E. Appeal Review Standards

1. The BOA is limited to the following determinations in considering the appeal, which shall be based on:
  - a. Whether the decision-maker erred in the interpretation of this Ordinance; and
  - b. Whether the decision-maker erred in determining whether a standard of this Ordinance was met.
2. The BOA shall not hear any evidence or make any decision based on hardships or special conditions except as part of an application for a variance.

#### F. Effect

1. An appeal stays all proceedings in furtherance of the action appealed, unless the County official from whom the appeal is taken certifies to the BOA, after notice of appeal has been filed, that because of facts stated in the certificate a stay would, in the County official's opinion, cause imminent peril to life or property or because the violation is one that frequently re-occurs on the same lot or on land owned by the same violator, a stay would seriously interfere with enforcement of this Ordinance.
2. If certification by a County official is filed, administrative proceedings shall not be stayed except through issuance of a restraining order by a court of competent jurisdiction.
3. If the appeal is not stayed, the appellant may file for an expedited hearing of the appeal, and the BOA shall meet to consider the appeal with 15 days of the date the request is filed.
4. The filing of an appeal prevents the filing of an application for a zoning map amendment, special use permit, zoning compliance permit, or building permit for the same land subject to an appeal application, as well as the filing of a text amendment application by the same party filing the appeal until the appeal application is decided or appealed to the courts.

#### G. Appeal

1. Appeal of a decision on an appeal by the BOA shall be subject to review by District 1 Superior Court by proceedings in the nature of certiorari and in accordance with Section 160A-393 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

### 2.3.6 Building Permit<sup>45F</sup>

#### 2.3.6 BUILDING PERMIT<sup>46</sup>

##### A. Purpose and Intent

The purpose for the building permit procedure is to establish a consistent process for the review and approval of construction activities for consistency with all applicable building codes to give reasonable assurance that new development is safe from structural failure, fire hazards, electrical shock, or any other applicable health risks, as well as to establish a permanent record of work performed and inspections conducted.

##### B. Applicability

Unless exempted in accordance with this Ordinance or the State Building Code, no construction, reconstruction, addition, alteration, repair, movement to another site, removal, or demolition of any building or structure shall occur until a building permit is approved in accordance with the procedures and standards of this section.

##### C. Exemption<sup>47</sup>

The following forms of development are exempted from the requirement to obtain a building permit:

1. Storage and accessory buildings of 144 square feet in area, or less, and not used for habitable space;
2. Fences;
3. Privacy walls; or
4. Home occupations.

##### D. Building Permit Procedure

###### 1. Application Submittal

Applicable (see Section <>, Application Submittal).

###### 2. Staff Review and Action

Applicable (see Section <>, Staff Review and Action).

##### E. Building Permit Review Standards

A building permit shall be issued if the application complies with:

1. The State Building Code;
2. The standards in Section 153A-357 (including subsections (e) and (f), as applicable) of the North Carolina General Statutes;
3. The applicable requirements of Albemarle Regional Health Services, including all improvement permit requirements;
4. The requirement that the lot is already served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT standards;
5. All standards or conditions of any prior, applicable permits and development approvals; and
6. All other applicable requirements of this Ordinance, the County Code of Ordinances, State law, and federal law.

##### F. Delay of Approval Authorized

The Board of Commissioners may delay approval of a building permit at on land where timber is harvested in advance of an application for either of the following time periods:

1. Up to three years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by Section <>, Tree Protection; or
2. Up to five years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by Section <>, Tree Protection, if the harvest was conducted as a willful violation of these standards.

##### G. Effect

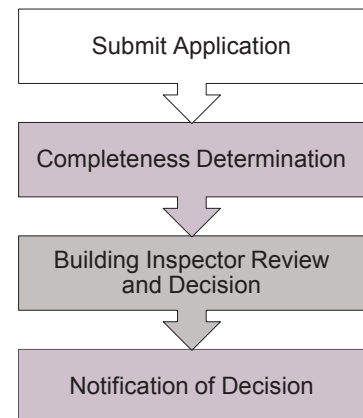
Applicable (see Section <>, Effect).

##### H. Amendment

Applicable (see Section <>, Amendment).

##### I. Expiration

**FIGURE <>  
BUILDING PERMIT  
PROCEDURE**



<sup>46</sup> This section sets out the permit for a building permit and incorporates the standards in Section 151.432 of the current ordinance. While mentioned several times in the current ordinance, the building permit process is not codified. This section is proposed for the County's consideration.

<sup>47</sup> NOTE TO STAFF: Are there other forms of development exempted from building permits? Fences? Privacy walls? Driveways? Above-ground water tanks? Playground equipment? Attached awnings? Pre-fabricated above-ground swimming pools? Septic work subject to an improvement permit? Others? Also, in cases where there is development that is exempted from building permit review, is a zoning compliance certificate required?

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.6 Building Permit45F

1. A building permit shall expire and become null and void if the development it authorizes is not commenced within six months of the permit issuance.
2. If development authorized by a building permit commences but fails to achieve at least one passing inspection (foundation, footing, framing, mechanical, etc.) for a continuous period of 12 months, the permit shall expire and become null and void.
3. In cases where the development has obtained a vested right in accordance with **Section <>, Vested Rights Determination**, the building permit shall only expire in accordance with the vested rights determination.

#### J. **Appeal**

An appeal of a decision on a building permit may be filed with the North Carolina Commissioner of Insurance, in accordance with Sections 153A-374 or 160A-434 of the North Carolina General Statutes.

# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

### 2.3.7 CAMA MinorFill Permit47F

#### **2.3.7 CAMA MINORFILL PERMIT<sup>48</sup>**

(J) A fill permit issued by the North Carolina Division of Water Quality shall be required to fill any 401 wetlands.

2.3.7 (K) A fill permit issued by the U.S. Army Corps of Engineers shall be required to fill any 404 wetlands.

#### **A. Purpose and Intent**

The CAMA minor permit procedure sets out the procedure and standards for County review of minor forms of development proposed in an Area of Environmental Concern (AEC) – areas in or near the water, near a water supply, beach dunes, marshes, or other areas of environmental significance identified in the Coastal Area Management Act (CAMA) of 1974.

#### **B. Applicability**

1. CAMA minor permits are required for development proposed in affected areas that occupy less than 20 acres and less than 60,000 square feet of structure. Single-family homes, docks, shoreline armoring, and similar forms of development are the most common type of development required to obtain a CAMA minor permit.
2. Development exceeding the thresholds of a CAMA minor permit is reviewed as a CAMA general or major permit by the North Carolina Coastal Resources Commission (CRC), not the County.

#### **C. CAMA Minor Permit Procedure**

##### **1. Pre-Application Conference**

Optional (see Section <>, Pre-Application Conference).

##### **2. Application Submittal**

- a. Applicable (see Section <>, Application Submittal).
- b. Applications shall be filed on a form provided by the CRC.

##### **3. Adjacent Owner Notification**

Applicants for a CAMA minor permit shall notify all adjacent landowners who own riparian (or waterfront) property that an application for a CAMA minor permit has been filed.

##### **4. Staff Review and Action**

- a. Applicable (see Section <>, Staff Review and Action).
- b. Upon receipt of an application, the UDO Administrator shall forward a copy to the NC Department of Environmental Quality (NCDEQ).
- c. The UDO Administrator shall decide an application within 25 days of the date it is deemed complete. The UDO Administrator may request, and shall be granted one additional 25-day period to make a decision when the complexity of the application requires such evaluation. The applicant shall be notified via certified mail in cases where an extension is required.
- d. Failure of the UDO Administrator to make a decision within the time allotted shall be deemed an approval.
- e. The UDO Administrator shall review and decide the application in accordance with Section <>, CAMA Minor Permit Review Standards.

#### **D. CAMA Minor Permit Review Standards**

A CAMA minor permit shall be issued if the application complies with:

1. All applicable standards for development in an AEC found in the North Carolina Administrative Code (Sections 15A NCAC 7H .0208-310 or .0405-6);
2. Sections 113A-120(a)(1-10) of the North Carolina General Statutes;
3. Applicable adopted policy guidance; and
4. Any applicable local development regulations.

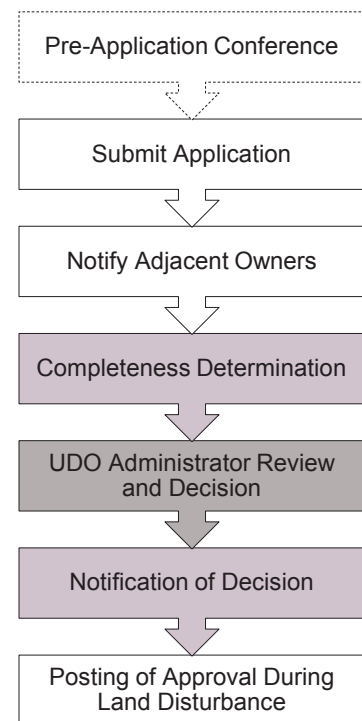
#### **E. Conditions of Approval**

Applicable (see Section <>, Conditions of Approval).

#### **F. Effect**

1. Applicable (see Section <>, Effect).

**FIGURE <> CAMA MINOR PERMIT PROCEDURE**



<sup>48</sup> NOTE TO STAFF: This is a suggested review procedure. Page 37 of the Evaluation Report suggested calling this a “fill permit” though this is a somewhat misleading term. Additional discussion is needed regarding the County’s desire for a land disturbance or grading permit for areas outside an AEC.



## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.7 CAMA MinorFill Permit47F

2. The applicant shall post the approved permit in a prominent location on the site where the land disturbance is occurring at all times while it is in effect.

**G. Amendment**

Amendment of a land disturbance permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

**H. Expiration**

The land disturbance permit shall be null and void if work authorized is not completed within one year from the issuance of the permit.

**I. Appeal**

Appeal of a decision on an CAMA minor permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with [Section <>, Appeal](#).

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.8 Certificate of Occupancy48F

2.3.8 CERTIFICATE OF OCCUPANCY<sup>49</sup>

A. Purpose and Intent

The purpose for the certificate of occupancy procedure is to establish a consistent and standardized method to document a development’s compliance (or pending compliance) with all applicable building codes and County requirements prior to occupancy or initiation.

B. Applicability

No land, newly erected building or structure, or existing building or structure that has been moved or enlarged or changed in use shall be occupied or used until a certificate of occupancy is issued in accordance with this section, certifying that the land, building, or structure, and its use complies with this Ordinance and the applicable standards of the State Building Code.

C. Certificate of Occupancy Procedure

1. Application Submittal

Applicable (see Section <>, Application Submittal).

2. Staff Review and Action

Applicable (see Section <>, Staff Review and Action).

D. Certificate of Occupancy Review Standards

A certificate of occupancy shall be approved if the land, building, structure, or proposed use complies with:

- 1. All relevant standards of this Ordinance;
- 2. Any other applicable County requirements;
- 3. All applicable conditions of approval;
- 4. All applicable State Building Code requirements; and
- 5. All other applicable State and federal requirements.

E. Effect

Approval of a certificate of occupancy allows a building, structure, or site to be occupied or used in accordance with the approved purpose.

F. Performance Guarantee

The Building Inspector may require the applicant to submit a performance guarantee (see Section <>, Performance Guarantees) in an amount necessary to ensure that any work not completed as specified in the development permit or approval will be completed within the specified timeframe for a certificate of occupancy.

G. Temporary Certificate of Occupancy<sup>50</sup>

- 1. In cases where it would be unreasonable to require the applicant to comply with all the requirements of this procedure prior to commencement of the proposed use, transfer of lots in a subdivision, or occupancy of any buildings (due to weather conditions or other issues beyond the applicant’s control, but not including financial hardship), the Building Inspector may issue a temporary certificate of occupancy, provided:
  - a. The commencement or occupancy will not violate any health or safety considerations of any applicable codes;
  - b. A performance guarantee, submitted in accordance with Section <>, Performance Guarantees, is provided for any centralized water or sewer utility or other required infrastructure; and
  - c. The duration of the temporary certificate of occupancy shall not exceed six months.
- 2. If all remaining work is not completed within the specified timeframe of the temporary certificate of occupancy, the Building Inspector shall order the applicant to cease occupancy immediately.

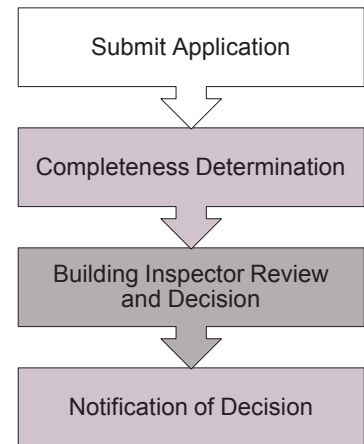
H. Amendment

Applicable (see Section <>, Amendment).

I. Appeal

An appeal pertaining to a State Building Code issue shall be filed with to the North Carolina Commissioner of Insurance in accordance with Sections 153A-374 or 160A-434 of the North Carolina General Statutes.

FIGURE <>  
CERTIFICATE OF  
OCCUPANCY PROCEDURE



<sup>49</sup> As with the building permit procedure, the certificate of occupancy is mentioned several times in the current ordinance but the process is not codified, as mentioned on Page 43 of the Evaluation Report. This section is proposed for the County’s consideration, and incorporates the temporary certificate provisions.

<sup>50</sup> This section is proposed to replace the temporary certificate of occupancy provisions in Sections 151.502 and 151.510 of the current ordinance.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.9 Comprehensive Plan Amendment<sup>50F</sup>

2.3.9 COMPREHENSIVE PLAN AMENDMENT<sup>51</sup>

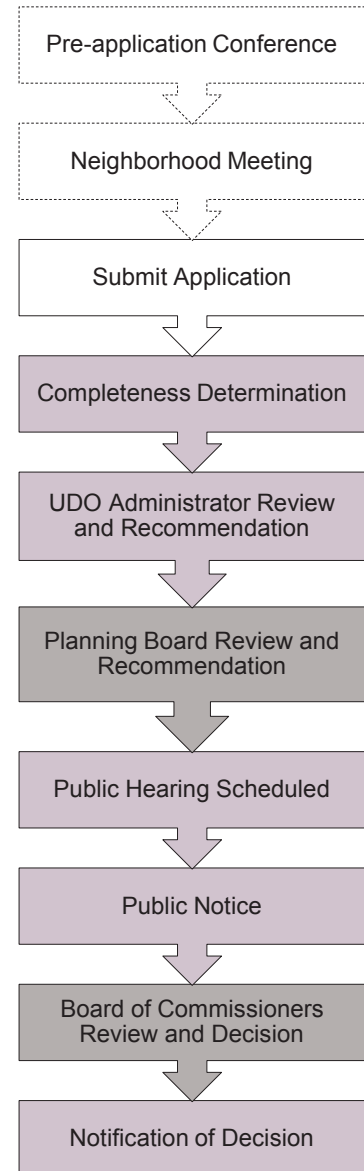
A. Purpose and Intent

The purpose of the comprehensive plan amendment procedure is to provide a uniform means for amending the 2035 Comprehensive Plan (or its successor) whenever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so. In many cases, amendments to the Comprehensive Plan are required to accommodate a proposed change to the OZM or text of this Ordinance.

B. Comprehensive Plan Amendment Procedure

1. **Pre-Application Conference**  
Optional (see Section <>, Pre-Application Conference).
2. **Neighborhood Meeting**  
Optional (see Section <>, Neighborhood Meeting).
3. **Application Submittal**
  - a. Applicable (see Section <>, Application Submittal).
  - b. Applications may be initiated by the Board of Commissioners, the Planning Board, the UDO Administrator, or any person who may submit applications in accordance with Section <>, Authority to File Applications.
4. **Staff Review**
  - a. Applicable (see Section <>, Staff Review and Action).
  - b. The UDO Administrator shall review the application, prepare a staff report, and provide a recommendation in accordance with Section <>, Comprehensive Plan Amendment Review Standards.
5. **Review by Planning Board**
  - a. Applicable (see Section <>, Review by Planning Board, and Section <>, Public Meetings and Hearings).
  - b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section <>, Comprehensive Plan Amendment Review Standards.
6. **Public Notice**  
Applicable (see Section <>, Public Notice).
7. **Review and Decision by Board of Commissioners**
  - a. Applicable (see Section <>, Action by Review Authority, and Section <>, Public Meetings and Hearings).
  - b. The Board of Commissioners, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section <>, Comprehensive Plan Amendment Review Standards. The decision shall be the one of the following:
    1. Adoption of the comprehensive plan amendment as proposed;
    2. Adoption of a revised comprehensive plan amendment;
    3. Denial of the comprehensive plan amendment; or
    4. Remand of the comprehensive plan amendment application to the Planning Board for further consideration.

FIGURE <>  
COMPREHENSIVE PLAN  
AMENDMENT PROCEDURE



C. Comprehensive Plan Amendment Review Standards

Amending the comprehensive plan is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one

<sup>51</sup> NOTE TO STAFF: This is a new procedure identified on Page 43 of the Evaluation Report, and is proposed for the County's consideration. Additional discussion is necessary in light of impending state law revisions that allow a jurisdiction to automatically amend its comprehensive plan as part of an amendment to the official zoning map.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.9 Comprehensive Plan Amendment50F

factor. In determining whether to adopt or deny a proposed comprehensive plan amendment, the Board of Commissioners may consider whether and the extent to which the proposed comprehensive plan amendment is appropriate and is consistent with the County's adopted policy guidance.

**D. Amendment**

Amendment of a comprehensive plan amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

**E. Appeal**

1. Appeal of a decision on a comprehensive plan amendment shall be subject to review by District 1 Superior Court.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.10 Development Agreements51F

2.3.10 DEVELOPMENT AGREEMENTS<sup>52</sup>

A. Purpose and Intent

The purpose for the development agreement procedure is to establish a flexible process for the establishment and review of large-scale development projects likely to build out over several years. This procedure is intended to:

- 1. Provide more regulatory certainty;
2. Establish a schedule for development;
3. Coordinate the provision of public facilities; and
4. Improve management of environmentally sensitive lands.

B. Applicability

The Board of Commissioners may enter into a development agreement with a developer for a development of any size and for any duration, provided the duration is specified in the agreement. All development agreements shall be subject to Sections 153A-349.1 through 153A-349.13 and 160A-400 of the North Carolina General Statutes, and the provisions of this section.

C. Development Agreement Procedure

1. Pre-Application Conference

Applicable (see Section <>, Pre-Application Conference).

2. Application Submittal

Applicable (see Section <>, Application Submittal).

3. Staff Review

- a. Applicable (see Section <>, Staff Review and Action).
b. The UDO Administrator shall review the application and prepare a staff report, but shall not submit a recommendation.

4. Review by Planning Board

- a. Applicable (see Section <>, Review by Planning Board, and Section <>, Public Meetings and Hearings).
b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section <>, Development Agreement Review Standards.

5. Public Notice

Applicable (see Section <>, Public Notice).

6. Review and Decision by Board of Commissioners

- a. Applicable (see Section <>, Action by Review Authority, and Section <>, Public Meetings and Hearings).
b. The Board of Commissioners, after the conclusion of a legislative public hearing, shall review and decide the application in accordance with Section <>, Development Agreement Review Standards. The decision shall be the one of the following:
1. Enter into the development agreement, as submitted;
2. Enter into the development agreement, subject to changes agreed to in writing by the developer; or
3. Not enter into the development agreement.
c. Approval of a development agreement shall be by ordinance.

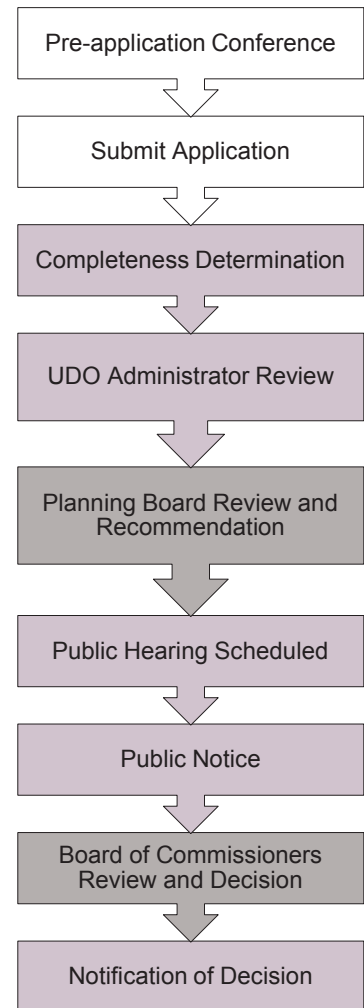
7. Recordation

Within 14 days after entering into a development agreement, the applicant shall record the agreement in the office of the Camden County Register of Deeds.

D. Development Agreement Review Standards

For consideration of the County to participate in a development agreement, a development subject to the agreement must:

FIGURE <> DEVELOPMENT AGREEMENT PROCEDURE



52 This is a new procedure used for complex or long-term development proposals where the applicant wishes to avoid the need to change the development to comply with rule changes proposed over the course of build-out. This procedure also allows the County to negotiate for additional features or a higher quality development outcome. This new procedure is discussed on Page 43 of the Evaluation Report.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.10 Development Agreements<sup>51F</sup>

1. Comply with the requirements in Section 153A-349.1 through 153A-349.13 of the North Carolina General Statutes;
2. Indicate the proposed phasing; and
3. Demonstrate the impact on existing and future provisions of capital improvements by the County, including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreation, and health systems and facilities.

#### E. Effect

##### 1. Burdens and Benefits

The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

##### 2. Rights and Obligations

Rights and obligations established by a development agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans, group developments, or other provisions of law.

##### 3. Building and Housing Code

A development agreement shall not exempt the property landowner or developer from compliance with the State Building Code or the County's Minimum Housing Code.

##### 4. Identify Subsequently Enacted Laws

Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.

##### 5. Application of Subsequently Adopted Laws

Except for grounds specified in Section 153A-344.1(e) of the North Carolina General Statutes, the County may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement.

##### 6. Change in State or Federal Law

If state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the County, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement.

##### 7. Vested Rights

This Ordinance does not abrogate any rights preserved by Sections 153A-344 or 153A-344.1 of the North Carolina General Statutes, or that may vest pursuant to common law or otherwise in the absence of a development agreement.

#### F. Approval of Debt

If any of the obligations of the County in the development agreement constitute debt, the County shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the County, with any applicable constitutional and statutory procedures for the approval of the debt. The agreement shall be signed by the County Attorney, Finance Director, and the County Clerk.

#### G. Periodic Review and Breach of Agreement

##### 1. Annual Review

During any period of time in which a permit or development approval subject to a development agreement is active, the UDO Administrator shall review the development at least once every year for compliance with the agreement and file a report with the Board of Commissioners. The developer must demonstrate good faith compliance with the terms of the development agreement. Failure to meet a commencement or completion date specified in the development agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.

##### 2. Material Breach

If the Board of Commissioners finds and determines that the developer has committed a material breach of the terms or conditions of the development agreement, the County Attorney shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and shall provide the developer a reasonable time in which to cure the material breach.

##### 3. Failure to Cure Material Breach

If the developer fails to cure the material breach within the time given, then the Board of Commissioners may unilaterally terminate or modify the development agreement.

#### H. Amendment



## ARTICLE 151.2 PROCEDURES

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### Section 2.3 Specific Review Procedures

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#### 2.3.10 Development Agreements51F

1. A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
2. Changes to a development agreement shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a development agreement.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.11 Exempt Subdivision<sup>52F</sup>

2.3.11 EXEMPT SUBDIVISION<sup>53</sup>

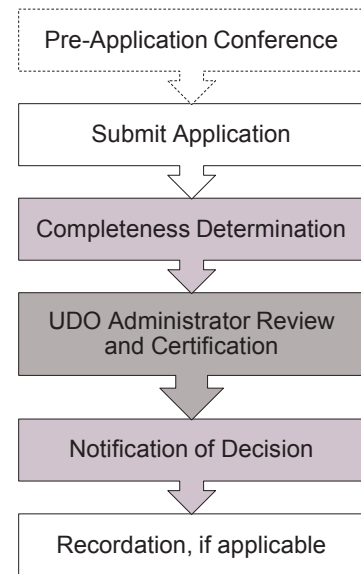
A. Purpose and Intent

The purpose for this exempt subdivision procedure is to establish a clear and predictable procedure for the County to determine and document that a proposed division of land is exempted from the subdivision requirements of this Ordinance in accordance with Section 153A-335 of the North Carolina General Statutes.

B. Applicability

1. The following forms of land division are exempt subdivisions exempted from the subdivision requirements of this Ordinance (but not from the provisions in this section):
  - a. A combination or recombination of portions of previously subdivided and recorded lots that does not increase the total number of lots, and the resultant lots are equal to or exceed the standards of this Ordinance;
  - b. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
  - c. Public acquisition involving the purchase of strips of land for the widening or opening of streets;
  - d. Division of a tract of land in single ownership, where the total area of all land in the land division is no greater than two acres, the division creates no more than three lots, where no street right-of-way dedication is involved, and the resultant lots are equal to or exceed the standards of this Ordinance; or
  - e. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with Chapter 29 of the North Carolina General Statutes.
2. Divisions of land that are not consistent with these criteria shall not be considered exempt subdivisions, and shall be subject to the applicable review procedure and subdivision requirements of this Ordinance.

FIGURE <> EXEMPT SUBDIVISION PROCEDURE



C. Subdivision Exemption Review Procedure

1. **Pre-Application Conference**  
Optional (see Section <>, Pre-Application Conference).
2. **Application Submittal**
  - a. Applicable (see Section <>, Application Submittal).
  - b. An application for exempt subdivision determination may be filed by the UDO Administrator, the Planning Board, the BOC, a landowner, or a contract purchaser.
  - c. Except for subdivisions where all lots shall be served by a central wastewater system, applications for an subdivision exemption shall include an evaluation from Albemarle Regional Health Services indicating that an on-site wastewater system may be used on each lot included in the subdivision.
3. **Staff Review and Action**
  - a. Applicable (see Section <>, Staff Review and Action).
  - b. The UDO Administrator shall review the application in accordance with Section <>, Exempt Subdivision Review Standards, and certify that the land division qualifies as an exempt subdivision.
4. **Recordation**  
If an exempt subdivision plat or other document is prepared by the applicant, it shall be certified by the UDO Administrator, and may be recorded in the office of the Camden County Register of Deeds.

D. Exempt Subdivision Review Standards

- A division of land shall be certified as an exempt subdivision if it:
1. Is excluded from the definition of a subdivision in accordance with Section 153A-335 of the North Carolina General Statutes; and
  2. Complies with all applicable standards in Article 151.3: Zoning Districts; and
  3. Complies with all standards or conditions of any applicable permits and development approvals; and

<sup>53</sup> This is a new procedure described on Page 40 of the Evaluation Report. It is a process used by the County to determine if a proposed division of land is or is not subject to the subdivision requirements. The application may be initiated by a landowner or by County staff in response another development application or as part of ordinance enforcement. These standards are consistent with Session Law 2017-10 related to exempted subdivisions.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.11 Exempt Subdivision52F

4. Complies with all other applicable requirements in the County Code of Ordinances.

#### E. Effect

1. A division of land determined to be an exempt subdivision shall be exempted from the subdivision standards of this Ordinance, but development of land within an exempt subdivision shall remain subject to the requirements for an improvement permit from Albemarle Regional Health Services, as well as all applicable standards in this Ordinance.
2. In the event a division of land does not qualify as an exempt subdivision, it shall be reviewed in accordance with the applicable subdivision procedure and shall be subject to all applicable subdivision standards in this Ordinance.
3. Divisions of land determined to be exempt subdivisions shall not be further divided into more than one additional lot (plus the residual parcel) within five years from the date of the exempt subdivision determination.

#### F. Appeal

Appeal of a decision on an exempt subdivision shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with [Section <>](#), Appeal.

# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

### 2.3.12 Expedited Subdivision<sup>54</sup>

#### 2.3.12 EXPEDITED SUBDIVISION<sup>54</sup>

##### A. Purpose and Intent

The purpose for this expedited subdivision review procedure is to allow certain land divisions to be reviewed via an expedited review procedure based on their small size and limited likelihood to create significant impacts on surrounding lands.

##### B. Applicability

1. The standards in this section shall apply to divisions of land meeting all the following criteria:
  - a. The proposed division of land is not exempted from the subdivision standards of this Ordinance in accordance with **Section <>, Exempt Subdivision**;
  - b. The proposed division will not result in more than three lots (including any residual or "parent" parcel);
  - c. The area of land subject to the division includes at least five acres under common ownership;
  - d. No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years; and
  - e. No extension of public streets, public water, public sewer, or other public utility is proposed.<sup>55</sup>
2. Divisions of land not meeting all these standards shall be reviewed as minor subdivisions, preliminary plats, or transfer plats, as appropriate.

##### C. Expedited Subdivision Procedure

###### 1. Application Submittal

- a. Applicable (see **Section <>, Application Submittal**).
- b. Applications shall be prepared by a registered land surveyor or professional engineer licensed to practice in North Carolina.
- c. Except for subdivisions where all lots shall be served by a central wastewater system, applications for an expedited subdivision shall include an evaluation from Albemarle Regional Health Services indicating that an on-site wastewater system may be used on each lot included in the subdivision.

###### 2. Staff Review and Action

- a. Applicable (see **Section <>, Staff Review and Action**).
- b. The UDO Administrator shall review and decide the application in accordance with **Section <>, Expedited Subdivision Review Standards**.

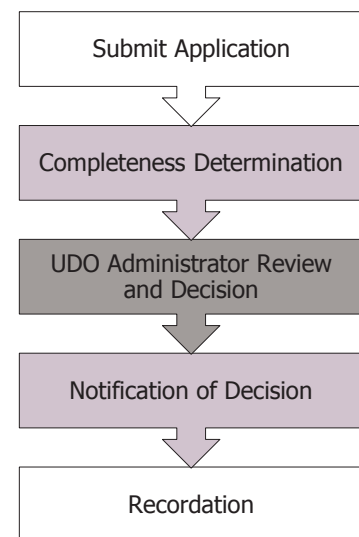
###### 3. Recordation

Once an expedited subdivision is approved, a signed statement of approval shall be entered on the face of the plat by the UDO Administrator. The expedited subdivision plat may not be recorded without this certification. Failure to record the expedited subdivision plat in accordance with **Section <>, Expiration**, shall render the expedited subdivision plat null and void.

###### 4. Expedited Subdivision Review Standards

- a. An expedited subdivision shall be approved if the application complies with the following:

**FIGURE <> EXPEDITED SUBDIVISION PROCEDURE**



<sup>54</sup> This is a new type of subdivision procedure required by Session Law 2017-10 from the General Assembly. It allows certain types of minor subdivisions to be reviewed as minor subdivisions and be exempted from in-lieu fee requirements, and similar subdivision standards. In some ways, this type of subdivision is similar to the current private access subdivision in Sections 151.275 through 151.278 of the current ordinance. However, it specifies a minimum tract size before subdivision of at least five acres, and it caps the total number of lots to be created to a maximum of three. It also imposes a minimum ten-year period between an initial expedited subdivision and any subsequent applications for an expedited subdivision involving the same land. It does not permit the establishment of one additional lot through approval of a zoning permit, and it does not limit the number of lots which may gain access by a single right-of-way to five, as is done by the current private access subdivision standards. Page 40 of the Evaluation Report suggests that the current private access subdivision standards be consolidated with the other minor subdivision standards for the sake of efficiency and clarity. Given the distinctions between the expedited subdivision specified in the session laws and the proposed minor subdivision procedure (as modified by inclusion of the private access subdivision provisions), we suggest the new UDO treat these two types of subdivisions differently.

<sup>55</sup> NOTE TO STAFF: Session Law 2017-10 is silent on whether or not subdivisions proposing extension of public utilities may or may not be treated as expedited subdivisions. Given the language in the bill regarding access to lots, we believe expedited subdivisions do not include infrastructure extension, but this issue remains murky.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.12 Expedited Subdivision53F

1. The expedited subdivision plat is on a sheet or sheets suitable for recording with the Camden County Register of Deeds;
  2. The expedited subdivision plat is prepared and sealed by a licensed professional land surveyor or licensed professional engineer;
  3. The expedited subdivision plat complies with all applicable standards in this Ordinance and Section 47-30 of the North Carolina General Statutes;
  4. The expedited subdivision plat includes all required certifications;
  5. The applicant has secured all required State and federal permit approvals;
  6. All lots have been certified by Albemarle Regional Health Services as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
  7. All lots in the expedited subdivision comply with the applicable dimensional requirements for the zoning district where located;
  8. The lot is served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT standards; and
  9. No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years.
- b. Expedited subdivisions of land located within the special flood hazard area shall comply with the standards in [Section <>, Special Flood Hazard Area Overlay Floodplain Management](#), and any recorded plats shall include the following statement:  
*"Use of land within a floodplain or a special flood hazard area is substantially restricted by Camden County."*

#### D. Effect

1. Building permits may be issued following recordation of the expedited subdivision plat.
2. Land subject to an expedited subdivision approval shall not be further subdivided as an expedited subdivision within ten years of the date of the prior expedited subdivision approval.

#### E. Amendment

Amendment of an expedited subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

#### F. Expiration

1. Applicable (see [Section <>, Expiration](#)).
2. An expedited subdivision plat shall be null and void unless it is recorded in the office of the Camden County Register of Deeds within 30 days of approval.

#### G. Appeal

Appeal of a decision on an expedited subdivision shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with [Section <>, Appeal](#).

# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

2.3.13 Final Plat55F

### 2.3.13 FINAL PLAT<sup>56</sup>

#### A. Purpose and Intent

The purpose for this final plat procedure is to ensure proposed subdivisions of land have been completed in substantial conformity with a preliminary plat (as applicable) as well as the applicable regulations of this Ordinance prior to the conveyance of lots. These standards are intended to ensure preparation and recordation of a map (plat) of sufficient detail and data to readily determine and accurately reproduce the location, bearing, radius (as applicable) and length of each of the following elements of a subdivision:

1. Every street or private accessway;
2. Lot lines;
3. Easement boundaries;
4. Lands or resources dedicated or reserved for use by the general public;
5. Land or resources owned in common by residents of the subdivision; and
6. Unbuildable resource or conservation lands.

#### B. Applicability

A final plat, reviewed and approved in accordance with this section, shall be required for all major subdivisions reviewed under this Ordinance. A landowner shall not submit an application for final plat review until a preliminary plat is approved and all required improvements serving the subdivision are installed and inspected by the County, or the developer provides a performance guarantee for those required improvements in accordance with [Section <>, Performance Guarantees](#).

#### C. Final Plat Review Procedure

##### 1. Pre-Application Conference

Optional (see [Section <>, Pre-Application Conference](#)).

##### 2. Application Submittal

- a. Applicable (see [Section <>, Application Submittal](#)).
- b. Except for subdivisions where all lots shall be served by a central wastewater system, applications for an expedited subdivision shall include an evaluation from Albemarle Regional Health Services indicating that an on-site wastewater system may be used on each lot included in the subdivision.

##### 3. Staff Review and Action<sup>57</sup>

- a. Applicable (see [Section <>, Staff Review and Action](#)).
- b. The UDO Administrator shall review the application and may submit it to technical staff or to other outside agencies, as appropriate, for further technical review.
- c. Following receipt of comments from technical review, if conducted, the UDO Administrator shall decide the application in accordance with [Section <>, Final Plat Review Standards](#).

##### 4. Recordation

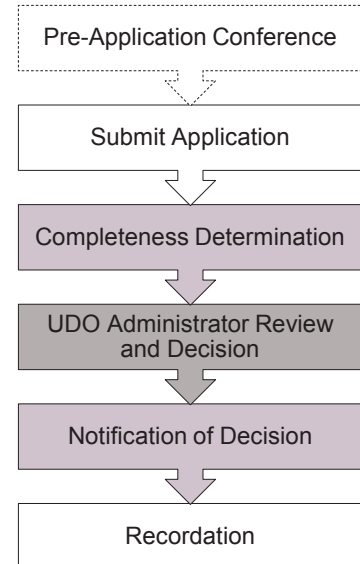
- a. Once a final plat is approved, a signed statement of the approval shall be entered on the face of the plat by the UDO Administrator. The final plat may not be recorded without this certification.
- b. A minor subdivision plat shall not be recorded until after the UDO Administrator receives conformation that the proposed subdivision has been approved by the appropriate United States Postmaster, or evidence that the applicant has addressed comments submitted by the Postmaster.
- c. Failure to record the final plat in accordance with [Section <>, Expiration](#), shall render the final plat null and void.

#### D. Final Plat Review Standards

A final plat shall be approved on a decision that the application complies with the following:

1. The final plat is on a sheet or sheets suitable for recording with the Camden County Register of Deeds;

FIGURE <> FINAL PLAT PROCEDURE



<sup>56</sup> This section replaces the final plat provisions in Sections 151.239, 151.240, and 151.240 of the current ordinance. As described on Page 40 of the Evaluation Report, the UDO Administrator has been authorized to review and decide final plats since this is a ministerial review – the proposed final plat either does or does not meet the minimum requirements, and there is no application of discretion during the review.

<sup>57</sup> NOTE TO STAFF: Section 151.240.D of the current ordinance describes conditional approval of a final plat. Does this take place today? Can permits be issued or lots be conveyed based on a conditionally approved plat?



## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

2.3.13 Final Plat55F

2. The final plat is prepared and sealed by a licensed professional land surveyor or licensed professional engineer;
3. The final plat complies with the standards in Section 47-30 of the North Carolina General Statutes;
4. The final plat includes all required certifications in [Section <>, Certifications](#);
5. All lots have been certified by Albemarle Regional Health Services as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
6. The applicant has secured all required State, federal, and other applicable County permit approvals;
7. The final plat is in substantial conformance with the preliminary plat (if associated with a major subdivision) and all applicable requirements in [Article 151.6: Subdivision Requirements](#), including all applicable stormwater management provisions;
8. All lots in the subdivision maintain minimum lot widths at the roadway or location of ingress and egress;
9. All lots are served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT standards;
10. A perpetual easement has been granted and recorded for installation and maintenance of any improvements involving access to the subdivision located on lands outside the boundaries of the subdivision.
11. All required improvements depicted on the preliminary plat and final plat are installed, inspected, and accepted by the County, or are subject to a performance guarantee (see [Section <>, Performance Guarantees](#));
12. The final plat complies with all standards and conditions of any applicable permits and development approvals; and
13. The final plat complies with all other applicable requirements in this Ordinance and the County Code of Ordinances.
14. Final plats of land located within the special flood hazard area shall comply with the standards in [Section <>, Floodplain Management](#) [Special Flood Hazard Area Overlay](#), and include the following statement:  
*"Use of land within a floodplain or a special flood hazard area is substantially restricted by Camden County."*

#### E. Delay of Approval Authorized

The Board of Commissioners may delay approval of a final plat on land where timber is harvested in advance of an application for either of the following time periods:

1. Up to three years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by [Section <>, Tree Protection](#); or
2. Up to five years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by [Section <>, Tree Protection](#), if the harvest was conducted as a willful violation of these standards.

#### F. Effect

##### 1. General

- a. Approval of a final plat allows the sale or conveyance of lots within the subdivision.
- b. Building permits may be issued following recordation of the final plat.
- c. There is no requirement that all land subject to a preliminary plat be included within a single final plat.

##### 2. Acceptance of Public Infrastructure

- a. Approval and recordation of a final plat constitutes dedication by the owner and acceptance by the County and the public of the right-of-way of each public street, alley, or utility easement shown on the plat.
- b. Approval of the final plat does not constitute acceptance for maintenance responsibility of any improvements within a right-of-way or easement and the County assumes no responsibility to open, operate, repair, or maintain any improvements until it is in the public interest to do so. Improvements within right-of-ways or easements, such as utilities, streets, drainage facilities, or sidewalks may be accepted for maintenance by the County, when deemed appropriate, in the County's sole discretion.
- c. The subdivider shall retain responsibility for public improvements until maintenance responsibility is accepted by the County, NCDOT, or a public utility provider, as appropriate.

#### G. Amendment

Applicable (see [Section <>, Amendment](#)).

#### H. Expiration

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.13 Final Plat<sup>58</sup>

1. A final plat shall be null and void unless it is recorded in the office of the Camden County Register of Deeds within 30 days of approval.<sup>58</sup>
2. If a final plat is not recorded within two years of the associated preliminary plat approval then the preliminary plat shall expire.
3. An expired preliminary plat may be resubmitted in accordance with **Section <>, Preliminary Plat**, and shall be reviewed in accordance with the standards of this Ordinance.
4. A recorded final plat shall not expire.

#### I. Appeal

1. A decision on a final plat shall be subject to review by District 1 Superior Court by proceedings in the nature of certiorari and in accordance with Section 160A-393 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

<sup>58</sup> NOTE TO STAFF: This section replaces Section 151.246 of the current ordinance, which allows 90 days to record a final plat. We suggest this time period be reduced to 30 days.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.14 Reserved

2.3.14 RESERVED

2.3.15 FLOODPLAIN DEVELOPMENT PERMIT<sup>59</sup>

A. Purpose and Intent

The purpose for this floodplain development permit procedure is to establish a development review procedure for development within a special flood hazard area in order to reduce the potential for damage to land, development, and loss of life from flooding or floodwaters in areas subject to periodic inundation.

B. Applicability

- 1. Development proposed on land in a special flood hazard area shall obtain a floodplain development permit in accordance with this section prior to or concurrent with an application for a site plan, building permit, or zoning compliance permit, as appropriate.
- 2. In addition to a floodplain development permit, development subject to these standards shall also obtain an elevation certificate in accordance with the standards in this section as part of the construction process and prior to issuance of a certificate of occupancy.

C. Floodplain Development Permit Procedure

- 1. **Pre-Application Conference**  
Optional (see Section <>, Pre-Application Conference).
- 2. **Application Submittal**  
Applicable (see Section <>, Application Submittal).
- 3. **Staff Review and Action**
  - a. Applicable (see Section <>, Staff Review and Action).
  - b. The Floodplain Administrator shall review and decide the application in accordance with Section <>, Floodplain Development Permit Review Standards.

D. Floodplain Development Permit Review Standards

A floodplain development permit shall be approved if the application complies with the following:

- 1. The permit is issued prior to the commencement of development;
- 2. The requirement for all lots to be certified by Albemarle Regional Health Services as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
- 3. The development complies with all applicable standards in Section <>, Development in Special Flood Hazard Areas.

E. Conditions of Approval

Applicable (see Section <>, Conditions of Approval).

F. Effect

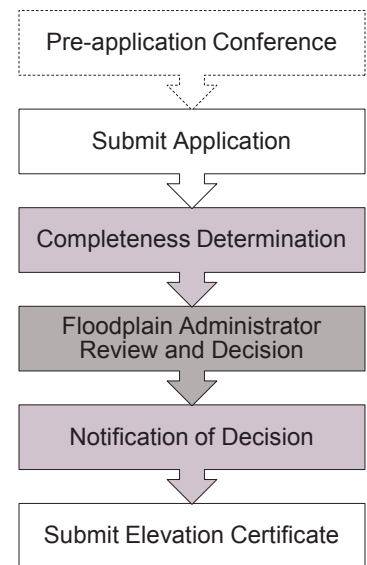
Approval of a floodplain development permit authorizes an applicant to obtain all required elevation certificates or other required certificates and proceed with development following issuance of a building permit.<sup>60</sup>

G. Amendment

Amendment of a floodplain development permit approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. Expiration

FIGURE <>  
FLOODPLAIN DEVELOPMENT PERMIT PROCEDURE



<sup>59</sup> NOTE TO STAFF: This section includes the floodplain development permit procedure described in Section 151.382 of the current ordinance, but in the standardized format used for other procedures. Section 151.383 describes the current floodplain development application process and includes a series of submittal requirements (151.383(B)&(C)). As mentioned in the Standard Review Procedures section, we suggest the County relocate submittal requirements to an outside administrative manual or users guide. As such, the submittal requirements in the current ordinance are not included with these standards.

<sup>60</sup> NOTE TO STAFF: Additional discussion is needed on timing of permit and certificates. Typically, it seems as though the permit is issued, and then certificates have to be issued during construction. Issuance of a building permit to start construction is dependent on having the floodplain permit.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.15 Floodplain Development Permit58F

1. Except where associated with a subdivision approval, a floodplain development permit shall expire and become null and void if the development it authorizes is not commenced within six months of permit issuance.
2. In the case of a floodplain development permit associated with a subdivision, the permit shall expire and become null and void upon the expiration of the preliminary or final plat.

#### I. Appeal

Appeal of a decision on a floodplain development permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with [Section <>, Appeal](#).

#### J. Elevation Certificates

Following issuance of a floodplain development permit an applicant shall file an elevation certificate in accordance with the following standards.

##### 1. Initial Certificate

An elevation certificate (FEMA Form 81 31) or floodproofing certificate (FEMA Form 81 65) is required prior to the actual start of any new construction, and shall be provided in accordance with the following:

- a. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, or floodproofed elevation, in relation to mean sea level.
- b. An elevation certification shall be prepared by, or under direct supervision of, a registered land surveyor or professional engineer and certified by same.
- c. The Floodplain Administrator shall review the certificate data and any deficiencies shall be corrected by the permit holder prior to the beginning of construction.
- d. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

##### 2. Reference Level Certificate

An elevation certificate (FEMA Form 81 31) or floodproofing certificate (FEMA Form 81 65) is required after the reference level is determined, in accordance with the following:

- a. Within ten calendar days of establishment of the reference level elevation, or floodproofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, or floodproofed elevation, whichever is applicable in relation to mean sea level.
- b. An elevation certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
- c. A floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- d. Any work done within the ten-day calendar period and prior to submission of the certification shall be at the permit holder's risk.
- e. The Floodplain Administrator shall review the data and any deficiencies shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed.
- f. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

##### 3. Final Certificate

A final as-built elevation certificate (FEMA Form 81 31) or floodproofing certificate (FEMA Form 81 65) is required after construction is completed and prior to certificate of occupancy issuance, in accordance with the following:

- a. A final elevation certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
- b. A final floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- c. The Floodplain Administrator shall review the data and any deficiencies shall be corrected by the permit holder immediately and prior to certificate of occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction.
- d. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of occupancy.

##### 4. Additional Requirements

- a. If a manufactured home is placed within an A, AE, or AI 30 flood zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required in accordance with [Section <\(3.8.4.G.2.c\)>, Manufactured Homes](#).
- b. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.15 Floodplain Development Permit58F

##### 5. Certificate Exemptions

The following structures, if located within A, AE or AI 30 flood zones, are exempt from the elevation/floodproofing certification requirements in this section:

- a. Recreational vehicles meeting requirements of Section <(3.8.4.G.2.f)>, Recreational Vehicles;
- b. Temporary structures meeting requirements of Section <(3.8.4.G.2.g)>, Temporary Structures;  
and
- c. Accessory structures less than 150 square feet meeting requirements Section <(3.8.4.G.2.h)>, Accessory Structures.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.16 Interpretation60F

2.3.16 INTERPRETATION<sup>61</sup>

A. Purpose and Intent

The purpose for this interpretation procedure is to provide a process where an applicant may request documentation from UDO Administrator regarding the meaning of language in this Ordinance, boundaries on the OZM, or conditions of an approval.

B. Applicability

The UDO Administrator is responsible for written interpretations, including, but not limited to interpretations of:

1. The meaning of the text in this Ordinance;
2. The location and extent of zoning district boundaries on the OZM;
3. Interpretations of whether an unlisted use is comparable to a use listed in Table <>, Principal Use Table;
4. Definitions of undefined terms; and
5. Compliance with conditions of approval.

C. Interpretations Distinguished

1. Only formal interpretations issued in accordance with this procedure are subject to appeal as an administrative decision.
2. Any written or oral interpretations that do not meet the strict requirements of this section are advisory interpretations.
3. Advisory interpretations have no binding effect and are not considered administrative decisions subject to appeal.

D. Interpretation Procedure

1. Pre-Application Conference

Optional (see Section <>, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section <>, Application Submittal and Acceptance).

a. Any person may request a formal interpretation of any provision of this Ordinance, the location of a zoning district boundary, how a proposed use may be treated, a definition, or a prior condition of approval, provided the request:

1. Relates to a specific parcel of property, section of this UDO, or prior development approval;
2. Is made in writing; and
3. States all of the necessary facts to make the interpretation or enable research.

b. If a request relates to a particular lot or site and the applicant is not the owner, agent, or contract purchaser, the applicant must certify that a copy of the request has been provided to the landowner prior to submittal to the County.

3. Staff Review and Action

- a. Applicable (see Section <>, Staff Review and Action).
- b. The UDO Administrator shall review the request and make interpretations in accordance with Section <>, Interpretation Review Standards.
- c. The UDO Administrator may request additional information as necessary to make an interpretation.
- d. Prior to rendering an interpretation, the UDO Administrator may consult with the County Attorney or other County officials.

E. Interpretation Review Standards

1. Official Zoning Map Boundaries

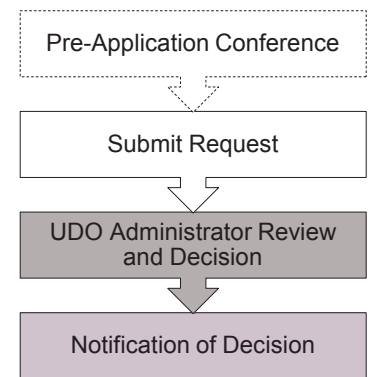
Interpretation of district boundaries on the OZM shall be in accordance with the standards in Section <>, Interpretation of Official Map Boundaries, and consistent with the County's adopted policy guidance.

2. Unlisted Uses

Interpretation of whether an unlisted use is similar to a use identified in Table <>, Principal Use Table, shall be based on consistency with the County's adopted policy guidance and the following standards:

- a. The function, product, or physical characteristics of the use;
- b. The impact on adjacent lands created by the use;
- c. The type, size, and nature of buildings and structures associated with the use;

FIGURE <>  
INTERPRETATION  
PROCEDURE



<sup>61</sup> This section replaces Section 151.533 of the current ordinance, and broadens the interpretation procedure to handle all aspects of the UDO text, including unlisted uses, as well as interpretation of conditions of approval. The UDO Administrator, not the BOA is the review authority authorized to interpret the Official Zoning Map.



## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.16 Interpretation60F

- d. The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
- e. The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
- f. The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
- g. Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
- h. Any dangerous, hazardous, toxic, or explosive materials associated with the use;
- i. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes; and
- j. Any prior applicable interpretations made by the UDO Administrator or decisions made by the BOA.

#### 3. Undefined Term

If a term in this Ordinance is undefined or the meaning is unclear, the UDO Administrator may interpret the term based upon appropriate definitions in any of the following sources:

- a. Planning-related definitions in publications prepared or offered by the American Planning Association or the Urban Land Institute;
- b. The Oxford Dictionary of Construction, Surveying, and Civil Engineering;
- c. The North Carolina General Statutes;
- d. The North Carolina Administrative Code;
- e. The State Building Code;
- f. Black's Law Dictionary; or
- g. Other professionally-accepted source.

#### 4. Text Provisions and Prior Approvals

Interpretation of this text and approved applications shall be based on the standards in **Section <>, Rules of Language Construction**, and the following considerations:

- a. When the legislative intent of a provision is unclear, the UDO Administrator shall consider the clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision—as established in **Section <>, Definitions**, and by the common and accepted usage of the term;
- b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
- c. The general purposes served by this Ordinance, as set forth in **Section <>, General Purpose and Intent**; and
- iv. Consistency with the County's adopted policy guidance.

#### 5. Effect

##### a. General

1. A written interpretation shall be binding on subsequent decisions by the UDO Administrator or other administrative officials in applying the same provision of this Ordinance or the OZM in the same circumstance, unless the interpretation is modified in accordance with this section, the interpretation is later determined to have been made in error, or the text of this Ordinance is amended.
2. The UDO Administrator shall maintain a record of written interpretations that shall be available in the Planning Department for public inspection, on reasonable request, during normal business hours.

##### b. Approval of Unlisted Use

1. After the UDO Administrator determines the use category or use type in which the unlisted use is best classified, then the unlisted use shall be subject to all applicable requirements of that use category or use type.
2. After making an interpretation of an unlisted use, the UDO Administrator shall determine whether the unlisted use is likely to be common or recur frequently, and whether its omission is likely to lead to uncertainty and confusion. On determining that the unlisted use is likely to be common and would lead to confusion if unlisted, the UDO Administrator shall initiate an application for an amendment to the text of this Ordinance. Until final action is taken on the text amendment, the UDO Administrator's decision shall be binding.
3. If after making an interpretation of an unlisted use, the UDO Administrator determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the determination shall be binding without further action or amendment of this Ordinance.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

2.3.16 Interpretation60F

**6. Appeal**

Appeal of a decision on a floodplain development permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with **Section <>, Appeal.**

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.17 Major Site Plan61F

2.3.17 MAJOR SITE PLAN<sup>62</sup>

A. Purpose and Intent

The purpose for the major site plan procedure is to establish a consistent and predictable process for the review of proposed development (through a graphical representation of the proposal). Major site plan reviews are intended for larger or more complex development proposals.

B. Applicability

1. Major site plan review is applicable to any development activity listed in subsection (2) below, but does not include those forms of development listed in Section <>, Exemptions from Major Site Plan Review.
2. A major site plan shall be required for the following types of development:
  - a. New non-residential or mixed-use development;
  - b. Expansions, or to existing non-residential, mixed-use, or multi-family development that exceed 20 percent of existing floor or outdoor use area or that require additional off-street parking or landscaping;
  - c. New multi-family development;
  - d. Establishment or expansion of an existing manufactured home park;
  - e. New single-family attached development;
  - f. New triplex or quadraplex development; and
  - g. Any form of development not exempted from major site plan review.

C. Exemptions from Major Site Plan Review

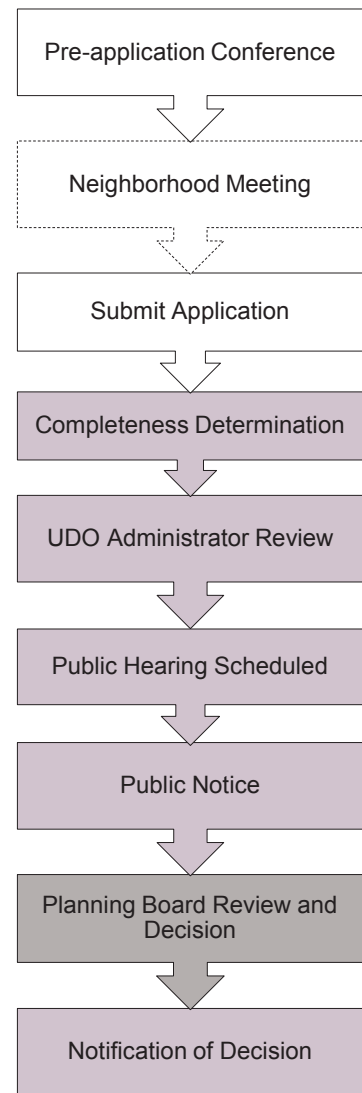
The following forms of development are not required to obtain major site plan approval but are subject to the requirements for a zoning compliance permit (see Section <>, Zoning Compliance Permit), or building permit (see Section <> Building Permit), as appropriate:

1. Development subject to review as a minor site plan in accordance with Section <>, Minor Site Plan;
2. Establishment of an accessory use or structure, in accordance with Section <>, Accessory Uses;
3. Enlargements of existing principal structures or existing outdoor use areas by up to 20 percent of the total gross floor (or use) area, provided the enlargement does not result in a need for additional off-street parking spaces or landscaping; and
4. Changes of use that do not result in increased lot coverage, the need for additional off-street parking spaces, or additional landscaping.

D. Major Site Plan Procedure

1. **Pre-Application Conference**  
Applicable (see Section <>, Pre-Application Conference).
2. **Neighborhood Meeting**  
Optional (see Section <>, Neighborhood Meeting).
3. **Application Submittal**
  - a. Applicable (see Section <>, Application Submittal).
  - b. In cases where a major site plan is part of a larger phased development, the application materials shall illustrate all various stages and phases of the development as well as the schedule for completion of public and private improvements associated with the development.
4. **Staff Review**
  - a. Applicable (see Section <>, Staff Review and Action).
  - b. The UDO Administrator shall prepare a staff report and provide a recommendation in accordance with Section <>, Major Site Plan Review Standards.

FIGURE <> MAJOR SITE PLAN PROCEDURE



<sup>62</sup> This section replaces Section 151.312 of the current ordinance. The current code makes distinctions between residential and commercial site plans, and lists detailed site plan submittal requirements, but is silent on the procedures for review, exemptions, and review criteria. This section establishes the major site plan review procedure (replacing the commercial site plan section), which is reviewed and decided by the Planning Board. The site plan submittal requirements are proposed for relocation to an outside manual and have not been carried forward.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

2.3.17 Major Site Plan61F

#### 5. Public Notice

Applicable (see Section <>, Public Notice).

#### 6. Review and Decision by Planning Board

a. Applicable (see Section <>, Action by Review Authority, and Section <>, Public Meetings and Hearings).

b. The Planning Board, after the conclusion of a legislative public hearing, shall review and decide the application in accordance with Section <>, Major Site Plan Review Standards. The decision shall be the one of the following:

1. Approval of the major site plan as proposed;
2. Approval of a revised major site plan; or
3. Denial of the major site plan.

#### E. Major Site Plan Review Standards

A major site plan shall be approved if the application complies with:

1. All standards or conditions of any prior applicable permits and development approvals;
2. The requirement that the lot is already served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT standards;
3. The requirement for all lots to be certified by Albemarle Regional Health Services as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
4. All applicable requirements of this Ordinance and the County Code of Ordinances; and
5. All applicable State and federal requirements.

#### F. Delay of Approval Authorized

The Planning Board may delay approval of a major site plan on land where timber is harvested in advance of an application for either of the following time periods:

1. Up to three years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by Section <>, Tree Protection; or
2. Up to five years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by Section <>, Tree Protection, if the harvest was conducted as a willful violation of these standards.

#### G. Conditions of Approval

Applicable (see Section <>, Conditions of Approval).

#### H. Effect

##### 1. General

Approval of a site plan authorizes the submittal of construction plans, if applicable, and the submittal of an application for a building permit in accordance with Section <>, Building Permit, or a zoning compliance permit in accordance with Section <>, Zoning Compliance Permit.

##### 2. Phased Development

In the cases of phased development, site plans shall include all necessary public improvements within the phase as well as outside the phase, but necessary to serve the development within that phase.

##### 3. Performance Guarantees

All public or required private improvements (like stormwater management facilities) that have not been installed by the developer, inspected, and accepted by the County (as appropriate) shall be subject to the standards in Section <>, Performance Guarantees, prior to issuance of a certificate of occupancy.

##### 4. As-Built Plans

As-builts shall be installed for any public improvements shall be submitted to the Building Inspector in accordance with Section <>, As-Built Plans Required.

#### I. Amendment

Applicable (see Section <>, Amendment).

#### J. Expiration

Major site plan approval shall expire and become null and void if the development approved in the major site plan does not begin within 18 months of issuance of the approval.

#### K. Appeal

1. A decision on a major site plan shall be subject to review by District 1 Superior Court by proceedings in the nature of certiorari and in accordance with Section 160A-393 of the North Carolina General Statutes. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.18 Minor Site Plan62F

2.3.18 MINOR SITE PLAN<sup>63</sup>

A. Purpose and Intent

The purpose for the minor site plan procedure is to establish a consistent and predictable process for the review of proposed small-scale or low intensity development (through a graphical representation of the proposal). Minor site plan reviews are intended for smaller or less complex development proposals than those reviewed as major site plans.

B. Applicability

Review of a minor site plan application shall be required for the following forms of development:

1. New single-family detached development;
2. New duplex or two-family development;
3. Expansions to existing non-residential, mixed-use, or multi-family development that do not exceed 20 percent of existing floor or outdoor use area or that do not require additional off-street parking or landscaping; and
4. Any form of development not exempted from minor site plan review or reviewed as a major site plan (see Section <>, Major Site Plan).

C. Exemptions from Minor Site Plan Review

The following forms of development are not required to obtain minor site plan approval but are subject to the requirements for a zoning compliance permit (see Section <>, Zoning Compliance Permit), or building permit (see Section <> Building Permit), as appropriate:

1. Establishment of an accessory use or structure, in accordance with Section <>, Accessory Uses; and
2. Changes of use that do not result in increased lot coverage, the need for additional off-street parking spaces, or additional landscaping.

D. Designation as a Major Site Plan Authorized

In cases where timber harvesting takes place up to three years prior to the submittal of a minor site plan application, the UDO Administrator may designate the minor site plan as a major site plan subject to the standards and requirements in Section <>, Major Site Plan, including the delay of approval.

E. Minor Site Plan Procedure

1. Pre-Application Conference

Applicable (see Section <>, Pre-Application Conference).

2. Neighborhood Meeting

Optional (see Section <>, Neighborhood Meeting).

3. Application Submittal

a. Applicable (see Section <>, Application Submittal).

b. In cases where a minor site plan is part of a larger phased development, the application materials shall illustrate all various stages and phases of the development as well as the schedule for completion of public and private improvements associated with the development.

4. Staff Review and Action

a. Applicable (see Section <>, Staff Review and Action).

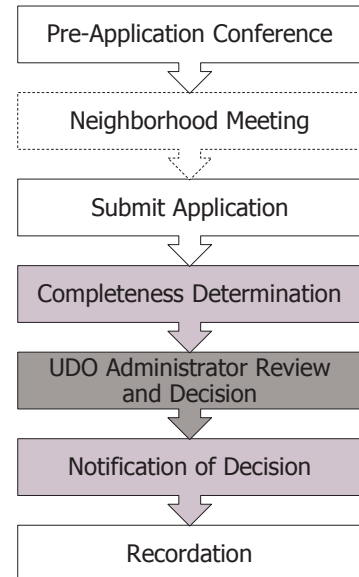
b. The UDO Administrator shall review and decide the application in accordance with Section <>, Minor Site Plan Review Standards.

F. Minor Site Plan Review Standards

A minor site plan shall be approved if the application complies with:

1. All standards or conditions of any prior applicable permits and development approvals;
2. The requirement that the lot is already served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT standards;
3. The requirement for all lots to be certified by Albemarle Regional Health Services as capable of accommodating the wastewater

FIGURE <> MINOR SUBDIVISION PROCEDURE



<sup>63</sup> This section replaces Section 151.311 of the current ordinance. The current code makes distinctions between residential and commercial site plans, and lists detailed site plan submittal requirements, but is silent on the procedures for review, exemptions, and review criteria. This section establishes the minor site plan review procedure (replacing the residential site plan procedure), which is reviewed and decided by the UDO Administrator. The site plan submittal requirements are proposed for relocation to an outside manual and have not been carried forward.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.18 Minor Site Plan62F

generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;

4. All applicable requirements of this Ordinance and the County Code of Ordinances; and
5. All applicable County, State, and federal requirements.

#### G. **Conditions of Approval**

Applicable (see [Section <>, Conditions of Approval](#)).

#### H. **Effect**

##### 1. **General**

Approval of a minor site plan authorizes the submittal of construction plans, if applicable, and the submittal of an application for a building permit in accordance with [Section <>, Building Permit](#), or a zoning compliance permit in accordance with [Section <>, Zoning Compliance Permit](#).

##### 2. **Performance Guarantees**

All public or required private improvements (like stormwater management facilities) that have not been installed by the developer, inspected, and accepted by the County shall be subject to the standards in [Section <>, Performance Guarantees](#), prior to issuance of a certificate of occupancy.

##### 3. **As-Built Plans**

As-builts shall be installed for any public improvements shall be submitted to the Building Inspector in accordance with [Section <>, As-Built Plans Required](#).

#### I. **Amendment**

Applicable (see [Section <>, Amendment](#)).

#### J. **Expiration**

Minor site plan approval shall expire and become null and void if the development approved in the minor site plan does not begin within 18 months of issuance of the approval.

#### K. **Appeal**

Appeal of a decision on a minor site plan shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with [Section <>, Appeal](#).



ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.19 Minor Subdivision63F

2.3.19 MINOR SUBDIVISION<sup>64</sup>

A. Purpose and Intent

The purpose for this minor subdivision review procedure is to allow certain land divisions to be reviewed via an administrative review procedure based on the limited number of new lots and the lack of public utility extensions (e.g., streets or public wastewater).

B. Applicability

1. Subdivisions of land that include up to five lots (including the residual parcel) with no extension of public streets, public water, public sewer, or other public utility are minor subdivisions and shall be reviewed in accordance with the standards in this section.
2. Land subject to a minor subdivision approved after (insert the effective date of this Ordinance) shall not be re-subdivided as a minor subdivision, but shall instead be subject to the standards in Section <>, Expedited Subdivision, Section <>, Transfer Plat, or Section <>, Major Subdivision, as applicable.

C. Minor Subdivision Procedure

1. Pre-Application Conference

Applicable (see Section <>, Pre-Application Conference).

2. Neighborhood Meeting

Applicable (see Section <>, Neighborhood Meeting).

3. Application Submittal

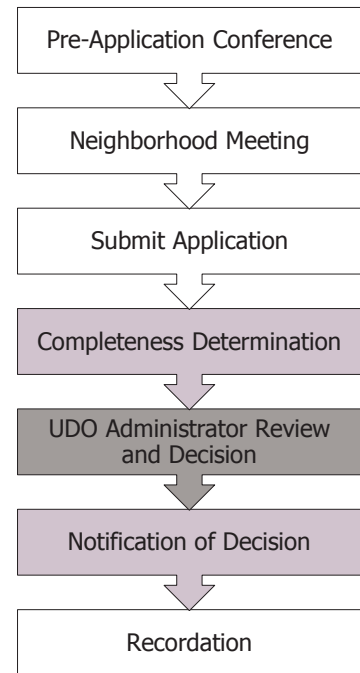
- a. Applicable (see Section <>, Application Submittal).
- b. Applications shall be prepared by a registered land surveyor or professional engineer licensed to practice in North Carolina.
- c. Except for subdivisions where all lots shall be served by a central wastewater system, applications for a minor subdivision shall include an evaluation from Albemarle Regional Health Services indicating that an on-site wastewater system may be used on each lot included in the subdivision.
- e-d. In cases where a minor subdivision is part of a larger phased development, the application materials shall illustrate all various stages and phases of the development as well as the schedule for completion of public and private improvements associated with the development.

4. Staff Review and Action

- a. Applicable (see Section <>, Staff Review and Action).
- b. The UDO Administrator shall review the application and may submit it to technical staff or to other outside agencies, as appropriate, for further technical review.
- c. Following receipt of comments from technical review, if conducted, the UDO Administrator shall review and decide the application in accordance with Section <>, Minor Subdivision Review Standards.

5. Recordation

FIGURE <> MINOR SUBDIVISION PROCEDURE



<sup>64</sup> NOTE TO STAFF: This section sets out the minor subdivision procedure, and consolidates the standards in Section 151.260 and Sections 151.275 through 151.278 related to the private access subdivisions. The current minor subdivision procedure allows a subdivision of up to 5 lots with no right-of-way dedication and possible utility extension to be approved as minor subdivision. The current private access subdivision allows up to 5 lots with right-of-way dedication and utility extension to be allowed as a private access subdivision. As discussed on Page 40 of the Evaluation Report, this draft ordinance consolidates the minor and private access subdivisions into a single procedure. It is not typical to allow subdivisions with right-of-way dedication and utility extension to be reviewed as minor plats since these activities are typically subject to construction drawing review and some form of inspection and acceptance of infrastructure by the County prior to approval of a final plat. These standards remove the ability to approve the establishment of additional lots via zoning permit, as described in Section 151.260.B and remove discussion of an "abbreviated" procedure. Submittal requirements and elements to include on the plat in Section 151.262 and Section 151.277 have not been carried forward (though the certifications are relocated to Article 151.6: Subdivisions). This section is also drafted to conform to Session Law 2017-10 from the General Assembly. It would be possible to do away with this procedure and use the expedited subdivision review procedure instead, but this would render any subdivision over three lots as a major subdivision.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.19 Minor Subdivision63F

- a. Once a minor subdivision is approved, a signed statement of approval by the UDO Administrator shall be entered on the face of the plat. The minor subdivision plat may not be recorded without this certification.
- b. A minor subdivision plat shall not be recorded until after the UDO Administrator receives confirmation that the proposed subdivision has been approved by the appropriate United States Postmaster, or evidence that the applicant has addressed comments submitted by the Postmaster.
- c. Failure to record the minor subdivision plat in accordance with **Section <>, Expiration**, shall render the minor subdivision plat null and void.

#### 6. Minor Subdivision Review Standards

- a. A minor subdivision shall be approved if the application complies with the following:
  1. The minor subdivision plat is on a sheet or sheets suitable for recording with the Camden County Register of Deeds;
  2. The minor subdivision plat is prepared and sealed by a licensed professional land surveyor or licensed professional engineer;
  3. The minor subdivision plat complies with the applicable standards in Section 47-30 of the North Carolina General Statutes;
  4. The minor subdivision plat includes all required certifications in **Section <>, Certifications**;
  5. All lots have been certified by Albemarle Regional Health Services as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
  6. All lots shall be served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT standards;
  7. The applicant has secured all required State, federal, and other applicable County permit approvals;
  8. The minor subdivision is in substantial conformance with all applicable requirements in **Article 151.6: Subdivision Requirements**;
  9. All lots in the minor subdivision shall maintain minimum lot widths on state-maintained roadways or improved subdivision streets;
  10. A perpetual easement has been granted and recorded for installation and maintenance of any improvements for any right-of-way access serving the minor subdivision located on lands outside the boundaries of the subdivision;
  11. All required improvements depicted on the minor subdivision plat are installed and inspected by the County, or are subject to a performance guarantee (see **Section <>, Performance Guarantees**);
  12. The minor subdivision complies with all standards and conditions of any applicable permits and development approvals; and
  13. The minor subdivision complies with all other applicable requirements in this Ordinance and the County Code of Ordinances.
- b. Minor subdivisions of land located within the special flood hazard area shall comply with the standards in **Section <>, Special Flood Hazard Area Overlay**~~Special Flood Hazard Overlay~~, and include the following statement:

*“Use of land within a floodplain or a special flood hazard area is substantially restricted by Camden County.”*
- c. If the minor subdivision is required to provide a connection to a public water supply system, the plat shall include the following statement:

*“The developer is required to install all water lines and related improvements.”*
- d. In cases where land subject to a preliminary plat is located within an AEC approved preliminary plats shall bear a certification from the County certifying compliance with all AEC requirements.

#### D. Decision by Board of Commissioners

In cases where timber harvesting takes place up to three years prior to the submittal of a minor subdivision application, the UDO Administrator may forward the minor subdivision application to the Planning Board and Board of Commissioners for review and decision in accordance with the preliminary plat procedure (see Section <>, Preliminary Plat). The Board of Commissioners may delay approval of a minor subdivision on land where timber is harvested in advance of an application for either of the following time periods:

1. Up to three years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by **Section <>, Tree Protection**; or
2. Up to five years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by **Section <>, Tree Protection**, if the harvest was conducted as a willful violation of these standards.

#### E. Effect

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.19 Minor Subdivision63F

Approval of a minor subdivision allows the sale or conveyance of lots within the subdivision. Building permits may be issued following recordation of the minor subdivision plat.

**F. Amendment**

Amendment of a minor subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

**G. Expiration**

1. Applicable (see **Section <>, Expiration**).
2. A minor subdivision plat shall be null and void unless it is recorded in the office of the Camden County Register of Deeds within 30 days of approval.

**H. Appeal**

Appeal of a decision on a minor subdivision shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with **Section <>, Appeal**.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.20 Planned Development64F

2.3.20 PLANNED DEVELOPMENT<sup>65</sup>

A. Purpose and Intent

The purpose for this planned development procedure is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district. The planned development district creates opportunities for master planned development that is developed under unified control in accordance with more flexible standards and procedures that are conducive to creating mixed-use, pedestrian-oriented development that makes efficient use of land while protecting natural resources. It is the intent of these standards to allow an applicant to propose a wide variety of allowable uses and the flexible application of some of the development standards in Article 151.5, Development Standards, in return for a higher quality of development with more amenities than might otherwise result from a strict application of the standards in this Ordinance.

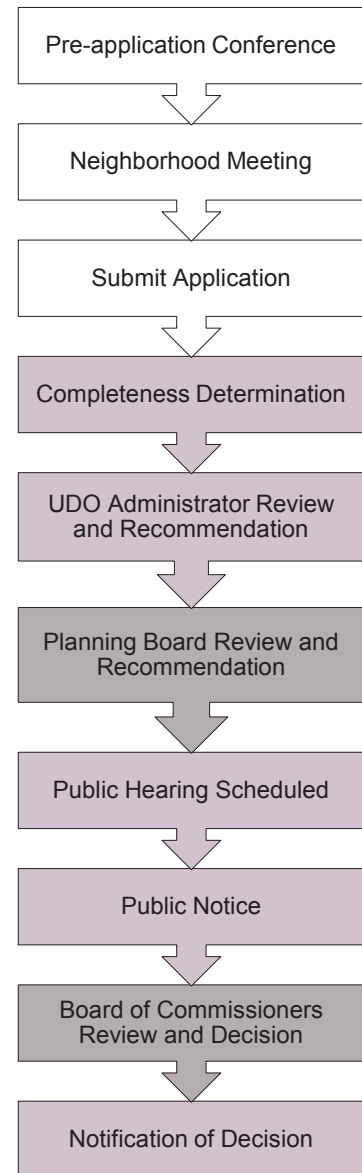
B. Applicability

The standards in this section may be applied to any land of one acre in area or more and under unified control.

C. Planned Development Procedure

1. **Pre-Application Conference**  
Applicable (see Section <>, Pre-Application Conference).
2. **Neighborhood Meeting**  
Applicable (see Section <>, Neighborhood Meeting).
3. **Application Submittal**
  - a. Applicable (see Section <>, Application Submittal).
  - b. Planned development applications may not be initiated by anyone other than the landowner(s) of the land subject to the application.
  - c. The application shall include a master plan depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing.
  - d. The application shall also include a terms and conditions document that identifies how the proposed development will meet or exceed the standards in Section <>, Planned Development District, as well as how any required environmental mitigation will take place, and outline how public facilities will be provided to serve the planned development.
  - e. To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.
4. **Staff Review and Action**
  - a. Applicable (see Section <>, Staff Review and Action).
  - b. The UDO Administrator shall review the application, prepare a staff report, and provide a recommendation in accordance with Section <>, Planned Development Review Standards.
5. **Review by Planning Board**

FIGURE <> PLANNED DEVELOPMENT PROCEDURE



<sup>65</sup> This section replaces the planned development review procedure in Section 151.298 of the current ordinance as outlined on Page 42 of the Evaluation Report. Some of the key changes include removal of the conditional use permit requirement, removal of the current concept plan (in favor of a master plan adopted as part of the rezoning application), removal of the Smart Growth Scorecard requirement, and reduction of the minimum size threshold to one acre (in recognition of the need for flexibility in the village center areas). These proposed standards reference more detailed standards in Article 151.3: Zoning Districts, that address the required contents of a master plan, the required terms and conditions statement, removal of the current use mixing requirement (as it interferes with the function of the real estate market), and establishes a new range of standards that may not be varied (like those pertaining to stormwater). The application submittal requirements in Section 151.298.C.4.a are not included pending relocation to an outside user's guide or administrative manual. This procedure is also consistent with Session Law 2017-10 pertaining to required consistency statements with the County's adopted policy guidance.

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#### 2.3.20 Planned Development64F

- a. Applicable (see Section <>, Review by Planning Board, and Section <>, Public Meetings and Hearings).
- b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section <>, Planned Development Review Standards.

#### 6. Public Notice

Applicable (see Section <>, Public Notice).

#### 7. Review and Decision by Board of Commissioner

- a. Applicable. (See Section <>, Action by Review Authority, and Section <>, Public Meetings and Hearings).
- b. The Board of Commissioners, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section <>, Planned Development Review Standards.
- c. The decision shall be one of the following:
  1. Approval of the planned development subject to the PD master plan and PD terms and conditions statement in the application;
  2. Approval of the planned development subject to additional or revised conditions related to the PD master plan or PD terms and conditions statement;
  3. Denial of the planned development; or
  4. Remand of the planned development application back to the Planning Board for further consideration.
- d. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
  1. Whether the planned development application (and associated zoning map amendment) is approved, denied, or remanded; and
  2. The degree to which the planned development application (and associated zoning map amendment) is or is not consistent with the County's adopted policy guidance; and
  3. The ways in which the planned development application (and associated zoning map amendment) is or is not consistent with the County's adopted policy guidance; and
  4. Whether approval of the planned development application also amends or does not amend the County's adopted policy guidance; and
  5. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the County that were taken into account as part of the approval; and
  6. An explanation of why the action taken by the Board of Commissioners is reasonable; and
  7. An explanation of why the action taken by the Board of Commissioners is in the public interest.

#### D. Planned Development Review Standards

The advisability of amending the OZM to establish a planned development district is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a planned development, the Board of Commissioners may consider the standards in Section <>, Zoning Map Amendment Standards, and the standards for the proposed type of PD district in Section <>, Planned Development District.

#### E. Designation on the Official Zoning Map

Designation of a PD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

#### F. Effect

1. Lands rezoned to a PD district shall be subject to the approved PD master plan and the approved PD terms and conditions.
2. The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map.
3. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the PD master plan in accordance with the appropriate procedures and standards set forth in this Ordinance.
4. Any permits or approvals shall comply with the PD master plan and the PD terms and conditions.
5. Only those portions of the development subject to an approved PD master plan and PD terms and conditions shall be included in development activities.

#### G. Amendment

Applicable (see Section <>, Amendments).

#### H. Expiration

1. If no application for approval of a preliminary plat or site plan for any part of the approved PD master plan is submitted within two years after approval of the planned development, the UDO Administrator shall

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.20 Planned Development64F

initiate a zoning map amendment application to rezone the land back to its prior zoning classification or any other general zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.

2. Upon written request submitted at least 30 days before expiration of the two-year period provided in subsection (1) above, and upon a showing of good cause, the UDO Administrator may grant one extension not to exceed one year for the applicant to submit required development applications.

#### I. **Appeal**

1. Appeal of a decision on a planned development shall be subject to review by the District 1 Superior Court.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.



# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

### 2.3.21 Preliminary Plat<sup>66</sup>

#### 2.3.21 PRELIMINARY PLAT<sup>66</sup>

##### A. Purpose and Intent

The purpose for this preliminary plat procedure is to establish a fair, consistent and predictable procedure for the review of requests to divide land into a series of lot for development or sale in ways that promote the health, safety, and welfare of the citizens of Camden County. The intent of these standards is to ensure:

1. Orderly growth and development;
2. Coordination of transportation and utility networks;
3. Preservation of open space for purposes of recreation or natural resource protection;
4. Protection from flooding, damaging sedimentation, and decreased surface water quality; and
5. Distribution of population in ways that supports infrastructure investment and diminishes the impact of traffic and overcrowding.

##### B. Applicability

Divisions of land that do not qualify as an exempt subdivision (see Section <>, Exempt Subdivisions), expedited subdivision (see Section <>, Expedited Subdivisions), minor subdivision (see Section <>, Minor Subdivisions), or transfer plat (see Section <>, Transfer Plats) shall be reviewed and decided as a preliminary plat in accordance with these standards

##### C. Preliminary Plat Review Procedure

###### 1. Pre-Application Conference

- a. Applicable (see Section <>, Pre-Application Conference).
- b. Except for subdivisions where all lots shall be served by a central wastewater system, applications for an expedited subdivision shall include an evaluation from Albemarle Regional Health Services indicating that an on-site wastewater system may be used on each lot included in the subdivision.

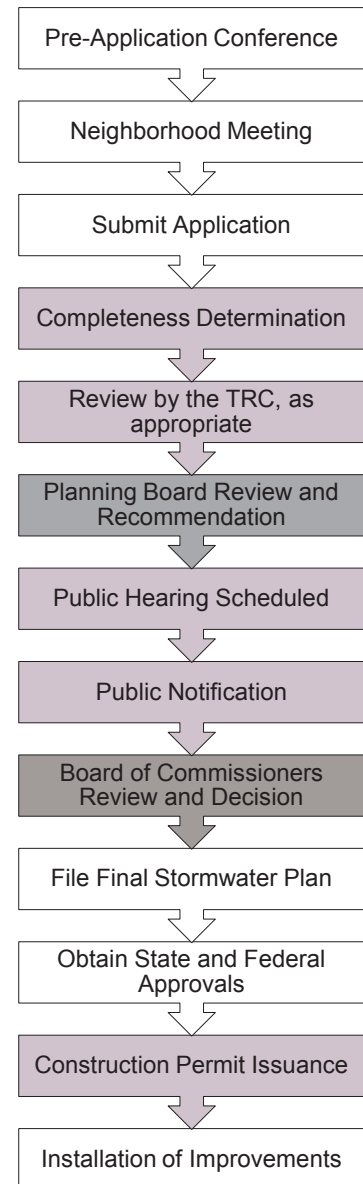
###### 2. Neighborhood Meeting

Applicable (see Section <>, Neighborhood Meeting).

###### 3. Application Submittal

- a. Applicable (see Section <>, Application Submittal).
- b. A preliminary plat shall be prepared by a licensed professional surveyor, registered professional landscape architect, or licensed professional engineer.
- c. A preliminary plat application shall include either a conceptual or final stormwater management plan prepared in accordance with the standards in Section <>, Stormwater Management.
- d. Concurrent submittal of a preliminary plat application and a final plat application is prohibited except in cases where

FIGURE <> PRELIMINARY PLAT PROCEDURE



<sup>66</sup> This section replaces the standards for a major subdivision in Sections 151.230 through 151.238 of the current ordinance. These draft standards are consistent with the details specified on Pages 40 and 41 of the Evaluation Report. The current preliminary plat review process is proposed for revision in the following key ways:

- Conversion of the sketch plan process into a pre-application conference;
- Revision of the current provisions to allow filing of a conceptual stormwater plan (instead of a fully-engineered plan) with the preliminary plat and filing of a fully-engineered stormwater plan prior to issuance of a construction permit to install infrastructure (after approval of a preliminary plat);
- Delay of the requirement to file State and Federal permit applications (but not County Health Department on-site wastewater certification (if required)), until after approval of a preliminary plat but prior to approval of a construction permit; and
- Removal of the special use permit requirement for subdivisions (since this introduces quasi-judicial procedures and decision-making requirements into an otherwise ministerial procedure).

These changes are proposed to simplify the subdivision review process and make it more efficient while at the same time ensuring sufficient public participation at the early stages of the subdivision planning process (when input is easiest to accommodate). The process delays significant expenditure for engineering and State or Federal permits until after a preliminary plat is approved, creating more predictability. The various standards (including certification statements) for preliminary plats are relocated to Article 151.6: Subdivision Requirements. In addition to these changes, we suggest the submittal requirements in Section 151.233 be relocated to an outside manual or user's guide. Section 151.234 related to certifications is proposed for relocation to Article 151.6.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.21 Preliminary Plat65F

there are no extensions of public right-of-way or public utilities.

d.e. In cases where a preliminary plat is part of a larger phased development, the application materials shall illustrate all various stages and phases of the development as well as the schedule for completion of public and private improvements associated with the development.

#### 4. Staff Review and Action

- a. Applicable (see Section <>, Staff Review and Action).
- b. The UDO Administrator shall review the application and may submit it to the Technical Review Committee staff or to other outside agencies, as appropriate, for further technical review.
- c. The UDO Administrator shall prepare a staff report and provide a recommendation in accordance with Section <>, Preliminary Plat Review Standards.

#### 5. Review by Planning Board

- a. Applicable (see Section <>, Review by Review Authority, and Section <>, Public Meetings and Hearings).
- b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section <>, Preliminary Plat Review Standards.

#### 6. Public Notice

Applicable (see Section <>, Public Notice).

#### 7. Review and Decision by Board of Commissioners

- a. Applicable (see Section <>, Action by Review Body).
- b. The Board of Commissioners, after the conclusion of a legislative public hearing, shall review and decide the application in accordance with Section <>, Preliminary Plat Review Standards. The decision shall be the one of the following:
  1. Approval of the preliminary plat as proposed;
  2. Approval of a revised preliminary plat; or
  3. Denial of the preliminary plat.

#### 8. Approval to Proceed

Following approval of a preliminary plat by the Board of Commissioners, approval of the final stormwater plan, and issuance of all required state and federal approvals, the County will issue an approval to proceed with authorizes an applicant proceed with land-disturbing activities.

### D. Preliminary Plat Review Standards

1. An application for a preliminary plat shall be approved, provided:
  - a. The preliminary plat is prepared and sealed by a licensed professional land surveyor, registered professional landscape architect, or licensed professional engineer;
  - b. The preliminary plat complies with the applicable standards in Section 47-30 of the North Carolina General Statutes;
  - c. The preliminary plat includes all required certifications in Section <>, Certifications;
  - d. All lots have been certified by Albemarle Regional Health Services as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
  - e. The preliminary plat is in substantial conformance with all applicable requirements in Article 151.6: Subdivision Requirements;
  - f. The minor subdivision complies with all standards and conditions of any applicable permits and development approvals;
  - g. All lots shall be served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT standards;
  - h. The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Camden County or Pasquotank County;
  - i. In cases where land subject to a preliminary plat is located within an AEC, approved preliminary plats shall bear a certification from the County certifying compliance with all AEC requirements; and
  - j. The preliminary plat complies with all other applicable requirements in this Ordinance and the County Code of Ordinances.
2. Preliminary plats of land located within the special flood hazard area shall comply with the standards in Section <>, Special Flood Hazard Area Overlay~~Special Flood Hazard Overlay~~, and include the following statement:

*"Use of land within a floodplain or a special flood hazard area is substantially restricted by Camden County."*
3. If the minor subdivision is required to provide a connection to a public water supply system, the plat shall include the following statement:

*"The developer is required to install all water lines and related improvements."*

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.21 Preliminary Plat65F

4. In cases where land subject to a preliminary plat is located within an AEC approved preliminary plats shall bear a certification from the County certifying compliance with all AEC requirements.

#### E. Delay of Approval Authorized

The Board of Commissioners may delay approval of a preliminary plat on land where timber is harvested in advance of an application for either of the following time periods:

1. Up to three years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by Section <>, Tree Protection; or
2. Up to five years after completion of timber harvesting, if the harvest results in the removal of all, or substantially all, of the trees that would be protected by Section <>, Tree Protection, if the harvest was conducted as a willful violation of these standards.

#### F. Conditions of Approval

Applicable (see Section <>, Conditions of Approval).

#### G. Effect

1. Approval of a preliminary plat authorizes the submittal of final stormwater plans, construction drawings, and/or a final plat.
2. Approval of a preliminary plat shall not constitute the approval for recording a subdivision with the Camden County Register of Deeds, or approval for the conveyance of lots.

#### H. Amendment

Amendment of a preliminary plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

#### I. Expiration

##### 1. Generally

An approved preliminary plat shall be valid for two years from the date of approval.

##### 2. Extension

- a. An applicant may request an extension of a preliminary plat approval in writing to the UDO Administrator at least 30 days prior to expiration.
- b. Extension requests shall be reviewed and decided by the Board of Commissioners.
- c. A preliminary plat may be extended once for a maximum duration of one year.

#### J. Appeal

1. Appeal of a decision on a preliminary plat shall be subject to review by the District 1 Superior Court by proceedings in the nature of certiorari and in accordance with Section 160A-393 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

**2.3.22 SIGN PERMIT**

**A. Purpose and Intent**

The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of [Section <>, Signage](#).

**B. Applicability**

All signs, including temporary signs, but excluding signs exempted from obtaining sign permits in [Section <>, Signage](#), shall obtain a sign permit in accordance with this section before being erected, replaced, relocated, or altered.

**C. Sign Permit Procedure**

**1. Pre-Application Conference**

Optional (see [Section <>, Pre-Application Conference](#)).

**2. Application Submittal**

Applicable (see [Section <>, Application Submittal](#)).

**3. Staff Review and Action**

a. Applicable (see [Section <>, Staff Review and Action](#)).

b. The UDO Administrator shall review and decide the application in accordance with [Section <>, Sign Permit Review Standards](#).

**D. Sign Permit Review Standards**

A sign permit shall be approved on a decision the application complies with:

1. The standards in [Section <>, Signage](#);
2. The State Building Code;
3. All standards or conditions of any prior applicable permits and developments approvals; and
4. All other applicable requirements of this Ordinance and in the County Code of Ordinances.

**E. Conditions of Approval**

Applicable (see [Section <>, Conditions of Approval](#)).

**F. Effect**

Applicable (see [Section <>, Effect](#)).

**G. Amendment**

Amendment of a sign permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

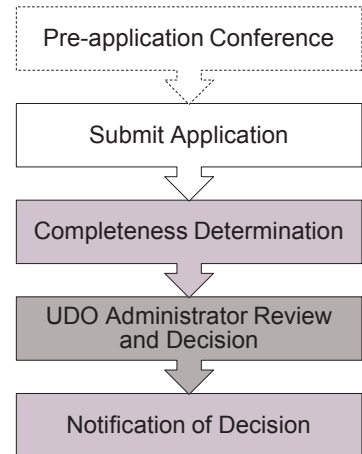
**H. Expiration**

If the work authorized by a sign permit is not commenced within six months from the date of issuance, the permit shall become null and void.

**I. Appeal**

Appeal of a decision on a sign permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with [Section <>, Appeal](#).

**FIGURE <> SIGN PERMIT PROCEDURE**



ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.23 Special Use Permit

2.3.23 SPECIAL USE PERMIT

A. Applicability

Applications for uses identified as requiring a special use in Table <>, Principal Use Table, shall be reviewed in accordance with the procedures and standards of this section. A special use is a use that may be appropriate in a zoning district, but because of its nature, extent, or external effects, it requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

B. Special Use Procedure

1. Pre-Application Conference

Applicable (see Section <>, Pre-Application Conference).

2. Neighborhood Meeting

Optional (see Section <>, Neighborhood Meeting).

3. Application Submittal

- a. Applicable (see Section <>, Application Submittal).
b. An application shall be submitted only by the landowner(s), and shall include a site plan.

4. Staff Review and Action

- a. Applicable (see Section <>, Staff Review and Action).
b. The UDO Administrator shall review the application, prepare a staff report, and provide a recommendation in accordance with Section <>, Special Use Review Standards.

5. Public Notice

Applicable (see Section <>, Public Notice).

6. Review and Decision by Board of Commissioners

- a. Applicable (see Section <>, Review and Action by Decision-Making Body and Section <>, Public Hearing).
b. Following the conclusion of a quasi-judicial public hearing, the Board of Commissioners shall review and decide the application in accordance with Section <>, Special Use Review Standards. The decision shall be the one of the following:
1. Approval of the special use as proposed;
2. Approval of a revised special use; or
3. Denial of the special use.
c. Any conditions of approval shall meet or exceed the minimum requirements of this Ordinance.

C. Special Use Review Standards

- A special use shall be approved upon a determination that the special use:
1. Will not materially endanger the public health or safety if located where proposed;
2. Complies with all required standards, conditions, and specifications of this Ordinance, including Article 151.4: Use Regulations;
3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;
4. Will be in harmony with the area in which it is to be located;
5. Is in general conformity with the County's adopted policy guidance; and
6. Will not exceed the County's ability to provide adequate public facilities (e.g., schools, fire protection, rescue, and law enforcement).

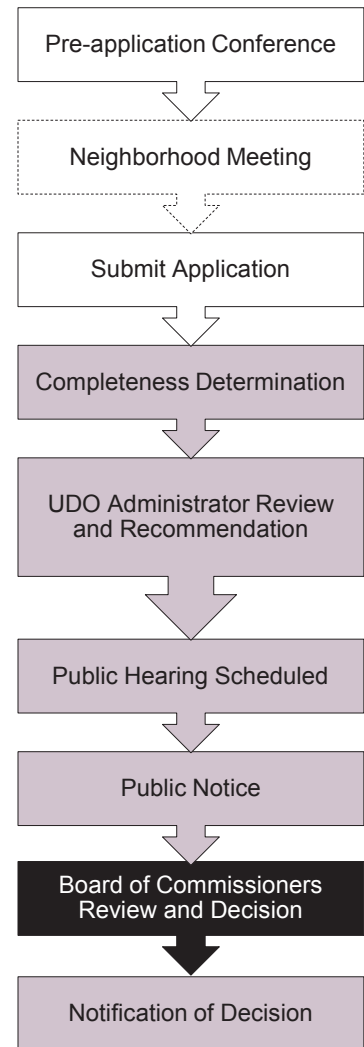
D. Conditions of Approval

- 1. Applicable (see Section <>, Conditions of Approval).
2. The Board of Commissioners may apply conditions limiting the permit to a specified duration or may place limits on the availability of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities.

E. Effect

- 1. Applicable (see Section <>, Effect).

FIGURE <> SPECIAL USE PERMIT PROCEDURE



## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.23 Special Use Permit

2. A special use and the associated site plan approval are perpetually binding and run with the land, unless amended.
3. An action invalidating a special use condition of approval (such as exceeding maximum allowable intensity or hours of operation limitation) shall render the special use permit null and void.

#### F. Amendment

Applicable (see [Section <>, Amendment](#)).

#### G. State and Federal Requirements

Special uses shall meet all applicable federal and state requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use.

#### H. Expiration

##### 1. Replacement

If a special use is replaced by a use otherwise permitted by right in the zoning district, the special use permit approval is deemed abandoned and the special use permit approval is null and void.

##### 2. Failure to Complete Construction

Unless otherwise stated in the special use permit approval, a special use permit shall expire and become null and void two years after the date of issuance if:

- a. The authorized use has not commenced;
- b. No substantial construction activity has taken place; or
- c. Construction activities have started but the value of all construction activity is less than five percent of the estimated total cost of construction.

##### 3. Extension

- a. An applicant may request an extension of a special use permit approval in writing to the UDO Administrator at least 30 days prior to expiration.
- b. Extension requests shall be reviewed and decided by the Board of Commissioners.
- c. Up to one extension for a maximum period of one year may be granted if:
  1. The applicant has proceeded towards completion of construction in good faith and with due diligence; and
  2. Conditions have not changed to the extent that a new application is warranted in the sole discretion of the Board of Commissioners.

#### I. Appeal

1. Appeal of a decision on a special use permit shall be subject to review by the District 1 Superior Court by proceedings in the nature of certiorari and in accordance with Section 160A-393 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.



ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.24 Transfer Plat66F

2.3.24 TRANSFER PLAT<sup>67</sup>

A. Purpose and Intent

The purpose for this section is to establish a procedure for the review of requests to subdivide land for the purpose of creating an additional lot for conveyance to an immediate family member.

B. Applicability

The standards in this section shall apply to the conveyance of a single lot from one family member to another immediate family member.

C. Transfer Plat Procedure

1. Application Submittal

- a. Applicable (see Section <>, Application Submittal).
- b. Applications for a transfer plat shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to an immediate family member, and that conveyance of a lot in a transfer plat to a non-family member is a violation of this Ordinance.

2. Staff Review and Action

- a. Applicable (see Section <>, Staff Review and Action).
- b. The UDO Administrator shall review the application and may submit it to other County staff or to other outside agencies, as appropriate, for further technical review.
- c. Following receipt of comments, if any, the UDO Administrator shall review and decide the application in accordance with Section <>, Transfer Plat Review Standards.

3. Recordation

Once a transfer plat is approved, a signed statement by the UDO Administrator shall be entered on the face of the plat. The transfer plat may not be recorded without this certification. Failure to record the transfer plat in accordance with Section <>, Expiration, shall render the transfer plat null and void.

D. Transfer Plat Review Standards

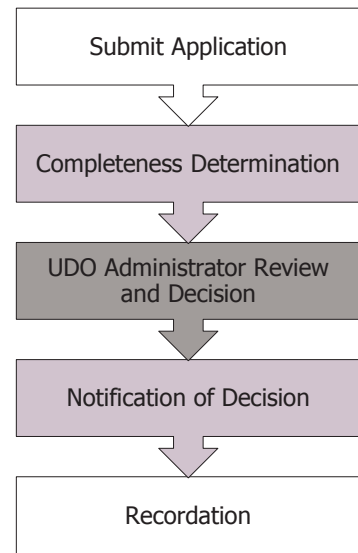
A transfer plat shall be approved if the application complies with the following:

- 1. All lots created from the original parent tract shall comply with the minimum dimensional standards for the district where located;
- 2. Each lot created as part of a transfer plat shall be at least one acre of buildable land in area;
- 3. No more than one lot shall be created from a parent tract per year;
- 4. The lot shall front a public street, an access easement recorded prior to January 1, 2006, or shall be served by an accessway of at least 45 feet in width that provides ingress and egress to a public street;
- 5. In no instance shall a private street serving the lot also serve more than four additional lots;
- 6. Principal uses shall be limited to single-family detached dwellings and customary accessory uses.
- 7. The lot has been certified by Albemarle Regional Health Services as capable of accommodating the wastewater generated from the proposed use, in cases when the lot is not served by a centralized wastewater system;
- 8. The transfer plat complies with all standards and conditions of any applicable permits and development approvals; ~~and~~
- 9. ~~The transfer plat complies with all other applicable requirements in this Ordinance and the County Code of Ordinances; and-~~
- 9-10. The subdivision complies with all the applicable standards in Section <>, Special Flood Hazard Area Overlay, if located in the floodplain or a floodway.

E. Effect

- 1. Approval of a transfer plat allows the conveyance of a lot to an immediate family member.
- 2. Land subject to a transfer plat shall be titled under the immediate family member's name for a period of at least five years or until the immediate family members reaches the age of 18 (whichever is greater).<sup>68</sup>

FIGURE <> TRANSFER PLAT PROCEDURE



<sup>67</sup> This section is proposed to include a new procedure for review of a "transfer plat" or family subdivision (as described in Section 151.230(e) of the current ordinance).

<sup>68</sup> NOTE TO STAFF: This standard is carried forward from the current ordinance. What happens if the land is resold to a non-family member before the five year term elapses?

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.24 Transfer Plat66F

3. Building permits may be issued following recordation of the transfer plat.

**F. Amendment**

Amendment of a transfer plat may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

**G. Expiration**

A transfer plat shall be null and void unless it is recorded in the office of the Camden County Register of Deeds within 60 days of approval.

**H. Appeal**

Appeal of a decision on a transfer plat shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with **Section <>, Appeal.**

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.25 Temporary Use Permit

2.3.25 TEMPORARY USE PERMIT

A. Purpose and Intent

The purpose of this section is to establish a uniform mechanism for reviewing temporary uses, structures, and special events to ensure they comply with the standards in Section <>, Temporary Use Standards.

B. Applicability

The provisions of this section shall apply to all proposed temporary uses, temporary structures, and special events set forth in Section <>, Temporary Use Standards, but shall not be applied to applications for temporary signage.

C. Temporary Use Permit Procedure

1. Application Submittal

Applicable (see Section <>, Application Submittal).

2. Staff Review and Action

a. Applicable (see Section <>, Staff Review and Action).

b. The UDO Administrator shall review and decide the application in accordance with Section <>, Temporary Use Permit Review Standards.

D. Temporary Use Permit Review Standards

A temporary use permit shall be approved if it complies with:

1. The standards in Section <>, Temporary Use Standards;
2. The State Building Code;
3. The applicable requirements of Albemarle Regional Health Services, including all improvement permit requirements;
4. All standards or conditions of any prior, applicable permits and development approvals; and
5. All other applicable requirements of this Ordinance, the County Code of Ordinances, State law, and federal law.

E. Effect

Applicable (see Section <>, Effect).

F. Amendment

Applicable (see Section <>, Amendment).

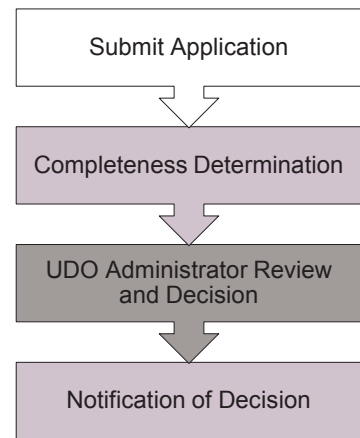
G. Expiration

Approval of a temporary use permit shall be effective beginning on the date of approval and shall remain effective for the period indicated in the permit.

H. Appeal

Appeal of a decision on a temporary use permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section <>, Appeal.

FIGURE <> TEMPORARY USE PERMIT PROCEDURE



ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.26 UDO Text Amendment68F

2.3.26 UDO TEXT AMENDMENT<sup>69</sup>

A. Purpose and Intent

This section provides a uniform means for amending the text of this Ordinance whenever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so.

B. Applicability

The standards and requirements of this section shall apply to applications to revise the text of this Ordinance.

C. Text Amendment Procedure

1. Pre-Application Conference

Applicable (see Section <>, Pre-Application Conference).

2. Application Submittal

- a. Applicable (see Section <>, Application Submittal).
b. An application for a text amendment to this Ordinance may be filed by anyone.

3. Staff Review and Action

- a. Applicable (see Section <>, Staff Review and Action).
b. The UDO Administrator shall prepare a staff report and provide a recommendation in accordance with Section <>, Text Amendment Review Standards.

4. Review by Planning Board

- a. Applicable (see Section <>, Review by Planning Board, and Section <>, Public Meetings and Hearings).
b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section <>, Text Amendment Review Standards.
c. The Planning Board shall comment on whether or not the text amendment is consistent with the County's adopted policy guidance.

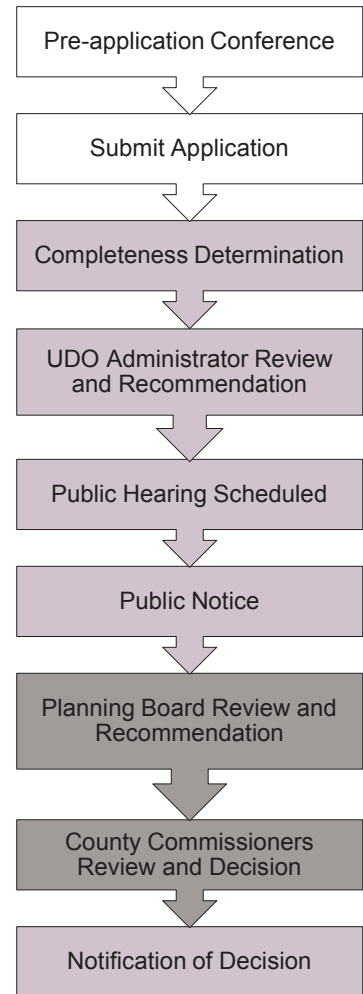
5. Public Notice

Applicable (see Section <>, Public Notice).

6. Review and Decision by Board of Commissioners

- a. Applicable (see Section <>, Action by Decision-Making Body and Section <>, Public Meetings and Hearings).
b. The Board of Commissioners, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section <>, Text Amendment Review Standards.
c. The decision shall be one of the following:
1. Adoption of the text amendment as proposed;
2. Adoption of a revised text amendment;
3. Denial of the text amendment; or
4. Remand of the text amendment application to the Planning Board for further consideration.
d. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
1. Whether the text amendment application is approved, denied, or remanded; and
2. The degree to which the text amendment application is or is not consistent with the County's adopted policy guidance; and
3. The ways in which the text amendment application is or is not consistent with the County's adopted policy guidance; and
4. Whether approval of the text amendment application also amends or does not amend the County's adopted policy guidance; and

FIGURE <> UDO TEXT AMENDMENT PROCEDURE



69 This section sets out the procedure for amendment to this Ordinance and builds on the standards in Section 151-580 through 151.586 of the current ordinance except that it separates the procedures for amendments of the text from amendments of the official zoning map. Standard review procedures like voting and public notice have been relocated to Section 2.2 of this draft Ordinance. There are also new review criteria that build on those in Section 151.585 of the current ordinance and these provisions have been revised to comply with Session Law 2017-10 pertaining to required consistency statements with the County's adopted policy guidance.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.26 UDO Text Amendment68F

5. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the County that were taken into account as part of the approval; and
6. An explanation of why the action taken by the Board of Commissioners is reasonable; and
7. An explanation of why the action taken by the Board of Commissioners is in the public interest.

#### D. Text Amendment Review Standards

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the County Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the County Commissioners may, but is not required to consider whether and the extent to which the proposed text amendment:

1. Is consistent with the County's adopted policy guidance;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Addresses an unforeseen matter not present when the Ordinance was adopted;
6. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the County;
7. Would result in a logical and orderly development pattern;
8. Addresses other factors determined to be relevant by the Board of Commissioners; and
9. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.

#### E. Effect

Applicable (see [Section <>, Effect](#)).

#### F. Amendment

Amendment of a text amendment approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

#### G. Appeal

1. Appeal of a decision on a UDO text amendment shall be subject to review by the District 1 Superior Court.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.27 Variance69F

2.3.27 VARIANCE<sup>70</sup>

A. Purpose and Intent

The purpose of this section is to allow certain deviations from the dimensional standards of this Ordinance (such as height, setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner’s control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes standards for variance from the County’s special flood hazard area standards in Section <>, Floodplain Management.

B. Applicability

- 1. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
- 2. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or that would permit a use not allowed in a zoning district.

C. Variance Procedure

1. Pre-Application Conference

Applicable (see Section <>, Pre-Application Conference).

2. Neighborhood Meeting

Optional (see Section <>, Neighborhood Meeting).

3. Application Submittal

Applicable (see Section <>, Application Submittal).

4. Staff Review and Action

- a. Applicable (see Section <>, Staff Review and Action).
- b. The UDO Administrator shall review the application, prepare a staff report, and provide a recommendation in accordance with Section <>, Variance Review Standards.

5. Public Notice

Applicable (see Section <>, Public Notice).

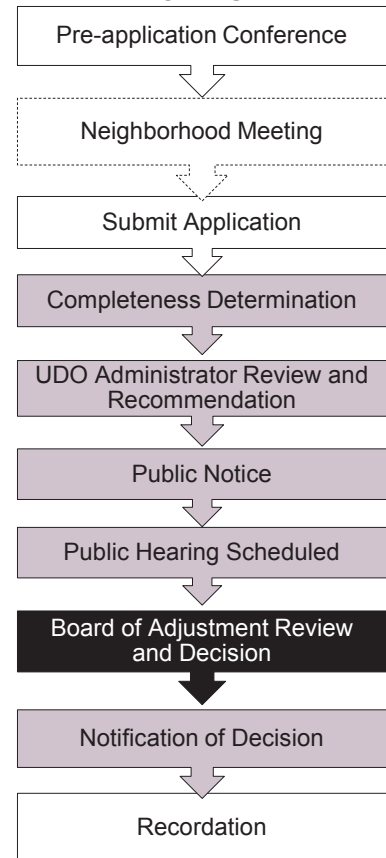
6. Board of Adjustment Review and Decision

- a. Applicable (see Section <>, Action by Review Authority, and Section <>, Quasi-Judicial Public Hearing Procedures).
- b. The BOA, after the conclusion of a quasi-judicial public hearing, shall decide the application for a variance.
- c. The decision shall be based on the evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the standards in Section <>, Variance Review Standards.
- d. The decision shall be one of the following:
  - 1. Approval of the variance as proposed;
  - 2. Approval of the variance with revisions; or
  - 3. Denial of the variance.
- e. Each decision shall be made in writing and reflect the BOA’s determination of contested facts and their application to the standards in this Ordinance.
- f. The written decision shall be signed by the Chair or other duly authorized member of the BOA.
- g. The decision of the BOA shall be effective upon the filing of the written decision.

7. Notification of Decision

The decision of the BOA shall be delivered by personal service, electronic mail, or by first-class mail to the applicant, the landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes

FIGURE <> VARIANCE PROCEDURE



<sup>70</sup> NOTE This procedure consolidates the provisions for regular variance requests as well as requests for a variance from the special flood hazard overlay provisions in Section 151.383(G), Variance Procedures, from the current ordinance.



## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.27 Variance69F

effective. The person providing notification of decision shall certify that proper notification has been made.

#### 8. **Recordation**

- a. If a variance application is approved, the notice of decision shall be recorded by the applicant in the office of the Camden County Register of Deeds.
- b. Failure to record the variance within 30 days of approval, shall render the variance null and void.

#### D. **Variance Review Standards**

##### 1. **Zoning Variance Standards**

###### a. **Required Findings**

A zoning variance shall be approved on a finding the applicant demonstrates all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

###### b. **Other Considerations**

In addition to the making the required findings in subsection (a) above, the BOA may also consider the following:

1. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure;
2. All property taxes on the land subject to the variance application have been paid in full;
3. None of the following may be used as the basis for approving a variance:
  - A. Neither the nonconforming use of lands, buildings, or structures in the same zoning district, or the permitted use of lands, buildings, or structures in other zoning districts, or personal circumstances;
  - B. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
  - C. Hardships resulting from factors other than application of the relevant standards of this Ordinance;
  - D. The fact that land or a structure may be utilized more profitably or be more marketable with a variance;
  - E. The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts; or
  - F. Financial hardship.

##### 2. **Special Flood Hazard Area Variance Standards**

In addition to the standards for a zoning variance, variances from the special flood hazard area standards in this Ordinance shall be reviewed and decided in accordance with the following:

###### a. **Required Findings**

A flood damage prevention variance shall be approved on a finding the applicant demonstrates all of the following standards are met:

1. There is a good and sufficient cause to grant the variance;
2. The variance is the minimum necessary to provide relief;
3. Failure to grant the variance would result in exceptional hardship to the landowner; and
4. Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with this Ordinance.

###### b. **Other Considerations**

In addition to making the required findings in subsection (a) above, the BOA may also consider the following:

1. The variance is the minimum necessary, considering the flood hazard, to afford relief;
2. Approval of the variance will not render the building in violation of applicable federal, state, or local requirements;
3. Approval of the variance will not result in any increase in flood levels within any designated floodway or non-encroachment area during the base flood discharge;

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.27 Variance69F

4. The variance is issued prior to any other prerequisite permit or development approvals;
- ~~5. All of the following factors shall be considered by the BOA if an application for a flood damage prevention variance is denied:~~
- ~~A.5.~~ The danger that materials may be swept onto other lands and injure others;
- ~~B.6.~~ The danger to life and land due to flooding or erosion damage;
- ~~C.7.~~ The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual landowner;
- ~~D.8.~~ The importance of the services provided by the proposed facility to the community;
- ~~E.9.~~ The necessity to the facility of a waterfront location as a functionally-dependent facility;
- ~~F.10.~~ The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- ~~G.11.~~ The compatibility of the proposed use with existing and anticipated development;
- ~~H.12.~~ The relationship of the proposed use to the County's adopted policy guidance and the County's floodplain management program;
- ~~I.13.~~ The safety of access to the use in times of flood for ordinary emergency vehicles;
- ~~J.14.~~ The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- ~~K.15.~~ The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**c. Historic Sites or Structures**

Reconstruction or rehabilitation of structures listed on the National Register of Historic Places or the State Inventory of Historic Places may occur in a special flood hazard area without need for obtaining a variance in accordance with this subsection.

**E. Insufficient Grounds for Approving Variances**

The following factors shall not constitute sufficient grounds for approval of any variance:

1. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
2. Hardships resulting from factors other than application of requirements of this Ordinance;
3. The fact that land or a structure may be utilized more profitably or be more marketable with a variance; or
4. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

**F. Conditions of Approval**

In granting a variance, the BOA may prescribe conditions of approval to ensure compliance with the standards of this section, and to assure that the use of the land to which the variance applies will be compatible with surrounding lands and will not alter the essential character of the neighborhood.

1. A variance granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
2. Violation of a condition of approval shall be deemed a violation of this Ordinance.
3. If a violation or invalidation of a condition of approval occurs, the UDO Administrator may revoke the certificate of occupancy for the development subject to the variance.

**G. Effect**

**1. General**

Approval of a zoning variance or special flood hazard area variance authorizes only the particular regulatory relief approved by the BOA. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance are met.

**2. Notification Regarding Flood Insurance Costs**

- a. An applicant for whom a special flood hazard area variance is approved shall be provided written notice by the UDO Administrator specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is built. The notice shall inform the applicant about the risks to life and property from construction below the BFE and that issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance.
- b. The notification shall be maintained by the UDO Administrator with the record of the ~~flood~~-special flood hazard area variance action.

**3. Records**

Upon request, the UDO Administrator shall report all special flood hazard area variances approved in accordance with this section to the Federal Emergency Management Agency and the State of North Carolina.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.27 Variance69F

#### H. Amendment

Amendment of a variance may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

#### I. Expiration

1. If the BOA does not include a time period by which development subject to a zoning variance or a special flood hazard area variance expires, development shall commence within 12 months of the date of issuance of the variance or the variance shall expire and become null and void.
2. A variance shall expire and become invalid if the property owner changes development on the site such that the extraordinary and exceptional conditions that warranted the hardship and variance no longer do so.

#### J. Appeal

1. Appeal of a decision on a variance shall be subject to review by the District 1 Superior Court by proceedings in the nature of certiorari and in accordance with Section 160A-393 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.28 Vested Rights Determination 70F

2.3.28 VESTED RIGHTS DETERMINATION<sup>71</sup>

A. Purpose and Intent

The purpose for this section is to establish a clear procedure for an applicant to request vesting or protection from changes in this Ordinance that take place after approval of the application but prior to completion of an approved site-specific development plan.

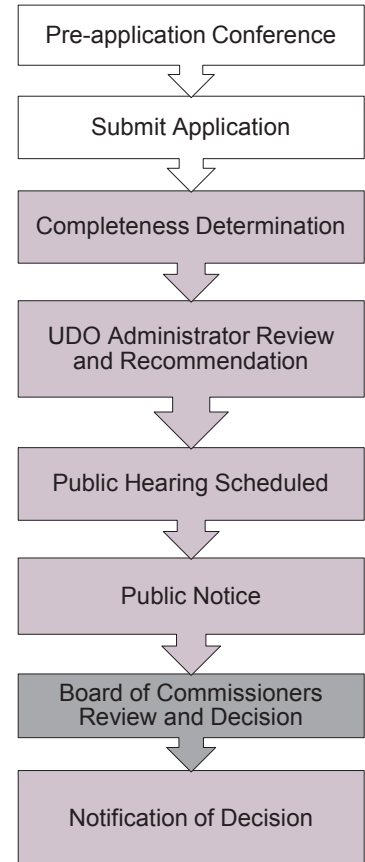
B. Applicability

1. A vested right may be established, in accordance with Section 153A-344.1 or Section 160A-385.1 of the North Carolina General Statutes, and this section.
2. A vested rights determination shall be limited to development included in a site specific development plan. For the purposes of this section, a site specific development plan may be one of the following development approvals:
  - a. Special use permits;
  - b. Preliminary plats;
  - c. Planned developments; or
  - d. Major site plans for nonresidential development.
3. An application for a vested rights determination shall be processed concurrently or after the approval of a special use permit, preliminary plat, planned development, or major site plan for nonresidential development.

C. Vested Rights Determination Procedure

1. **Pre-Application Conference**  
Required (see Section <>, Pre-Application Conference).
2. **Application Submittal**
  - a. Applicable (see Section <>, Application Submittal).
  - b. Applications may be initiated by the landowner or any person who may submit an application in accordance with Section <>, Authority to File Applications.
3. **Staff Review**
  - a. Applicable (see Section <>, Staff Review and Action).
  - b. The UDO Administrator shall review the application, prepare a staff report, and provide a recommendation in accordance with Section <>, Vested Rights Determination Review Standards.
4. **Public Notice**  
Applicable (See Section <>, Public Notice).
5. **Board of Commissioners Review and Decision**
  - a. Applicable (see Section <>, Action by Review Authority, and Section <>, Public Meetings and Hearings).
  - b. The Board of Commissioners, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section <>, Vested Rights Determination Review Standards.
  - c. The decision shall be one of the following:
    1. Approval of the vested rights determination as proposed;
    2. Approval of a revised vested rights determination; or
    3. Denial of vested rights determination.

FIGURE <> VESTED RIGHTS DETERMINATION PROCEDURE



D. Vested Rights Determination Review Standards

A vested rights determination shall be approved if:

1. The vested rights determination is for an approved site-specific development plan;
2. The development is valid and unexpired; and
3. Any required variances have been obtained.

E. Effect

1. A vested rights determination shall be approved prior to issuance of a building permit.
2. The establishment of a vested right shall not preclude the application of overlay zoning district provisions that impose additional requirements but do not affect the allowable type and intensity of use, or through

<sup>71</sup> This is a new procedure proposed to replace the standards in Section 151q.513 of the current ordinance.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.28 Vested Rights Determination70F

ordinances that are general in nature and are applicable to all property subject to land use regulation by the County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

#### F. Amendment

Amendment of vested rights determination may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

#### F. Expiration

1. A vested right determination shall expire and become null and void:
  - a. At the end of the applicable vesting period; or
  - b. If a building permit application for the development subject to the determination is not submitted within two years of the approval of the vested rights determination associated with a special use permit, preliminary plat, or major site plan, or five years of the approval of a vested rights determination associated with a planned development; or
  - c. Upon a finding by the Board of Commissioners after notice and a public hearing, that:
    1. Natural or man-made hazards on or in the immediate vicinity of the land, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated;
    2. The landowner or landowner's representative intentionally supplied inaccurate information or made material misrepresentations which affected the approval of the site specific development plan;
    3. The landowner failed to comply with any condition imposed upon the establishment of the site specific development plan or vested rights determination; or
  - d. Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant fees incurred after approval of the determination by the County, together with interest at the legal rate until paid. Compensation shall not include any diminution in the value of the land which is caused by such action; or
  - e. With the written consent of the affected landowner.
2. Upon enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific development plan, the Board of Commissioners may modify the affected provisions of the determination by ordinance, if after conducting a hearing, it finds the changed conditions created by the change in the State or federal law have a fundamental effect on the site specific development plan.

#### G. Appeal

1. Appeal of a decision on a vested rights determination shall be subject to review by the District 1 Superior Court by proceedings in the nature of certiorari and in accordance with Section 160A-393 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.29 Zoning Compliance Permit<sup>71F</sup>

2.3.29 ZONING COMPLIANCE PERMIT<sup>72</sup>

A. Purpose and Intent

The purpose of a zoning compliance permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance and all other applicable requirements.

B. Applicability

A zoning compliance permit is required before issuance of a building permit, any change in use, or commencement of activity that does not require issuance of a building permit.

C. Zoning Compliance Permit Procedure

1. Pre-Application Conference

Optional (see Section <>, Pre-Application Conference).

2. Application Submittal

Applicable (see Section <>, Application Submittal).

3. Staff Review and Action

a. Applicable (see Section 2.3.5, Staff Review and Action).

b. The UDO Administrator shall review and decide the application in accordance with Section <>, Zoning Compliance Permit Review Standards.

D. Zoning Compliance Permit Review Standards

A zoning compliance permit shall be approved on a decision the application complies with:

1. All standards or conditions of any prior applicable permits and developments approvals;
2. The applicable requirements of the Albemarle Regional Health Services; and
3. All applicable requirements of this Ordinance and in the County Code of Ordinances.

E. Conditions of Approval

Applicable (see Section <>, Conditions of Approval).

F. Effect

1. Approval of a zoning compliance permit authorizes an applicant to apply for a building permit, commence construction, or proceed with the approved development.
2. If the zoning compliance permit application is filed concurrently with a building permit application, approval of the zoning compliance permit authorizes the County to complete its review of the building permit application.

G. Amendment

Amendment of a zoning compliance permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. Expiration

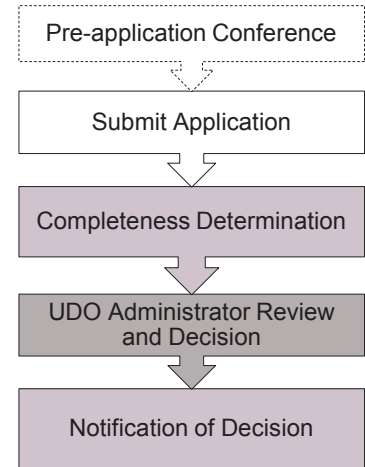
A zoning compliance permit shall expire and become null and void one years after the date of issuance if:

1. The authorized use has not commenced;
2. No substantial construction activity has taken place; or
3. Construction activities have started but the value of all construction activity is less than five percent of the estimated total cost of construction.

I. Appeal

Appeal of a decision on a zoning compliance permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section <>, Appeal.

FIGURE <> ZONING COMPLIANCE PERMIT PROCEDURE



<sup>72</sup> This section is proposed to replace Section 151.501 of the current ordinance with a zoning compliance permit. It is unclear if the current zoning permit is required for all forms of development. This proposed procedure serves as the final cross check for ensuring all forms of proposed development comply with the requirements of this Ordinance prior to issuance of a building permit, or instead of a building permit for the forms of development that do not require building permits, such as fences, walls, small accessory structures, or home occupations.



ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.30 Zoning Map Amendment<sup>72F</sup>

2.3.30 ZONING MAP AMENDMENT<sup>73</sup>

A. Purpose

This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map (OZM) whenever the public necessity, general welfare, the County’s adopted policy guidance, or appropriate land use practices justify or require doing so.

B. Zoning Map Amendment Procedure

1. Pre-Application Conference

Applicable (see Section <>, Pre-Application Conference).

2. Neighborhood Meeting

Applicable (see Section <>, Neighborhood Meeting).

3. Application Submittal

- a. Applicable (see Section <>, Application Submittal).
- b. Applications may be initiated by the Board of Commissioners, the Planning Board, the UDO Administrator, or all landowner(s) of the land in the proposed application.
- c. Applicants seeking to file an application for a zoning map amendment affecting land they do not own may request the Board of Commissioners to file the application on their behalf.
- d. Except for development where all lots shall be served by a central wastewater system, applications for a zoning map amendment shall include an evaluation from Albemarle Regional Health Services indicating that an on-site wastewater system may be used on each lot allowable under the application.
- e. In cases where an applicant seeks to establish or amend a conditional zoning district, all conditions of approval proposed by the applicant, including a mandatory conceptual development plan depicting the proposed development configuration, shall be included in with the zoning map amendment application.

4. Staff Review and Action

- a. Applicable (see Section <>, Staff Review and Action).
- b. The UDO Administrator shall review the application, prepare a staff report, and provide a recommendation in accordance with Section <>, Zoning Map Amendment Review Standards.

5. Public Notice

Applicable (see Section <>, Public Notice).

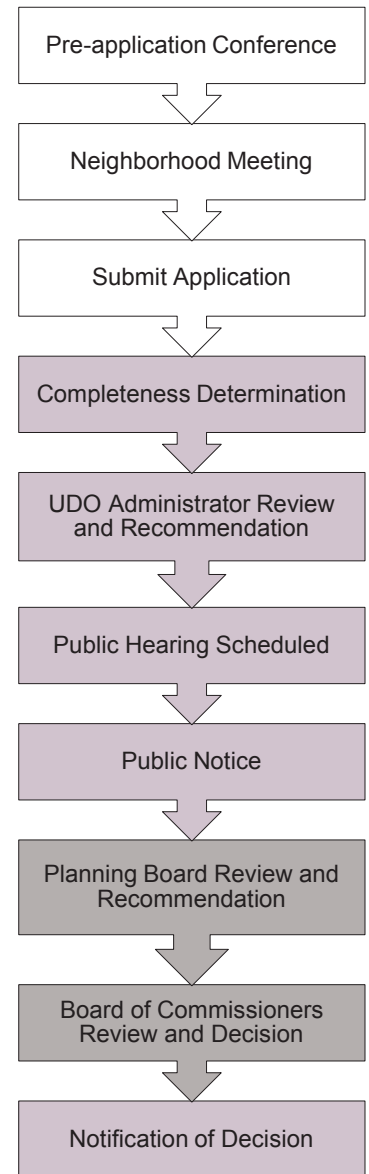
6. Review by Planning Board

- a. Applicable (see Section <>, Review by Planning Board, and Section <>, Public Meetings and Hearings).
- b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section <>, Zoning Map Amendment Review Standards.
- c. During its review of a conditional zoning district application, the Planning Board may suggest revisions to the proposed conditions (including the conceptual development plan), consistent with the provisions of Section <>, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

7. Board of Commissioners Review and Decision

- a. Applicable. (See Section <>, Action by Review Authority, and Section <>, Public Meetings and Hearings).

FIGURE <> ZONING MAP AMENDMENT PROCEDURE



<sup>73</sup> This section replaces the amendment-related provisions in Sections 151.580 through 151.586 of the current ordinance. The zoning map amendment process is distinguished from the text amendment process. The map amendment procedure has removed the distinction between major and minor map amendments in Section 151.580 of the current ordinance, and does not carry forward the current limitation on the expansion of non-residential zoning along major arterial streets in Section 151.586 of the current ordinance. This provision is drafted to recognize conditional rezoning requests (though the County may not wish to allow these kinds of applications). This procedure has been amended for compliance with Session Law 2017-18 pertaining to consistency with the adopted policy guidance.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.30 Zoning Map Amendment72F

- b. The Board of Commissioners, after the conclusion of a legislative public hearing, shall decide the application in accordance with **Section <>, Zoning Map Amendment Review Standards**.
- c. The decision shall be one of the following:
  - 1. Adoption of the zoning map amendment as proposed;
  - 2. Adoption of the zoning map amendment to a zoning district designation of lesser intensity;
  - 3. Denial of the zoning map amendment; or
  - 4. Remand of the zoning map amendment application to the Planning Board for further consideration.
- d. Unless the range of allowable uses is limited by applicant-proposed conditions associated with the zoning map amendment application, the Board of Commissioners shall not rely upon any representations made by the applicant that if the application is granted, the subject land will be used for only one use or type of uses permitted in the requested zoning district. Rather the Board of Commissioners shall consider the full range of use types allowable in the proposed zoning district designation.
- e. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
  - 1. Whether the zoning map amendment application is approved, denied, or remanded; and
  - 2. The degree to which the zoning map amendment is or is not consistent with the County's adopted policy guidance; and
  - 3. The ways in which the zoning map amendment is or is not consistent with the County's adopted policy guidance; and
  - 4. Whether approval of the zoning map amendment amends or does not amend the County's adopted policy guidance; and
  - 5. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the County that were taken into account as part of the approval; and
  - 6. An explanation of why the action taken by the Board of Commissioners is reasonable; and
  - 7. An explanation of why the action taken by the Board of Commissioners is in the public interest.

#### 8. Designation on Official Zoning Map

The UDO Administrator shall make changes to the OZM promptly after approval of a zoning map amendment application by the Board of Commissioners.

#### C. Zoning Map Amendment Review Standards

The advisability of an amendment to the OZM is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the Board of Commissioners may weigh the relevance of and consider the following:

- 1. Whether the proposed zoning map amendment advances the public health, safety, or welfare;
- 2. Whether and the extent to which the proposed rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the County's adopted policy guidance.
- 3. Whether an approval of the rezoning is reasonable and in the public interest.
- 4. Other factors as the Board of Commissioners may determine to be relevant.

#### D. Conditions of Approval

- 1. Only conditions mutually agreed to by the owner(s) of the property that is the subject of a conditional zoning district and the Board of Commissioners may be approved as part of a zoning map amendment establishing a conditional zoning district.
- 2. Conditions shall be limited to those that address conformance of development and use of the site with County regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
- 3. Conditions may be in the form of text or of plans and maps.
- 4. No condition shall be less restrictive than the standards of the parallel general use zoning district, any applicable overlay zoning district standard, or other applicable requirements in this Ordinance.

#### E. Effect

Applicable (see **Section <>, Effect**).

#### F. Amendment

Amendment of an approved rezoning may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

#### G. Appeal

- 1. Appeal of a decision on a zoning map shall be subject to review by the District 1 Superior Court.

## ARTICLE 151.2 PROCEDURES

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### Section 2.3 Specific Review Procedures

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#### 2.3.30 Zoning Map Amendment72F

2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

**ARTICLE 151.2 PROCEDURES**

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**Section 2.3 Specific Review Procedures**

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2.3.31 Reserved

**2.3.31 RESERVED**

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# ZONING DISTRICTS



## Key Changes in Article 151.3:

- Consolidates all zoning-district related information (including density and dimensional standards) into a single article
- More intuitive district names
- Increased use of graphics and example illustrations
- New purpose statements that better describe the intent and configuration of each zoning district
- Introducing a greater range of distinction between the dimensional standards in different zoning districts, particularly for lots served by public wastewater infrastructure
- New requirements for conservation subdivisions in rural zoning districts
- Wider range of uses (including mixed-uses) within village center areas
- Revision to planned development district provisions including reduction in district size, and removal of use-mix ratio requirements
- Establishment of a new commercial corridor overlay district along major highways
- No more application of most restrictive district standard to bifurcated lots

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# ARTICLE 151.3 ZONING DISTRICTS

## 3.1 GENERAL PROVISIONS<sup>74</sup>

### 3.1.1 COMPLIANCE WITH DISTRICT STANDARDS

Land in the County shall not be developed except in accordance with the zoning district regulations of this article and all other regulations of this Ordinance, including but not limited to: Article 151.4: Use Regulations, Article 151.5: Development Standards, Article 151.6: Subdivision Requirements, and Article 151.7: Environmental Provisions.

### 3.1.2 TYPES OF ZONING DISTRICTS

- A. Land within the County is classified by this Ordinance into one of a number of “general,” or “base,” zoning districts.
- B. Land in any general zoning district may also be classified into one or more “overlay” zoning districts.
- C. In cases where land is within an overlay zoning district, the standards in the overlay district apply in addition to the standards governing development in the underlying general zoning district.
- D. If the standards governing a general zoning district expressly conflict with those governing an overlay zoning district, the standards governing the overlay zoning district shall control, even if they are less restrictive.
- E. Land in the County shall be classified or reclassified into a general or overlay zoning districts only in accordance with the procedures and requirements set forth in **Section <>, Zoning Map Amendment**, or **Section <>, Planned Development**, as appropriate.

### 3.1.3 MAXIMUM DENSITY MAY BE INCREASED

Unless otherwise indicated in this Ordinance, the maximum density for a zoning district may be increased beyond the amount listed in **Section <>, Residential Districts** and **Section <>, Commercial Districts**, in accordance with the standards, incentives, and procedure in **Section <>, Sustainability Incentives**.

### 3.1.4 GENERALLY APPLICABLE DIMENSIONAL STANDARDS<sup>75</sup>

In addition to the dimensional standards in each individual zoning district, the following bulk and dimensional standards shall apply to all development in County.

#### A. Reductions Prohibited

Except where otherwise authorized by this Ordinance:

- 1. No lot shall be reduced in area below the minimum requirements for the district where located.
- 2. Lots created after **[insert the effective date of this Ordinance]** shall meet the minimum lot dimensional requirements for the district where located.

#### B. Buildings per Lot

- 1. Only one principal building per lot shall be allowed unless otherwise authorized by this Ordinance.
- 2. No more than one principal building devoted to a residential use shall be allowed on a lot except as part of a duplex, triplex, quadraplex, attached-residential, or multi-family development.
- 3. Two or more principal structures devoted to a non-residential use may be located on a lot, provided that access to each structure is directly available from a public street. If access to each structure from a public street is not available, a 20-foot-wide or wider access easement shall be recorded and maintained from a public street to each structure for use by service or emergency vehicles.

#### C. Required Yards

- 1. The land area between a lot line and the boundary of a required setback is considered as a required yard.
- 2. The location of front, side, or rear yards on irregularly-shaped lots shall be determined by the UDO Administrator in accordance with **Section <>, Rules of Measurement**. Wherever possible, the UDO Administrator shall interpret these boundaries in ways that minimize nonconformities.
- 3. Except where otherwise provided in **Section <>, Setback Encroachments**, required yards shall not be subject to encroachment by a building, structure, or outdoor use area.
- 4. In no instance shall a required yard for one lot be used to meet the yard requirements for another lot.

<sup>74</sup> NOTE TO STAFF: This is a new section that establishes the types of zoning districts, and set out the general parameters applicable to all districts. It is typical to include language explaining the relationship of general zoning districts to conditional zoning districts, though the current UDO does not address conditional rezonings (though there are provisions dealing with applicant-proposed conditions in the zoning map amendment procedure). Additional discussion is necessary regarding the County's desire to allow applicants to request conditional rezonings.

<sup>75</sup> NOTE TO STAFF: Page 57 of the Evaluation Report suggests carrying forward the average setback provisions in the current ordinance. Many of the setback standards in the more suburban and central districts have already been reduced, and as a result the need for average setbacks may be removed. Additional discussion is needed on this issue.

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.2 General Zoning Districts Established<sup>75F</sup>**

3.2.1 Organization of District Standards

**3.2 GENERAL ZONING DISTRICTS ESTABLISHED<sup>76</sup>**

Table <>, General Zoning Districts Established, sets out the general zoning districts established by the Ordinance. Zoning districts are grouped into Special, Residential, Commercial, Industrial, and Planned Development Districts.

<b>TABLE &lt;&gt;: GENERAL ZONING DISTRICTS ESTABLISHED</b>	
<b>DISTRICT ABBREVIATION</b>	<b>DISTRICT NAME</b>
<b>SPECIAL DISTRICTS</b>	
CP	Conservation & Protection
<b>RESIDENTIAL DISTRICTS</b>	
WL	Working Lands
RR	Rural Residential
SR	Suburban Residential
NR	Neighborhood Residential
VR	Village Residential
<b>COMMERCIAL DISTRICTS</b>	
CC	Crossroads Commercial
VC	Village Commercial
HC	Highway Commercial
MC	Maritime Commercial
MX	Mixed-Use
LI	Light Industrial
HI	Heavy Industrial
<b>PLANNED DEVELOPMENT</b>	
PD	Planned Development

**3.2.1 ORGANIZATION OF DISTRICT STANDARDS**

- A.** Sections 3.4 through 3.9 set out the general purposes of each group of zoning districts and contain subsections that set out the specific purpose, density, and dimensional standards for each individual zoning district.
- B.** Each district includes a summary table of dimensional standards that include letters inside black circles. The black circles in the dimensional standards table correspond to the black circles depicted in the district graphics.
- C.** The building form, lot pattern, and development examples diagrams are for illustrative purposes only. In cases where an image conflicts with the text, the text of this Ordinance shall control.
- D.** The range of allowable uses for each general zoning district are identified in **Table <>, Principal Use Table**.
- E.** Some zoning districts include district-specific standards that apply to all lands in the particular zoning district classification.

<sup>76</sup> This district listing is described on Page 52 of the Evaluation Report, and carries forward the County's current district structure with few changes (except for district name changes and the addition of a new mixed-use district for use in village centers). Key changes between the current regulations and this proposed draft are detailed on Page 52 of the Evaluation Report and in the endnotes for each district located on the last page of this draft Ordinance.

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.3 Official Zoning Map76F

#### 3.3.1 General77F

## 3.3 OFFICIAL ZONING MAP<sup>77</sup>

### 3.3.1 GENERAL<sup>78</sup>

- A. The Official Zoning Map (OZM) designates the location and boundaries of the various zoning districts established in this Ordinance.
- B. The OZM shall be maintained in a digital format and paper copies shall be kept on file in the Planning Department and are available for public inspection during normal business hours.
- C. The digital version of the OZM maintained in the offices of the Planning Department shall be the final authority as to the status of the current zoning district classification of land in the County's planning jurisdiction, and shall only be amended in accordance with **Section <>, Zoning Map Amendment**, or **Section <>, Planned Development**, as appropriate.
- D. The UDO Administrator shall maintain digital copies of superseded versions of the OZM for historical reference, as appropriate.

### 3.3.2 INCORPORATED BY REFERENCE

- A. The Official Zoning Map dated December 20, 1993, as amended, is hereby incorporated by reference herein and made part of this Ordinance.
- B. The Flood Insurance Rate Maps (FIRM) prepared by FEMA and the associated Flood Insurance Study (FIS) are hereby incorporated by reference herein and made part of this Ordinance.

### 3.3.3 INTERPRETATION OF BOUNDARIES<sup>79</sup>

The UDO Administrator shall be responsible for determination of boundaries on the OZM in accordance with the standards in **Section <>, Interpretation**, and the following standards:

- A. Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way.
- B. If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
- C. Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the lot line.
- D. Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
- E. Boundaries shown as approximately following shorelines of a river, stream, or lake shall be interpreted to follow the mean high water line, even in the event of change.
- F. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.
- G. If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the Official Zoning Map's scale to determine the boundary's distance from other features shown on the map. In the case of flood hazard boundaries, the FEMA work maps, if available, shall be used for scaling.
- H. Where the actual location of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances are not covered by this subsection, the UDO Administrator shall have the authority to determine the district boundaries (see **Section <>, Interpretation**).
- I. Interpretations of the special flood hazard area boundary shall be made by the Floodplain Administrator, in accordance with the standards in **Section <>, Special Flood Hazard Area**.

<sup>77</sup> NOTE TO STAFF: During preparation of the Evaluation Report, the issue of an annual re-certification of the Official Zoning Map by the BOC was raised as a possibility for consideration since the map is in digital form. While this is not a legal requirement, it could be something undertaken by the County. If the UDO includes the requirement and the recertification is not completed, it could create legal exposure. Nonetheless, we will be happy to include a subsection on this process in Section 3.3.

<sup>78</sup> This section replaces Section 151.045 of the current UDO except that it recognizes the GIS-based digital zoning map. Section 151.047 related to lots divided by district lines is not carried forward since the OZM is now digital and can display very fine-grained details of the zoning map like bifurcated zoning.

<sup>79</sup> This section replaces Section 151.533 of the current ordinance and authorizes the UDO Administrator to interpret the Official Zoning Map.

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.3 Official Zoning Map76F

#### 3.3.4 Changes to Official Map79F

- J. Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.

#### 3.3.4 CHANGES TO OFFICIAL MAP<sup>80</sup>

- A. Changes made in zoning district boundaries on the OZM shall be considered an amendment to this Ordinance and are made in accordance with **Section <>, Zoning Map Amendment** or **Section <>, Planned Development**, as appropriate. Changes to the OZM approved by the Board of Commissions shall be entered on the OZM by the UDO Administrator promptly after the approval. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the UDO Administrator shall enter the boundary on the Official Zoning Map in accordance with the ordinance wording.
- B. Upon entering the most recently-approved amendment on the OZM, the UDO Administrator shall also change the date of the map to indicate the date of its latest revision.

<sup>80</sup> This section replaces Section 151.046 of the current ordinance.

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.4 Special Districts**

3.4.1 Conservation and Protection (CP) District266F

**3.4 SPECIAL DISTRICTS**

**3.4.1 CONSERVATION AND PROTECTION (CP) DISTRICT<sup>i</sup>**

<h1 style="margin: 0;">CP</h1> <h1 style="margin: 0;">Conservation &amp; Protection</h1>	<b>A. Purpose Statement</b>	
	<p>The Conservation and Protection (CP) district is established to preserve and protect natural resources and areas of environmental concern (like the Great Dismal Swamp). The district is intended to protect swamps, wetlands, and riparian corridors from erosion and sedimentation; retain and protect environmentally-sensitive areas; protect archeological resources from disturbance; and preserve and maintain the aesthetic qualities and appearance of the County. The district allows low-impact recreational facilities (trails, boardwalks, docks, boat launches), visitor or interpretive centers, accessways, utilities, erosion control features, and public parks, along with typical accessory uses such as restrooms, or off-street parking areas. The district does not permit residential or commercial development, marinas, or on-site wastewater treatment. Agricultural activities may be permitted as special uses.</p>	
<b>B. Dimensional Requirements</b>		
#	STANDARD TYPE	REQUIREMENT
	Maximum Residential Density (units/acre)	N/A
	Minimum Lot Area (square feet)	N/A
	Minimum Lot Width (feet)	N/A
<b>A</b>	Maximum Lot Coverage (% of lot area)	24 [1]
<b>B</b>	Minimum Front Setback (feet)	100
<b>C</b>	Minimum Corner Side Setback (feet)	100
<b>D</b>	Minimum Interior Side Setback (feet)	25
<b>E</b>	Minimum Rear Setback (feet)	25
<b>F</b>	Minimum Principal Building Setback, Front-to-Back (feet) [2]	40
<b>G</b>	Minimum Principal Building Setback, Side-to-Side (feet) [2]	20
<b>H</b>	Minimum Accessory Building Setback (feet)	20
<b>I</b>	Maximum Building Height (feet)	15
<p><b>NOTES:</b>                  [1] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.                  [2] Applied in cases where there are two or more principal buildings on the same lot.</p>		



ARTICLE 151.3 ZONING DISTRICTS

Section 3.4 Special Districts

3.4.1 Conservation and Protection (CP) District 266F

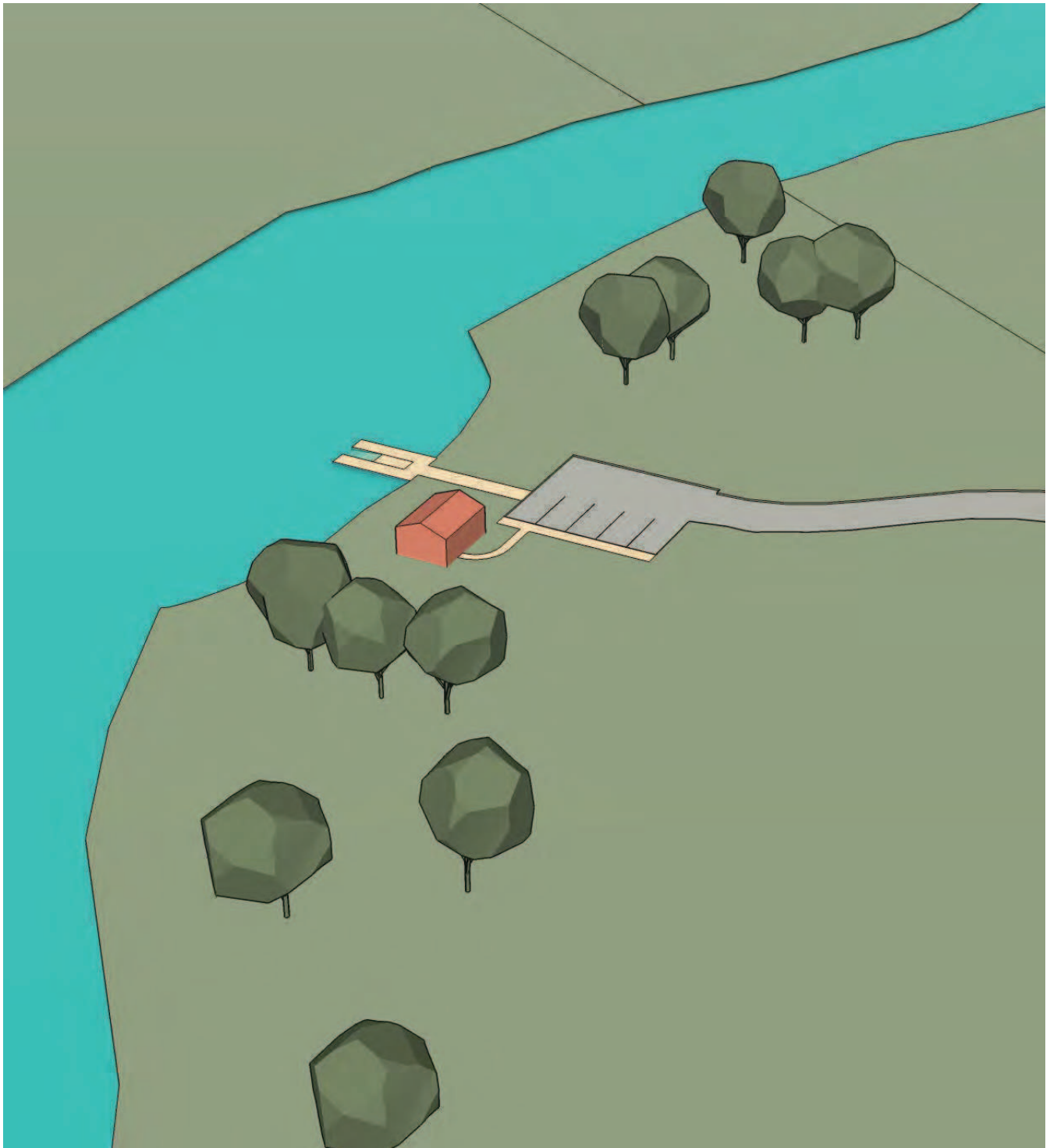
C. Lot Pattern Example	D. District Dimensional Standards
	
E. Preferred Development Examples	
  	

ARTICLE 151.3 ZONING DISTRICTS

Section 3.4 Special Districts

3.4.1 Conservation and Protection (CP) District 266F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

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**Section 3.4 Special Districts**

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3.4.2 Reserved

**3.4.2 RESERVED**

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## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.5 Residential Districts<sup>80F</sup>

#### 3.5.1 General Purpose and Intent

## 3.5 RESIDENTIAL DISTRICTS<sup>81</sup>

### 3.5.1 GENERAL PURPOSE AND INTENT

The residential zoning districts included in this section are proposed to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. Development in a residential district is expected to remain compatible with residential uses and promote local community character. More specifically, these standards are intended to:

- A. Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies in the County's adopted policy guidance;
- B. Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- C. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
- D. Provide for increased residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
- E. Ensure adequate stormwater management facilities are installed to prevent flooding, property damage, and potential loss of life;
- F. Provide for safe and efficient vehicular access and circulation and promote bicycle- and pedestrian-friendly neighborhoods;
- G. Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;
- H. Create neighborhoods and preserve existing community character while accommodating new development and redevelopment consistent with the County's goals and objectives; and
- I. Preserve the unique character and historic resources of the traditional neighborhoods and the community.

<sup>81</sup> This section replaces the standards in Section 151.030 of the current ordinance. It provides more detail on the district purpose and intent statements and consolidates district purpose statements, district standards, and dimensional standards into a single location.

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts80F**

3.5.2 Working Lands (WL) District267F

**3.5.2 WORKING LANDS (WL) DISTRICT<sup>ii</sup>**

**WL  
Working  
Lands**

**A. Purpose Statement**

The Working Lands (WL) district is established to accommodate agriculture, agriculturally-related uses, and limited forms residential development at very low densities in rural portions of the County. The district is primarily intended to preserve and protect bona fide farms and resource lands for current or future agricultural use as well as to protect the rural character of the area. One of the primary tools for character protection is the requirement to configure residential subdivisions of ~~five or more~~ **than five** lots. The conservation subdivision approach seeks to minimize the visibility of new residential development from adjacent roadways through proper placement and screening, and allows farmers to capture a portion of the land’s development potential while continuing to farm. Conservation subdivisions allow a portion of a tract or site to be developed with single-family detached homes while the balance of the site is left as conservation or agricultural land. The district also accommodates a wide range of agricultural and agricultural-related uses like “agri-tourism” as well as service and support uses to the rural community, including day care, educational uses, public safety facilities, parks, and utility features.

**B. Dimensional Requirements**

#	STANDARD TYPE	REQUIREMENTS FOR TRADITIONAL DEVELOPMENT	REQUIREMENTS FOR CONSERVATION SUBDIVISIONS [1]
<b>A</b>	Minimum Development Size (acres)	N/A	10
<b>B</b>	Maximum Residential Density (units/acre)	0.2	1
<b>C</b>	Minimum Lot Area (acres)	5	1
<b>D</b>	Minimum Lot Width (feet) [2]	300	60
<b>E</b>	Maximum Lot Coverage (% of lot area) [3]	24	<del>72</del> <b>24</b>
<b>F</b>	Minimum Open Space (% of development size) [4]	15	50
<b>G</b>	Minimum Front Setback (feet)	50	20
<b>H</b>	Minimum Corner Side Setback (feet)	50	20
<b>I</b>	Minimum Interior Side Setback (feet)	25	10
<b>J</b>	Minimum Rear Setback (feet)	25	15
<b>K</b>	Minimum Principal Building Setback, Front-to-Back (feet) [5]	20	10
<b>L</b>	Minimum Principal Building Setback, Side-to-Side (feet) [5]	15	5
<b>M</b>	Minimum Accessory Building Setback (feet)	10	3
<b>N</b>	Minimum Setback from Agricultural Activity (feet) [6]	50	50
<b>O</b>	Maximum Building Height (feet)	35 [7]	35

**NOTES:**



- [1] Residential developments of five or more lots shall be configured as a conservation subdivision in accordance with the standards in [Section <>, Conservation Subdivision](#).
- [2] Lots on a cul-de-sac street shall maintain a minimum frontage of 35 feet and shall maintain 80 percent of the required minimum lot width at a point located 50 feet from the street right-of-way edge.
- [3] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.
- [4] Applied to residential subdivision and nonresidential developments.
- [5] Applied in cases where there are two or more principal buildings on the same lot.
- [6] Setback is applied from the perimeter of agricultural activity occurring on the same or an adjacent lot.
- [7] Maximum building height may be increased to 50 feet for agricultural or agricultural-related uses.



ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts80F

3.5.2 Working Lands (WL) District267F

C. Lot Pattern Example	D. District Dimensional Standards
	
<p>E. Preferred Development Examples</p>	
	

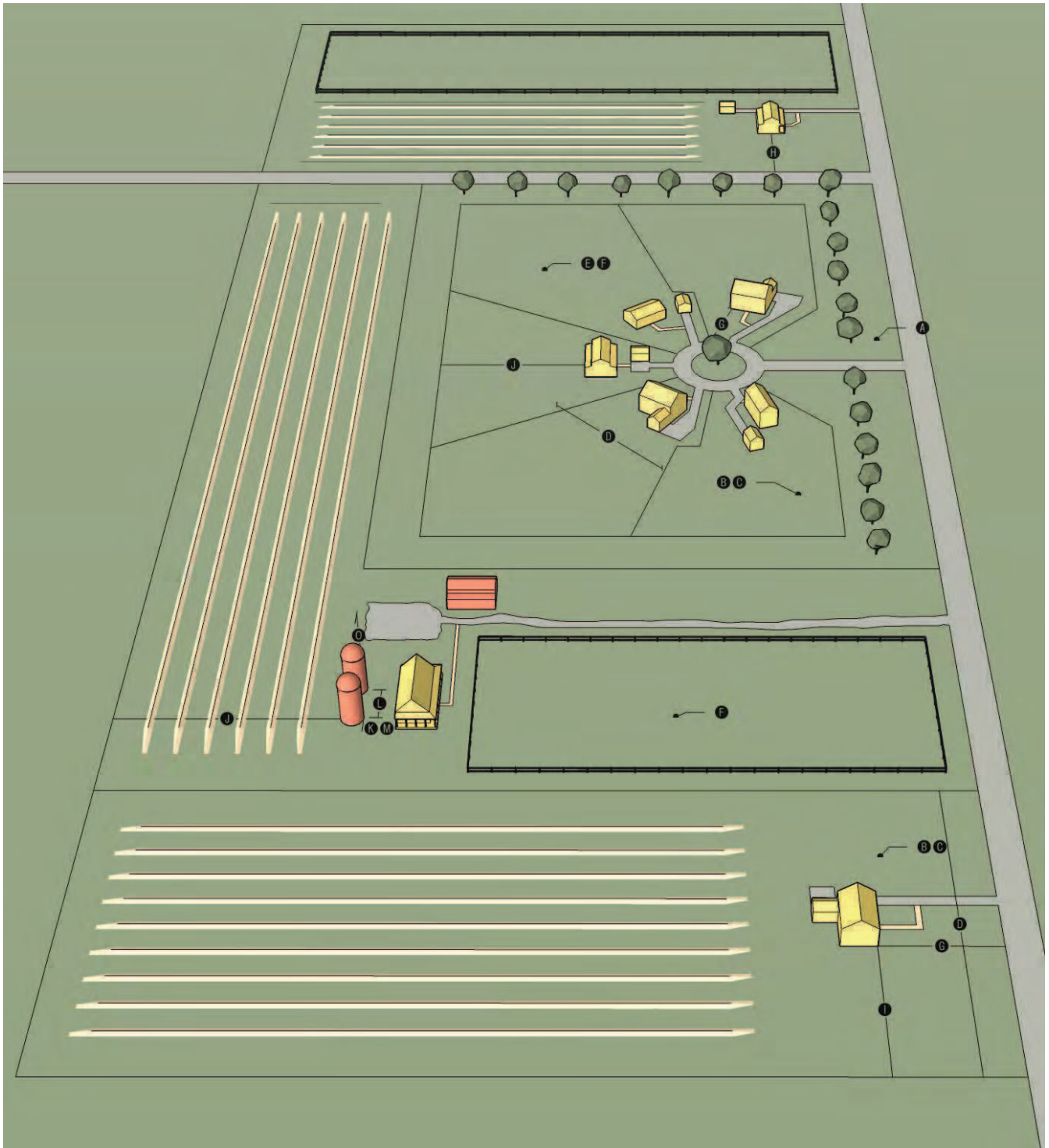


ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts80F

3.5.2 Working Lands (WL) District267F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts80F**

3.5.3 Rural Residential (RR) District268F

**3.5.3 RURAL RESIDENTIAL (RR) DISTRICT<sup>iii</sup>**

<h1 style="margin: 0;">RR</h1> <h1 style="margin: 0;">Rural</h1> <h1 style="margin: 0;">Residential</h1>	<b>A. Purpose Statement</b>
	<p>The Rural Residential (RR) district is established to accommodate low density residential neighborhoods and supporting uses on lots near bona fide farms and agricultural areas in the rural portion of the County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity or negatively impact the rural character of the County. One of the primary tools for character protection is the requirement to configure residential subdivisions of <del>five or more</del> <b>than five</b> lots. The conservation subdivision approach seeks to minimize the visibility of new residential development from adjacent roadways through proper placement and screening. The district accommodates several differing agricultural uses, manufactured and mobile homes on individual lots, and single-family detached homes. It also allows supporting uses like educational facilities, parks, public safety facilities, and utilities. District regulations discourage uses that interfere with the development of residential dwellings or that are detrimental to the rural nature of the district.</p>

B. Dimensional Requirements			
#	STANDARD TYPE	REQUIREMENTS FOR TRADITIONAL DEVELOPMENT	REQUIREMENTS FOR CONSERVATION SUBDIVISIONS [1]
<b>A</b>	Minimum Development Size (acres)	N/A	10
<b>B</b>	Maximum Residential Density (units/acre)	0.5	1
<b>C</b>	Minimum Lot Area (acres)	2	1
<b>D</b>	Minimum Lot Width (feet) [2]	125	60
<b>E</b>	Maximum Lot Coverage (% of lot area) [3]	24	<del>24</del> <b>72</b>
<b>F</b>	Minimum Open Space (% of development size) [4]	15	50
<b>G</b>	Minimum Front Setback (feet)	50	20
<b>H</b>	Minimum Corner Side Setback (feet)	50	20
<b>I</b>	Minimum Interior Side Setback (feet)	25	10
<b>J</b>	Minimum Rear Setback (feet)	25	15
<b>K</b>	Minimum Principal Building Setback, Front-to-Back (feet) [5]	20	10
<b>L</b>	Minimum Principal Building Setback, Side-to-Side (feet) [5]	15	5
<b>M</b>	Minimum Accessory Building Setback (feet)	10	3
<b>N</b>	Minimum Setback from Agricultural Activity (feet) [6]	50	50
<b>O</b>	Maximum Building Height (feet)	35 [7]	35

**NOTES:**

[1] Residential developments of five or more lots shall be configured as a conservation subdivision in accordance with the standards in [Section <>, Conservation Subdivision](#).

[2] Lots on a cul-de-sac street shall maintain a minimum frontage of 35 feet and shall maintain 80 percent of the required minimum lot width at a point located 50 feet from the street right-of-way edge.

[3] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.

[4] Applied to residential subdivision and nonresidential developments.

[5] Applied in cases where there are two or more principal buildings on the same lot.


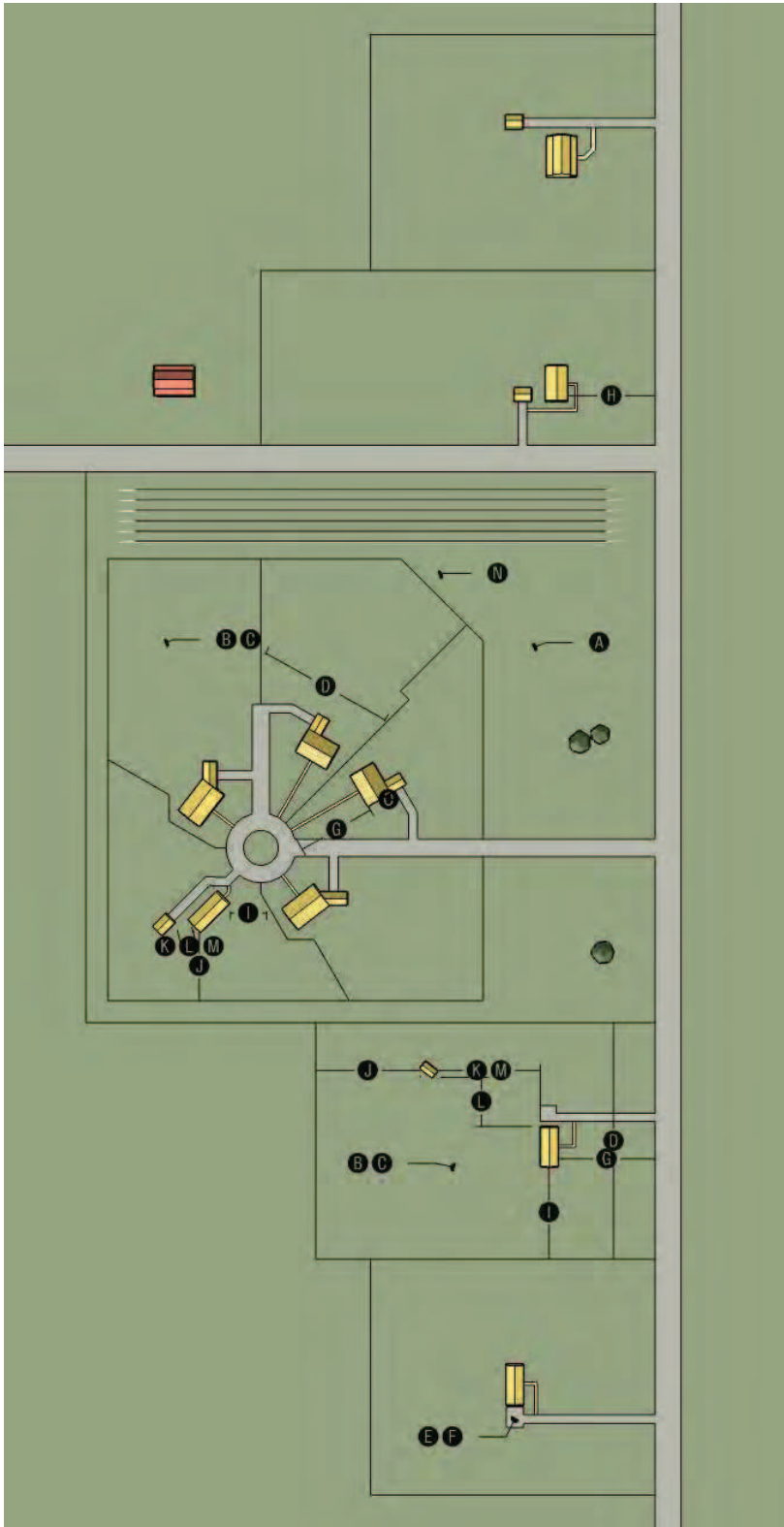



[6] Setback is applied from the perimeter of agricultural activity occurring on the same or an adjacent lot.

[7] Maximum building height may be increased to 50 feet for agricultural or agricultural-related uses.

ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts80F

3.5.3 Rural Residential (RR) District268F

C. Lot Pattern Example	D. District Dimensional Standards
	
E. Preferred Development Examples	
	
	
	

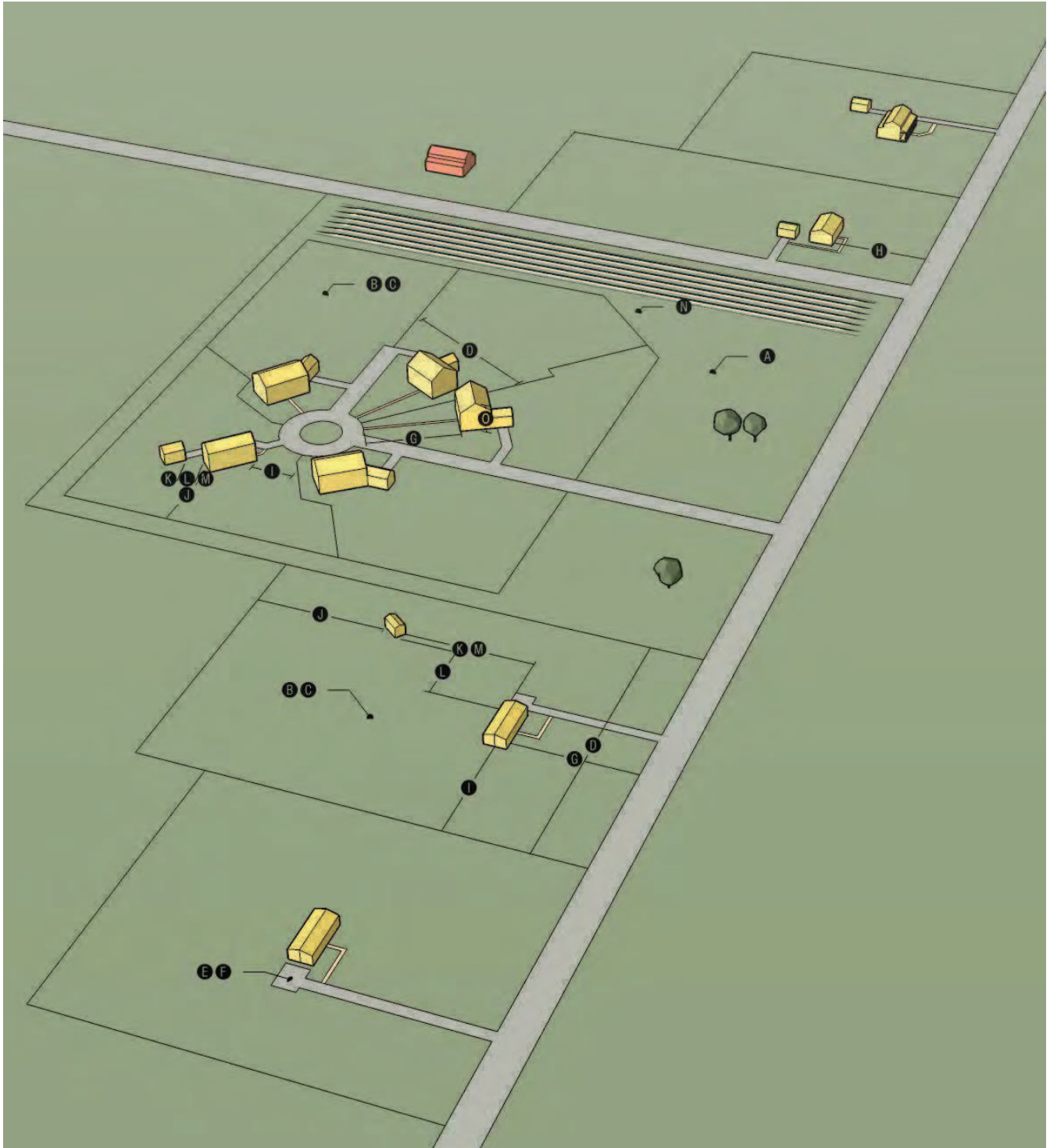


ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts80F

3.5.3 Rural Residential (RR) District268F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts80F**

3.5.4 Suburban Residential (SR) District269F

**3.5.4 SUBURBAN RESIDENTIAL (SR) DISTRICT<sup>iv</sup>**

<h1 style="margin: 0;">SR</h1> <h2 style="margin: 0;">Suburban Residential</h2>	<b>A. Purpose Statement</b>
	<p>The Suburban Residential (SR) district is the County’s primary district for suburban residential neighborhoods located along primary roadways, shoreline areas, and in locations bordering rural areas. The district has a one-acre minimum lot area requirement, which is the basic threshold size for lots with on-site wastewater systems. Use of the conservation subdivision configuration is optional for residential subdivisions of <del>five more than five lots or more</del>. While the district allows single-family detached homes, mobile homes on individual lots are prohibited and manufactured homes on individual lots require approval of a special use permit. Nonconforming mobile homes may remain but may not be expanded or replaced with another mobile home. The district accommodates equestrian uses, utilities, as well as various neighborhood-supporting institutional uses such as parks, schools, and public safety facilities. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the suburban nature of the district.</p>

**B. Dimensional Requirements**

#	STANDARD TYPE	REQUIREMENTS FOR TRADITIONAL DEVELOPMENT	REQUIREMENTS FOR CONSERVATION SUBDIVISIONS
<b>A</b>	Minimum Development Size (acres)	N/A	10
<b>B</b>	Maximum Residential Density (units/acre)	1	1
<b>C</b>	Minimum Lot Area (acres)	2	1
<b>D</b>	Minimum Lot Width (feet) [2]	125	60
<b>E</b>	Maximum Lot Coverage (% of lot area) [3]	24	<del>72</del> 24
<b>F</b>	Minimum Open Space (% of development size) [4]	15	50
<b>G</b>	Minimum Front Setback (feet)	25	20
<b>H</b>	Minimum Corner Side Setback (feet)	25	20
<b>I</b>	Minimum Interior Side Setback (feet)	10	10
<b>J</b>	Minimum Rear Setback (feet)	10	10
<b>K</b>	Minimum Principal Building Setback, Front-to-Back (feet) [5]	15	10
<b>L</b>	Minimum Principal Building Setback, Side-to-Side (feet) [5]	10	5
<b>M</b>	Minimum Accessory Building Setback (feet)	10	3
<b>N</b>	Minimum Setback from Agricultural Activity (feet) [6]	50	50
<b>O</b>	Maximum Building Height (feet)	35	35

**NOTES:**

[1] Residential developments of five or more lots shall be configured as a conservation subdivision in accordance with the standards in [Section <>, Conservation Subdivision](#).

[2] Lots on a cul-de-sac street shall maintain a minimum frontage of 35 feet and shall maintain 80 percent of the required minimum lot width at a point located 50 feet from the street right-of-way edge.

[3] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.

[4] Applied to residential subdivision and nonresidential developments.

[5] Applied in cases where there are two or more principal buildings on the same lot.

[6] Setback is applied from the perimeter of agricultural activity occurring on the same or an adjacent lot.

ARTICLE 151.3 ZONING DISTRICTS

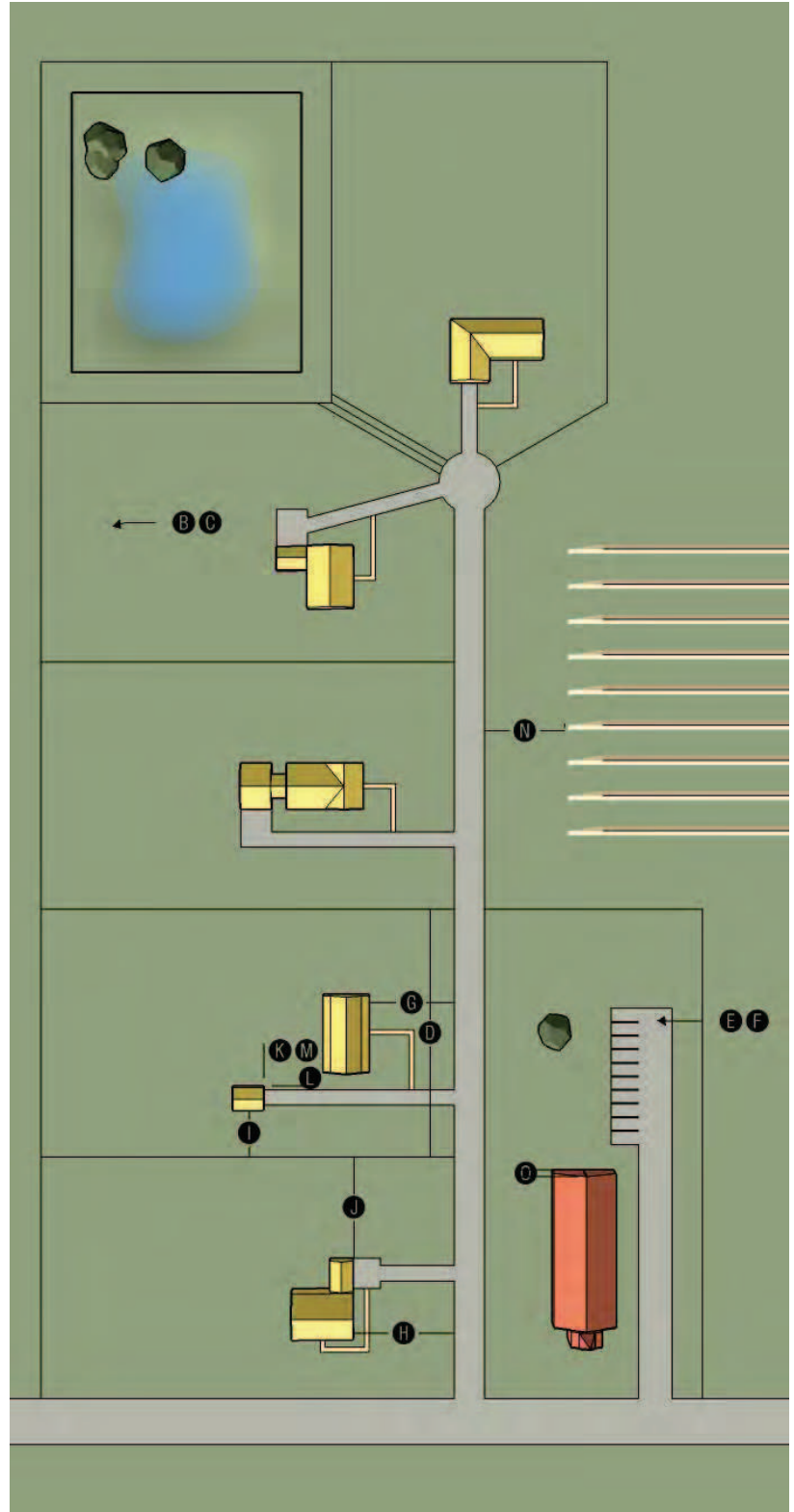
Section 3.5 Residential Districts80F

3.5.4 Suburban Residential (SR) District269F

C. Lot Pattern Example



D. District Dimensional Standards



E. Preferred Development Examples



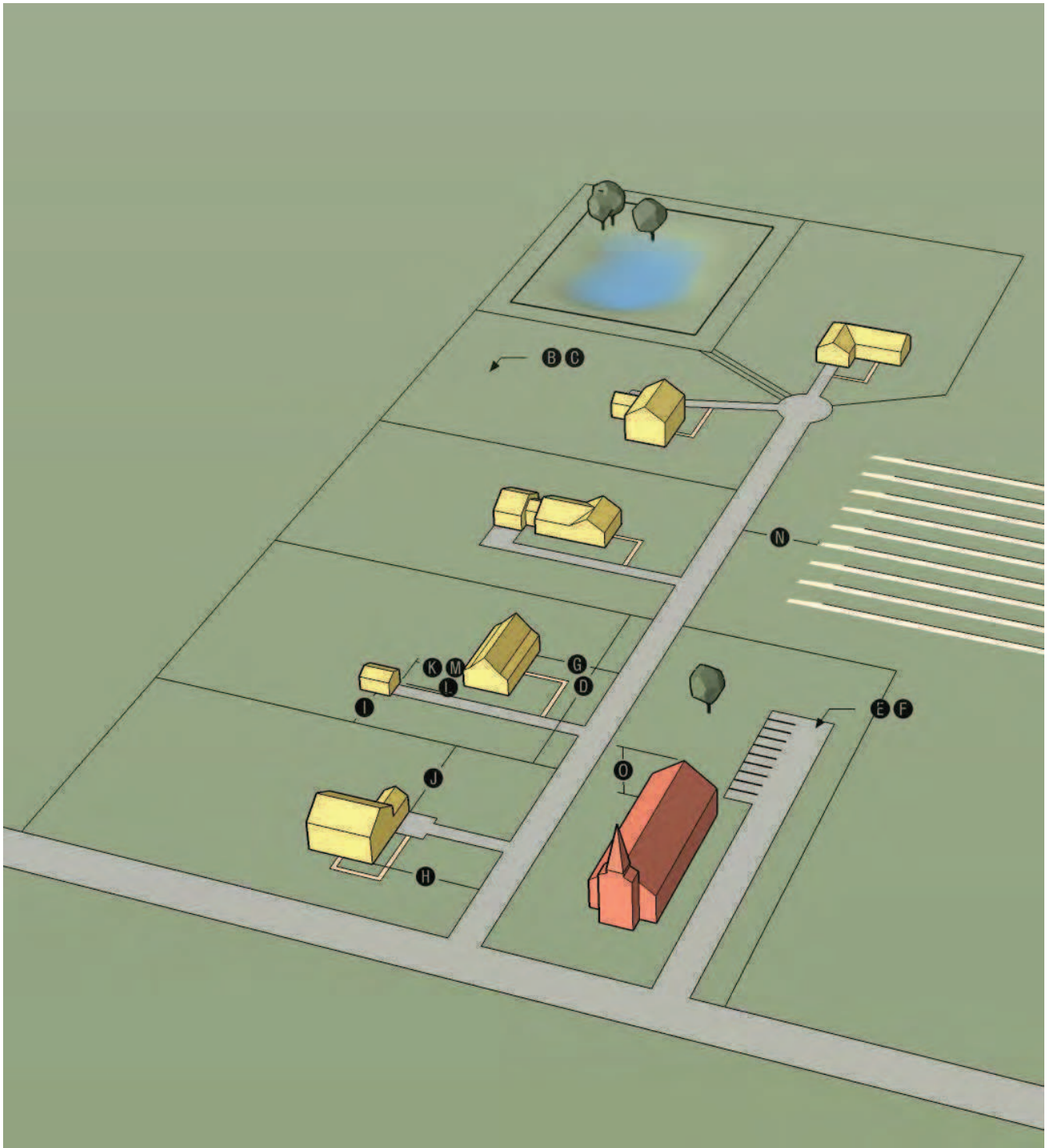


ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts80F

3.5.4 Suburban Residential (SR) District269F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts80F**

3.5.5 Neighborhood Residential (NR) District270F

**3.5.5 NEIGHBORHOOD RESIDENTIAL (NR) DISTRICT<sup>v</sup>**

<h1 style="margin: 0;">NR</h1> <h1 style="margin: 0;">Neighborhood Residential</h1>		<p><b>A. Purpose Statement</b></p> <p>The Neighborhood Residential (NR) district serves as a transition district from the rural and suburban portions of the County to areas proximate to village centers and major commercial corridors. The district is intended to accommodate single-family detached homes in a neighborhood setting at moderate densities. Mobile and manufactured homes on individual lots, conservation subdivisions, and agricultural uses are limited in order to preserve the district’s neighborhood character. These uses are nonconforming and may remain, but not be replaced or expanded. The district’s 40,000-square-foot minimum lot area may be reduced when lots are within one mile of a designated village center boundary and served by public sewer. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the district’s single-family detached neighborhood character.</p>																																								
		<p><b>B. Dimensional Requirements</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">#</th> <th style="width: 60%;">STANDARD TYPE</th> <th style="width: 35%;">REQUIREMENT</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A</td> <td>Maximum Residential Density (units/acre)</td> <td style="text-align: center;">1.08 [1]</td> </tr> <tr> <td style="text-align: center;">B</td> <td>Minimum Lot Area (square feet)</td> <td style="text-align: center;">40,000 [2]</td> </tr> <tr> <td style="text-align: center;">C</td> <td>Minimum Lot Width (feet) [3]</td> <td style="text-align: center;">125 [4]</td> </tr> <tr> <td style="text-align: center;">D</td> <td>Maximum Lot Coverage (% of lot area)</td> <td style="text-align: center;">24 [5]</td> </tr> <tr> <td style="text-align: center;">E</td> <td>Minimum Open Space (% of development area)</td> <td style="text-align: center;">15</td> </tr> <tr> <td style="text-align: center;">F</td> <td>Minimum Front Setback (feet)</td> <td style="text-align: center;">25 [6]</td> </tr> <tr> <td style="text-align: center;">G</td> <td>Minimum Corner Side Setback (feet)</td> <td style="text-align: center;">25 [6]</td> </tr> <tr> <td style="text-align: center;">H</td> <td>Minimum Interior Side Setback (feet)</td> <td style="text-align: center;">10</td> </tr> <tr> <td style="text-align: center;">I</td> <td>Minimum Rear Setback (feet)</td> <td style="text-align: center;">10</td> </tr> <tr> <td style="text-align: center;">J</td> <td>Minimum Principal Building Setback, Front-to-Back (feet) [7]</td> <td style="text-align: center;">15</td> </tr> <tr> <td style="text-align: center;">K</td> <td>Minimum Principal Building Setback, Side-to-Side (feet) [7]</td> <td style="text-align: center;">10</td> </tr> <tr> <td style="text-align: center;">L</td> <td>Minimum Accessory Building Setback (feet)</td> <td style="text-align: center;">10</td> </tr> <tr> <td style="text-align: center;">M</td> <td>Maximum Building Height (feet)</td> <td style="text-align: center;">35</td> </tr> </tbody> </table>	#	STANDARD TYPE	REQUIREMENT	A	Maximum Residential Density (units/acre)	1.08 [1]	B	Minimum Lot Area (square feet)	40,000 [2]	C	Minimum Lot Width (feet) [3]	125 [4]	D	Maximum Lot Coverage (% of lot area)	24 [5]	E	Minimum Open Space (% of development area)	15	F	Minimum Front Setback (feet)	25 [6]	G	Minimum Corner Side Setback (feet)	25 [6]	H	Minimum Interior Side Setback (feet)	10	I	Minimum Rear Setback (feet)	10	J	Minimum Principal Building Setback, Front-to-Back (feet) [7]	15	K	Minimum Principal Building Setback, Side-to-Side (feet) [7]	10	L	Minimum Accessory Building Setback (feet)	10	M
#	STANDARD TYPE	REQUIREMENT																																								
A	Maximum Residential Density (units/acre)	1.08 [1]																																								
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J	Minimum Principal Building Setback, Front-to-Back (feet) [7]	15																																								
K	Minimum Principal Building Setback, Side-to-Side (feet) [7]	10																																								
L	Minimum Accessory Building Setback (feet)	10																																								
M	Maximum Building Height (feet)	35																																								
<p><b>NOTES:</b></p> <p>[1] Maximum residential density may be increased to 1.45 units per acre on lots served by public sewer and within 5,280 linear feet of a designated village center.</p> <p>[2] Minimum lot area may be reduced to 30,000 square feet on lots served by public sewer and located within 5,280 liner feet from a designated village center boundary.</p> <p>[3] Lots on a cul-de-sac street shall maintain a minimum frontage of 35 feet and shall maintain 80 percent of the required minimum lot width at a point located 50 feet from the street right-of-way edge.</p> <p>[4] May be reduced to 100 feet on lots on lots served by public sewer and located within 5,280 liner feet from a designated village center boundary.</p> <p>[5] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.</p> <p>[6] Setbacks are increased to 50 feet for lots along an arterial street (US 17, US 158, NC 34, NC 343, Old Swamp Road, Sandy Hook Road).</p> <p>[7] Applied in cases where there are two or more principal buildings on the same lot.</p>																																										

ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts80F

3.5.5 Neighborhood Residential (NR) District270F

<p><b>C. Lot Pattern Example</b></p>	<p><b>D. District Dimensional Standards</b></p>
	
<p><b>E. Preferred Development Examples</b></p>	
	
	
	

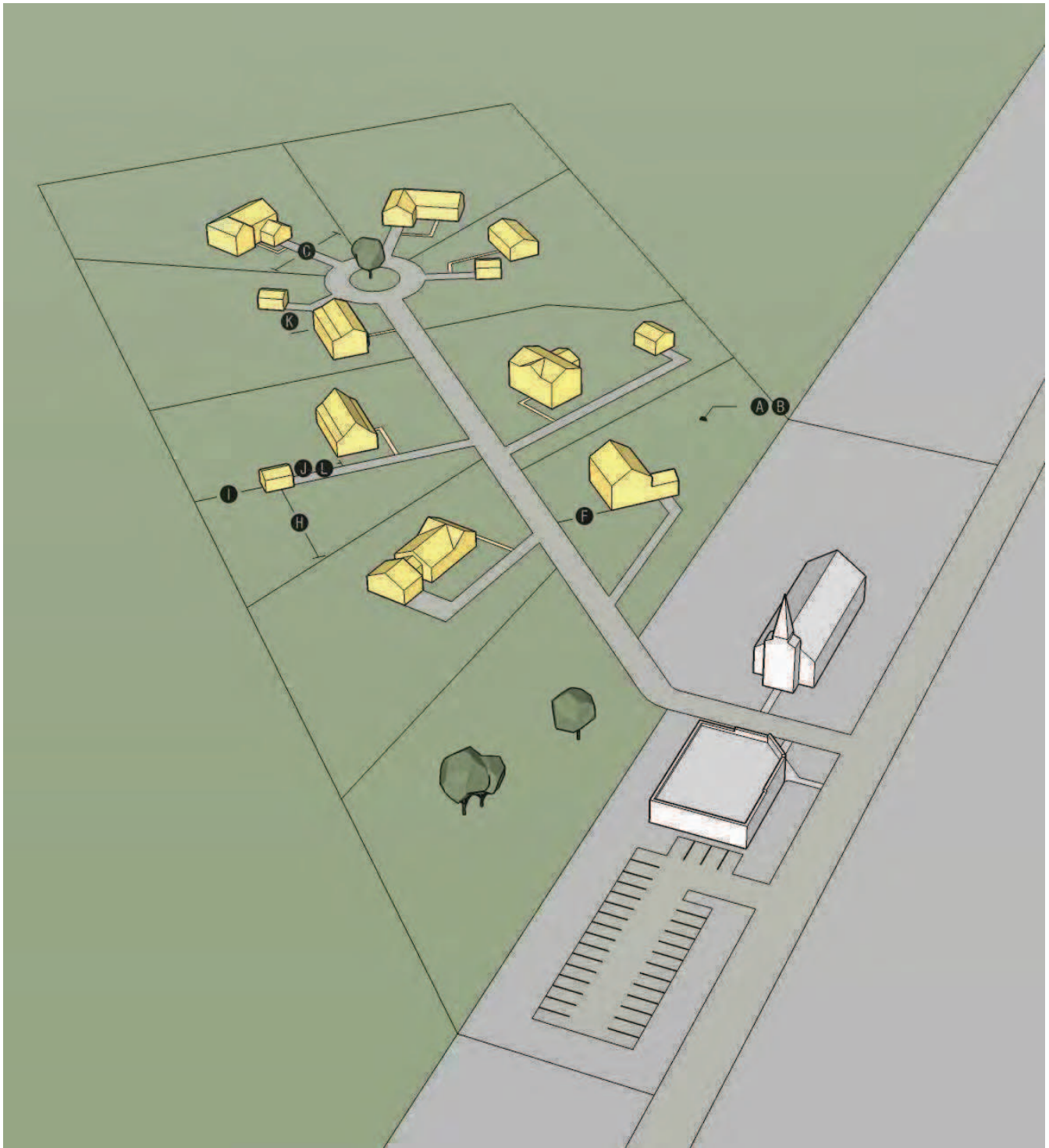


ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts80F

3.5.5 Neighborhood Residential (NR) District270F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts80F**

3.5.6 Village Residential (VR)271F


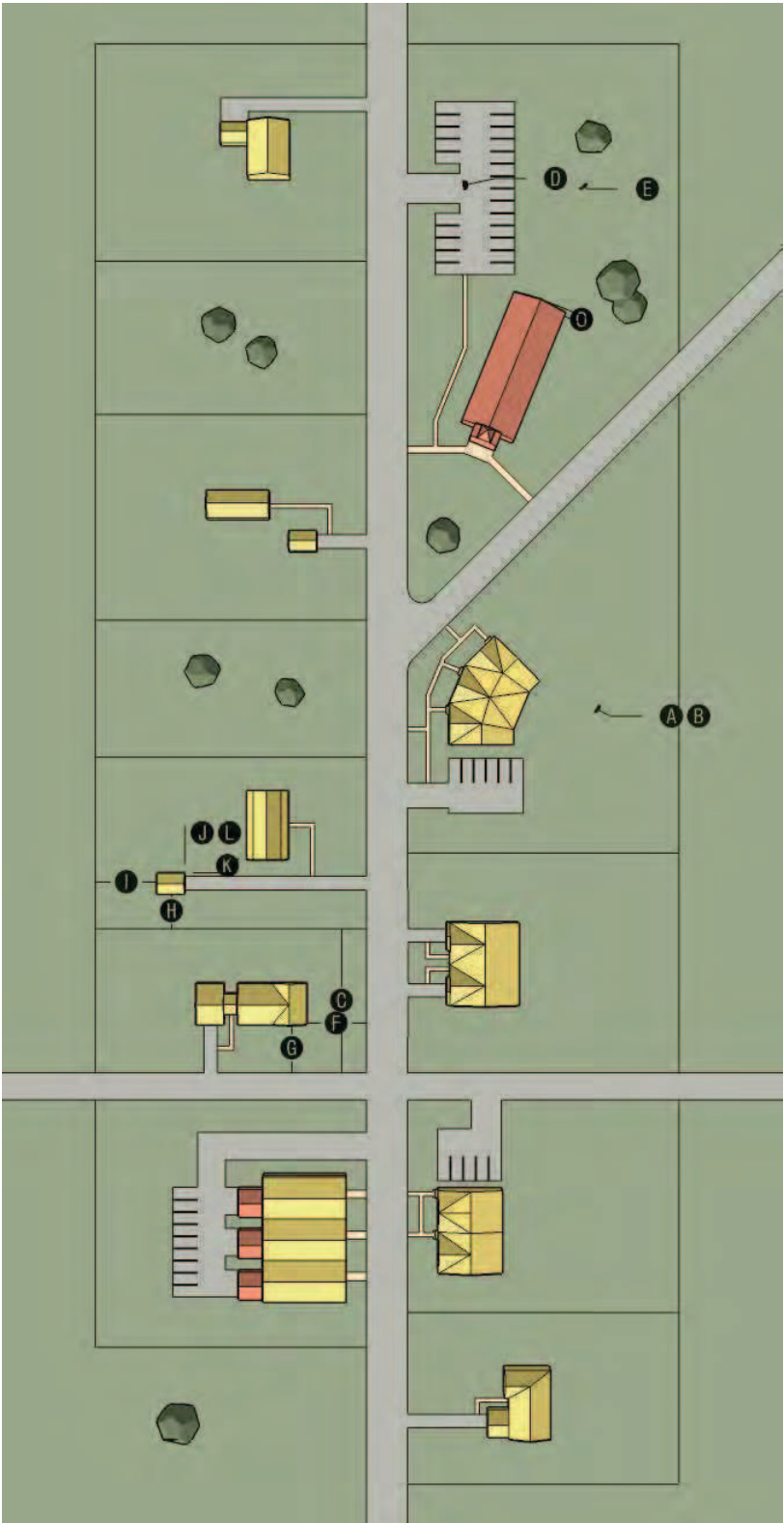

**3.5.6 VILLAGE RESIDENTIAL (VR)<sup>vi</sup>**

<h1 style="margin: 0;">VR</h1> <h2 style="margin: 0;">Village</h2> <h3 style="margin: 0;">Residential</h3>	<b>A. Purpose Statement</b>			
	<p>The Village Residential (VR) district is established to accommodate a wide range of residential and institutional use types at modest densities on lots within and adjacent to designated village centers. The district allows duplexes, live/work units, single-family attached, and single-family detached dwellings, but does not allow mobile homes, manufactured homes, or conservation subdivisions. As a means of creating compact, functional neighborhoods, the district also allows a wide variety of institutional uses, including community centers, day care, schools, assisted living, religious institutions, parks, and utilities. Lots served by public sewer may have reduced minimum lot sizes and building height is measured from the base flood elevation. District regulations are intended to support the County's investment in infrastructure by encouraging the development of compact, vibrant neighborhoods with a variety of house sizes and types that are located in close proximity to complementary institutional uses. Low density development comprised of uniform building types or styles is discouraged.</p>			
<b>B. Dimensional Requirements</b>				
#	STANDARD TYPE	REQUIREMENT		
		SINGLE-FAMILY DETACHED	ALL OTHER RESIDENTIAL	NON-RESIDENTIAL
<b>A</b>	Maximum Residential Density (units/acre)	1.45 [1]		N/A
<b>B</b>	Minimum Lot Area (square feet)	30,000 [2]	15,000 per unit [3]	30,000
<b>C</b>	Minimum Lot Width (feet)	100 [4] [5]	100 [6]	125
<b>D</b>	Maximum Lot Coverage (% of lot area)	24 [7]		
<b>E</b>	Minimum Open Space (% of development area)	15		10
<b>F</b>	Minimum Front Setback (feet) [8]	20	20 [9]	25
<b>G</b>	Minimum Corner Side Setback (feet) [8]	20	20 [9]	25
<b>H</b>	Minimum Interior Side Setback (feet)	10	10 [9] [10]	15
<b>I</b>	Minimum Rear Setback (feet)	10	10 [9]	15
<b>J</b>	Minimum Principal Building Setback, Front-to-Back (feet) [11]	N/A	30	
<b>K</b>	Minimum Principal Building Setback, Side-to-Side (feet) [11]	N/A	15	
<b>L</b>	Minimum Accessory Building Setback (feet)	8		10
<b>M</b>	Maximum Building Height (feet)	35 [12]		
<p><b>NOTES:</b></p> <p>[1] Maximum residential density may be increased to 2.17 units per acre on lots served by public sewer.</p> <p>[2] Minimum lot area may be reduced to 20,000 square feet on lots served by public sewer.</p> <p>[3] Minimum lot area may be reduced to 12,000 square feet on lots served by public sewer.</p> <p>[4] Lots on a cul-de-sac street shall maintain a minimum frontage of 35 feet and shall maintain 80 percent of the required minimum lot width at a point located 50 feet from the street right-of-way edge.</p> <p>[5] May be reduced to 75 feet on lots on lots served by public sewer and located within 5,280 linear feet from a designated village center boundary.</p> <p>[6] Applied to the entire development or parent parcel. In no instance shall an individual lot have a width of less than 25 feet.</p> <p>[7] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.</p> <p>[8] Setbacks are increased by an additional 25 feet from lot lines adjacent to an arterial street (US 17, US 158, NC 34, NC 343, Old Swamp Road, Sandy Hook Road).</p> <p>[9] Setbacks are measured from the perimeter of the development to an individual structure.</p> <p>[10] Setbacks are 0 feet from lot lines occupied by party walls.</p> <p>[11] Applied in cases where there are two or more principal buildings on the same lot.</p> <p>[12] Height is measured from base flood elevation (BFE).</p>				

ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts80F

3.5.6 Village Residential (VR)271F

C. Lot Pattern Example	D. District Dimensional Standards
	
<p>E. Preferred Development Examples</p>	
	

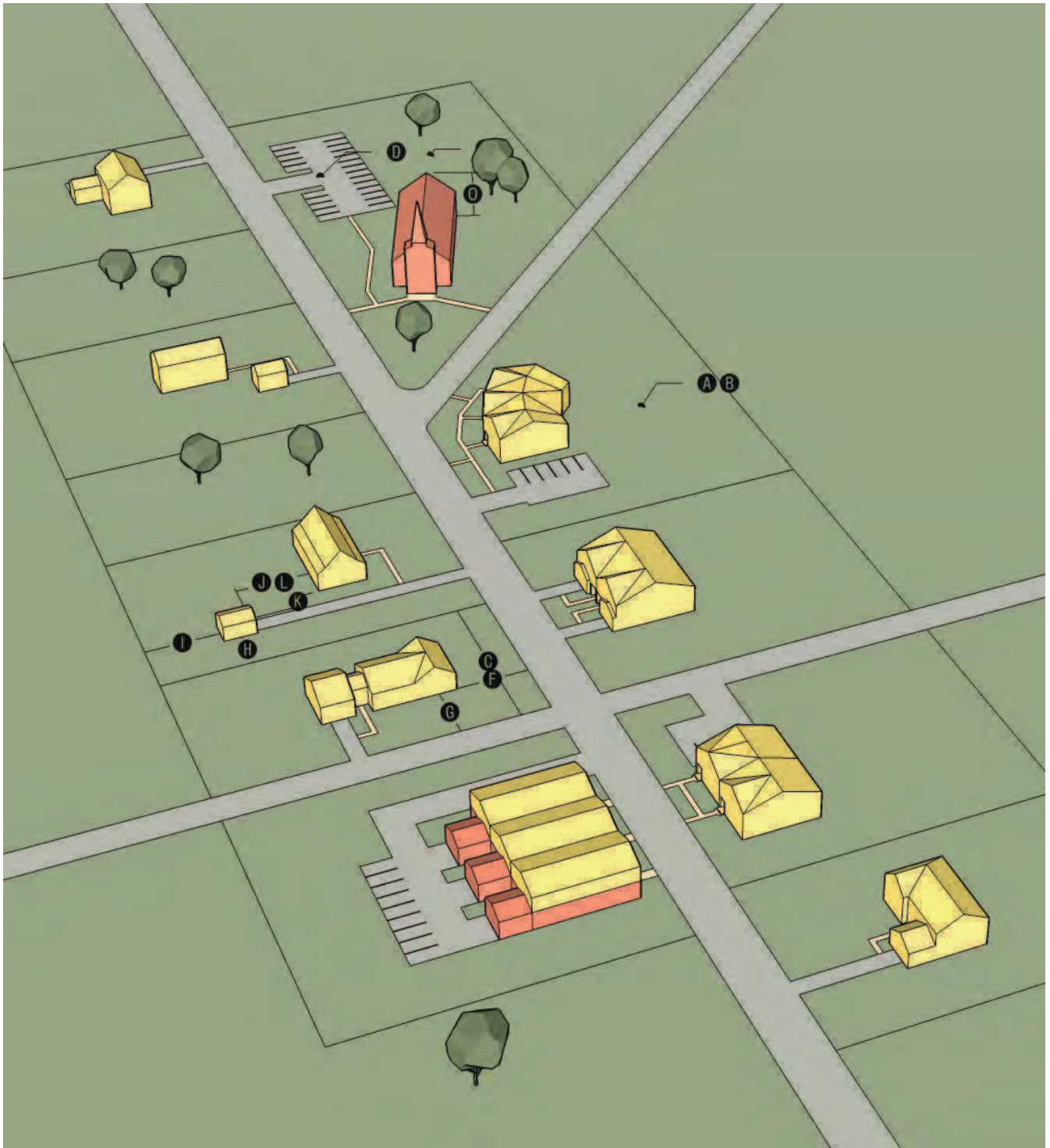


ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts80F

3.5.6 Village Residential (VR)271F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

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**Section 3.5 Residential Districts80F**

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3.5.7 Reserved

**3.5.7 RESERVED**

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## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.6 Commercial Districts<sup>81F</sup>

#### 3.6.1 General Purpose and Intent

## 3.6 COMMERCIAL DISTRICTS<sup>82</sup>

### 3.6.1 GENERAL PURPOSE AND INTENT

The commercial zoning districts are established for the general purpose of ensuring there are lands in the County that provide a wide range of office, retail, service, and related uses to meet household and business needs, and more specifically to:

- A. Provide appropriately located lands for the full range of commercial uses needed by the County's residents, businesses, and workers, consistent with the goals, objectives, and policies of the County's adopted policy guidance;
- B. Strengthen the County's economic base and provide employment, shopping, dining, and medical treatment opportunities close to home for residents of the County;
- C. Protect the County's established community character by encouraging commercial and more intense forms of development to locate in appropriate areas like village centers and along established corridors;
- D. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;
- E. Expand tourism and recreation-related uses in appropriate locations throughout the County;
- F. Foster compact, sustainable mixed-use development in the County's designated village centers;
- G. Raise the bar for commercial development quality along the County's commercial corridors and in rural crossroads areas;
- H. Ensure adequate stormwater management facilities are installed to prevent flooding, property damage, and potential loss of life;
- I. Provide for safe and efficient vehicular access and circulation and promote alternative forms of transportation, including bicycles pedestrian options; and
- J. Minimize the impact of commercial development on residential uses, agriculture, sensitive natural environments, and the County's community character.

<sup>82</sup> This section replaces the standards in Section 151.031 of the current ordinance. It provides more detail on the district purpose and intent statements and consolidates district purpose statements, district standards, and dimensional standards into a single location.

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

3.6.2 Crossroads Commercial (CC) District272F

**3.6.2 CROSSROADS COMMERCIAL (CC) DISTRICT<sup>vii</sup>**

<h1 style="margin: 0;">CC</h1> <h1 style="margin: 0;">Crossroads</h1> <h1 style="margin: 0;">Commercial</h1>	<b>A. Purpose Statement</b>		
	<p>The Crossroads Commercial (CC) district is intended for low intensity, neighborhood-serving commercial development around significant roadway intersections in rural and suburban portions of the County. The district’s small scale and limited range of use types provides convenient access to basic goods and services to nearby residents in ways that protect the County’s scenic character and rural character. The district allows restaurants, offices, personal services, indoor recreation, retail, and visitor accommodation uses, as well as agricultural support uses, and institutional uses. As a means of providing additional housing options, the district allows live/work dwellings and upper story residential. Industrial development, single-family homes, and higher density residential uses are not permitted. The district is limited in size (up to four acres) and must be within 500 linear feet of a significant street intersection. New commercial development is built close to the street and subject to commercial design standards to raise the bar for development quality. District regulations discourage uses that are too intense or that draw the majority of their patrons from outside the immediate area.</p>		
<b>B. Dimensional Requirements</b>			
#	STANDARD TYPE	REQUIREMENT	
		NONRESIDENTIAL DEVELOPMENT	RESIDENTIAL AND MIXED-USE DEVELOPMENT
<b>A</b>	Maximum District Size (acres)	4	
<b>B</b>	Maximum Residential Density (units/acre)	N/A	1.4 [1]
<b>C</b>	Minimum Lot Area (square feet)	40,000	30,000 [2]
<b>D</b>	Minimum Lot Width (feet)	125	100
<b>E</b>	Maximum Lot Coverage (% of lot area)	24 [3]	
<b>F</b>	Minimum Open Space (% of development area)	10	15
<b>G</b>	Minimum Front Setback (feet)	20	25
<b>H</b>	Minimum Corner Side Setback (feet)	20	25
<b>I</b>	Minimum Interior Side Setback (feet)	10	10
<b>J</b>	Minimum Rear Setback (feet)	10	10
<b>K</b>	Minimum Principal Building Setback, Front-to-Back (feet) [4]	0 [5]	10
<b>L</b>	Minimum Principal Building Setback, Side-to-Side (feet) [4]	0 [5]	10
<b>M</b>	Minimum Accessory Building Setback (feet)	3	5
<b>N</b>	Maximum Building Height (feet)	35 [6] [7]	
<p><b>NOTES:</b>                  [1] Maximum density may be increased to 2.17 units per acre on lots served by public sewer.                  [2] Minimum Lot area may be reduced to 20,000 square feet on lots served by public sewer.                  [3] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.                  [4] Applied in cases where there are two or more principal buildings on a single lot.                  [5] If a building setback is provided, it shall be at least five feet.                  [6] Height is measured from base flood elevation (BFE).                  [7] Maximum building height may be increased to 50 feet for agricultural or agricultural-related uses.</p>			



ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts81F

3.6.2 Crossroads Commercial (CC) District272F

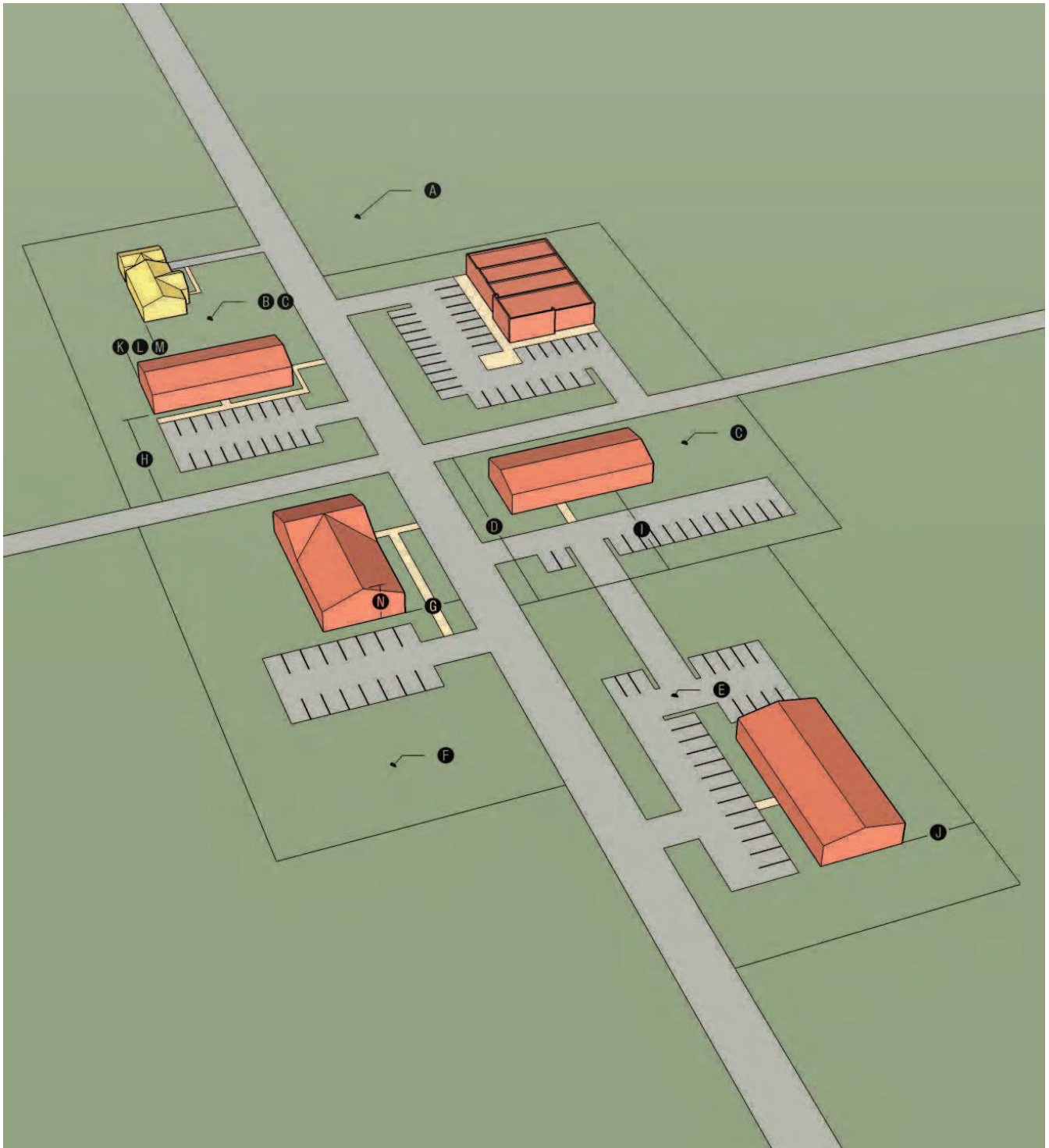
C. Lot Pattern Example	D. District Dimensional Standards
	
<p>E. Preferred Development Examples</p>	
	

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts81F

3.6.2 Crossroads Commercial (CC) District272F

F. Development Configuration Example





**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

3.6.3 Village Commercial (VC) District273F

**3.6.3 VILLAGE COMMERCIAL (VC) DISTRICT<sup>viii</sup>**

<h1 style="margin: 0;">VC</h1> <h2 style="margin: 0;">Village</h2> <h3 style="margin: 0;">Commercial</h3>	<b>A. Purpose Statement</b>			
	<p>The Village Commercial district intended to foster high quality, compact, pedestrian-oriented development on lots within designated village centers. Development in the VC district is human-scaled and designed to promote visual interest for pedestrians. Ground-level retail and personal services that promote pedestrian activity along the street are highly encouraged and large, monolithic, automobile-oriented developments are prohibited. New development in the district is located close to the street, provides passers-by with clear views into the building's ground floor, and fosters sidewalk dining, outdoor seating, and interaction among pedestrians. The district requires urban-style open space (greens, seating areas, plazas, pocket parks, roof gardens, etc.) to be included as a part of new development. In addition to commercial uses, the district allows a variety of moderate-density residential development. New commercial, mixed-use, and multi-family developments in the district are subject to the design standards in Article 151.5: Development Standards.</p>			
<b>B. Dimensional Requirements</b>				
#	STANDARD TYPE	REQUIREMENT		
		RESIDENTIAL DEVELOPMENT	MIXED-USE DEVELOPMENT	NONRESIDENTIAL DEVELOPMENT
<b>A</b>	Maximum Residential Density (units/acre)	2.17 [1]	4.35	N/A
<b>B</b>	Minimum Lot Area (square feet)	20,000 per unit [2]	40,000	
<b>C</b>	Minimum Lot Width (feet)	100 [3] [4] [5]	100 [3] [6]	
<b>D</b>	Maximum Lot Coverage (% of lot area) [7]	24 [8]	24	
<b>E</b>	Minimum Open Space (% of development area)	10		
<b>F</b>	Minimum Front Setback (feet) [10]	10 [11]	None	None
<b>G</b>	Maximum Front Setback (feet)	None	35	35 [9]
<b>H</b>	Minimum Corner Side Setback (feet) [10]	10	15	15
<b>I</b>	Minimum Interior Side Setback (feet) [11] [12]	10	5; 10 from residential development	
<b>J</b>	Minimum Rear Setback (feet)	10 [11]	10	
<b>K</b>	Min. Principal Building Setback, Front-to-Back (feet) [13]	20		
<b>L</b>	Minimum Principal Building Setback, Side-to-Side (feet) [13]	10		
<b>M</b>	Minimum Accessory Building Setback (feet)	10	5	
<b>N</b>	Maximum Building Height (feet) [14]	35	40	35
<p><b>NOTES:</b></p> <p>[1] Maximum residential density may be increased to 4.35 units per acre on lots served by public sewer.</p> <p>[2] Minimum lot area per unit may be reduced to 10,000 square feet on lots served by public sewer.</p> <p>[3] Lots on a cul-de-sac street shall maintain a minimum frontage of 35 feet and shall maintain 80 percent of the required minimum lot width at a point located 50 feet from the street right-of-way edge.</p> <p>[4] Single-family attached dwelling lots shall maintain a minimum width of 16 feet.</p> <p>[5] Applied to the entire development or parent parcel. In no instance shall an individual lot for a dwelling other than attached single-family residential have a width of less than 25 feet.</p> <p>[6] May be reduced to 75 feet on lots on lots served by public sewer.</p> <p>[7] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.</p> <p>[8] May be increased to 30% on lots of less than 20,000 square feet in area.</p> <p>[9] May be increased to the minimum necessary to accommodate two rows of parking in cases where outdoor dining or seating areas of at least 20 feet in depth are provided in front of the building.</p> <p>[10] Minimum setbacks are increased by an additional 25 feet from lot lines adjacent to an arterial street (US 17, US 158, NC 34, NC 343, Old Swamp Road, Sandy Hook Road).</p> <p>[11] Setbacks are measured from the perimeter of the development to an individual structure.</p> <p>[12] Setbacks are 0 feet from lot lines occupied by party walls.</p> <p>[13] Applied in cases where there are two or more principal buildings on a single lot.</p> <p>[14] Height is measured from base flood elevation (BFE).</p>				

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts81F

3.6.3 Village Commercial (VC) District273F

C. Lot Pattern Example	D. District Dimensional Standards
	
<p>E. Preferred Development Examples</p>	
	



ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts81F

3.6.3 Village Commercial (VC) District273F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

3.6.4 Mixed Use (MX) District274F





**3.6.4 MIXED USE (MX) DISTRICT<sup>ix</sup>**

<h1 style="margin: 0;">MX</h1> <h2 style="margin: 0;">Mixed Use</h2>	<b>A. Purpose Statement</b>			
	<p>The Mixed Use district accommodates a diverse mix of uses on lands well served by public sewer and located within the core portions of the County’s designated village centers. The district is intended to foster functional neighborhoods where County residents and visitors can live, work, shop, and recreate without travelling large distances between differing uses. Buildings are built close to the sidewalk and served by public gathering areas that create places for people to congregate and interact. Off-street parking and service areas are located to the sides and rears of buildings to help ensure a continuity of building facades along street edges and to avoid areas that are unsafe or undesirable for pedestrians. The district encourages a fine-grained network of streets and pedestrian ways that allow a wide freedom of movement and choices in transportation mode. Uses are located in close proximity to one another and rely on design techniques to maintain compatibility instead of large yards, deep setbacks, and suburban-style vegetative buffers. The district allows a wide variety of housing types to promote population density and to support nearby retail, dining, and entertainment establishments. The district discourages the establishment of single-use, monolithic, and automobile-oriented forms of development that require large areas of off-street parking, large floorplates, or that fail to cater to pedestrians.</p>			
<b>B. Dimensional Requirements</b>				
#	STANDARD TYPE	REQUIREMENT		
		RESIDENTIAL DEVELOPMENT	MIXED-USE DEVELOPMENT	NONRESIDENTIAL DEVELOPMENT
A	Maximum Residential Density (units/acre)	4.35	5.44	N/A
B	Minimum Lot Area (square feet)	10,000 per unit	40,000	
C	Minimum Lot Width (feet)	60 [1]	50	75
D	Maximum Lot Coverage (% of lot area) [2]	24	40	24
	Minimum Open Space (% of development area)	None		
E	Minimum Front Setback (feet) [3]	10 [4]	None	None
F	Maximum Front Setback (feet) [3]	20	10	20
G	Minimum Corner Side Setback (feet) [3]	15	10	10
H	Minimum Interior Side Setback (feet) [5]	10	5; 10 from residential development	
I	Minimum Rear Setback (feet)	10		
J	Min. Principal Building Setback, Front-to-Back (feet) [6]	10		
K	Minimum Principal Building Setback, Side-to-Side (feet) [6]	5		
L	Minimum Accessory Building Setback (feet)	5	3	
M	Maximum Building Height (feet) [7]	35	45	35
<p><b>NOTES:</b></p> <p>[1] Single-family attached dwelling lots shall maintain a minimum width of 16 feet.</p> <p>[2] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.</p> <p>[3] Minimum setbacks are increased by an additional 25 feet from lot lines adjacent to an arterial street (US 17, US 158, NC 34, NC 343, Old Swamp Road, Sandy Hook Road).</p> <p>[4] Setbacks are measured from the perimeter of the development to an individual structure.</p> <p>[5] Setbacks are 0 feet from lot lines occupied by party walls.</p> <p>[6] Applied in cases where there are two or more principal buildings on a single lot.</p> <p>[7] Height is measured from base flood elevation (BFE).</p>				

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts81F

3.6.4 Mixed Use (MX) District274F

C. Lot Pattern Example	D. District Dimensional Standards
<p>[placeholder]</p>	 <p>The diagram illustrates various building footprints and setbacks within a lot. It includes a large orange building footprint, a yellow building footprint, and several smaller yellow building footprints. Setbacks are indicated by letters A through M. A parking lot is shown with a building footprint labeled D. The diagram also shows a street with a sidewalk and a road with a curb.</p>
E. Preferred Development Examples	
 <p>A photograph of a modern multi-story building with a white facade, large windows, and a balcony. The building is surrounded by greenery and a paved area.</p>	
 <p>A photograph of a brick building with large windows and a sign for "SUNSHINE FITNESS". The building has a modern design with a mix of brick and white accents.</p>	
 <p>A photograph of a large, multi-story building with a prominent tower and a horse sculpture in the foreground. The building has a mix of brick and white accents and is surrounded by landscaping.</p>	



ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts81F

3.6.4 Mixed Use (MX) District274F

F. Development Configuration Example





**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

3.6.5 Highway Commercial (HC) District275F


**3.6.5 HIGHWAY COMMERCIAL (HC) DISTRICT<sup>x</sup>**

<h1 style="margin: 0;">HC</h1> <h1 style="margin: 0;">Highway</h1> <h1 style="margin: 0;">Commercial</h1>		<b>A. Purpose Statement</b>	
		<p>The Highway Commercial district is applied to lots along the County’s major roadways (e.g., US 158, US 17, NC 34, and NC 343) and is intended for automobile-oriented commercial development as well as large floorplate commercial uses and uses that require or generate truck traffic. The district also accommodates agricultural and institutional uses as well as higher density residential uses with a special use permit. New development in the HC district is grouped and configured to ensure regular lateral vehicular and pedestrian access along major transportation routes as a means of establishing a well-connected transportation system. New development is configured to maintain high visual quality along the major roadway, or is fully screened from view. Sufficient spacing and screening is included along lot lines shared with adjacent residential zoning districts to ensure compatibility. New commercial and multi-family developments in the district are subject to the design standards in Article 151.5: Development Standards.</p>	
<b>B. Dimensional Requirements</b>			
#	STANDARD TYPE	REQUIREMENT	
		RESIDENTIAL DEVELOPMENT	NONRESIDENTIAL AND MIXED-USE DEVELOPMENT
<b>A</b>	Maximum Residential Density (units/acre)	1.08 [1]	
<b>B</b>	Minimum Lot Area (square feet)	40,000 [2]	40,000
<b>C</b>	Minimum Lot Width (feet)	125	
<b>D</b>	Maximum Lot Coverage (% of lot area)	24 [3]	
<b>E</b>	Minimum Open Space (% of development area)	10	5
<b>F</b>	Minimum Front Setback (feet) [5]	50	50
<b>G</b>	Minimum Corner Side Setback (feet) [5]	25 [4]	
<b>H</b>	Minimum Interior Side Setback (feet) [5] [6]	10	5; 10 from residential
<b>I</b>	Minimum Rear Setback (feet) [5]	10	20; 50 from residential
<b>J</b>	Minimum Principal Building Setback, Front-to-Back (feet) [7]	20	
<b>K</b>	Minimum Principal Building Setback, Side-to-Side (feet) [7]	10	
<b>L</b>	Minimum Accessory Building Setback (feet)	10	5
<b>M</b>	Maximum Building Height (feet)	35 [8]	
<p><b>NOTES:</b></p> <p>[1] Maximum residential density may be increased to 1.45 units per acre on lots served by public sewer.</p> <p>[2] Minimum lot area per unit may be reduced to 30,000 square feet on lots served by public sewer.</p> <p>[3] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.</p> <p>[4] Minimum setbacks are increased by an additional 25 feet from lot lines adjacent to an arterial street (US 17, US 158, NC 34, NC 343, Old Swamp Road, Sandy Hook Road).</p> <p>[5] Setbacks are measured from the perimeter of the development to an individual structure.</p> <p>[6] Setbacks are 0 feet from lot lines occupied by party walls.</p> <p>[7] Applied in cases where there are two or more principal buildings on a single lot.</p> <p>[8] Maximum building height may be increased to 50 feet for agricultural or agricultural-related uses.</p>			

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

**3.6.5 Highway Commercial (HC) District275F**

C. Lot Pattern Example	D. District Dimensional Standards
	
E. Preferred Development Examples	placeholder
	
	
	

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

3.6.5 Highway Commercial (HC) District275F

**F. Development Configuration Example**

placeholder

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts<sup>81F</sup>**

3.6.6 Maritime Commercial (MC) District<sup>276F</sup>

**3.6.6 MARITIME COMMERCIAL (MC) DISTRICT<sup>xi</sup>**

<h1 style="margin: 0;">MC</h1> <h1 style="margin: 0;">Maritime</h1> <h1 style="margin: 0;">Commercial</h1>		<b>A. Purpose Statement</b>	
		<p>The Maritime Commercial district accommodates commercial operations which depend on a waterfront location or that use of the County’s waterways for operation. The district encourages the establishment and continuation of coastal-dependent and water-related uses of a marine theme and character that provide physical and visual access to rivers, streams, and sounds. Uses allowed in the MC district are configured in ways to avoid negative impacts on County waters and adjacent low density residential uses. The district also allows institutional uses, recreational uses, and higher density residential uses with a special use permit. Uses are configured with sufficient spacing and screening along lot lines shared with adjacent residential zoning districts to ensure compatibility. New commercial and multi-family developments in the district are subject to the design standards in Article 151.5: Development Standards.</p>	
<b>B. Dimensional Requirements</b>			
#	STANDARD TYPE	REQUIREMENT	
		RESIDENTIAL DEVELOPMENT	NONRESIDENTIAL AND MIXED-USE DEVELOPMENT
<b>A</b>	Maximum Residential Density (units/acre)	1.08 [1]	2.17
<b>B</b>	Minimum Lot Area (square feet)	40,000 [2]	20,000 per unit [3]; otherwise 40,000
<b>C</b>	Minimum Lot Width (feet) [4]	125 [5]	
<b>D</b>	Maximum Lot Coverage (% of lot area)	24 [6]	
<b>E</b>	Minimum Open Space (% of development area)	15	10
<b>F</b>	Minimum Front Setback (feet)	25 [7]	20
<b>G</b>	Minimum Corner Side Setback (feet)	25 [7]	20
<b>H</b>	Minimum Interior Side Setback (feet)	10	10; 30 from single family residential
<b>I</b>	Minimum Rear Setback (feet)	10	
<b>J</b>	Min. Principal Building Setback, Front-to-Back (feet) [8]	15	0
<b>K</b>	Minimum Principal Building Setback, Side-to-Side (feet) [8]	10	0
<b>L</b>	Minimum Accessory Building Setback (feet)	10	5 [9]
<b>M</b>	Maximum Building Height (feet) [10]	35	35
<p><b>NOTES:</b></p> <p>[1] Maximum residential density may be increased to 1.45 units per acre on lots served by public sewer.</p> <p>[2] Minimum lot area may be reduced to 30,000 square feet on lots served by public sewer.</p> <p>[3] Minimum lot area per unit may be reduced to 10,000 square feet on lots served by public sewer.</p> <p>[4] Lots on a cul-de-sac street shall maintain a minimum frontage of 35 feet and shall maintain 80 percent of the required minimum lot width at a point located 50 feet from the street right-of-way edge.</p> <p>[5] May be reduced to 100 feet on lots on lots served by public sewer.</p> <p>[6] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.</p> <p>[7] Setbacks are increased to 50 feet for lots along an arterial street (US 17, US 158, NC 34, NC 343, Old Swamp Road, Sandy Hook Road).</p> <p>[8] Applied in cases where there are two or more principal buildings on a single lot.</p> <p>[9] If a building setback is provided, it shall be at least five feet.</p> <p>[10] Height is measured from base flood elevation (BFE).</p>			

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts81F

3.6.6 Maritime Commercial (MC) District276F

C. Lot Pattern Example	D. District Dimensional Standards
	
E. Preferred Development Examples	
	
	
	<p>placeholder</p>



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

3.6.6 Maritime Commercial (MC) District276F

**F. Development Configuration Example**

placeholder

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

3.6.7 Light Industrial (LI) District277F


**3.6.7 LIGHT INDUSTRIAL (LI) DISTRICT<sup>xii</sup>**

<h1 style="margin: 0;">LI</h1> <h1 style="margin: 0;">Light Industrial</h1>	<b>A. Purpose Statement</b>	
	<p>The Light Industrial district is established to accommodate agricultural and light manufacturing uses, including assembly, fabrication, processing, distribution, storage, and wholesales sale of finished or semi-finished products from previously prepared materials. The district also allows commercial activities intended to serve the primary businesses in the district and their employees. Uses allowed in the district do not require large amounts of land or large building areas for operation nor large yard areas for isolation or protection from adjoining premises or activities. Activities take place almost entirely indoors and result in minimal exterior movement of vehicles, materials, and goods in areas around the district. Buildings are situated so as to have minimal visual impacts, and are well-screened from adjacent lower intensity uses. Heavy industrial uses and uses with significant adverse impacts on adjoining lands are prohibited. Single-family detached homes and other low-intensity uses which could interfere with industrial operations are also prohibited.</p>	
<b>B. Dimensional Requirements</b>		
#	STANDARD TYPE	REQUIREMENT
<b>A</b>	Minimum Lot Area (square feet)	40,000
<b>B</b>	Minimum Lot Width (feet)	125
<b>C</b>	Maximum Lot Coverage (% of lot area)	24 [1]
<b>D</b>	Minimum Front Setback (feet)	25
<b>E</b>	Minimum Corner Side Setback (feet)	25
<b>F</b>	Minimum Interior Side Setback (feet)	10; 40 from a residential zoning district
<b>G</b>	Minimum Rear Setback (feet)	
<b>H</b>	Minimum Principal Building Setback, Front-to-Back (feet)	20
<b>I</b>	Minimum Principal Building Setback, Side-to-Side (feet)	20
<b>J</b>	Minimum Accessory Building Setback (feet)	10
<b>K</b>	Maximum Building Height (feet)	35
<p><b>NOTES:</b>                  [1] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.</p>		

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts81F

3.6.7 Light Industrial (LI) District277F

C. Lot Pattern Example	D. District Dimensional Standards
	<p>Placeholder</p>
<p>E. Preferred Development Examples</p>	
	
	
	

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

3.6.7 Light Industrial (LI) District277F

**F. Development Configuration Example**

placeholder

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

3.6.8 Heavy Industrial (HI) District278F

**3.6.8 HEAVY INDUSTRIAL (HI) DISTRICT<sup>xiii</sup>**



<h1 style="margin: 0;">HI</h1> <h1 style="margin: 0;">Heavy</h1> <h1 style="margin: 0;">Industrial</h1>		<p><b>A. Purpose Statement</b></p> <p>The Heavy Industrial district is established to accommodate agricultural processing, heavy manufacturing, and extractive industry (mining, quarrying, and oil and gas exploration, subject to use-specific standards). The district accommodates large-scale industrial uses including outdoor operations or storage with extensive movement of vehicles, materials, and goods, truck traffic and greater potential for adverse environmental and visual impacts on neighboring lands. The district allows limited forms of heavier commercial use types and residential development is prohibited (except for caretaker quarters as an accessory use). District standards are intended to prevent the establishment of any use types that would interrupt industrial operations. Extractive operations may only take place in accordance with State-issued permits and shall be returned to their pre-extraction state upon completion.</p>																																				
		<p><b>B. Dimensional Requirements</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">#</th> <th style="width: 60%;">STANDARD TYPE</th> <th style="width: 35%;">REQUIREMENT</th> </tr> </thead> <tbody> <tr> <td></td> <td>Maximum Residential Density (units/acre)</td> <td>N/A</td> </tr> <tr> <td style="text-align: center;"><b>A</b></td> <td>Minimum Lot Area (square feet)</td> <td>87,120</td> </tr> <tr> <td style="text-align: center;"><b>B</b></td> <td>Minimum Lot Width (feet)</td> <td>125</td> </tr> <tr> <td style="text-align: center;"><b>C</b></td> <td>Maximum Lot Coverage (% of lot area)</td> <td>24 [1]</td> </tr> <tr> <td style="text-align: center;"><b>D</b></td> <td>Minimum Front Setback (feet)</td> <td>25; 50 for an extractive use</td> </tr> <tr> <td style="text-align: center;"><b>E</b></td> <td>Minimum Corner Side Setback (feet)</td> <td>25; 50 for an extractive use</td> </tr> <tr> <td style="text-align: center;"><b>F</b></td> <td>Minimum Interior Side Setback (feet)</td> <td rowspan="2">10; 50 from a residential zoning district or for an extractive use</td> </tr> <tr> <td style="text-align: center;"><b>G</b></td> <td>Minimum Rear Setback (feet)</td> </tr> <tr> <td style="text-align: center;"><b>H</b></td> <td>Minimum Principal Building Setback, Front-to-Back (feet) [2]</td> <td>20</td> </tr> <tr> <td style="text-align: center;"><b>I</b></td> <td>Minimum Principal Building Setback, Side-to-Side (feet) [2]</td> <td>20</td> </tr> <tr> <td style="text-align: center;"><b>J</b></td> <td>Minimum Accessory Building Setback (feet)</td> <td>10</td> </tr> <tr> <td style="text-align: center;"><b>K</b></td> <td>Maximum Building Height (feet)</td> <td>50</td> </tr> </tbody> </table>	#	STANDARD TYPE	REQUIREMENT		Maximum Residential Density (units/acre)	N/A	<b>A</b>	Minimum Lot Area (square feet)	87,120	<b>B</b>	Minimum Lot Width (feet)	125	<b>C</b>	Maximum Lot Coverage (% of lot area)	24 [1]	<b>D</b>	Minimum Front Setback (feet)	25; 50 for an extractive use	<b>E</b>	Minimum Corner Side Setback (feet)	25; 50 for an extractive use	<b>F</b>	Minimum Interior Side Setback (feet)	10; 50 from a residential zoning district or for an extractive use	<b>G</b>	Minimum Rear Setback (feet)	<b>H</b>	Minimum Principal Building Setback, Front-to-Back (feet) [2]	20	<b>I</b>	Minimum Principal Building Setback, Side-to-Side (feet) [2]	20	<b>J</b>	Minimum Accessory Building Setback (feet)	10	<b>K</b>
#	STANDARD TYPE	REQUIREMENT																																				
	Maximum Residential Density (units/acre)	N/A																																				
<b>A</b>	Minimum Lot Area (square feet)	87,120																																				
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<b>F</b>	Minimum Interior Side Setback (feet)	10; 50 from a residential zoning district or for an extractive use																																				
<b>G</b>	Minimum Rear Setback (feet)																																					
<b>H</b>	Minimum Principal Building Setback, Front-to-Back (feet) [2]	20																																				
<b>I</b>	Minimum Principal Building Setback, Side-to-Side (feet) [2]	20																																				
<b>J</b>	Minimum Accessory Building Setback (feet)	10																																				
<b>K</b>	Maximum Building Height (feet)	50																																				
<p><b>NOTES:</b></p> <p>[1] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.</p> <p>[2] Applied in cases where there are two or more principal buildings on a lot.</p>																																						



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts81F**

**3.6.8 Heavy Industrial (HI) District278F**

C. Lot Pattern Example	D. District Dimensional Standards
	<p>placeholder</p>
<b>E. Preferred Development Examples</b>	
	
	
	

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts**

3.6.8 Heavy Industrial (HI) District

**F. Development Configuration Example**

placeholder

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.7 Planned Development (PD) District82F

#### 3.7.1 Purpose and Intent

## 3.7 PLANNED DEVELOPMENT (PD) DISTRICT<sup>83</sup>

### 3.7.1 PURPOSE AND INTENT

The Planned Development (PD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other county goals and objectives by:

- A. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
- B. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
- C. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
- D. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
- E. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, estuaries, shorelines, special flood hazard area, and historic features.

### 3.7.2 GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS

#### A. Planned Development Master Plan

The planned development master plan shall:

- 1. Include a statement of planning objectives for the district;
- 2. Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- 3. Depict the general configuration and relationship of the principal elements of the proposed development, including general building types;
- 4. Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- 5. Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;
- 6. Identify the location of environmentally sensitive lands, wildlife habitat, and resource protection lands;
- 7. Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, pedestrian and vehicular circulation features, and how they will connect with existing and planned county systems;
- 8. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to county systems;
- 9. Identify the general location of on-site stormwater management facilities, and how they will connect to county systems; and
- 10. Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, and solid waste management.

#### B. Densities/Intensities

- 1. The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the master plan, and shall be consistent with county plans.
- 2. Dwelling units within a PD may be concentrated or evenly distributed throughout the development, provided the maximum allowable density for the development as a whole is not exceeded.

#### C. Dimensional Standards

The dimensional standards applicable in each development area of a PD district shall be as established in the master plan. The master plan shall include at least the following types of dimensional standards:

- 1. Minimum lot area;
- 2. Minimum lot width;

<sup>83</sup> This section replaces the current planned unit development provisions in Sections 151.036 and 151.298 of the current ordinance. The most significant change between the current ordinance and this draft UDO is the establishment of a planned development as a rezoning subject to a master plan and terms and conditions statement rather than through a conditional use permit. Additional detail on changes to the procedure for establishing a planned development district are described in the Planned Development procedure in Article 151.2: Procedures.

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.7 Planned Development (PD) District82F

#### 3.7.2 General Standards for All Planned Development Districts

3. Minimum and maximum setbacks;
4. Maximum lot coverage;
5. Maximum building height;
6. Maximum individual building size;
7. Floor area ratio; and
8. Minimum setbacks from adjoining residential development or residential zoning districts.

#### D. Development Standards

1. All development in a PD district shall comply with the development standards of Article 151.5: Development Standards, the subdivision and infrastructure design standards of Article 151.6: Subdivision Requirements, and the environmental protection standards in Article 151.7: Environmental Provisions, unless modified in accordance with this section.
2. In no instance shall a planned development district seek to modify, waive, or reduce any of the following standards:
  - a. Section <>, Special Flood Hazard Area Overlay;
  - b. Section <>, Stormwater Management;
  - c. Section <>, Signage; or
  - d. Section <>, Homeowner's or Property Owner's Association.

#### E. Consistency with Adopted Policy Guidance

The PD zoning district designation, the master plan, and the terms and conditions document shall be consistent with the Camden County 2035 Comprehensive Land Use Plan, and any applicable functional plans and small area plans adopted by the County.

#### F. Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the master plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, or other aspects identified by the Board of Commissioners.

#### G. Development Phasing Plan

If development in the PD district is proposed to be phased, the master plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the county's capital improvements program.

#### H. Conversion Schedule

The master plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use or one type of nonresidential use may be converted to another type of nonresidential use (i.e., residential to residential, or nonresidential to nonresidential). These conversions may occur within development areas and between development areas, as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

#### I. On-Site Public Facilities

##### 1. Design and Construction

The master plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable county, State, and Federal regulations.

##### 2. Dedication

The master plan shall establish the responsibility of the developer/landowner to dedicate to the public the right-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable county, State, and Federal regulations.

##### 3. Modifications to Street Standards

In approving a master plan, the Board of Commissioners may approve modifications or reductions of street design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii, with NCDOT approval, on finding that:

- a. The master plan provides for adequate separation/integration of vehicular, pedestrian, and bicycle traffic;
- b. Access for emergency service vehicles is not substantially impaired;
- c. Adequate parking is provided for the uses proposed; and
- d. Adequate space for public utilities is provided within the street right-of-way.

#### J. Planned Development Terms and Conditions

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.7 Planned Development (PD) District82F

#### 3.7.2 General Standards for All Planned Development Districts

The terms and conditions document shall incorporate by reference or include, but not be limited to:

1. Conditions related to approval of the application for the PD zoning district classification;
2. The master plan, including any density/intensity standards, dimensional standards, and development standards established in the master plan;
3. Conditions related to the approval of the master plan, including any conditions related to the form and design of development shown in the master plan;
4. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development;
5. Provisions related to environmental protection and monitoring; and
6. Any other provisions the Board of Commissioners determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.

#### K. **Uses**

The uses allowed in a PD district are identified in **Table <>, Principal Use Table**, as allowed subject to a planned development master plan. Allowed uses shall be established in the master plan and are subject to any use regulations applicable to the PD district. Allowed uses shall be consistent with county plans, the purpose of the particular type of PD district, and subject to any additional limitations or requirements set forth in **Section <>, Use-Specific Standards**, for the particular type of PD district.

#### L. **Amendments to Approved Master Plan**

Amendments or modifications to a master plan shall be considered in accordance with the standards in **Section <>, Amendments**.



ARTICLE 151.3 ZONING DISTRICTS

Section 3.8 Overlay Districts

3.8.1 General Purpose and Intent<sup>84</sup>

3.8 OVERLAY DISTRICTS

3.8.1 GENERAL PURPOSE AND INTENT<sup>84</sup>

A. Purpose

Overlay zoning districts are superimposed over either all or a portion of one or more underlying general zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

B. Establishment of Overlay Zoning Districts

Table <>, Overlay Zoning Districts Established, sets out the overlay districts in this UDO.

TABLE <>: OVERLAY ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
Commercial Corridor Overlay	CCO
Commercial Fishing Overlay	CFO
Special Flood Hazard Area Overlay	FPOSFO
Local Historic District Overlay	LHO

C. Relationship to General Zoning Districts

1. Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying general zoning district, unless otherwise expressly stated.
2. If the standards governing an overlay zoning district expressly conflict with those governing an underlying general zoning district, the standards governing the overlay district shall control, unless otherwise stated.
3. Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the more restrictive standard shall apply.

3.8.2 COMMERCIAL CORRIDOR OVERLAY (CCO)<sup>85</sup>

- A. Purpose and Intent
- B. Applicability
- C. Exemptions
- D. Boundary
- E. General Standards
- F. Setbacks
- G. Site Configuration
- H. Landscaping
- I. Screening
- J. Access and Circulation
- K. Building Standards

3.8.3 COMMERCIAL FISHING OVERLAY (CFO)<sup>86</sup>

<sup>84</sup> This is a new section that introduces the slate of overlay districts and addresses their relationship to the base districts and potential conflicts between standards.

<sup>85</sup> This is a new overlay district intended for application to land located within 1,000 feet of a major commercial corridor. These standards will be delivered as part of Module 2 of the draft UDO.

<sup>86</sup> This section carries forward the standards in Section 151.035, Commercial Fishing Overlay District, from the current ordinance with no substantive changes.

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.3 Commercial Fishing Overlay (CFO)85F

#### A. Purpose and Intent

The intent of this Commercial Fishing Overlay (CFO) district is to allow certain commercial fishing uses in the County in limited locations and under restrictive circumstances, to ensure that nearby properties are not adversely affected.

#### B. Establishment

1. New commercial fishing overlay districts or additions on an existing commercial fishing overlay district shall only be made in accordance with **Section <>, Zoning Map Amendment**.
2. All existing zoning compliance permits, special use permits, floodplain development permits, or other permits issued by the County for the purpose of home-based commercial fishing are hereby repealed and any lot located within a commercial fishing overlay district for which a permit was issued shall be considered to have a zoning compliance permit allowing commercial fishing in accordance with this Ordinance.
3. All lawfully-established home-based commercial fishing uses in operation after **[insert the effective date of this Ordinance]** located on a lot outside a CFO shall be considered a nonconforming use in accordance with **Section <>, Nonconforming Uses**.

#### C. Minimum District Size

1. A new CFO district shall consist of an area not less than ten contiguous acres.
2. Additions to an existing CFO district shall be made in increments of not less than one acre.

#### D. Building Standards

1. Within one year of the issuance of a zoning compliance permit for a use permitted in the CFO district, a residence or work building of not less than 600 square feet shall be erected on a lot in the district.
2. The building shall be erected in compliance with the State Building Code.
3. If located within a special flood hazard area, the building shall also comply with the provisions of **Section <>, Special Flood Hazard Area Overlay**.

#### E. Connection to Community or Public Water and Sewer

1. If connection to a community or public water supply system or sanitary sewer system is available to the lot where the building is located, the building shall be connected.
2. If a public or community sewer line is extended to serve a lot within a CFO and a building on the lot does not connect, all authorization to conduct commercial fishing activities shall expire and become null and void within one year of the date the public or community sewer line is extended.

#### F. Screening

1. All commercial fishing and related activities shall take place behind a fence that shall fully conceal all commercial fishing activities occurring on the property from the street and adjacent lands outside the CFO.
2. Except for off-street parking spaces serving visitors or retail customers, the following activities shall also be fully screened in accordance with subsection (1) above:
  - a. Employee parking;
  - b. Power washing of boats, equipment or gear; and
  - c. Maintenance and repair work on boats.

#### G. Lighting

Outdoor lighting shall be shielded or oriented so as to prevent glare from being directed onto adjacent properties.

#### H. Uses

##### 1. Commercial Fishing as Principal Use

Development located within the CFO designation shall principally be used for the purpose of commercial fishing.

##### 2. Residential Use

Any residential function on land in a CFO shall be considered as an accessory use, and shall not exceed 50 percent of the lot.

##### 3. Storage of Waste

- a. There shall be no overnight storage of seafood waste, except in a completely enclosed container that shall be secured in a way that odors shall not emit from the container.
- b. No commercial seafood waste may be disposed of or otherwise placed in any convenience site operated by or for the County.

##### 4. Power Washing

Power washing of boats, equipment, or gear shall comply with the screening requirements in this section, and are only permitted to occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

##### 5. Docking of Boats

Any boats docked alongside the property shall be docked parallel to the property with the bow and stern securely fastened to the property without any other boat or vessel in between the boat and the property.

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.8 Overlay Districts

#### 3.8.4 Special Flood Hazard Area Overlay (FPOSFO)<sup>86F</sup>

**6. Wholesale and Retail Sales**

The wholesale and retail sale of fish and shellfish is a permitted use in the CFO.

**7. Restaurants**

Restaurant uses are permitted in the CFO district, but seating areas shall not exceed 25 percent of the total area actively used for commercial fishing purposes.

**8. Prohibited Uses**

Camping and transient lodging are prohibited within the CFO district.

**I. Fees Prohibited**

It shall be prohibited to charge admission, dockage, or wharfage fees within the CFO district.

### 3.8.4 SPECIAL FLOOD HAZARD AREA OVERLAY (FPOSFO)<sup>87</sup>

**A. Purpose and Intent**

**1. Generally**

The flood prone areas in Camden County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

**2. Purpose**

It is the purpose of these standards to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by:

- a. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- b. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- d. Controlling filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- e. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**3. Intent**

It is the intent of these standards to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business losses and interruptions;
- e. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- f. Maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- g. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

**B. Applicability**

1. This section shall apply to all special flood hazard areas within the County.
2. The special flood hazard areas are those areas that are:
  - a. Identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary

<sup>87</sup> This section replaces Section 151.033, [Floodplain and Floodway Overlay Districts](#), and Sections 151.380, [Flood Damage Prevention through 151.387, Water Supply and Sanitary Sewer Systems in Floodways and Floodplains](#), of the current ordinance. This section establishes a special flood hazard area overlay district and consolidates the floodplain-related provisions here. Standards pertaining to floodplain development permits, elevation certificates, and floodplain variances have been relocated to Article 151.2: Procedures. Standards pertaining to enforcement have been relocated to Article 151.9: Enforcement. The powers and duties of the Floodplain Administrator are relocated to Article 151.11: Authorities. Submittal requirements listed in current Section 151.383, [Administration](#), have not been carried forward and are indicated for inclusion in a procedures manual.

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.4 Special Flood Hazard Area Overlay (FPOSFO)86F

Floodway Map(s) (FBFM), for Camden County dated October 5, 2004, which, with accompanying supporting data, and any revision thereto, including letters of map amendment or revision, are adopted by reference and declared to be a part of this Section; or

- b. Defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to:
  1. Detailed flood data generated as a requirement of **Section <>, Floodplain Development Permit**;
  2. Preliminary FIRMs where more stringent than the effective FIRM; or
  3. Post-disaster flood recovery maps.

#### **C. Compliance Required**

~~No structure or land located within a SFO shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with these standards, the terms of this Ordinance and other applicable regulations in this Ordinance.~~

#### **C.D. County Liability Limited**

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by manmade or natural causes. This section does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Camden County or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

#### **D.A. Compliance Required**

~~No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Ordinance and other applicable regulations.~~

#### **E. Conflict with Other Standards**

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **F. Interpretation of these Provisions**

In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under the General Statutes of the State of North Carolina.

#### **G. General SFO Standards**

##### **1. Standards Applied to All Uses All Special Flood Hazard Areas**

~~The following standards are applied to all use types located in all Special Flood Hazard Areas an SFO, the following provisions are required:~~

##### **a. Generally**

1. ~~All development proposals in the SFO shall be consistent with the need to minimize flood damage.~~  
~~All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.~~
2. ~~All development proposals in the SFO shall have adequate drainage provided to reduce exposure to flood hazards.~~
3. ~~Whenever any portion of a floodplain is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.~~

##### **b. Repair or Replacement of Buildings or Structures**

~~Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on (insert the effective date of this Ordinance) and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.~~

##### **c. New Construction and Substantial Improvement**

- All new construction and substantial improvements ~~to existing structures~~ shall be:
- ~~a.1. Anchored to prevent flotation, collapse, or lateral movement, of the structure.~~
  - ~~b.2. All new construction and substantial improvements shall be c. Constructed with materials and utility equipment resistant to flood damage; and.~~

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.4 Special Flood Hazard Area Overlay (FPOSFO)86F

~~c.3.~~ All new construction or substantial improvements shall be ~~c~~constructed with by methods and practices that minimize flood damages.

#### d. Equipment and Utilities

~~1.~~ All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

~~d.2.~~ All ~~E~~electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including but not limited to: HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets, / and switches shall be designed and/or located so as to prevent water from entering or accumulating within the components during ~~conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.~~

~~e.3.~~ All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

~~f.4.~~ New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

~~g.5.~~ On-site waste disposal systems shall be located and constructed to avoid impairment ~~to them or contamination from them during flooding,~~ to the maximum extent practicable.

~~h.~~ Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this Section, shall meet the requirements of "new construction" as contained in this Section.

~~i.~~ Nothing in this Section shall prevent the repair, reconstruction, or replacement of a building or structure existing on (insert the effective date of this Ordinance) and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Section.

~~j.a.~~ New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas, except by variance as specified in Section <>, Floodplain Variance. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section <>, Floodplain Certification.

~~k.a.~~ All development proposals shall be consistent with the need to minimize flood damage.

~~l.a.~~ All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

~~m.a.~~ All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

~~n.a.~~ Whenever any portion of a floodplain is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.

#### 2. Specific Standards

Compliance with the following provisions is required in ~~In~~ all Special Flood Hazard Overlay A areas where Base Flood Elevation (BFE) data has been provided, as set forth in accordance with Section <3.8.4.B>, Applicability (§151.382(B)), or Section <>, (Current §151.383), the following provisions are required:

##### a. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes and mixed use development) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 151.10, Definitions and Measurement.

##### b. Nonresidential Construction

1. New construction or substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

2. Structures located in A and AE Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation, provided that all areas of the structure below the required food protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting



# ARTICLE 151.3 ZONING DISTRICTS

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### 3.8.4 Special Flood Hazard Area Overlay (FPOSFO)86F

hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. ~~Such certification shall be provided to the official as set forth in in accordance with Section <>, Floodplain Development Permit.~~

#### c. **Manufactured Homes**

1. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, ~~as defined in Article 151.10, Definitions and Measurement.~~
2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to ~~G.S. §Section~~ 143-143.15 ~~of the North Carolina General Statutes~~, or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
3. All foundation enclosures or skirting shall be in accordance with ~~Section <>, (151.383(B)(4)),~~ ~~the requirements for floodproofing in this Ordinance.~~
4. An evacuation plan must be developed for evacuation of all residents of ~~all new, substantially improved or substantially damaged~~ manufactured home parks or subdivisions located within floodprone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.

#### d. **Elevated Buildings Enclosed Areas below Regulatory Flood Elevation**

Enclosed areas, of new construction or substantially improved structures, ~~which are~~ below the regulatory flood protection ~~elevation shall comply with the following requirements:~~

1. ~~Enclosed areas~~ ~~shall~~ not be designed or used for human habitation, but ~~shall only~~ ~~may~~ be designed and used for parking of vehicles, building access, or ~~limited storage of maintenance equipment used in connection with the premises.~~ Access to the enclosed area shall be the minimum necessary ~~to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).~~ The interior portion of ~~such the~~ enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.;
2. ~~Enclosed areas~~ ~~shall~~ be constructed entirely of flood resistant materials below the regulatory flood protection elevation.;
3. ~~Enclosed areas below the regulatory flood protection elevation~~ ~~shall~~ include measures to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect, or meet the following minimum design criteria:
  - A. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;
  - B. The total net area of all openings must be at least one square inch for each square foot of each enclosed area subject to flooding;
  - C. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to enter directly;
  - D. The bottom of all required openings shall be no higher than one foot above the adjacent grade;
  - E. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
  - F. Foundation enclosures:
    1. Made of vinyl or other flexible skirting are not considered an enclosure for regulatory purposes, and, therefore, does not require openings.
    2. Made of masonry or wood underpinning, regardless of structural status, are considered an enclosure and therefore require openings as outlined above.

#### e. **Additions and Improvements**

##### ~~e-1.~~ **Pre-FIRM Nonconforming Structures**

##### **A. Substantial Improvements**

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Additions or improvements to a nonconforming pre-FIRM structure that constitute a substantial improvement shall require both the addition or improvement and the original pre-FIRM structure to comply with the SFO standards in this section.

#### **B. Not Substantial Improvements**

Additions or improvements to a nonconforming pre-FIRM structure that do not constitute a substantial improvement shall be designed to minimize flood damages and shall not increase the amount of nonconformity of the original pre-FIRM structure.

~~1. Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:~~

~~A. Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.~~

~~B. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.~~

#### **2. Post-FIRM Structures**

##### **A. No Modifications to Original Structure**

~~2.1. Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.~~

~~2. Where a fire wall or independent perimeter loadbearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.~~

##### **B. Substantial Improvements**

Additions or improvements to a post-FIRM structure that constitute a substantial improvement shall require both the addition or improvement and the original structure to comply with the standards for new construction.

##### **C. Not Substantial Improvements**

Additions or improvements to a post-FIRM structure that do not constitute a substantial improvement shall require only the addition or improvement to comply with the standards for new construction.

~~3. Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:~~

~~A. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.~~

~~B. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.~~

~~4. Where a fire wall or independent perimeter loadbearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.~~

#### **f. Recreational Vehicles**

Recreational vehicles placed on sites within ~~the a~~ Special Flood Hazard Area ~~SFO~~ shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

2. Meet all the requirements for new construction, including anchoring and elevation requirements of ~~§ 151.383(B) and § 151.384(A) and (B)(3)~~ Section <>, Standards Applied to all Uses, and Section <>, Manufactured Homes.

#### **g. Temporary Nonresidential Structures**

Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

1. A specified time period for which the temporary use will be ~~permitted~~ remain on site. ~~The time specified should be minimal with total time on site not to exceed~~ one year;

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.4 Special Flood Hazard Area Overlay (FPOSFO)86F

2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (e.g., ~~i.e.~~ a minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
5. ~~Designation, accompanied by d~~Documentation of a location outside the ~~Special Flood Hazard Area, SFO to which~~ where the temporary structure will be moved.

#### h. Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within ~~the a~~ Special Flood Hazard Area SFO, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);<sup>88</sup>
2. Accessory structures shall be designed to have low flood damage potential;
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
4. Accessory structures shall be firmly anchored in accordance with this ~~subchapter section~~ or by bolting the building to a concrete slab or by over the top ties. When bolting to a concrete slab, one-half-inch bolts six feet on-center with a minimum of two per side shall be required. If over the top ties are used, a minimum of two ties with a force adequate to secure the building is required; ~~and~~
5. All service facilities such as electrical and heating equipment shall be installed in accordance with ~~§151.384(A)(4)~~ Section <>, Equipment and Utilities; ~~and~~
6. In cases where an accessory structure is located below the regulatory flood protection elevation, ~~O~~openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with ~~§ 151.384(B)(4)(a)~~ Section <>, Enclosed Areas below Regulatory Flood Elevation.
7. Elevation or floodproofing certifications, prepared in accordance with Section <> Elevation Certificates, are required for all accessory structures unless the An accessory structure has with a footprint less than 150 square feet that satisfies and complies with the criteria outlined above standards in this subsection does not require an elevation or floodproofing certificate. ~~Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 151.383(B)(3).~~

#### i. Waste-Related Use Types

New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas, except by variance as specified in Section <>, Floodplain Variance. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the requirements in Section <>, Floodplain Elevation Certificates.

### 3. Standards for Floodplains without Established Base Flood Elevations

#### a. Encroachments Limited

1. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within an area the greater of:
  - A. distance of Twenty-20 feet from each side from of the top of bank; or
  - B. Five times the width of the stream,
- a-2. whichever is greater, Encroachments may be permitted in this area upon unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that such the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

#### b. Determination of the Base Flood Elevation

- b- The base flood elevation shall be determined based on one of the following criteria, which are set listed in priority order:

<sup>88</sup> NOTE TO STAFF: This provisions categorically prohibits the location of accessory dwelling units in the SFO. . . Several other coastal communities have decided to remove this provision so that accessory dwelling units can be accommodated. Additional discussion is needed regarding this provisions

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.4 Special Flood Hazard Area Overlay (FPOSFO)86F

1. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ~~subchapter~~ section and shall be elevated or floodproofed in accordance with elevations established in accordance with ~~§ 151.383~~ Section <>, Floodplain Development Permit.
2. All subdivision, ~~manufactured home park~~ and other development proposals located within ~~Special Flood Hazard Areas~~ the SFO shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than 50 lots ~~or~~ manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference ~~per § 151.382(B) to be utilized in implementing this subchapter~~ in accordance with Section <3.8.4.B>, Applicability.
3. When Base Flood Elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade (natural grade if known).

#### 4. Standards for Riverine Floodplains with BFE but without Established Floodways or Nonencroachment Areas

Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway nor nonencroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the ~~community~~ County.

#### 5. Floodways and Nonencroachment Areas

~~Areas designated as SFO contain floodways and nonencroachment areas. Located within the special flood hazard areas established in §151.382(B) are areas designated as floodways or nonencroachment areas. The floodways and nonencroachment areas are extremely hazardous areas due to the velocity of floodwaters~~ that have erosion potential and can carry debris and potential projectiles during flooding events. The following provisions ~~shall~~ apply to all development within such areas floodways and nonencroachment areas:

- a. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator prior to issuance of a floodplain development permit.
- b. ~~If § 151.384 is satisfied,~~ if permitted within a floodway or nonencroachment area, all development shall comply with all applicable ~~flood hazard reduction provisions of this subchapter~~ standards in this section.
- c. No new manufactured homes shall be permitted in a floodway or nonencroachment area, but a except replacement manufactured homes may be established in accordance with the standards in Section <>, Manufactured Homes, and all other applicable provisions of this Ordinance. ~~in an existing manufactured home park or subdivision provided the following provisions are met:~~
  1. ~~The anchoring and the elevation standards of § 151.384(B)(3); and~~
  2. c. The no encroachment standards of § 151.384 are met.

#### H. Subdivisions in the FPOSFO<sup>89</sup>

1. An applicant ~~for a special use permit authorizing a major subdivision and an applicant for minor subdivision final plat approval~~ proposing to subdivide land in the SFO shall be informed by the UDO Administrator or Building Inspector, as appropriate, of the use and construction restrictions contained in Section <>, General Provisions SFO Standards, and Section <>, Floodplain Development Permit, if any portion of the land to be subdivided lies within a floodplain.
2. ~~Subject to the following sentence, a major development permit for a major subdivision and final plat approval for any subdivision may not be given.~~ Approval of a subdivision of land in an SFO may be denied if:
  - a. The land to be subdivided lies within a zone where residential uses are not permissible and it reasonably appears that the subdivision is designed to create residential building lots;
  - b. Any portion of one or more of the proposed lots lies within a floodway or floodplain nonencroachment area; and

<sup>89</sup> This section carries forward Section 151.386 from the current UDO.

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.8 Overlay Districts

#### 3.8.5 Local Historic Overlay (LHO)<sup>90F</sup>

~~c.~~ It reasonably appears that one or more lots ~~described in a. and b. above~~ could not practicably be used as a residential building site because of the restrictions set forth in ~~Section <>, General Provisions~~~~SFO Standards~~, and ~~Section <>, Floodplain Development Permit~~.

~~c-d.~~ ~~Nothing shall limit the subdivision of land in the SFO for lots intended solely for nonresidential purposes, provided the final plat establishing the subdivision includes a notation that none of the foregoing provision shall not apply if a notice that the proposed lots are not intended for sale as residential building lots is recorded on the final plat, or if the developer otherwise demonstrates to the satisfaction of the authority issuing the permit or approving the final plat that the proposed lots are not intended for sale as residential building lots.~~

#### I. **Public Water and Wastewater Utilities in the FPSFO**<sup>90</sup>

1. Whenever any portion of a proposed development is located within ~~a floodway or floodplain~~~~the SFO~~, the agency or agencies responsible for certifying to the ~~e~~County the adequacy of the water supply and ~~sewage wastewater~~ disposal systems for the development shall be informed by the ~~developer~~~~applicant~~ that a specified area within the development lies within ~~the SFO~~~~a floodplain~~.
2. ~~Thereafter~~~~Following notification by the applicant for development~~, approval of the proposed system by that agency shall constitute a certification that:
  - a. The water supply system is designed to minimize or eliminate infiltration of flood waters into it;
  - b. The sanitary sewer system is designed to eliminate infiltration of flood waters into it and discharges from it into flood waters; and
  - c. Any onsite ~~sewage~~~~wastewater~~ disposal system is located to avoid impairment to it or contamination from it during flooding.

### 3.8.5 LOCAL HISTORIC OVERLAY (LHO)<sup>91</sup>

(Placeholder)

### **3.8.6 WATERSHED PROTECTION OVERLAY (WPO)**

<sup>90</sup> This section carries forward Section 151.387 from the current UDO.

<sup>91</sup> As detailed in the Evaluation Report, the LHO is not anticipated to be applied to any lands at the present time, but will be set up within the UDO for the County's use in the future.



# ZONING DISTRICT ENDNOTES

The following endnotes summarize the changes from the zoning districts in the current zoning ordinance to the zoning districts in the draft UDO.

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## <sup>i</sup> CONSERVATION & PROTECTION (CP)

This district is proposed to replace the current Conservation (CD) district. While the Conservation district is codified, it is not included in the current OZM. It is also included with the provisions pertaining to commercial districts. The new CP district is intended for unbuildable lands like the Great Dismal Swamp or the game lands in the southeast of the County. The new CP district could also be used by an applicant to classify open space or otherwise unbuildable land (such as land within a special flood hazard area) within a larger development. The district allows the use of CP land for parks and recreation-related uses as well as agricultural uses with a special use permit. This draft UDO removes the minimum lot area and minimum lot width standards found in the current ordinance, but includes new dimensional standards (setbacks, lot coverage, height) to address the range of allowable uses.

## <sup>ii</sup> WORKING LANDS (WL)

This district is proposed to replace the current General Use (GUD) district. The name change is proposed to capture the real intent of the district, which is primarily a district for bona fide farms, forestry, and agriculturally-related activities, along with the ability to accommodate very low residential development in the form of conservation subdivisions (currently referred to as open space subdivisions) and manufactured homes on individual lots. The district also allows a variety of other supporting uses like schools, day care, parks, utilities, and public safety facilities. The front setback is proposed for reduction from 100 feet to 50 feet. The conservation subdivision development form establishes a maximum lot size of one acre per lot, though the ability to accommodate smaller lots is desirable (where possible) as a means of preserving more open space. The key objective for the conservation subdivision option is to minimize the appearance of the subdivision from nearby roadways as a means of preserving the rural character of the district. Required setbacks are also reduced in conservation subdivisions.

## <sup>iii</sup> RURAL RESIDENTIAL (RR)

This district is the renamed Basic Residential (R-3-2) district. The “2” in the name means the minimum lot area for the current district is two acres. The district is intended for low density residential development adjacent to agriculture. While the current R-3-2 district does not allow the placement of mobile or manufactured homes, this draft version of the UDO suggests mobile and manufactured homes on individual lots be allowed in this district as a means of dispersing these uses. As with the Working Land district, these standards require all developments of 5 or more residential lots to be configured as conservation subdivisions. Initial suggestions from staff were to reduce the front setback from 50 feet to 25 feet; however, we suggest the current front setback be maintained for uses outside of a conservation subdivision in order to help preserve rural character and ensure sufficient space for roadway widening if ever necessary.

## <sup>iv</sup> SUBURBAN RESIDENTIAL (SR)

This district is the renamed Basic Residential (R-3-1) district, which is the County’s primary zoning district for residential neighborhoods along roadway corridors around village centers and in areas surrounding the most rural portions of the County. The district has a one-acre minimum lot area requirement, which is the basic threshold size for lots with on-site wastewater systems according to Albemarle Regional Health Services. The draft UDO carries forward the SR district with two important changes: conservation subdivisions are optional and mobile homes on individual lots are prohibited (mobile home parks where dwellings are on leaseholds are already prohibited throughout the County). The prohibition of mobile homes on individual lots could create some nonconformities. Manufactured homes are allowed through approval of a special use permit. In addition to these

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changes, this draft UDO reduces front setbacks from 50 feet to 25 feet and carries forward the pre-2003 ten-foot rear and side setbacks.

<sup>v</sup> NEIGHBORHOOD RESIDENTIAL (NR)

This district is proposed to replace the current Mixed Single-Family (R-2) district found in areas proximate to the three designated village centers (Camden, South Mills, and Shiloh). Despite its current name, the district does not currently allow a wide variety of residential uses (single-family detached dwellings and some forms of mobile homes). Given its location proximate to designated village centers, this draft UDO suggests a series of revisions to make the district slightly more compact and less suburban – for example, removal of the ability to locate mobile and manufactured homes, limitations on agricultural uses, and the ability to reduce the minimum lot area from 40,000 square feet to 30,000 square feet if served by sewer and located within 5,280 linear feet from a designated village center boundary. As with the other districts, this draft UDO suggests simplification of the setbacks by removal of the parallel set of setbacks based on plat dates and conversion of street setbacks to front and corner side setbacks. The setbacks have been reduced to for parity with the Suburban Residential (SR) district.

<sup>vi</sup> VILLAGE RESIDENTIAL (VR)

This district is proposed to replace the current Mixed Village Residential (R-1) district. The current UDO describes lands zoned R-1 as areas that do not intrude into agricultural areas around village centers. Page 53 of the Evaluation Report identifies this district as intended solely for lands located within a village center. The Comprehensive Plan indicates that village centers are to be the areas of highest density and intensity in the County. Based on its location within designated village centers, the VR district accommodates a wide variety of residential uses including duplexes, live/work units, single-family attached, and single-family detached dwellings. The district does not allow mobile homes, manufactured homes, conservation subdivisions, or agricultural uses. As a means of creating compact, functional neighborhoods, the district allows a wide variety of institutional uses (community centers, day care, schools, assisted living, religious institutions, parks, and utilities). This draft of the UDO proposes a 10,000 square foot reduction in minimum lot area (to 30,000 sf) along with an additional 10,000 sf reduction in minimum area requirements for lots served by public sewer. Setbacks have been reduced by 20 percent across the board. Maximum heights are increased by allowing maximum height to be measured from base flood elevation.

<sup>vii</sup> CROSSROADS COMMERCIAL (CC)

The Crossroads Commercial district replaces the Neighborhood Commercial (NCD) district. The district is intended to accommodate neighborhood-serving low intensity commercial uses within 500 linear feet of primary street intersections (sub-collector and higher) located outside village centers and away from primary commercial corridors. The current zoning map identifies several isolated parcels designated as NCD within neighborhoods that are primarily related to water or water-dependent uses. Page 54 of the Evaluation Report suggests that these isolated NCD parcels be rezoned to the new Marine Commercial (MC) district since they are engaged in water-related activity and not located within 500 linear feet of a primary street intersection. The maximum district size of up to four acres is carried forward, as is the 40,000 square foot minimum lot size (although there is ability to reduce that requirement to 30,000 if public sewer serves the lot). The same setback simplification recommendations (removal of differential setbacks based on plat date and conversion of street setbacks to front and corner side setbacks) are also carried forward. The current FAR of 0.5 is not carried forward. Commercial development will be subject to the new commercial design standards in Article 151.5: Development Standards, which will incorporate and expand on the commercial design standards for the district in Section 151.031.B.2.

<sup>viii</sup> VILLAGE COMMERCIAL (VC)

The Village Commercial district replaces the Community Core (CCD) district. The district accommodates moderate intensity nonresidential and residential development within the County's three designated village centers (Camden, South Mills, and Shiloh). The district is intended to promote compact, pedestrian-oriented development that is human-scale and avoids automobile dominated streetscapes. Buildings are built close to the street, include ground-level retail and personal services uses that help to establish the area as a vibrant center for shopping, recreation, and human interaction. Vertically-integrated mixed-uses, including live/work units and upper-story residential are strongly encouraged, and multi-family development is allowed with a special use permit. Agriculture, low density commercial, industrial, and monolithic building forms are prohibited. Village centers areas are intended to be served by well-connected street and sidewalk systems that support outdoor dining and activity on the street front. In recognition of the desire for the VC district to foster compact, walkable development, the dimensional requirements (including lot area and setbacks requirements) have been reduced. The district requires urban-style (greens, seating areas, plazas, pocket parks, roof gardens, etc.) open space resources to be included as a part of new development. Building heights are measured from the base flood elevation. The

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commercial and multi-family design standards in Section 151.031.B.1 are carried forward and supplemented with new design standards in Article 151.5: Development Standards.

<sup>ix</sup> MIXED USE (MX)

The Mixed Use district is a new district included in the draft UDO. While no land is currently designated MX, the district is available for applicants who own land within a designated village center and wish to file a map amendment application to establish the district. The County may wish to waive the application fees for these applications. The district is intended as the highest density/intensity district in the County and should only be located within the core of a designated village center. The district does not include mandatory use mixing requirements (as these can run contrary to market forces), but does require the ground floor of all buildings in the district to be built to the commercial building code, regardless of the intended use type. This makes it easy for ground-floor residential uses to be converted to nonresidential use as demand for nonresidential space grows. The district allows the widest variety of residential, institutional, and commercial use types and is structured to provide incentives, in the form of reduced dimensional standards and some softened development standards like parking and landscaping, for developments comprised of mixed uses. Unlike the other zoning districts, the MX district does not include open space requirements. There are mixed-use design standards in Article 151.5: Development Standards, in addition to commercial and residential design standards.

<sup>x</sup> HIGHWAY COMMERCIAL (HC)

The Highway Commercial district appends the current Highway Commercial (HC) district in Section 151.031.B.3. The Highway Commercial district is applied to lots along the County's major roadways and is intended for automobile-oriented commercial development as well as large floorplate commercial uses and uses that require or generate truck traffic. One of the primary objectives for the HC district is to raise the bar for development quality, particularly with respect to the appearance of new development. The first 1,000 linear feet of land adjacent to US 158, US 17, NC 34, and NC 343 is recommended for inclusion in the proposed Commercial Corridor Overlay (CCO) that address the appearance of development by applying design standards or requiring development to be fully screened from the adjacent major roadway. As a means of preserving compatibility along the back side of lots lining a major roadway, the CCO district includes limitations on outdoor activity and storage along lot lines abutting residential zoning districts. Other standards in the draft UDO address regular placement of roadway stubs to help ensure the establishment of adequate roadway and pedestrian networks along major transportation facilities.

<sup>xi</sup> MARITIME COMMERCIAL (MC)

This MC district carries forward the standards in Section 151.031(B)(4) of the current UDO, and changes the district name from Marine Commercial to Maritime Commercial. The current UDO includes no information on the district dimensional standards so the provisions from the Neighborhood Residential (NR) district are used for residential development and the provisions from Crossroads Commercial (CC) are used for nonresidential and mixed-use development.

<sup>xii</sup> LIGHT INDUSTRIAL (LI)

The LI district carries forward Section 151.032(A) of the current UDO, and changes the district name from I-1 to LI or "Light Industrial" to be more intuitive. The district includes a more detailed purpose statement and a new minimum separation distance for allowable uses of 40 feet from an adjacent residential zoning district.

<sup>xiii</sup> HEAVY INDUSTRIAL (HI)

The HI district carries forward the standards in Section 151.032(B) of the current ordinance with a more defined purpose statement. It also incorporates the mining overlay district standards in Section 151.034, since the mining overlay district is not proposed to be carried forward. Extractive industrial use types like mining and quarrying are permitted as special uses in the HI district. District standards include new minimum separation standards for allowable uses of 50 feet from an adjacent residential zoning district as well as an increased maximum height limit of 50 feet.

# USE REGULATIONS



## Key Changes in Article 151.4:

- New use classification system
- Unlisted uses
- Removal of conditional uses
- New prohibited uses
- New section on addressing unlisted uses
- New approach to addressing manufactured and mobile homes
- Wider range of housing use types
- Mandatory conservation subdivision in the rural zoning districts
-

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# ARTICLE 151.4 USE REGULATIONS

## 4.1 ARTICLE ORGANIZATION<sup>92</sup>

- A. Article 151.4: Use Regulations, contains all the standards related to the use of land in the County, and is organized by the type of land use: principal, accessory, or temporary use. Principal uses are the primary, permanent use type proposed on a lot (like a single-family home). Accessory uses are subordinate to the principal use (like a detached garage serving a single-family home). Temporary uses are uses allowed for a short duration of time (like a portable storage container used for the purposes of storing or moving a household's belongings).
- B. Sections 4.2 and 4.3 set out the standards for principal uses. Principal uses follow a three-tiered use classification system that is proposed for the sake of organizing use types and assisting the County in establishing a fair and predictable system of classifying new or unlisted use types that may be proposed. The principal use provisions are comprised of two main subsections: a summary principal use table (Table <>, Principal Use Table) that lists all the allowable use types and the general zoning districts where they are allowed, and Section 4.3, a set of use-specific standards that are applied to various use types regardless of the zoning districts where they are proposed. The principal use table also includes the definitions of use categories and use types.
- C. Section 4.4 sets out the general and specific standards for accessory uses. The general standards apply to all accessory uses, and the specific standards include additional standards that apply to some accessory uses.
- D. Section 4.5 sets out the standards for temporary uses, including the districts where allowed, the maximum duration, and any additional standards.

## 4.2 PRINCIPAL USES

### 4.2.1 USE CLASSIFICATION SYSTEM<sup>93</sup>

- A. **Use Classifications**  
The use classifications identify broad classifications of land use and include agricultural uses, residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general "use categories" and specific "use types."
- B. **Use Categories**  
The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual "use types."
- C. **Use Types**  
The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, single-family detached dwellings, duplex dwellings, multi-family dwellings, manufactured homes, and upper-story residential are use types in the Household Living use category.
- D. **Developments with Multiple Principal Uses**  
When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, then each principal use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.
- E. **Use Categories and Use Types Defined**  
The general characteristics and definitions of individual use categories and use types used in this Ordinance are defined in Table <>, Principal Use Table, not in Article 10: Measurement and Definitions.

### 4.2.2 TABLE STRUCTURE<sup>94</sup>

<sup>92</sup> NOTE TO STAFF: In the Annotated Outline, we had anticipated a slightly different structure for this chapter where the use classification information would come after the principal use table. However, upon further thought, we are suggesting that the principal use table will be more user-friendly if these two components are integrated, as shown in this draft.

<sup>93</sup> The use classification system is new and is proposed for the County's consideration. Definitions of use categories and use types are listed in the principal use table.

<sup>94</sup> NOTE: This draft of the principal use table includes the current zoning district abbreviations in parenthesis to help readers get oriented to the proposed district abbreviations. The table also includes, in yellow rows, the current use types and procedures for review (whether permitted with a zoning permit "Z," special use permit "S," or prohibited ".") for the sake of comparison. Current use types are listed beneath

# ARTICLE 151.4 USE REGULATIONS

## Section 4.2 Principal Uses

### 4.2.3 Uses Permitted By-Right<sup>94F</sup>

- A. **Table <>, Principal Use Table**, lists principal use types and indicates for each zoning district whether the principal use type is permitted by-right, as a special use, or prohibited. It also includes a reference to any applicable specific standards that may apply to a particular use type.
- B. The use classifications (agricultural, residential, institutional, commercial, or industrial) appear as purple rows.
- C. The use categories appear as grey cells that extend the full width of the table and contain the name of the use category in all capital letters as well as a definition.
- D. The use types comprise the left-most column and contain the name and definition of the use types.
- E. The right-most column includes a reference to any applicable use-specific standards associated with a use type. Unless otherwise stated in the standards, a use-specific standard applies to a particular use regardless of the zoning district where it is located.

### 4.2.3 USES PERMITTED BY-RIGHT<sup>95</sup>

A “P” in a cell of the principal use table indicates that the specific use type is permitted by-right in the corresponding zoning district, subject to compliance with any additional standards referenced in the principal use table.

### 4.2.4 USES PERMITTED BY SPECIAL USE PERMIT

An “S” in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special use permit in accordance with **Section <>, Special Use Permit**, and any additional standards referenced in the principal use table.

### 4.2.5 USES ALLOWED IN A PLANNED DEVELOPMENT DISTRICT

An “A” in a cell of the principal use table indicates that the specific use type is permitted in a planned development district, provided the specific use type is included in the list of potential use types identified in the planned development master plan or terms and conditions statement. Allowed uses are subject to any additional standards referenced in the principal use table.

### 4.2.6 ADDITIONAL STANDARDS

- A. When a specific use type is permitted in a zoning district, there may be additional standards that are applicable. Such additional standards are referenced in the principal use table column titled “Additional Standards.” These standards shall apply to a specific use type regardless of the zoning district, unless otherwise specified.
- B. In addition, use types are also subject to any district standards listed in the applicable zoning district in Article 151.3: Zoning Districts.

### 4.2.7 USES IN A SPECIAL FLOOD HAZARD AREA OVERLAY

Land located within special flood hazard area overlay shall be subject to the standards in **Section <>, Special Flood Hazard Area Overlay**, and **Section <>, Floodplain Management**. Standards in these sections may include use prohibitions not indicated in **Table <>, Principal Use Table**. In the event of a conflict between **Section <>**, or **Section <>**, and **Table <>, Principal Use Table**, the standards pertaining to the special flood hazard area shall control.

### 4.2.8 PROHIBITED USES<sup>96</sup>

- A. A “.” in the principal use table indicates that the specific use type is prohibited in the corresponding zoning district.
- B. The following use types are not listed in **Table <>, Principal Use Table**, and are prohibited throughout the County’s zoning jurisdiction in all zoning districts:
  1. Explosives manufacturing;
  2. Storage or processing of radioactive, infectious, or hazardous waste;
  3. Off-premise signage, including billboards;
  4. Package treatment plant wastewater disposal systems that discharge to surface waters;

the corresponding new use type suggested for use in this Ordinance. The yellow rows with current uses will be removed from the adoption draft version of the UDO.

<sup>95</sup> Section 151.330, Permissible Uses not Requiring Permits, is not carried forward since these uses are either not principal uses, are not located on private lots, or includes uses now subject to a zoning compliance permit.

<sup>96</sup> NOTE TO STAFF: These standards carry forward and supplement the provisions in Section 151.328(c) of the current ordinance. Some of these prohibited uses are new standards proposed for the County’s consideration. While billboards are not necessarily a principal use, they are listed here. Additional discussion is needed regarding the County’s desire to limit these kinds of land uses. There are some locations, such as along interstates and some highways, where billboards are federally protected, and in these areas, local land use regulations may not prohibit placement or replacement.

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.9 Unlisted Uses

5. Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily docked or moored while in transit on navigable waters);
6. Use of a travel trailer as a permanent or temporary residence;
7. Maintenance of a travel trailer in the same location for more than 90 days per every 115-day period;<sup>97</sup> and
8. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed or other business is conducted, with the following exceptions:
  - a. Retail sale of food products, with a local Health Department certification, from a vehicle that is removed from the site each day after completion of the sales;
  - b. Retail sale of goods and merchandise manufactured, created or produced by the seller, so long as the vehicle is removed from the site each day after the completion of sales; or
  - c. Use of a truck trailer for temporary purposes at a construction site, in accordance with **Section <>, Temporary Construction and Sales Office.**

**4.2.9 UNLISTED USES**

The UDO Administrator shall determine whether or not an unlisted use is a part of or similar to an existing use category or use type set out in **Table <>, Principal Use Table**, based on the standards for unlisted uses in **Section <>, Interpretation**. Nothing shall limit the UDO Administrator from seeking input from the County Attorney, Planning Commission, or Board of Commissioners in making a determination of how to categorize an unlisted use. In cases where a proposed unlisted use is not found to be similar to an existing use category or use type, the UDO Administrator may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance in accordance with **Section <>, UDO Text Amendment**.

**4.2.10 PRINCIPAL USE TABLE<sup>98</sup>**

<b>TABLE &lt;&gt;: PRINCIPAL USE TABLE</b>															
		"P"= Permitted			"S"= Permitted with Special Use Permit					"."= Prohibited					
USE CATEGORY Use Type Description	Current Use (provided for comparative purposes only- rows removed upon adoption)	RESIDENTIAL					COMMERCIAL			IND.		PD (NEW)	ADDITIONAL STANDARDS (151.4)		
		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC			MC	LI (I-1)
<b>AGRICULTURAL USE CLASSIFICATION</b>															
<b>AGRICULTURE/HORTICULTURE</b>															
The Agriculture/Horticulture Use Category is characterized by general agricultural activities taking place on lands that are not bona fide farms in as identified in <b>Section 151.1.&lt;&gt;, Exemptions</b> . The range of uses includes the cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. The use category also includes agronomy, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), and similar uses, but does not include the keeping of livestock or other animal husbandry uses. Accessory uses may include offices, storage areas, and repair facilities related to agriculture uses.															
<b>All Agriculture/ Horticulture Uses</b> See use category definition.		S	P	P	P	.	.	S	.	.	P	P	P	P	A
	Agricultural Operations; Farming, Not Exempt as Bona-Fide Farms; excluding livestock	.	Z	Z	Z	Z	Z	Z	Z	x	Z	Z	Z	Z	x
	Silvicultural operations	.	Z	Z	Z	Z	Z	Z	Z	x	Z	Z	Z	Z	x
	Commercial greenhouses or nurseries, on-premise sales permitted	.	Z	.	.	.	.	Z	Z	x	Z	Z	Z	Z	x

<sup>97</sup> NOTE TO STAFF: Suggest this be expanded to a calendar year.

<sup>98</sup> Based on a suggestion from staff, the zoning district names at the top of the table will also be hyperlinks to the particular zoning district sections.

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

USE CATEGORY Use Type Description	Current Use (provided for comparative purposes only- rows removed upon adoption)	RESIDENTIAL					COMMERCIAL					IND.		ADDITIONAL STANDARDS (151.4)		
		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)		HI (I-2)	PD (NEW)
<b>ANIMAL HUSBANDRY</b>																
The Animal Husbandry Use Category is characterized by the commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals. Examples of Animal Husbandry Use Types include the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, and similar livestock or domesticated animals. Animal husbandry also includes commercial apiaries, aquaculture, and fisheries. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.																
<b>Animal Husbandry Uses (excluding stockyards and slaughterhouses)</b>																
See use category definition.																
	Agricultural Operations; Farming, Not Exempt as Bona-Fide Farms; including livestock	.	P	.	.	.	.	.	.	.	.	S	P	P	.	↕
<b>Stockyard/Slaughterhouse</b>																
A site where livestock is stored and butchered for food or products.																
	Stockyards, slaughterhouses, rendering plants	.	.	.	.	.	.	.	.	.	S	S	S	.	↕	
<b>AGRICULTURAL SUPPORT</b>																
The Agricultural Support Use Category includes use types that provide support and services to uses directly engaged in agricultural, horticultural, and animal husbandry activities. Agricultural support uses are related to agricultural activities, but may not be proximate to or directly involved with agricultural production.																
<b>Agricultural Research Facility</b>																
A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant, and animal sciences.																
		.	P	.	.	.	.	S	S	.	P	P	P	P	P	↕
<b>Agri-Education/ Agri-Entertainment</b>																
Agri-education facilities are used for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant, and animal sciences. Agri-entertainment events and activities allow for recreation, entertainment and tourism in conjunction with an agricultural use. Examples include wineries, petting zoos, hay rides, and corn mazes.																
		S	P	S	.	.	.	S	S	.	S	P	P	P	A	↕
	Agribusiness uses	.	Z	.	.	S	S	S	.	x	S	Z	Z	Z	x	
	Petting zoo	.	.	.	.	.	.	.	.	x	S	S	.	.	x	
<b>Distribution Hub for Agriculture Products</b>																
A commercial establishment where farmers can deliver agricultural products for pick-up by wholesalers or firms involved in processing of agricultural products, but not delivery directly to consumers.																
		.	P	.	.	.	.	.	.	.	P	P	P	P	A	↕
<b>Equestrian Facility</b>																
A facility associated with the keeping of horses or ponies as domesticated animals or pets. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/instruction/performance areas.																
			P	S	S	.	.	.	.	.	S	.	.	.	A	↕
	Horseback riding, schooling and boarding facilities	.	Z	.	.	.	.	.	.	x	S	.	.	.	x	

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

<b>TABLE &lt;&gt;: PRINCIPAL USE TABLE</b>																
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		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)		HI (I-2)	PD (NEW)
<b>Farm Machinery Sales, Rental, or Service</b> An establishment engaged in the sale, rental, and/or service of equipment normally or routinely used on farms and in gardens, and related parts, tools and accessories, but not non-farm equipment or materials.		.	S	.	.	.	.	S	.	.	S	P	P	P	A	◊
<b>Farmers Market</b> A use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products by more than one vendor. The use may or may not include a permanent building.		.	P	S	.	.	.	P	P	P	P	P	.	.	A	◊
Farm and craft markets		.	.	S	S	S	S	Z	Z	x	Z	Z	.	.	x	
<b>Roadside Market</b> A permanent retail establishment engaged in the retail sale or resale of agricultural products and seafood produced on site or in adjacent waters.		.	P	.	.	.	.	P	.	.	P	P	.	.	A	
<b>RESIDENTIAL USE CLASSIFICATION</b>																
<b>HOUSEHOLD LIVING USES</b>																
Household living includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles.																
<b>Bungalow Court</b>		.	.	.	.	.	.	.	.	.	.	.	.	.	.	
<b>Duplex</b> A single structure comprised of two dwelling units that share common vertical walls or horizontal floors/ceilings. The dwelling units may be on their own lots or on a single lot.		.	.	.	.	.	P	.	.	P	.	.	.	.	A	<4.402.>
Two-family conversion		.	.	.	.	.	S	.	.	x	.	.	.	.	x	
Duplex		.	.	.	.	.	S	.	.	x	.	.	.	.	x	
Two-family apartment		.	.	.	.	.	S	.	.	x	.	.	.	.	x	
<b>Live/Work Dwelling</b> A structure or portion of a structure combining a dwelling unit with an integrated nonresidential ground-level workspace typically used by one or more residents of the dwelling.		.	S	.	.	.	P	P	P	P	.	.	S	.	A	<4.402.>
<b>Manufactured Home</b> A dwelling on its own lot constructed after June 15, 1976 that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis. It bears a valid seal indicating conformance with the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of its construction.		.	P	P	S	.	.	.	.	.	.	.	.	.	A	<4.402.>

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted "S"= Permitted with Special Use Permit "."= Prohibited

USE CATEGORY Use Type Description	Current Use (provided for comparative purposes only- rows removed upon adoption)	RESIDENTIAL					COMMERCIAL					IND.		ADDITIONAL STANDARDS (151.4)		
		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)		HI (I-2)	PD (NEW)
<b>Manufactured Home or Mobile Home Park</b> A site where two or more manufactured or mobile homes are located on individual leaseholds or other divisions of land under common ownership. The park may include additional accessory uses such as recreation facilities, shared laundry facilities, storage, and parking.		.	.	.	.	.	.	.	.	.	.	.	.	.	.	
<b>Mobile Home</b> A factory-built dwelling on its own lot constructed prior to June 15, 1976, to State code standards, not those adopted by the US Department of Housing and Development on June 15, 1976.		.	S	S	.	.	.	.	.	.	.	.	.	.	.	<4.402.>
Class A mobile home		.	.	.	.	Z	Z	.	.	x	.	.	.	.	.	x
Class B mobile home		.	.	.	.	.	Z	.	.	x	.	.	.	.	.	x
Class C mobile home, subject to §151.210 <i>et seq.</i>	Existing mobile homes and mobile home subdivisions, subject to 151.210 <i>et seq.</i>															
Class B mobile home, subject to §151.347(J)		.	.	.	.	.	S	.	.	x	.	.	.	.	.	x
<b>Multi-Family</b> A dwelling comprised of five or more dwelling units that share common vertical walls or horizontal floors/ceilings (or both) that are not on individual lots. Examples include apartments and condominiums.		.	.	.	.	.	.	.	S	P	S	S	.	.	A	<4.402.>
Multi-family conversion		.	.	.	.	.	.	.	S	x	S	S	.	.	.	x
Multi-family apartments		.	.	.	.	.	.	.	S	x	S	S	.	.	.	x
<b>Pocket Neighborhood</b>																
<b>Quadraplex</b> A single structure comprised of four individual dwelling units that share common vertical walls or horizontal floors/ceilings located on a single lot.		.	.	.	.	.	.	.	P	P	P	S	.	.	A	<4.402.>
<b>Single-Family Attached</b> A dwelling unit that is physically attached to one or more dwelling units, each on its own lot. Individual lots may or may not be surrounded by a larger tract that incorporates shared parking, recreation feature, or access. The larger tract may or may not be owned in common by the landowners of individual lots. Examples include townhouses, patio homes, and row houses.		.	.	.	.	.	S	.	P	P	S	S	.	.	A	<4.402.>
Multi-family townhomes		.	.	.	.	.	.	.	S	x	S	S	.	.	.	x
Condominiums		.	.	.	.	.	.	.	S	x	S	S	.	.	.	x
<b>Single-Family Detached</b> A dwelling containing one dwelling unit that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. This term includes modular homes. For regulatory purposes, this term does not include manufactured dwellings, recreational vehicles, or other forms of temporary or portable housing.		.	P	P	P	P	P	.	.	P	.	.	.	.	A	<4.402.>
Site built		.	Z	Z	Z	Z	Z	.	.	x	.	.	.	.	.	x
Modular		.	Z	Z	Z	Z	Z	.	.	x	.	.	.	.	.	x



**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

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		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)		HI (I-2)
<b>Triplex</b> A single structure comprised of three dwelling units that share common vertical walls or horizontal floors/ceilings located on a single lot.		.	.	.	.	.	S	P	P	P	S	.	.	A	<4.402.>
<b>Upper Story Residential</b> A dwelling unit located on a floor above a nonresidential use.		.	.	.	.	.	P	P	P	P	.	S	.	A	<4.402.>
<b>GROUP LIVING</b> Group Living includes use types that provide for the residential occupancy of a building by a group. The occupancy of the building may be larger than found in Household Living. Tenancy is arranged on a monthly or longer basis. Generally, group living development has a common eating area for residents. The residents may receive care, training, or treatment. Accessory uses may include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.															
<b>Dormitory</b> A residential facility established directly or indirectly in association with a college, business college, trade school, or university for the purpose of housing students registered and attending the institution. Typically, it includes bedrooms with shared bathrooms and other shared living spaces. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.		.	.	.	.	.	.	S	S	S	.	S	.	A	<4.402.>
<b>Family Care Home</b> A home for six or fewer persons that provides room and board, personal care, and habilitation services in a family environment for the residents, who have a temporary or permanent physical, emotional, or mental disability (including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in North Carolina General Statutes Section 122C-3(11)b.)		.	P	P	P	P	P	.	.	P	.	.	.	A	<4.402.>
<b>Group Home</b> A home for seven or more persons that provides room and board, personal care, and habilitation services for the residents, who have a temporary or permanent physical, emotional, or mental disability.		.	.	.	.	.	S	S	S	S	S	.	.	A	<4.402.>
	Family care home	.	.	.	.	.	S	S	x	S	S	.	.	x	
	Family care homes for the aged	.	.	.	.	.	.	.	x	.	.	.	.	x	
<b>Rooming House</b> A dwelling that provides rental accommodations to tenants in up to five individual rooms for periods of one week or longer. The dwelling is accessed by a shared entry with a common kitchen. Meals may be provided to the tenants.		.	S	.	.	.	P	S	S	S	S	.	.	A	<4.402.>
	Rooming houses and boarding houses	.	S	.	.	.	S	S	x	S	S	.	.	x	
<b>INSTITUTIONAL USE CLASSIFICATION</b>															

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

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		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)		HI (I-2)	PD (NEW)
<b>COMMUNITY SERVICES</b>																
The Community Services Use Category includes use types of a public, charitable, non-profit, or for-profit nature that provide a local service to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Community centers or facilities that have membership provisions that are open to the general public (for instance, any senior citizen could join a senior center) are included in the Community Services Use Category. The use type may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Accessory uses may include offices, meeting, food preparation, parking, health, and therapy areas; and athletic facilities. Parks are not considered Community Services; they are classified as Parks and Open Areas.																
<b>Community Center</b> A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.																
		S	.	.	.	.	S	P	P	P	P	.	.	.	A	↕
<b>Cultural Facility</b> Establishments such as zoological gardens, conservatories, planetariums, or other similar uses of an historic, educational, or cultural interest, which are not operated for profit.																
		S	.	.	.	.	S	P	P	P	S	.	.	.	A	↕
	Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet	.	.	S	S	S	S	S	S	x	S	S	.	.	x	
	Located within any permissible structure	.	.	.	.	.	.	S	S	x	S	S	.	.	x	
<b>Library</b> A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.																
		.	.	.	.	.	.	P	P	P	P	.	.	.	A	↕
<b>Museum</b> A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food to the public.																
		S	.	.	.	.	.	P	P	P	P	.	.	.	A	↕
<b>Senior Center</b> A facility typically for use by citizens of 62 years of age, or older, dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly or privately-owned, but are not operated for a profit.																
		.	.	.	.	.	P	P	P	P	P	S	.	.	A	↕
<b>Youth Club Facility</b> A boys' club, a girls' club, or any other non-profit facility that is not a school but which provides entertainment, recreation, crafts, tutorials or other quality of life enhancements for minors.																
		.	.	.	.	.	S	P	P	P	P	S	.	.	A	↕
<b>DAY CARE</b> The Day Care Use Category is characterized by use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses include offices, food preparation, recreation areas, and parking. The Day Care Use Category does not include incidental child care within a primary residence, drop-in or short-term day care provided in connection with employment or shopping center, recreational facility, religious institution, hotel, or other principal use, where children are temporarily cared for while parents or guardians are employed part-time or temporarily occupied on the premises or in the immediate vicinity.																

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

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		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)		HI (I-2)	PD (NEW)	
<b>Adult Day Care Center</b> A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of abode, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.		.	.	.	.	.	S	P	P	P	P	P	S	.	.	A	↕
<b>Child Care Center</b> A commercial or non-profit use licensed by the State where, at any one time, three or more children under the age of 13 receive child care in a building other than a residence on a regular basis from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental child care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises.		.	P	.	.	.	P	P	P	P	P	P	P	P	.	A	↕
	Nursery school and day-care centers	.	Z	.	.	.	.	Z	Z	x	Z	Z	Z	.	.	x	
<b>EDUCATIONAL FACILITIES</b>																	
The Educational Facilities Use Category includes use types such as public and private schools at the elementary, middle, or high school level that provide state-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities include offices, dormitories, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial.																	
<b>Major</b> A public or private institution for post-secondary education operating in buildings owned or leased by the institution and engaged in classroom instruction, residential units, administrative offices, and other functions which further the educational mission of the institution.		.	.	.	.	.	.	S	S	S	S	S	S	S	.	A	↕
	Colleges, community colleges, including associated facilities such as dormitories, office buildings, athletic fields and the like	.	.	.	.	.	.	S	S	x	S	.	.	.	.	x	
	Trade or vocational school	.	.	.	.	.	.	S	S	x	S	S	Z	Z	.	x	
<b>Moderate</b> An educational institution that provides secondary education such as a high school or a middle school. Accessory uses may include offices, play areas, cafeterias, sports facilities, and bus parking areas.		.	S	.	.	.	S	P	P	P	P	S	.	.	.	A	↕
	Elementary and secondary, including associate grounds, athletic and other facilities	.	S	S	S	S	S	S	S	x	S	S	.	.	.	x	

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

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		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)	HI (I-2)		PD (NEW)
<b>Minor</b> An educational institution that provides elementary education such as an elementary or nursery school as well as a small-scale secondary education facility limited to 75 students or less. Accessory uses may include offices, play areas, cafeterias, sports facilities, and bus parking areas.		.	P	S	S	P	P	P	P	P	P	S	.	.	A	
<b>GOVERNMENT FACILITIES</b> The Government Facilities Use Category includes use types that provide for the general operations and functions of local, state, or federal governments. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.																
<b>Government Office</b> An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.		S	P	.	.	.	.	P	P	P	P	P	P	.	A	↕
	Government offices	.	.	.	.	.	Z	Z	x	Z	Z	Z	Z	.	x	
	Post office	.	Z	.	.	.	Z	Z	x	Z	Z	.	.	.	x	
<b>Government Maintenance, Storage, or Distribution Facility</b> A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards.		.	S	.	.	.	.	S	S	S	P	P	P	P	A	↕
<b>HEALTH CARE FACILITIES</b> The Health Care Facilities Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Hospitals and medical treatment facilities offer overnight care, as well as outpatient care. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members. The Health Care Facilities Use Category does not include: Uses that involve provision of residential care for the elderly or disabled, which are classified as Institutions; or Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents and participants in a program, which are considered Institutions.																
<b>Drug or Alcohol Treatment Facility</b> Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.		.	.	.	.	.	.	.	S	S	S	.	S	.	A	↕
<b>Hospital</b> An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.		.	.	.	.	.	.	S	P	P	S	S	.	.	A	↕
	Hospitals, clinics, other medical, including mental health, treatment facilities in excess of 10,000 square feet in gross floor area	.	.	.	.	.	.	S	S	x	S	S	.	.	x	

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

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<b>Medical Treatment Facility</b> A small-scale facility which may or may not be located in a converted dwelling or residence where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists. Patients may or may not receive care or lodging overnight. Such facilities may include sleeping rooms for care workers and members of patient's families.		.	S	.	.	.	S	P	P	P	P	S	.	.	A	↕
<b>INSTITUTIONS</b> The Institutions Use Category includes use types that provide a variety of facilities, including buildings that provide meeting areas for religious activities, civic or fraternal club activities, housing and care for the elderly, and housing related to treatment programs or post-incarceration. Accessory uses include school facilities, limited medical treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, parking, and staff residences.																
<b>Assisted Living Facility</b> A building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, health care assistance, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or proprietor. Accessory uses may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.		.	.	.	.	.	S	S	S	S	S	S	.	.	A	↕
	Nursing care, intermediate care, handicapped, infirm or child care institutions	.	.	.	.	.	.	S	S	X	S	S	.	.	X	
<b>Club or Lodge</b> A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.		.	S	.	.	.	S	P	P	P	P	S	.	.	A	↕
	Social, fraternal clubs and lodges, union halls and similar uses	.	.	.	.	.	.	S	S	X	S	S	.	.	X	
<b>Halfway House</b> A licensed home for not more than nine juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.		.	.	.	.	.	.	.	.	.	S	S	.	.	.	↕
	Halfway houses	.	.	.	.	.	.	.	.	X	S	.	.	.	X	

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

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<b>Nursing Home</b> Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying nomenclature or designation such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries. This does not include the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage.		.	.	.	.	.	.	S	S	S	.	.	.	.	A	⚡
	Nursing care and intermediate care homes	.	.	.	.	.	.	S	S	X	.	.	.	.	X	
	Homes for handicapped, aged, or infirm	.	.	.	.	.	.	S	S	X	.	.	.	.	X	
<b>Psychiatric Treatment Facility</b> Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.		.	.	.	.	.	.	.	.	.	S	.	.	.	.	⚡
	Institutions, other than halfway houses, where mentally ill persons are confined	.	.	.	.	.	.	.	.	X	S	.	.	.	X	
<b>Religious Institution</b> A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.		.	S	.	.	.	S	P	P	P	P	S	.	.	A	⚡
	Churches, synagogues and temples, including associated residential structures for religious personnel	.	Z	S	S	S	S	Z	Z	X	Z	Z	.	.	X	
<b>PARKS AND OPEN AREAS</b>																
The Parks and Open Areas Use Category includes use types that focus on open space areas largely devoted to vegetative landscaping or outdoor recreation and that tend to have few structures. Accessory uses may include club houses, restrooms, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and columbaria and mausoleums (as accessory to cemeteries). The Parks and Open Areas Use Category does not include private golf courses; they are classified as Recreation/Entertainment, Outdoor.																
<b>Cemetery</b> Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory or a private cemetery.		.	S	S	S	S	S	S	S	S	S	S	.	.	A	⚡
	Cemetery	.	S	S	S	S	S	.	.	X	.	.	.	.	X	
<b>Community Garden</b> A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person.		P	P	P	P	P	P	P	.	P	.	.	.	.	A	⚡



**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

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<b>Park, Public or Private</b>	Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.		S	P	S	S	S	P	P	P	P	P	P	.	.	A	↕
	Publicly-owned outdoor recreational facilities, such as athletic fields, golf courses, tennis courts, swimming pools, parks, campgrounds, boat ramps and docks and the like not constructed pursuant to a permit authorizing the construction of another use (such as school)		.	Z	.	.	.	.	Z	Z	x	Z	Z	.	.	x	
<b>PUBLIC SAFETY</b> The Public Safety Use Category is characterized by use types that provide public safety services to the general public.																	
<b>Police, Fire, or EMS Facility</b>	A facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.		.	S	S	S	S	S	P	P	P	P	P	P	P	A	↕
	Law enforcement stations		.	S	S	S	S	S	Z	Z	x	Z	Z	Z	Z	x	
	Fire stations		.	S	S	S	S	S	Z	Z	x	Z	Z	Z	Z	x	
	Rescue squad and ambulance service		.	S	S	S	S	S	Z	Z	x	Z	Z	Z	Z	x	
	Civil defense operations		.	S	S	S	S	S	Z	Z	x	Z	Z	Z	Z	x	
<b>Correctional Facility</b>	A facility for persons serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.		.	.	.	.	.	.	.	.	.	.	.	S	S	.	↕
	Penal and correctional facilities		.	.	.	.	.	.	.	.	x	.	.	S	S	x	
<b>TRANSPORTATION</b> The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. This use category also includes passenger terminals for surface transportation. Accessory uses include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities. Transit route facilities such as bus stops, bus shelters, and park-and-ride facilities are classified as Utilities.																	
<b>Airport</b>	Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.		.	.	.	.	.	S	.	.	.	.	.	S	S	A	↕
	County-owned and operated airport		.	.	S	S	S	S	.	.	x	.	.	S	S	x	
	Privately-owned airport		.	.	.	.	.	S	.	.	x	.	.	S	S	x	
	Airstrip		.	.	.	.	.	.	.	.	x	.	.	S	S	x	

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

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<b>Helicopter Landing Facility</b> An area, either on ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.		.	S	.	.	.	.	.	.	S	.	S	S	A	◀▶
<b>Passenger Terminal, Surface Transportation</b> A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.		.	.	.	.	.	P	P	P	S	.	.	.	A	◀▶
<b>UTILITIES</b> The Utilities Use Category includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Wireless telecommunications towers also are a type of utility. Services may be publicly or privately provided. Accessory uses may include parking and control, offices, monitoring, storage areas, or data transmission equipment. Landfills, recycling and salvage centers, and waste composing uses are considered Waste-Related Services.															
<b>Solar array</b> Two or more solar collectors or photovoltaic panels configured as a principal use and intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.		.	S	S	S	.	.	S	.	S	S	S	S	A	◀▶
	Solar farms	.	S	S	S	S	S	S	x	S	S	S	S	x	
<b>Antenna Collocation (on a Building)</b> The placement of wireless telecommunications antenna(s) and associated equipment on or in a building other than a single-family attached or detached structure. This includes the placement of equipment on water tanks or other similar structures, but not on an existing telecommunication tower or electrical transmission tower.		.	.	.	.	.	P	P	P	P	P	P	P	A	
	WTF, antennas, supporting structures, radio or television towers which are 35 feet or less and receive only earth stations	.	Z	Z	Z	Z	Z	Z	x	Z	Z	Z	Z	x	
<b>Antenna Collocation (on a Tower)</b> The placement of wireless telecommunications antenna(s) and associated equipment on an existing telecommunications tower or electrical transmission tower. This use type includes "eligible facilities" as identified in the North Carolina General Statutes.		.	P	.	.	.	P	P	P	P	P	P	P	A	
<b>Small Wireless Facility</b> The placement of antenna(s) and equipment of a specified maximum size on existing electrical poles, telephone poles, traffic signal mast arms, or other similar vertical projections within rights-of-way or outside rights-of-way on land within a nonresidential zoning district.		.	P	.	.	.	P	P	P	P	P	P	P	A	
<b>Wind Energy Conversion Facility</b> A utility comprised of one or more towers each including a turbine with a series of two or more blades that produce energy when driven by the wind.		.	S	.	.	.	.	.	.	S	.	P	P	A	
	Wind turbines								x					x	

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

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<b>Telecommunications Tower, Freestanding</b> A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.		.	S	.	.	.	.	.	.	S	S	S	S	A	⚠
	WTF, antennas, support structures and towers of all types that are over 35 feet tall, subject to § 151.035	.	S	.	.	.	.	.	X	S	S	S	S	X	
	WTF, antennas, support structures and towers of all types that are over 300 feet tall, subject to ' 151.065	.	S	.	.	.	.	.	X	.	S	S	.	X	
<b>Telecommunications Tower, Stealth</b> A freestanding telecommunications tower that is configured to fully conceal wireless telecommunications equipment and appear as a tree, flag pole, clock tower, or other vertical projection. Stealth telecommunication towers are not considered as freestanding telecommunication towers for the sake of collocation or accommodation of small wireless facilities.		.	P	P	P	P	P	P	P	P	P	P	P	A	
<b>Utility, Major</b> Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, wind energy conversion systems, and electrical substations.		.	P	S	S	S	S	S	S	P	P	P	P	A	⚠
	Community or regional utility facilities	.	Z	S	S	S	S	S	X	Z	Z	Z	Z	X	
	County-owned or operated utility facilities	.	Z	Z	Z	Z	Z	Z	X	Z	Z	Z	Z	X	
	Medium wind turbines	.	S	S	S	S	S	S	X	S	S	S	S	X	
	Large wind turbines	.	S	.	.	.	.	S	S	X	S	S	S	X	
<b>Utility, Minor</b> Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of Minor Utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation uses such as park-and-ride facilities.		.	P	S	S	S	P	P	P	P	P	P	P	A	⚠
	Neighborhood utility facilities	.	Z	S	S	S	S	Z	Z	X	Z	Z	Z	X	
	Small wind turbines	.	Z	S	S	S	S	Z	Z	X	Z	Z	Z	X	
<b>COMMERCIAL USE CLASSIFICATION</b>															

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<b>ADULT AND SEXUALLY-ORIENTED BUSINESSES</b>																
(See Chapter 154 of the Camden County Code of Ordinances for definitions).																
<b>All Adult and Sexually-Oriented Businesses</b> (See Chapter 154 of the Camden County Code of Ordinances for definitions.)																
	Adult and sexually-oriented businesses	.	.	.	.	.	.	.	.	.	.	.	S	.	↕	
	Adult and sexually-oriented businesses	.	.	.	.	.	.	.	x	.	.	.	S	x		
<b>ANIMAL CARE</b>																
The Animal Sales, Services, and Care Use Category is characterized by uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals and the boarding of animals related to the provision of these services. Examples include animal shelters, animal grooming, kennels (outdoor and indoor), animal hospitals, and veterinary clinics.																
<b>Major</b> Animal care uses that include outdoor kennels, runs, or exercise areas.																
	Kennels	.	S	.	.	.	.	.	.	P	.	S	.	A	↕	
	Kennels	.	Z	.	.	.	.	S	.	x	Z	.	.	x		
<b>Minor</b> Animal care uses that do not include outdoor kennels, runs, or exercise areas.																
	Veterinarians	.	P	.	.	.	.	P	P	.	P	.	.	A	↕	
	Veterinarians	.	Z	.	.	.	.	Z	Z	x	Z	.	.	x		
<b>EATING ESTABLISHMENTS</b>																
The Eating Establishments Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.																
<b>Restaurant, Major</b> An eating establishment that sells alcohol for on-site consumption or includes a drive-through.																
	Carry-out and delivery service, consumption outside a fully enclosed structure allowed, but no drive-in service	.	.	.	.	.	.	S	P	P	P	P	S	.	A	↕
	Carry-out and delivery service, drive-in service, service outside a fully enclosed structure, with drive-in and delivery service	.	.	.	.	.	.	Z	Z	x	Z	Z	Z	.	x	
<b>Restaurant, Minor</b> An eating establishment that does not sell alcohol or includes a drive-through.																
	No substantial carry-out or delivery service, no drive-in service, no service or consumption outside a fully enclosed structure	.	.	.	.	.	.	Z	Z	x	Z	Z	Z	.	x	
	No substantial carry-out or delivery service, no drive-in service, service or consumption outside a fully enclosed structure	.	.	.	.	.	.	Z	Z	x	Z	Z	Z	.	x	
<b>Bar, Nightclub, or Dance Hall</b> An establishment primarily devoted to the sale of alcoholic beverages for on-site consumption, where the sale of food is incidental. Activities may include dancing or other forms of entertainment (including live performances that are not considered adult entertainment uses) such as billiard tables, darts, and karaoke.																
	Dance halls, bars and nightclubs	.	.	.	.	.	.	S	P	P	S	S	.	.	A	↕
	Dance halls, bars and nightclubs	.	.	.	.	.	.	Z	Z	x	Z	Z	.	.	x	

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

**TABLE <>: PRINCIPAL USE TABLE**

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USE CATEGORY Use Type Description	Current Use (provided for comparative purposes only- rows removed upon adoption)	RESIDENTIAL					COMMERCIAL					IND.		ADDITIONAL STANDARDS (151.4)		
		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)		HI (I-2)	PD (NEW)
<b>OFFICES</b>																
The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building. Example use types include business and sales offices (such as lenders, banks, brokerage houses, tax preparers, and real estate agents), and professional services (such as doctors, lawyers, accountants, engineers, or architects).																
<b>Major</b>																
An office use of 2,000 square feet of floor area or more, or where clients or patrons regularly receive services on-site.																
	Operations designed to attract and serve customers or clients on the premises; operation conducted within or outside building	.	.	.	.	.	.	P	P	P	S	S	S	S	A	↕
	Offices or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area	.	.	.	.	.	.	Z	Z	x	Z	Z	S	S	x	
	Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, stock brokers, travel agents and other professions; all operations conducted within a fully enclosed building	.	.	.	.	.	.	Z	Z	x	Z	Z	S	.	x	
<b>Minor</b>																
An office use of less than 2,000 square feet of floor area or where clients or patrons do not receive services on-site.																
	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the use; all operations conducted within a fully enclosed building	.	.	.	.	.	.	P	P	P	P	P	P	S	A	↕
	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the use; all operations conducted within a fully enclosed building	.	.	.	.	.	.	Z	Z	x	Z	Z	S	S	x	
<b>PARKING, COMMERCIAL</b>																
The Commercial Parking Use Category includes use types that provide free-standing parking lots and structures that are not accessory to a specific principal use. A fee may or may not be charged. A parking facility that provides both accessory parking for a specific principal use and regular fee parking for people not connected to the principal use is also classified as Commercial Parking. Accessory uses may include small shelters for parking attendants.																
<b>All</b>																
See use category definition.																
		S	.	.	.	.	.	P	P	P	P	P	P	P	A	↕
<b>PERSONAL SERVICES</b>																
An establishment meeting frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing. Examples include laundromats, massage therapy and day spas, laundry and dry-cleaning pick-up and drop-off establishments, banks, savings and loans, credit unions, photography studios, funeral homes and crematoriums, mailing or packaging services, photocopy services, screen printer, barber/beauty shops, and tanning and nail salons.																
<b>Major</b>																
A personal services establishment with 1,500 square feet of floor area or more.																
	Dry cleaner	.	.	.	.	.	.	S	S	x	Z	Z	.	.	x	
	Laundromat	.	.	.	.	.	.	Z	Z	x	Z	Z	.	.	x	
<b>Minor</b>																
A personal services establishment with less than 1,500 square feet of floor area.																
		.	.	.	.	.	.	P	P	P	P	P	P	.	A	

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

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<b>RECREATION/ENTERTAINMENT, INDOOR</b>																
The Indoor Recreation/Entertainment Use Category includes use types that are privately owned and provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, parking, and maintenance facilities. Example use types include country clubs, indoor commercial recreation uses (including bowling alleys, game rooms, dancehalls, and skating rinks), and theaters (including cinemas, screening rooms, and stages).																
<b>Major</b> Indoor recreation/entertainment uses with 2,500 square feet of floor area or more, or where the use is expected to generate more than 200 vehicle trips per day according to the Institute of Transportation Engineer's most recent trip generation rate manual.		.	.	.	.	.	.	S	P	P	P	S	S	.	A	↕
	Bowling alleys, skating rinks, indoor tennis and racquetball courts, billiards and pool halls, indoor athletic and exercise facilities	.	.	.	.	.	.	Z	Z	x	Z	Z	S	.	x	
<b>Minor</b> Indoor recreation/entertainment uses with less than 2,500 square feet of floor area, or where the use is expected to generate less than 200 vehicle trips per day according to the Institute of Transportation Engineer's most recent trip generation rate manual.		.	.	.	.	.	.	P	P	P	P	P	P	.	A	↕
	Bowling alleys, skating rinks, indoor tennis and racquetball courts, billiards and pool halls, indoor athletic and exercise facilities	.	.	.	.	.	.	Z	Z	x	Z	Z	S	.	x	
	Movie theaters	.	.	.	.	.	.	Z	Z	x	Z	Z	.	.	x	
	Internet Sweepstakes Café Subject to Article 151.347(U)	.	.	.	.	.	.	.	S	x	S	.	.	.	x	
<b>RECREATION/ENTERTAINMENT, OUTDOOR</b>																
The Outdoor Recreation/Entertainment Use Category includes use types that are large, generally commercial, and provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, and maintenance facilities. Example use types include privately-owned arenas, amphitheaters, or stadiums, outdoor commercial recreation uses (including private golf driving ranges and privately-owned miniature golf facilities; go-cart racing; race tracks; drive-in movie theaters; privately-owned outdoor commercial tourist attractions; and privately-owned active sports facilities such as ball fields, courts, and archery ranges), athletic facilities, private golf courses, and outdoor swimming pools (private).																
<b>Major</b> Outdoor recreation/entertainment uses that involve the operation of machinery by patrons or that have the potential to generate significant amounts of noise while in operation.		.	S	.	.	.	.	.	.	.	S	.	S	S	A	↕
	Automobile and motorcycle racing tracks	.	S	.	.	.	.	.	.	x	S	.	S	S	x	
	Competitive go-kart/ATV race tracks	.	S	.	.	.	.	.	.	x	S	.	S	S	x	
	Drive-in movie theaters	.	S	.	.	.	.	.	.	x	.	S	.	.	x	
	Recreational grounds	.	.	.	.	.	.	.	.	x	S	S	.	.	x	
<b>Minor</b> Outdoor recreation/entertainment uses do not involve the operation of machinery by patrons or that do not have the potential to generate significant amounts of noise while in operation. Uses engaged in the discharge of firearms are firing ranges.		.	S	.	.	.	.	P	P	P	P	P	P	.	A	



**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

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	Privately-owned outdoor recreation facilities, such as golf and country clubs and the like, not including campgrounds, not constructed pursuant to a permit authorizing the construction of some residential development	.	Z	.	.	.	.	Z	Z	x	Z	Z	Z	.	x	
	Golf driving ranges not accessory to golf courses, par three courses, miniature golf courses, skateboard parks, water slides and similar uses	.	.	.	.	.	.	Z	Z	x	Z	Z	.	.	x	
<b>Firing Range</b>	A commercial establishment configured for the purpose of shooting at targets by rifles, pistols, shot guns, or archery. Firing ranges do not include uses with hunting leases or involved in the operation of air rifles (e.g., paintball establishments). Accessory uses include a club house, ammunition sales, and repair services.	.	.	.	.	.	.	.	.	.	.	.	S	S	.	↕
	Outdoor firing range facilities, subject to 151.347	.	.	.	.	.	.	.	x	.	.	S	S	x		
<b>Water-Related Uses</b>	Commercial establishments engaged in providing access to waterways for persons and equipment for the purposes of leisure pursuits. Water-related uses also include marinas. Boat slips and boat ramps that are publically owned are Recreation and Open Area uses.	.	S	.	.	.	.	S	S	.	.	S	.	.	A	
	Boat Ramps, Publicly-owned	.	Z	S	S	S	S	Z	Z	x	Z	Z	Z	Z	x	
	Boat Ramps, Privately-owned, but open to the public on a fee basis	.	S	.	.	.	.	S	S	x	S	S	S	S	x	
	Marinas, not associated with a residential development	.	S	.	.	.	.	.	.	x	.	S	.	.	x	
<b>RETAIL SALES</b>	The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, gasoline sales, and parking. Use types within this use category have been categorized based on their intensity, scale, and function.															
<b>Grocery Store</b>	An establishment for the retail sale of fresh or prepared foods for consumption primarily off-premises. Accessory uses include the sales of prepared food for on-site consumption, sale of seasonal items (like Christmas trees), and drive-up grocery loading services.	.	.	.	.	.	.	P	P	P	P	.	.	.	A	↕
<b>Major</b>	Retail uses with 1,000 square feet of floor area or more, or where the use is expected to generate more than 100 vehicle trips per day according to the Institute of Transportation Engineer's most recent trip generation rate manual.	.	.	.	.	.	.	S	P	P	P	S	S	.	A	↕
	Sales and rentals, low traffic volume generation, outdoor display/storage allowed	.	.	.	.	.	.	S	S	x	Z	S	Z	Z	x	
	Sales and rentals, high traffic volume generation, outdoor display/storage allowed	.	.	.	.	.	.	S	S	x	Z	S	Z	Z	x	

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

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Shopping center		.	.	.	.	.	S	S	x	S	S	.	.	x	
Flea markets		.	.	.	.	.	S	.	x	S	.	.	.	x	
Funeral homes							S	S		Z	Z	Z			
Crematoriums			S							S		S	S		
<b>Minor</b> Retail uses with less than 1,000 square feet of floor area or more, or where the use is expected to generate no more than 100 vehicle trips per day according to the Institute of Transportation Engineer's most recent trip generation rate manual.		.	.	.	.	.	P	P	P	P	P	P	.	A	↔
Sales and rentals, low traffic volume generation, outdoor display/storage not allowed		.	.	.	.	.	.	.	x	.	.	.	.	x	
Sales and rentals, high traffic volume generation, outdoor display/storage not allowed		.	.	.	.	.	Z	Z	x	Z	Z	Z	Z	x	
Convenience store		.	.	.	.	.	Z	Z	x	Z	Z	Z	Z	x	
<b>STORAGE, COMMERCIAL</b>															
A storage building or buildings that are divided into sections or compartments for the storage of business or personal items on a temporary or long-term basis.															
<b>Major</b> Commercial storage establishment that allows storage of goods, materials, or personal property indoors and outdoors.		.	.	.	.	.	S	.	.	P	P	P	P	A	↔
Storage inside or outside completely enclosed structures		.	.	.	.	.	.	.	x	Z	Z	Z	Z	x	
<b>Minor</b> Commercial storage establishment that allows storage of goods, materials, or personal property indoors only.		.	.	.	.	.	P	P	P	P	P	P	.	A	↔
All storage within completely enclosed structures		.	.	.	.	.	Z	.	x	Z	Z	Z	Z	x	
<b>VEHICLE ESTABLISHMENT</b>															
The Vehicle Establishment Use Category includes use types involving the direct sale; rental; storage; and servicing of automobiles, trucks, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.															
<b>Major</b> Establishments engaged in vehicle sales, rental, storage, towing, and major repair such as transmission, engine repair, bodywork, and repainting.		.	.	.	.	.	S	S	.	P	.	S	P	A	↔
Motor vehicle and boat sales or rental or sales and service		.	.	.	.	.	Z	Z	x	Z	Z	Z	.	x	
Automobile repair shop or body shop, provided all wrecked vehicles and parts are visually screened from the exterior of the property lines and right-of-way lines		.	Z	.	.	.	Z	Z	x	Z		Z	.	x	
<b>Minor</b> Establishments that are primarily engaged in washing cars, tire sales, minor repair such as diagnostic work, lubricating, wheel alignment and inspections, but no vehicle sales or rental.		.	.	.	.	.	P	P	P	P	P	P	.	A	↔

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

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	Car wash		.	.	.	.	.	.	Z	Z	X	Z	Z	Z	.	X
	Gas sales operations		.	.	.	.	.	.	Z	Z	X	Z	Z	Z	.	X
	Automobile service center		.	Z	.	.	.	.	Z	Z	X	Z	Z	Z	.	X
<b>VISITOR ACCOMMODATIONS</b>																
The Visitor Accommodations Use Category includes use types that provide lodging units or space for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.																
<b>Bed and Breakfast</b>																
A private residence, typically a single-family detached structure engaged in the renting of one or more rooms on a daily basis to tourists, vacationers, or business people where the provision of meals is limited to guests only.																
	Bed and breakfast establishments		.	P	.	.	.	S	P	P	P	.	.	.	.	A
	Tourist homes, rented by day or week		.	.	.	.	.	.	S	S	X	.	S	.	.	X
	Hunting and fishing lodges		.	S	.	.	.	.	S	.	X	S	S	.	.	X
<b>Hotel or Motel</b>																
A building or group of buildings in which sleeping accommodations are offered to the public and intended for temporary occupancy on an overnight or short term basis. Accessory uses may include restaurants, bars, offices, and onsite recreational facilities. Some rooms may include in-room kitchen, dining, and laundry facilities.																
	Hotels, motels and similar businesses		.	.	.	.	.	.	.	S	P	S	S	.	.	A
	Hotels, motels and similar businesses		.	.	.	.	.	.	.	S	X	S	S	.	.	X
<b>INDUSTRIAL USE CLASSIFICATION</b>																
<b>EXTRACTIVE INDUSTRY</b>																
The Extractive Industry Use Category includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources (including gravel, sand, clay, or topsoil). Such uses also include quarrying, well operation, mining, or other procedures typically done at an extraction site. Accessory uses include offices, limited wholesale sales, security or caretakers quarters, outdoor storage, and maintenance facilities.																
<b>All</b>																
See use category definition.																
	Mining or quarrying operations, including on-site sales of products		.	S	.	.	.	.	.	.	.	.	.	S	S	.
	Mining or quarrying operations, including on-site sales of products		.	S	.	.	.	.	.	.	X	.	.	S	S	X
<b>INDUSTRIAL SERVICES</b>																
The Industrial Services Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.																
<b>Contractor Service</b>																
Offices for building, heating, plumbing, or electrical contractors, and related storage facilities.																
	Contractor Service		.	.	.	.	.	.	.	.	.	P	P	P	P	A

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<b>Crabshedding</b> An operation in the crab harvesting industry that involves the controlled shedding or molting of blue crabs to produce the more commercially valuable soft-shelled form. Soft crab shedding systems are designed to put near-molt crabs in a controlled environment, so they can efficiently be harvested during the period that the shell is soft. Accessory uses include indoor or outdoor storage of crab pots.		.	.	.	.	.	.	.	.	.	P	P	S	.	◊
	Crabshedding	.	.	.	.	.	.	.	x	.	Z	.	.	x	
<b>Fuel Oil or Bottled Gas Distributor</b> An establishment that distributes fuel oil or bottled gases such as propane or liquid petroleum for compensation.		.	.	.	.	.	.	.	.	.	.	P	P	.	◊
<b>General Industrial Service and Repair</b> Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage.		.	.	.	.	.	.	.	.	S	S	P	P	A	◊
<b>Heavy Equipment Sales, Rental, or Service</b> An establishment engaged in the display, sale, leasing, servicing, or rental of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW). The use may also consist of a vehicle or series of vehicle that service or repair heavy equipment on-site.		.	.	.	.	.	.	.	.	P	S	P	P	A	◊
<b>Research and Development</b> A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.		.	.	.	.	.	.	.	S	P	P	P	S	A	◊
<b>MANUFACTURING AND PRODUCTION</b>															
The Manufacturing and Production Use Category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales if the manufacturing area does not exceed 35 percent of the development's gross floor area.															
<b>Manufacturing, Heavy</b> The manufacture or compounding process of raw materials. These activities may involve outdoor operations as part of their manufacturing process.		.	.	.	.	.	.	.	.	.	.	S	P	A	<>
	Operations conducted within or outside a fully enclosed building	.	.	.	.	.	.	S	S	x	S	S	Z	Z	x

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<b>Manufacturing, Light</b> The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration.		.	.	.	.	.	.	.	.	.	P	P	P	P	A	<>
	Majority of dollar volume of business done with walk-in trade; all operations in fully-enclosed building	.	Z	.	.	.	.	Z	Z	x	Z	Z	Z	Z	x	
	Majority of dollar volume business not done with walk-in trade; all operations in fully-enclosed building	.	Z	.	.	.	.	Z	Z	x	Z	Z	Z	Z	x	
<b>WAREHOUSE AND FREIGHT MOVEMENT</b>																
The Warehouse and Freight Movement Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas. Use types that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related Services.																
<b>All</b> See use category definition.		.	.	.	.	.	.	P	P	S	P	P	P	P	A	<>
<b>WASTE-RELATED SERVICES</b>																
The Waste-Related Services Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products. The Waste-Related Services Use Category does not include wastewater treatment plants and potable water treatment plants; these are classified as Utilities.																
<b>Incinerator</b> A facility that burns refuse at high temperatures to reduce the volume of waste.		.	.	.	.	.	.	.	.	.	.	.	.	S	.	<>
	Incinerators	.	.	.	.	.	.	.	.	x	.	.	.	S	x	
<b>Landfill</b> An area of land or an excavation used for disposal of solid waste.		.	.	.	.	.	.	.	.	.	.	.	S	S	.	<>
	Reclamation landfill	.	Z	.	.	.	.	.	.	x	Z	.	Z	Z	x	
	Sanitary Landfill and Convenience Centers, County-owned and operated	.	S	Z	Z	Z	Z	Z	Z	x	Z	Z	Z	Z	x	
	Sanitary Landfill and Convenience Centers, Other	.	.	.	.	.	.	.	.	x	.	.	Z	Z	x	
	Demolition landfill	.	.	.	.	.	.	.	.	x	.	.	S	S	x	
<b>Public Convenience Center or Transfer Station</b> A publicly-owned and operated facility for the purposes of collection of trash and waste for relocation to a sorting facility or permanent long term storage location.		.	S	.	.	.	.	.	.	.	P	.	P	P	.	<>
<b>Recycling Center</b> A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.		.	S	.	.	.	.	S	S	.	P	P	P	P	A	<>

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.2 Principal Uses**

4.2.10 Principal Use Table97F

<b>TABLE &lt;&gt;: PRINCIPAL USE TABLE</b>																
		"P"= Permitted		"S"= Permitted with Special Use Permit					"."= Prohibited							
USE CATEGORY Use Type Description	Current Use (provided for comparative purposes only- rows removed upon adoption)	RESIDENTIAL					COMMERCIAL					IND.		ADDITIONAL STANDARDS (151.4)		
		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)		HI (I-2)	PD (NEW)
<b>Salvage or Junkyard</b>	An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold.	.	.	.	.	.	.	.	.	.	.	S	S	.	↕	
	Scrap materials, salvage yards, junk yards and automobile graveyards	.	.	.	.	.	.	.	x	.	.	S	S	x		
<b>Waste composting facility</b>	Uses where organic solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products.	.	S	.	.	.	.	.	.	.	.	S	S	.	↕	
<b>WHOLESALE SALES</b>																
The Wholesale Sales Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.																
<b>Major</b>	A wholesale use located in a building of more than 7,000 square feet of gross floor area, or that includes outdoor storage.	.	.	.	.	.	.	S	S	.	P	S	P	P	A	↕
	Wholesale sales – outdoor storage and display allowed	.	.	.	.	.	.	S	S	x	Z	S	Z	Z	x	
<b>Minor</b>	A wholesale use located in a building of 7,000 square feet of gross floor area or less that does not include outdoor storage.	.	.	.	.	.	.	P	P	.	P	P	P	P	A	↕
	Wholesale sales – outdoor storage and display not allowed	.	.	.	.	.	.	S	S	x	Z	Z	Z	Z	x	



## ARTICLE 151.4 USE REGULATIONS

### Section 4.3 Use Classifications

#### 4.3.1 Purpose

## 4.3 USE CLASSIFICATIONS

### 4.3.1 PURPOSE

This section is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses to determine how a specific land use activity, or combination of activities, is to be considered when applying the principal use table and other provisions in this Ordinance.

### 4.3.2 ORGANIZATION OF USES

Section <>, Use Classifications, organizes principal uses by use classifications, use categories, and use types to provide a systematic basis for identifying, describing, categorizing, consolidating, and distinguishing land uses to determine whether a specific use is permitted in a particular zoning district

#### A. Use Classifications

The use classifications identify broad classifications of land use and include residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general “use categories” and specific “use types.”

#### B. Use Categories

The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual “use types.”

#### C. Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, single-family detached dwellings, two-family dwellings, multi-family dwellings, manufactured homes, and upper-story residential are use types in the Household Living use category.

#### D. Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, then each principal use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.

# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards

### 4.4.1 Agriculture Uses

## 4.4 USE-SPECIFIC STANDARDS

Use-specific standards are the requirements applied to individual use types regardless of the zoning district in which they are located or the review procedure by which they are approved. This section is intended to identify the use-specific standards for all principal uses identified in [Table <>](#), [Principal Use Table](#), as subject to "Additional Standards." These standards may be modified by other applicable requirements in this Ordinance.

### 4.4.1 AGRICULTURE USES

#### A. Agriculture/Horticulture Uses

1. No heated greenhouse shall be operated within 20 feet of any lot line.
2. Any outside storage of equipment, vehicles, or supplies shall be fully screened from off-site views from the closest collector or arterial street by buildings, fencing, or landscaping.

#### B. Animal Husbandry

Animal husbandry uses shall comply with the following standards:

##### 1. Minimum Site Size

- a. Any use engaged in animal husbandry shall have a minimum lot area of at least 40,000 square feet in size.
- b. Uses maintaining non-hoofed animals shall maintain 1,500 square feet per animal kept on site.
- c. Uses maintaining hoofed animals shall maintain 9,000 square feet per animal kept on site.

##### 2. Minimum Setbacks

All barns, pens, and enclosures shall be located at least 100 linear feet from lot lines and drinking water sources (except those intended for livestock).

##### 3. Fencing or Pens Required

Animals (excluding waterfowl) shall be maintained within pens, fenced areas, or other suitable enclosures.

##### 4. Maintenance Required

- a. Pens, stalls, and grazing areas shall be maintained in a sanitary manner free from noxious odors.
- b. Manure stockpiles shall not exceed six feet in height and shall not be permitted during the period from May 1 until August 31.

##### 5. Additional Standards for Stockyards and Slaughterhouses

- a. Stockyards and slaughterhouses shall comply with the applicable standards in Section 143-215.10.A through 10.I of the North Carolina General Statutes.
- b. Slaughter of animals shall take place inside a closed building in a confined area to prevent the transmission of sound to the outside.
- c. Vehicular access to the facility shall not be obtained through residential areas.
- d. Animals shall be enclosed in gated enclosures with a minimum height of six feet.
- e. Waste shall be stored in airtight containers and shall be confined in fully enclosed structures.
- f. All loading and unloading areas shall be screened from view from adjacent lands and public streets.

#### C. Agricultural Support

##### 1. General

All agricultural support uses shall comply with the following standards:

- a. Be on a lot of at least one acre in size; and
- b. Be operated or maintained by the owner or occupant of the land upon which the primary agricultural activity is being conducted.

##### 2. Agri-education and Agri-entertainment

Agri-education and agri-entertainment uses shall comply with the following standards:

###### a. Minimum Size

Be at least two acres in area;

###### b. Obtain Building Permits

Obtain building permits and comply with the State Building Code for all structures intended for occupancy by members of the public;

###### c. Special Event Permit

Obtain a special event permit for all activities drawing more than 100 people to the site per day;

###### d. Provide Adequate Facilities

Provide public restrooms, adequate parking, and pedestrian circulation features; and

###### e. Comply with Minimum Requirements

# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards

### 4.4.2 Residential Uses

Ensure permanent buildings within 500 feet of a public right-of-way comply with the landscaping standards in this Ordinance.

#### 3. Equestrian Facilities

Equestrian facilities shall comply with the following standards:

- a. The land on which the facility is located shall be at least two acres in size.
- b. No stalls or stables shall be within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining well being used for human consumption.
- c. Stables must be operated and maintained in a healthy and safe manner. Healthy and safe is defined as, but not limited to: fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.

#### 4. Roadside Market

- a. Retail sales within a roadside market shall be limited to the agricultural and aquaculture products produced by the owners or vendors in the establishment.
- b. At least 75 percent of the floor area shall be devoted to the direct retail sales of agricultural, seafood, or related agricultural products to the general public.
- c. Temporary signage associated with a roadside market shall not be erected more than 30 days prior to the seasonal opening of the market, and shall be removed within 30 days of the closing of the season.

## 4.4.2 RESIDENTIAL USES

### A. Duplex and Triplex Dwellings

Duplex dwellings shall comply with the following standards:

1. Except for circular driveways, no duplex dwelling shall be served by more than one driveway on the same block face.
2. Duplex dwellings in the VR district shall be served by a single entrance on any individual building façade.
3. Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.

### B. Live/Work Dwellings

Live/work dwellings shall comply with the following standards:

1. The residential portion of the building shall occupy over 50 percent of the gross floor area.
2. The nonresidential portion of the building shall comply with all applicable State Building Code requirements.
3. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
4. Drive-through facilities are prohibited.
5. Any nonresidential off-street parking shall be located as far as practicable from existing adjacent single-family dwellings.

### C. Manufactured Homes

A manufactured home shall comply with the following standards:

1. It shall be located on an individual lot;
2. It shall be occupied only as a single family dwelling;
3. It shall be set up in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured/Mobile Homes;
4. It shall comply with the latest wind loading requirements for Camden County;
5. It shall maintain a minimum width of 16 feet;
6. It shall be oriented with the longest axis parallel to the lot frontage, to the maximum extent practicable;
7. Towing apparatus, wheels, axles, and transporting lights shall be removed;
8. It shall include a continuous, permanent masonry foundation or masonry curtain wall of solid brick or brick veneer, unpierced except for required ventilation and access, installed under the perimeter;
9. It shall include stairs, porches, entrance platforms, ramps, and other means of entrance and exit that are installed or constructed in accordance with the standards set by the State Building Code. They shall be attached firmly to the primary structure and anchored securely to the ground;
10. It shall maintain exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, which consists of one or more of the following:
  - a. Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
  - b. Cedar or other wood siding;
  - c. Stucco siding;

# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards

### 4.4.2 Residential Uses

- d. Brick or stone siding.
- 11. It shall maintain a roof pitch with a minimum vertical rise of 3 feet for each 12 feet of horizontal run;
- 12. It shall include a roof finished with a Class C or better roofing material that is commonly used in standard residential construction; and
- 13. It shall provide an eave projection of no less than 6 inches, which may include a gutter.
- ~~13-14.~~ When located in the SFO

#### D. Mobile Homes<sup>99</sup>

##### 1. General

A mobile home shall comply with the following standards:

- a. No mobile home may be parked for storage on any lot, tract, or parcel, except in HC, LI, or HI districts, or in a lawfully-established mobile home storage site subject to a temporary storage permit issued by the UDO Administrator.
- b. A storage site for a mobile home shall be completely surrounded by a visually opaque wall or fence of at least eight feet in height.
- c. Except for lawfully-established mobile home sales uses, no mobile home may be stored in any district for more than three months.
- d. Mobile homes may not be used as storage structures.
- e. Except for mobile homes being temporarily stored, a mobile home shall be anchored and tied down or otherwise secured according to the manufacturer's standards of the State Department of Insurance, and all applicable requirements of this Ordinance.
- f. No attached structures shall be permitted which exceed 100 square feet nor may the total of all accessory buildings in individual ownership exceed 100 square feet per mobile home unit.
- g. Two or more mobile homes shall not be joined or connected together as one dwelling nor may a mobile home be attached to any accessory building.

##### 2. Class "A" Mobile Homes

In addition to the general standards in subsection (1) above, Class "A" mobile homes shall comply with the following:

- a. The home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- b. The home shall include an all-weather base material around the perimeter of the home;
- c. The pitch of the home's roof has a minimum vertical rise of 2 2/10 feet for each 12 feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- d. The exterior siding consists of wood, hardboard, vinyl or aluminum, or covered or painted, but in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- e. A continuous, permanent masonry curtain wall, unpierced, except for required ventilation and access, is installed under the home after placement on the lot and before final occupancy;
- f. The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before final occupancy;
- g. All roof structures shall provide an eave projection of no less than six inches, which may include the gutter; and
- h. Any stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed in accordance with the standards set by the State Department of Insurance and the State Building Code.

##### 3. Class "B" Mobile Homes

- a. Class "B" mobile homes may be located in all approved mobile home parks and mobile home park subdivisions with a zoning compliance permit provided underpinning of all-weather base material is placed around the mobile home when located in a mobile home park subdivision.
- b. When land on which a Class "B" residential mobile home is located is acquired by a governmental agency for a public purpose and the remaining land is insufficient to support the mobile home, then the property owner may relocate the mobile home to any other lot zoned WL or RR.

##### 4. Class "C" Mobile Homes

- a. Class "C" mobile homes that were constructed prior to July 1, 1994 and located within the boundaries of the County as of January 1, 1998, may only be relocated to approved mobile home parks and mobile home park subdivisions with a zoning compliance permit. Nothing shall limit the

<sup>99</sup> These standards carry forward the standards for mobile homes in Section 151.215 of the current ordinance.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.2 Residential Uses

replacement of a Class “C” mobile home with a Class “A” or Class “B” mobile home or a manufactured home.

##### 5. Additional Standards for Mobile Home Storage Sites

A mobile home storage site may be permitted within a lawfully-established mobile home park subject to the a temporary storage permit and the following standards:

- a. The mobile home park must contain at least 20 lots and no more than ten homes being occupied as residences;
- b. The storage site must be located on the same lot, tract, or parcel as the mobile home park;
- c. The size of the mobile home storage site shall not exceed five percent of the total area of all mobile home lots in the park or 40,000 square feet, whichever area is smaller;
- d. The mobile home storage site shall be completely surrounded by an opaque fence at least eight feet in height;
- e. No mobile home may be stored in a mobile home storage site for more than six months.
- f. It is the intent of this section to allow some relief to owners and operators of mobile home parks who have abandoned mobile homes in their parks or have seized or attached mobile homes under legal process. Only mobile homes which have been abandoned or are in the possession of the mobile home park operators under legal process may be stored and sold in a mobile home park storage site. It is not the intent of this section to allow a mobile home sales lot within a mobile home park and no private sales by persons other than the operators and owners of mobile home parks may be allowed within the storage site.
- g. Upon request by the UDO Administrator, the mobile home park owner or operator shall submit proof that the mobile homes located within the storage site are those abandoned mobile homes or mobile homes seized or attached under legal process which are permitted under this section.

##### E. Multi-family, Single-Family Attached, and Quadraplex Dwellings

1. Multi-family and quadraplex dwellings shall comply with the multi-family design standards in [Section <>, Multi-family Design Standards](#).
2. Single-family attached development may comply with the applicable single-family attached design guidelines in [Section <>, Design Guidelines](#).
3. No accessory structure shall be less than ten feet from another structure.
4. No improved recreation area shall be located within required exterior setbacks or within 20 feet of any dwelling unit.
5. No individual building shall exceed a length of 250 feet.
6. An single-family attached residential building shall contain at least three but no more than six side-by-side dwelling units.

##### F. Single-Family Detached<sup>100</sup>

[placeholder]

##### G. Upper Story Residential

Upper story residential dwelling units shall occupy the second or higher floor of a building with a nonresidential use on the ground floor.

##### H. Dormitories

All dormitories shall be accessory to an educational facility located on the same site or campus, and house only persons who are students at the educational facility.

##### I. Family Care Homes

Family care homes are residential uses and shall comply with the following standards:

1. No more than six residents other than the homeowner and the homeowner’s immediate family may occupy a family care home.
2. A family care home shall be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
3. No family care home may be located within a one-mile radius of any other family care home or group home.
4. Only incidental and occasional medical care may be provided in a family care home.

##### J. Group Home

1. A group home is treated as an institutional (not a residential) use, and shall comply with all State licensing requirements.
2. No family care home may be located within a one-mile radius of any other group home or family care home.

<sup>100</sup> NOTE TO STAFF: Additional discussion is needed regarding the County’s desire to include design guidelines (not standards) for these uses. It is acceptable for the County to provide voluntary guidelines or to include conditions on the rezoning of land for the purpose of accommodating single-family detached homes.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.3 Institutional Uses<sup>100F</sup>

##### K. Rooming House

A rooming house shall comply with the following standards:

1. Rooms may be rented to a maximum of five unrelated persons at any one time;
2. The owner shall maintain the house as a primary residence;
3. Sleeping rooms in a rooming house shall:
  - a. Not include individual kitchen facilities; and
  - b. Be accessed by a common room or hallway, and shall not have individual access to the outside (except for emergency exits).

#### 4.4.3 INSTITUTIONAL USES<sup>101</sup>

##### A. Child Care Center

###### 1. Licensing

Child care centers, including pre-schools, shall be licensed as a child care center by the State, and shall comply with all State regulations for child care centers and the following standards.

###### 2. Minimum Lot Size

A child care center shall be located upon a lot of 20,000 square feet in area or more.

###### 3. Location

- a. If not located in a stand-alone building, a child care center shall be segregated (including the restrooms) from the remaining portion of the building in which it is located.
- b. New child care centers shall be located on a major arterial or collector street.

###### 4. Separation

Child care centers shall be at least 1,000 feet from any other child care center (excluding child care centers operated by community centers, religious institutions, or educational facilities).

###### 5. Outdoor Play Areas

Outdoor play areas shall be provided, and shall:

- a. Be located to the side or rear of buildings;
- b. Be completely enclosed by a fence that is at least four feet in height;
- c. Be safely segregated from parking, loading, or service areas; and
- d. Not be operated for outdoor play activities after 8:00 P.M.
- e. Outdoor play areas adjacent to a residential zone shall be screened by a six-foot solid fence or wall along with a ten-foot-wide landscaping buffer with evergreen shrubs capable of reaching six feet in height at maturity, planted six feet on-center.

###### 6. Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up

- a. The parking areas and vehicular circulation for the child care center shall be designed to:
  - b. Enhance the safety of children as they arrive at and leave the facility; and
  - c. Provide a designated pickup and delivery area that includes at least one parking space per 20 children and is located adjacent to the child care center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.

###### 7. Accessory Uses

- a. When proposed as an accessory use to a Retail Sales or Office use, the heated floor area of a child care center shall not exceed 20 percent of the heated floor area of the principal use.
- b. Capacity Information
- c. Applications for a child care center shall indicate the maximum number of children, proposed hours of operation, and size of the outdoor play area.

##### B. Educational Facilities, Major

1. All facilities within a vocational or trade school which typically generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, manufacturing processes, or campus-wide energy/utility systems, and that are adjacent to a residential or mixed-use district shall comply with the following standards:
  2. Be at least 100 feet from any building line in an adjacent residential district;
  3. Provide a Type D buffer at least 25 feet in depth; and
  4. Include information on site plans indicating any other mitigation steps appropriate to the impacts of the use(s) (such as additional sound-containment features.)

##### C. Drug or Alcohol Treatment Facility

A drug or alcohol treatment facility shall comply with the following standards:

<sup>101</sup> NOTE TO STAFF: Additional discussion is needed regarding whether or not the County wants new standards for wind energy conversion facilities.



## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.3 Institutional Uses100F

1. Be at least 500 feet from any other such facility; and
2. Be at least 500 feet from any single-family residential district, school, child care center, and religious institution that has a child care center or school.

#### D. Hospitals

A hospital shall comply with the following standards:

1. Be located on a site or parcel with an area of at least five acres;
2. Be located on a parcel that fronts or has direct access to a major arterial or collector street;
3. Locate the emergency vehicle entrance on a major arterial or collector street;
4. Not locate an emergency vehicle entrance in an area across the street from a residential zoning district;
5. Be served by a public water and wastewater system; and
6. Ensure that principal structures are located at least 100 feet from any lot line.

#### E. Assisted Living Facility

An assisted living facility shall comply with the following standards:

1. If provided, shared food preparation, service, and major dining areas shall be centrally located.
2. Common social and service facilities shall be provided at a minimum rate of 30 square feet per dwelling or rooming unit in addition to the minimum amount of required open space.
3. All facilities and services shall be solely for the use of residents and their guests.
4. Facilities for administrative services and limited medical services for the exclusive use of the residents may be located on the site.
5. In the VR district, residential density should be calculated such that two bedrooms shall be equivalent to one dwelling unit.

#### F. Club or Lodge

A club or lodge shall comply with the following standards:

1. Not front or gain access from a residential local street.
2. Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.
3. Clubs or lodges in residential districts shall be on a lot of at least 2 acres.
4. Clubs or lodges with permanent seating for 500 or more shall require a special use in accordance with **Section <>, Special Use Permit.**

#### G. Halfway House

Halfway houses shall be separated from any family care home, group home, or other halfway house by a minimum of one mile.

#### H. Nursing Home

A nursing home shall be subject to the following standards:

1. No building shall be located closer than 40 feet to any lot line which abuts a residential district.
2. The use shall provide a Type D perimeter buffer adjacent to all lot lines abutting a residential use.
3. There shall be at a minimum 50 feet of road frontage.
4. Adequate provisions shall be made for service vehicles with access to the building at a side or rear entrance, and without backing onto rights-of-way to exit the development.
5. All structures shall be built to a residential scale consistent with the surrounding neighborhood.

#### I. Religious Institution

Religious institutions shall be subject to the following standards:

1. There shall be at a minimum 50 feet of road frontage.
2. The proposed parking facilities shall be set back at least 50 feet from adjacent residential uses.
3. Off-street parking areas shall be surfaced and maintained to provide a durable, dust-free surface and shall provide adequate drainage facilities for disposal of all collected surface water. Surfacing materials may include pavement, gravel, wood chips, pervious paving materials, or grass.

#### J. Cemeteries (as a Principal Use)

Except as otherwise required in this UDO, new cemeteries and the expansion of existing cemeteries (as a principal use) shall comply with the following standards:

1. New cemeteries shall be located on a site or parcel with an area of at least 2.5 acres. (This standard shall not apply to existing cemeteries or the expansion of existing cemeteries.)
2. New cemeteries shall be located on a site or parcel that fronts a major arterial or collector street. (This standard shall not apply to existing cemeteries or the expansion of existing cemeteries.)
3. Cemeteries shall include adequate space for the parking and maneuvering of funeral processions.
4. Interments shall take place at least 50 feet from any lot line and comply with all requirements of the North Carolina General Statutes.

#### K. Helicopter Landing Facilities

A helicopter landing facility shall comply with the following standards:

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.3 Institutional Uses100F

1. The helicopter landing facility shall provide adequate land area for safe take-offs and landings in accordance with standards of the Federal Aviation Administration (FAA).
2. Where located within 500 feet of residential zoning district, or existing single-family residential use, a helicopter landing facility shall provide a Type D buffer along the property line to ensure the facility does not adversely impact surrounding uses.

#### L. Solar Array

The following standards shall apply to all solar farms located in Camden County:

1. The minimum lot size for a solar array shall be five acres.
2. All structures shall be set back 100 feet from all lot lines.
3. There shall Type D buffer between the perimeter fence and any public rights-of-way or adjacent residentially-zoned property.
4. All collectors shall be surrounded by a lockable fence with a minimum height of six feet.
5. Solar arrays located within the SFO shall elevate all electrical connections one foot above the base flood elevation (BFE).
6. Solar power electric generation structures shall not exceed 15 feet in height.
7. The solar array shall conform to the NAICS 22119 description of a ground mounted solar powered energy system, as amended.
8. All applications for a solar array shall include a decommissioning plan that addresses the following:
  - a. Removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities, down to 36 inches below grade.
  - b. Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.
  - c. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
  - d. A description of the type of panels and material specifications being utilized at the site.
  - e. Identification of the party currently responsible for decommissioning.
  - f. Estimated cost of removal prepared by a third party engineer
  - g. Prior to issuance of the building permit, the decommissioning plan shall be recorded in the Camden County Registry of Deeds.
  - h. The decommissioning plan and estimated cost of removal shall be updated every 5 years or upon change of ownership and re-recorded in the County's Registry of Deeds.
9. Prior to approval of building permits, the applicant shall provide an automatically renewable guarantee in the form of a bond, cash escrow deposit, or an irrevocable letter of credit issued by a Federally chartered bank with a branch office in northeastern North Carolina, in favor of the County, which shall be drawn and paid in full in immediately available funds for an amount equal to the estimated removal cost of the solar facility in the event the owner fails to decommission the solar facility pursuant to the requirements of this section. The institution issuing the guarantee shall provide to the County a notice no less than 90 days in advance of any renewal, cancellation, termination, or expiration of the guarantee.
10. The County shall periodically request proof of the continuous operation of the solar array from the applicant/owner. The nature of required evidence shall be determined as a condition of the special use permit.
11. The solar array shall have 12 months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. For purposes of this section this 12-month period shall not include delay resulting from force majeure.

#### M. Wireless Telecommunications Facilities

##### 1. Purpose

This section is intended to establish general standards for the siting of wireless communications facilities that will:

- a. Protect residential areas and uses from potential adverse impacts of towers and antennas;
- b. Encourage the location of new towers in nonresidential areas;
- c. Minimize the total number of new towers throughout the County;
- d. Foster the joint use of new and existing tower sites and the establishment of stealth towers as primary options rather than construction of additional single-use towers;
- e. Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal;
- f. Encourage towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact;
- g. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- h. Consider the public health and safety concerns of communication towers and antennas; and
- i. Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.3 Institutional Uses100F

#### 2. **Applicability**

A new wireless communications facility, whether a principal or accessory use, shall comply with the standards of this subsection, unless specifically exempted in accordance with [Section <>, Exemptions](#).

#### 3. **Exemptions**

The following shall be exempt from the standards of this subsection (but shall be required to comply with other relevant standards in this Ordinance):

- a. Satellite dish antennas.
- b. Receive-only television or radio antennas for noncommercial use.
- c. Antennas legally operated by FCC-licensed amateur radio operators.
- d. Emergency communication towers owned by the town or other public agency that are used wholly or in part for public safety or emergency communication purposes.

#### 4. **Telecommunication Tower, Freestanding**

A freestanding telecommunication tower, whether a principal or accessory use, shall comply with the following standards:

##### a. **Collocation Required**

1. A freestanding telecommunications facility shall not be allowed unless it is demonstrated no suitable existing major wireless communications facility, building, or other structure within the coverage area is available for the collocation of antennas.
2. If allowed, a new freestanding telecommunication tower shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing freestanding telecommunication tower shall be made available to other users at a fair market rental rate unless mechanical, structural, or regulatory factors prevent collocation. In determining a fair market rental rate, the rent paid by a current collocater under a swapping agreement need not be considered.

##### b. **Replacement of Freestanding Telecommunication Tower to Expand Collocation**

An existing freestanding telecommunication tower may be replaced with a new facility that increases the number of collocation opportunities, subject to the following standards:

1. The height of the replacement facility shall not exceed the greater of 20 feet or 125 percent of the height of the original facility.
2. The replacement facility shall be located within 100 feet of the replaced facility, unless the UDO Administrator determines that a farther distance from the existing facility is more appropriate.
3. The replacement facility complies with all the standards of this subsection.

##### c. **Height**

The height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 200 feet.

##### d. **Setbacks**

A telecommunications tower shall be set back from abutting property lines a distance equivalent to:

1. The overall height of the tower and all appurtenances; or
2. The minimum distance necessary to ensure the tower will remain on its site, following collapse, as certified by a licensed professional engineer.

##### e. **Aesthetics**

1. A telecommunications tower shall:
  - A. Either maintain a galvanized steel finish or be painted.
  - B. Be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
2. The exterior appearance of ground-based accessory structures located in a residential district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).

##### f. **Lighting**

If lighting is required by the FAA, it shall comply with FAA standards. To the extent allowed by the FAA, strobe lights shall not be used for nighttime lighting. Lighting shall be oriented so as not to project directly onto any land in a residential district.

##### g. **Buffer and Screening**

A Type D perimeter buffer shall be provided around the perimeter of a major wireless communications facility (including equipment structures and guy anchor supports).

##### h. **Security Fencing**

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.3 Institutional Uses<sup>100F</sup>

A tower, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than eight feet in height.

**i. Interference**

A freestanding telecommunication tower, antenna, or supporting equipment shall not disturb or diminish radio or television or similar reception on adjoining land in a residential district.

**j. Use of Associated Buildings**

Building and structures associated with a freestanding telecommunication tower shall not be used as a place of work for a worker. (It is not the intent of this provision to prevent the periodic maintenance, inspection, and monitoring of equipment and instruments, or renovation of the facility.)

**k. No Outdoor Storage**

An outdoor storage area shall not be allowed on a major wireless communications facility site.

**l. Safety**

A tower shall comply with all applicable local, State, and Federal building codes and structural standards.

**m. Compliance with State or Federal Laws and Regulations**

A freestanding telecommunication tower and antennas shall comply with or exceed current standards and regulations of the FAA, the Federal Communications Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications facilities.

**n. Discontinued Use**

If a major wireless communications facility is not used for a period of six consecutive months, the UDO Administrator may send the owner notice indicating the facility shall be removed within 90 days from the date of notice.

**o. Nonconforming Freestanding Telecommunication Tower**

A nonconforming freestanding telecommunication tower shall be allowed to remain and be maintained in accordance with the standards in Article 151.8: Nonconformities. Additional equipment may be added to the facility provided that such additions do not increase the degree of nonconformity. Nothing shall limit the ability to increase the facility's height as part of a proposed collocation of additional antennas.

**5. Antenna Collocation**

An antenna collocation, whether a principal or accessory use, shall comply with the following standards:

**a. Collocation of Antennas on Freestanding Telecommunication Tower**

An antenna may be collocated on an existing freestanding telecommunication tower if it complies with the following standards:

1. Any modification of an existing wireless communications facility or other vertical projection to accommodate the collocation of additional antenna complies does not result in the increase in the height of the structure by 20 feet.
2. The antenna and its associated equipment comply with the safety, lighting, interference, and regulatory compliance standards for a telecommunications tower in this subsection.

**b. Collocation of Antennas on an Existing Building or Other Vertical Projection**

An antenna may be attached to a business or multi-family residential building or other vertical projection in accordance with the following standards:

**1. Height**

The antenna shall not extend over 20 percent of the highest point of the building or projection on which it is located.

**2. Other Standards**

An antenna and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for a telecommunications tower included in this subsection.

**3. Screening**

- A. An antenna visible from the street shall be omni-directional, screened, or camouflaged, to the maximum extent practicable, to minimize its appearance.
- B. Equipment shall be located within the building or screened in some other fashion to prevent off-site views.

**6. Small Wireless Facility<sup>102</sup>**

<sup>102</sup> NOTE TO STAFF: House Bill 310 passed in 2017 included new standards and requirements compelling municipalities to accommodate small wireless facilities within rights of way and on lands zoned for nonresidential uses. However, the bill does not include any mandates for

# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards

### 4.4.3 Institutional Uses100F

[placeholder]

#### 7. **Stealth Wireless Communications Facility**

A stealth wireless communications facility shall be designed and located to complement the surrounding landscape in accordance with the following standards:

##### a. **Design**

A stealth wireless communications facility shall take an alternative form than a typical wireless communications facility, including but not limited to: bell towers, clock towers, water towers, light standards, chimneys, steeples, evergreen trees, flag poles, or similar projections.

##### b. **Setbacks**

A stealth wireless communications facility shall comply with the district dimensional standards. The tower portion of the facility shall be set back the height of the tower from existing single-family dwellings.

##### c. **Ground-based Equipment**

Ground based equipment shall be designed, located, and camouflaged in a manner compatible with the tower-based portion of the facility. Equipment shall be located within a structure or building, to the maximum extent practicable.

##### d. **Collocation not Required**

A stealth wireless communication facility is not required to be engineered for additional carrier's equipment.

##### e. **Antennas and Cables must be Concealed**

Antennas, cables, and related appurtenances shall be concealed from off-site views.

#### N. **Utility, Major**

An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all lot lines.

#### O. **Utility, Minor**

1. Minor utility facilities owned by a public utility as defined in Chapter 62 of the North Carolina General Statutes are permissible in all zoning districts with a zoning compliance permit.
2. The utility facility, storage of vehicles or equipment shall be fully screened on all sides by an opaque wall, fence, retained vegetation, or planted vegetation to a height of eight feet. If planted vegetation is used, it must satisfy the standard within three years after planting.
3. Continued maintenance of the screening (including replanting, if necessary) shall be a continuing condition of the permit.
4. Utility facilities of 16 square feet or less may be set back five feet from all side and rear lot lines. Utility facilities of between 16 and 100 square feet may be located as close as ten feet from all side and rear lot lines. All others utility buildings shall meet the minimum setback requirements for the district where they are located.
5. Driveways and parking areas shall be provided as required in this Ordinance, including the installation of concrete aprons where driveways abut public streets.

#### P. **Wind Energy Conversion Facilities**

##### 1. **Facilities Distinguished**

##### a. **Large Wind Energy Conversion Facility**

A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100 kW.

##### b. **Medium Wind Energy Conversion Facility**

A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20 kW but not greater than 100 kW.

##### c. **Small Wind Energy Conversion Facility**

A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less.

##### 2. **Permit Requirement**

county governments to make such allowances. Additional discussion is necessary regarding the County's desire to include these standards since they are not required for counties.



**ARTICLE 151.4 USE REGULATIONS**

**Section 4.4 Use-Specific Standards**

4.4.3 Institutional Uses100F

No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed unless a permit has been issued to the applicant, facility owner, or facility operator approving construction of the facility under this section. Permitting of an expanded wind energy facility shall be based on the total rated capacity of the expanded wind energy facility, including the existing wind energy facility, but excluding like-kind replacement.

**3. Permit Application**

- a. An application for a wind energy conversion facility permit shall contain the following:
  - 1. A narrative describing the proposed wind energy facility, including an overview of the project.
  - 2. The proposed total rated capacity of the wind energy facility.
  - 3. The proposed number, representative types and height or range of heights of wind turbines to be constructed, including their rated capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
  - 4. Identification and location of the property or properties on which the proposed wind energy facility will be located.
  - 5. A site plan showing the planned location of all wind turbines, property lines, setback lines, access roads, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all occupied buildings, residences, and other features sufficient to demonstrate compliance with the setbacks required by this section.
  - 6. If the facility will transfer power back to a power service provider, include the following:
    - A. The electrical cabling from the wind energy facility to the substation indicated on the site plan.
    - B. Documentation of an approved interconnection feasibility study.
  - 7. Decommissioning plans that describe the anticipated life of the wind energy facility, the estimated decommissioning costs in current dollars, the salvage value of the equipment, and the anticipated manner in which the wind energy facility will be decommissioned and the site restored.
  - 8. Documentation of agreement between participating landowner(s) and the applicant, facility owner, or operator.
  - 9. Signature of the applicant.
  - 10. Any relevant studies reports, certifications and approvals as may be reasonably requested by the county to ensure compliance with this section.
- b. Throughout the permit process, the applicant shall promptly notify the UDO Administrator of any proposed changes to the information contained in the permit application that would materially alter the impact of the project.
- c. Changes to the approved application that do not materially alter the initial site plan may be adopted administratively by the UDO Administrator.
- d. A temporary anemometer or meteorological tower, for the purpose of gathering data on wind speeds and directions, may be installed with the issuance of a zoning permit and must be setback from all property lines at a distance equal to one linear foot for every foot of height. Zoning permits shall be valid for a period of two years and may be renewable in the event that more data is needed by the applicant in order to determine the viability of a wind energy facility.

**4. Minimum Setbacks**

- a. The minimum setback requirement shall be calculated by multiplying the required setback number in **Table <>, Minimum Setback Calculation for Wind Energy Conversion Facilities**, by the wind turbine height and measured from the center of the wind turbine base to the property line, nearest point on the public road right-of-way, or nearest point on the foundation of a residence or occupied building.

<b>TABLE 4. &lt;&gt;: MINIMUM SETBACK CALCULATION FOR WIND ENERGY CONVERSION FACILITIES</b>				
<b>WIND ENERGY FACILITY TYPE</b>	<b>MULTIPLIER</b>			
	<b>OCCUPIED BUILDINGS</b>	<b>RESIDENTIAL USES</b>	<b>PROPERTY LINE OF NON-PARTICIPATING LANDOWNER</b>	<b>PUBLIC ROADS</b>
Small	0.0	1.5	1.1	1.5
Medium	1.1	2.0	1.5	1.5
Large	1.1	2.5	1.5	1.5

- b. Setback requirements may be waived if the following conditions are met:



## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.4 Commercial Uses

1. Each property owner(s) affected by the applicable setback requirements may waive the setback requirements by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
  2. Any such waiver shall be in writing and signed by the applicant and the affected property owner(s) and recorded in the office of the county register of deeds.
- 5. Sound and Shadow Flicker**
- a. This section shall apply to large wind energy facilities. Sound and shadow flicker issues for small and medium wind energy facilities are addressed by setbacks.
  - b. Audible sound from a large wind energy facility shall not exceed 55 dBA, as measured at any occupied building or residence on the property of a non-participating landowner.
  - c. Shadow flicker on any occupied building or residence of a non-participating landowner caused by a large wind energy facility must not exceed 30 hours per year.
  - d. Sound and/or shadow flicker provisions may be waived if the following conditions are met:
    1. Each property owner(s) affected by the sound and/or shadow flicker provisions of this section may waive the sound and/or shadow flicker provisions by signing a waiver that sets forth the applicable sound and/or shadow flicker provisions) and the proposed changes.
    2. Any such waiver shall be in writing and signed by the applicant and the affected property owner(s) and recorded in the office of the county register of deeds.
- 6. Installation and Design**
- a. Prior to issuance of any building permits for medium and large scale wind energy facilities, the applicant shall provide documentation of compliance, and all studies and reports if required, from all applicable state and federal agencies, including, but not limited to N.C. Department of Environment and Natural Resources, Coastal Resources Commission, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the N.C. Wildlife Resources Commission.
  - b. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.
  - c. All structural, electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes.
  - d. Any on-site collector system shall, to the extent commercially reasonable, be placed underground.
  - e. The visual appearance of a wind turbine shall at a minimum:
    1. Be a non-obtrusive color such as white, off-white or gray;
    2. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and
    3. Not display advertising (including flags, streamers or decorative items), except for identification of the wind turbine manufacturer, facility owner and operator.
- 7. Decommissioning**
- a. The wind energy facility owner shall have 12 months to complete decommissioning of the wind energy facility if no electricity is generated for a continuous period of 12 months. For purposes of this section, this 12 month period shall not include delay resulting from force majeure.
  - b. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.
  - c. Applicant shall provide prior to approval of building permits, an irrevocable letter of credit in favor of the county in an amount equal to the estimated removal cost of the wind energy facility, less the salvage value of the equipment, which shall be issued by a federally chartered bank with a branch office in northeastern North Carolina at which the letter of credit may be drawn and paid in full in immediately available funds in the event the wind energy facility owner fails to decommission the wind energy facility pursuant to the requirements of this section.
  - d. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

#### 4.4.4 COMMERCIAL USES

Unless exempted, all commercial uses shall comply with the nonresidential design standards in [Section <>, Nonresidential Design Standards](#), as applicable.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.4 Commercial Uses

**A. Adult and Sexually-Oriented Businesses**<sup>103</sup>

See Chapter 154: Adult Entertainment, of the Camden County Code of Ordinances, for standards pertaining to adult and sexually-oriented businesses.

**B. Animal Care Uses**

Animal shelters, grooming, kennels (indoor and outdoor), and veterinary clinics shall comply with the following standards:

1. The minimum lot area shall be at least two acres.
2. All fenced runs or training areas shall maintain a 25-foot setback from lot lines and be at least 50 feet from any adjacent single-family dwellings.
3. Runs and training areas shall be enclosed with fencing at least six feet in height.
4. All gates and entrances to the runs, kennels, and training areas shall remain locked when not in use.

**C. Eating Establishments**

**1. Restaurants with Outdoor Seating**

Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

- a. The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district.
- b. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

**2. Bars, Nightclubs, or Dance Halls**

Bars, nightclubs, dance halls, and similar establishments shall be located at least 500 feet from any child care center, religious institution, or educational facility.

**D. Offices**

Offices in a MX district shall comply with the following standards:

1. The proposed use shall front on a paved public street.
2. Professional services office uses shall not exceed 2,500 square feet per use.

**E. Parking, Commercial**

**1. Parking Lots**

A commercial parking lot shall comply with the following standards:

- a. Parking shall be the principal use of the parking lot. Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary use permit or other permit, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods.
- b. Commercial parking lots shall not be located contiguous to a single-family residential zoning district.
- c. In the business and mixed-use zoning districts, commercial parking lots that are the principal use of the lot shall have no more than 100 feet of street frontage. Screening devices may be placed between the parking lot and street to assist in compliance with this requirement.

**F. Recreation/Entertainment, Outdoor**

Outdoor recreation and entertainment uses shall comply with the following standards:

1. Be located at least 500 feet from existing child care centers and residential zoning districts;
2. Be located on a site or parcel with an area of at least five acres;
3. Be located on a site or parcel that, at the primary point of access, has at least 200 feet of frontage on a collector or major collector street
4. Locate access points to minimize traffic to and through local streets in residential neighborhoods;
5. Provide safety fences, up to eight feet high, as necessary to protect the general health, safety, and welfare.

**G. Firing Range**

Outdoor firing ranges shall be configured and operated in accordance with the following:

1. Firing ranges shall be designed and constructed in accordance with the design criteria cited in the Military Handbook - Range Facilities and Miscellaneous Training Facilities Other Than Buildings (MIL-HDBK 1027/3B), as amended or superseded or the National Rifle Association Range Manual, as amended or superseded shall be met. For those ranges constructed in accordance with the National Rifle Association

<sup>103</sup> NOTE TO STAFF: As recommended in the Evaluation Report, we are suggesting that the material containing use-specific standards for SOBs and Adult Uses be relocated to Chapter 154 of the County Code, and cross references kept in this section. If staff desires, we are happy to carry forward current Section 151.216 in this location instead.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.4 Commercial Uses

- Range Manual, the downrange safety area shall not apply, but the permit holder shall provide documentation of approval of the ranges by the NRA-sponsored team of inspectors annually.
2. The proposed firing range shall be reviewed by and comments received from the County Sheriff's Department.
  3. Hours of firing activities and number of ranges shall be set as conditions of the Special Use Permit.
  4. Alcohol consumption shall be prohibited before and during range operations, but shall be allowed after the range is closed provided proper permits are obtained.
  5. All areas within the proposed range, including, but not limited to firing area(s), backstops, downrange safety zones, parking and accessory areas and the like shall be under uniform control or ownership. The downrange safety area shall be essentially fan-shaped, with its vertex being 100 meters each side of the end firing point and extending to the maximum range of the type of firearm being used as shown on Table 4 of the MIL-HDBK 1027/3B, ten degrees from the firing line, plus an additional 100 meters running parallel to the ten degree line, as shown in Figure 2.2 1 of MIL-HDBK 1027/3B or as approved in accordance with the NRA manual and inspections per division (S)(3) above. The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner.
  6. The operators of an outdoor range must provide proof of coverage by adequate accident and liability insurance. A minimum coverage of \$2,000,000 shall be established.
  7. The site or area used as a shooting range shall be enclosed by a six-foot high fence or otherwise restricted by natural physical features (such as swamps, bodies of water, and the like) so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. Warning signs shall be posted along the fence every 100 feet.
  8. All shooting stations and backstops, when utilized, shall be at least 900 feet from any property line regardless of the direction of fire unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable.
  9. All parking areas, vehicle accommodation areas, driveways and the like shall meet standards for parking as stated in this chapter.
  10. Weapon types will be restricted to pistol, rifle and shotgun or similar unless authorized in accordance with division (S)(19) below. No automatic assault type weapon shall be used by the general public, but will be allowed by any law enforcement, military or federal agency group, or any holder of a Federal Firearms License of a class and type that authorizes NFA weapons, duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the MIL-HDBK 1027/3B/ or National Rifle Association Range Manual subject to the physical constraints of the property.
  11. No concussion type of explosives shall be permitted unless authorized in accordance with division (S)(19) below.
  12. No military, para-military or militia type activities or maneuvers, including, but not limited to hand-to-hand combat training, swamp or guerrilla warfare techniques, no incendiary type firings, infiltration course type training and the like be permitted unless authorized in accordance with division (S)(19) below.
  13. All actual firing activities will be directed toward either moving or stationary targets only.
  14. Any overnight or temporary storage of weapons, ammunition and/or explosives must meet the Bureau of Alcohol, Tobacco, Firearms and Explosives storage and stand-off safety standards.
  15. Each commercial firing range shall be posted indicating the allowable caliber of weapon allowed and any other applicable rules.

#### H. Water-Related Uses

1. **Marinas**<sup>104</sup>
  - a. Marinas shall be planned in a manner as to minimize the risk of water pollution.
  - b. Marinas shall be located in areas where there is a high rate of water turnover, the time required for tidal action or water flow to replace water of a boat basin with new water from another source. Ideally, marinas should have a water turnover rate of between two to four days.
  - c. Marinas shall be encouraged to locate in upland areas.
  - d. Marina access channels shall be designed to maximize circulation and avoid dead-end spots.
  - e. Marina designs must incorporate facilities for the proper handling of sewage, waste and refuse.
  - f. Marinas shall minimize alteration of existing shoreline configurations and disturbance of vital habitat areas.
  - g. Dredging operations shall not occur during critical periods of fish migration and breeding.
  - h. The method of dredging shall be chosen that will have the least environmental impact and all dredged materials shall be placed in a manner so as not to pollute surrounding areas.
  - i. Proposals for marina development shall be accompanied by a modeling study indicating expected flushing, where applicable.

#### I. Vehicle Establishment, Major

<sup>104</sup> This section carries forward Section 151.214 of the current UDO.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.4 Commercial Uses

##### 1. Automotive Painting/Body Shop

Automobile painting/body shop uses shall comply with the following standards:

- a. The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child care center.
- b. Vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.
- c. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with [Section <>, Outdoor Storage](#).
- d. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

##### 2. Automotive Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

- a. The use shall be located at least 250 feet from any residential district, school, or child care center.
- b. Vehicles shall not be stored on-site for more than 90 days.
- c. Vehicles shall be stored to the rear of the principal structure and screened in accordance with [Section <>, Outdoor Storage](#).

##### 3. Boat and Marine Rental, Sales, and Service

Boat and marine rental, sales, and service establishments shall comply with the following standards:

- a. Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than 40 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with [Section <>, Outdoor Storage](#).
- b. Display areas shall be located outside all setbacks and shall be screened from adjacent streets with a Type A perimeter landscaping buffer.
- c. Display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone.

#### J. Vehicle Establishment, Minor

##### 1. Automotive Parts Sales and Installation

Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with an opaque wooden fence or masonry wall in accordance with [Section <>, Fences and Walls](#).

##### 2. Automotive Repair and Service (Without Painting/Bodywork)

Automotive repair and service uses not involving painting or bodywork service shall comply with the following standards:

- a. The repair facility shall be located at least 125 feet from any residential district, school (except vocational school), or child care center.
- b. Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with [Section <>, Outdoor Storage](#).
- c. Vehicles shall not be parked or stored as a source of parts or the purpose of sale or lease/rent.
- d. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

##### 3. Automotive Sales or Rentals

Uses primarily involving the sales or rental of automobiles, trucks, recreational vehicles, or travel trailers, shall comply with the following standards:

- a. The use shall be located on a lot of at least 40,000 square feet in area and a minimum lot width of 125 feet;
- b. The use shall not have more than one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level;
- c. Vehicle displays may not take place within required setbacks and shall include a Type A perimeter landscaping buffer between the display area and the street;

# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards

### 4.4.4 Commercial Uses

- d. Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;
- e. No vehicles or other similar items shall be displayed on the top of a building;
- f. All lights and lighting shall be designed and arranged so no source of light is directly visible from any adjacent property; and
- g. Light repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.

#### 4. Car Wash or Auto Detailing

Car wash and auto detailing uses shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements. If an automatic car wash is an accessory use to a gasoline sales use, it shall be governed by the use and dimensional standards applicable to the gasoline sales use.

### K. Visitor Accommodations

#### 1. Bed and Breakfast Inns

Bed and breakfast inn uses shall comply with the following standards:

- a. A bed and breakfast inn shall take place within a building that was designed and used as a single-family detached dwelling.
- b. A bed and breakfast inn shall be operated primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one, full-time employee.
- c. The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.
- d. There shall be at least one parking space per sleeping room.
- e. There shall only be one kitchen and all meals served on the premises shall be for overnight quests.
- f. Not more than one sign may be erected on the lot where such a use is located. The sign may not exceed six square feet in surface area nor be internally illuminated.

#### 2. Camping and Campers<sup>105</sup>

- a. Camping is a permitted use of land only in camper subdivisions and recreational campgrounds.
- b. The following uses will be allowed on platted camper lots within the county provided all lots are serviced by either a potable water well, private or county-operated central water system, and a sewer system:

##### 1. One Camper Lot

- A. Uses allowed include one camper, sited in the center of the lot.
- B. a raised walkway, maximum width not to exceed five feet, will be allowed provided proper county setback minimums are maintained.
- C. One accessory building, not to exceed 100 square feet, may be erected provided proper county setback minimums are maintained.
- D. No permanent additions shall be allowed.
- E. Temporary additions such as roll-up canvas awnings shall be allowed provided proper County minimum setbacks re maintained.
- F. Proper CAMA permits must be obtained, if necessary.
- G. Accessory buildings shall be located to the rear of the primary structure or camper.
- H. Open air decks shall be allowed up to a maximum of 100 square feet provided all County setbacks are maintained.

##### 2. Two Camper Lots

- A. Uses allowed will be the same as for one camper lot, if lots are used separately.
- B. If lots are used jointly, as one lot, uses permitted shall include one camper; site built homes; modular homes; Class "A" and Class "B" mobile homes, up to two-bedroom limit; accessory buildings of any size; screened or unscreened porches; walkways and decks, provided all County minimum setbacks are met.
- C. Lot coverage shall not exceed over 24percent and proper CAMA permits shall be obtained, if necessary
- D. Additions to site built homes, modular homes and mobile homes such as rooms or accessory buildings shall be permitted provided they do not increase the number of bedrooms or bathrooms.

<sup>105</sup> These standards carry forward the provisions in Section 151.213 of the current ordinance with no substantive changes.



## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.5 Industrial Uses

- E. Accessory buildings shall be located to the rear of the primary structure or camper.

**3. Three Camper Lots**

Uses allowed shall be the same as for two camper lots with the following exception: site built modular or Class “A” or “B” mobile homes will be allowed with a three-bedroom maximum.

**4. Requests**

All building permit requests for a principal structure or room additions to a principal structure, must be accompanied by a certificate of use issued by the applicable sanitation district or organization managing the sewage treatment, stating there is adequate sewage treatment available for this structure.

- c. All permanent structures located on a camper lot prior to the effective date of this chapter may continue and be maintained in good condition. Any damage equaling 25% or more of the total structure's replacement cost shall be replaced only in compliance with the requirements of this section and shall not be subject to the replacement provisions of [Section <>, Extension or Enlargement of Nonconformities](#).
- d. Campers may be parked or stored on any lot, tract or parcel with an established dwelling in any zoning district, provided the camper shall not be used for overnight occupancy or as a dwelling unit.
- e. Additions to campers shall be prohibited.
- f. It shall be prohibited for a camper to be used as an addition to any structure.
- g. Campers shall not have wheels removed and be blocked so as to make it a permanent structure, and shall not be underpinned.
- h. An approved sewage disposal system shall be provided in all campgrounds that are designed for campers or that allow use by campers.
- i. No camper larger than eight feet by 40 feet, including the tongue shall be located on a designated camper lot.
- j. The use of a travel trailer as a temporary residence in connection with the construction of a dwelling shall be permitted provided that it is occupied by the owner of the dwelling, not the contractors or subcontractors, and further provided that the temporary residence is removed within 60 days of the issuance of a certificate of occupancy

**3. Recreational Vehicles**

- j. Recreational vehicles located within the SFO shall comply with the standards for these uses in [Section <>, SFO Standards](#).

**3-4. Hotels and Motels**

Hotel and motel uses shall comply with the following standards:

**a. Maximum Density**

In no case may the number of lodging units exceed 40 lodging units per acre.

**b. Ownership**

All hotel units associated with a single development shall be under common ownership, and in no instance shall individual units be held under individual ownership.

**c. Area Devoted to Non-living Quarters**

Up to 20 percent of the gross floor area of a hotel or motel may be for non-living-quarter incidental uses (accessory uses), including management/employee offices, conference space, meeting rooms, banquet halls, retail services, such as newsstands and gift shops, and similar uses, provided any incidental business is conducted primarily to service guests.

**d. Eating Establishments**

In addition to the accessory uses allowed in [Section <>, Accessory Use Standards](#), up to an additional 20 percent of the gross floor area of a hotel or motel may be devoted to eating establishments as an accessory use. The eating establishments(s) may have an entrance from outside the principal building.

### 4.4.5 INDUSTRIAL USES

**A. Extractive Industry (Mining)<sup>106</sup>**

<sup>106</sup> This section carries forward [the standards in Section 151.034 and](#) Section 151.212 from the current UDO. [The buffer requirements have been increased to a minimum width of 50 feet, and include a performance standard intended to fully screen the use from adjacent lots and streets, with minor revisions for clarity and formatting consistency.](#)



# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards

### 4.4.5 Industrial Uses

- ~~1.~~ The applicant shall ~~apply for and~~ receive an approved state mining permit ~~and approval of an erosion and sedimentation control plan by NC DEQ~~ prior to ~~the~~ issuance of ~~a~~ the zoning compliance permit ~~by the UDO Administrator~~. All state permits, ~~and~~ applications for state permits ~~associated with the mining activity, and requests for including~~ permit modifications, shall be filed ~~within ten working days of issuance or submittal in the County's Planning Department by the applicant prior to commencement of any mining activity.~~
- ~~1-2.~~ Extractive industry uses located within the SFO shall be subject to a Floodplain Development Permit in accordance with ~~Section <>, Floodplain Development Permit.~~
- ~~3.~~ All provisions of state and local permits issued for the operation shall be met.
- ~~2-4.~~ If, at any time, a state agency suspends or revokes any permits it has issued for ~~the mining operation an~~ extractive industry, the revocation or suspension shall cause the zoning compliance permit issued by the ~~C~~ounty to become void.
- ~~3-5.~~ The zoning compliance permit shall be valid for the same period as established within the state permit but shall not exceed ten years from the date it is granted. In the event the property owner desires to continue the ~~mining~~ operation thereafter, ~~he or she~~ they shall ~~file with the UDO Administrator~~ apply for a new zoning compliance permit.
- ~~4.~~ Appropriate buffers and screens for mining activities shall be determined by the UDO Administrator in order to minimize the negative impacts on adjoining properties and street rights-of-way. The use of earth berms for visual screening may be required.
- ~~6.~~ Where two or more accesses to the ~~mining operation~~ extractive industry exist, traffic shall be routed to the access having the least negative impact on adjoining properties.
- ~~7.~~ Extractive industry uses established after (~~insert the effective date of this Ordinance~~) shall have direct access to a paved highway which has been dedicated to the public for maintenance by the NCDOT. For the purposes of this sub-section, direct access shall mean at least 30 feet of roadway frontage or a duly recorded access easement of at least 30 feet in width.
- ~~8.~~ Except for vehicular access, no mining or other extractive industry activity shall take place within 50 feet of a lot line or public right-of-way.
- ~~9.~~ Extractive industry uses shall include a landscaped buffer around the perimeter of the site configured in accordance with the following:
  - ~~a.~~ The buffer shall maintain a minimum width of 100 linear feet. This buffer width may be reduced to 50 feet in cases where the buffer zone includes an earthen berm with a height of at least eight feet above grade and maximum slope of 3:1.
  - ~~b.~~ Earthen berms shall be stabilized with vegetative ground cover to limit erosion and sedimentation.
  - ~~c.~~ The buffer zone shall preserve and maintain existing vegetation, to the maximum extent practicable.
  - ~~d.~~ The buffer shall be configured with the minimum amount of vegetation necessary to completely obscure the visibility of on-site activities to a height of sixteen feet above grade at the lot line.
- ~~5.~~
- ~~6-10.~~ Overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion. Use of overburden for earth berms is encouraged to reduce the impact of the mining operation on adjoining properties.
- ~~7-11.~~ No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site.
- ~~12.~~ The site where extractive industrial uses are taking place shall be surrounded by a fence at least eight feet in height.
- ~~8-13.~~ No trespassing signs shall be posted around the site being mined at a minimum distance of 250 feet apart indicating that an ~~extractive industry use~~ mining operation is being conducted on the property.
- ~~9-14.~~ Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation.
- ~~10-1.~~ All provisions of state and local permits issued for the operation shall be met.
- ~~11-15.~~ Applicant will make available any pond areas to the local Volunteer Fire Department (VFD) for installation of a dry hydrant, if requested by the local VFD. All associated costs for installation will be the responsibility of the local VFD.

#### B. Industrial Services

1. **Crabshedding**

Crabshedding uses located within a residential zoning district shall comply with the following standards:

  - a. **General Standards**
    1. All phases of the operation must be conducted not less than 10 feet from the property line and not less than 50 feet from any adjacent dwelling;
    2. No odor, fumes, excessive noise, or traffic shall be allowed;
    3. On-premise freezing, packing and preparation for shipping is allowed;
    4. No more than one truck, van, car, or other vehicle, or part of a vehicle, which is visible from adjacent public streets may be kept on the site; and

# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards

### 4.4.5 Industrial Uses

5. No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site.

#### 2. **General Industrial Services and Repair**

Repair of all machines shall occur within an enclosed building. Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Section <>, Outdoor Storage.

#### 3. **Heavy Equipment, Sales, Rental, and Service**

Uses primarily involving the sales, rental, service, or storage of heavy equipment shall comply with the following standards:

- a. The use shall be located at least 250 feet from any residential district, school, or child care center.
- b. No heavy equipment or building displays shall be located within a required setback or perimeter buffer.
- c. The use shall not have more than one heavy equipment display pad, located between the principal building and the street for every 100 feet of street frontage.
- d. No heavy equipment shall be displayed on the top of a building.
- e. All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.

#### C. **Manufacturing and Production**

##### 1. **Manufacturing, Heavy**

Heavy manufacturing uses shall comply with the following standards:

- a. Heavy manufacturing uses shall be located at least 1,000 feet from any residential district.
- b. A Type D perimeter buffer of at least 25 feet in depth shall be provided along any boundary with another property not zoned for heavy industry.

##### 2. **Manufacturing, Light**

All light manufacturing uses shall comply with the following standards:

- a. Buffer and setback areas in the side and rear may not be used for parking.
- b. Finished products for display and sale shall not occupy more than 40 percent of the land area between the principal building and all adjacent streets.
- c. The use shall not generate more noise, smoke, odor, fumes, vibrations or other disturbance than is characteristic of permitted business uses located within 1,000 feet in any direction when observed, measured, or monitored from the closest lot line. In cases where such monitoring, measuring or observation is required, it shall be the responsibility of the applicant to provide adequate information to the UDO Administrator.

#### D. **Warehouse and Freight Movement**

##### 1. **Outdoor Storage (as a Principal Use)**

Outdoor storage uses shall comply with the following requirements:

- a. No storage shall take place within required setbacks;
- b. Outdoor storage shall be screened from all public streets and residential zoning districts by an opaque fence or wall with a minimum height of six feet, and a maximum height of ten feet;
- c. Stacked or stockpiled material located within 50 feet of a screening fence or wall shall not exceed the height of the screening fence or wall;
- d. Outdoor storage is not required to be screened from views on adjacent lots located within industrial districts; and
- e. Outdoor storage areas shall be configured to allow vehicular circulation through and around the storage area.

##### 2. **Self-Service Storage**

Self-service storage uses shall comply with the following standards:

###### a. **Site Layout**

1. The minimum lot area shall be three acres.
2. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

###### b. **Operation**

1. The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards

#### 4.4.5 Industrial Uses

2. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.
3. No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.
4. Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.
5. Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 A.M. and 10:00 P.M.

**c. Parking and Circulation**

1. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. Aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
2. The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
3. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.
4. All access ways shall be paved with asphalt, concrete, or comparable paving materials.

**d. Building Appearance**

1. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.
2. With the exception of a structure used as a security guard or caretaker quarters, or the redevelopment of an existing structure, the maximum height of a self-service storage facility shall be 20 feet.
3. The exterior facades of all structures facing a major arterial street shall be masonry (brick or split-faced CMU).
4. Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.
5. A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral and shall not be used to call attention to the use.
6. Perimeter or exterior walls visible from a major arterial street or residential use shall not include metal as a primary material.

**e. Open Storage**

Open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

1. The storage shall occur only within a designated area, which shall be clearly delineated;
2. The size of the storage area shall not exceed 25 percent of the buildable area of the site;
3. Outdoor storage areas shall be located to the rear of the principal structure;
4. Storage shall not occur within the areas set aside for minimum building setbacks; and
5. No dry stacking of boats shall be permitted on-site.

**3. Truck or Freight Terminal, Warehouse (Distribution or Storage)**

Truck or freight terminals or warehouses (distribution or storage) shall comply with the following standards:

- a. The use shall be located at least 500 feet from any residential district, school, or child care center.
- b. The use shall not locate storage areas within a required setback or perimeter buffer.
- c. The use shall have direct access onto a major arterial or collector street.

**E. Waste-Related Services**

**1. Within the SFO**

Waste-related services shall not be located within the SFO, except through approval of a variance (see Section <>, Variance), subject to all the following requirements:

- a. The use serves a critical need in the County;
- b. No feasible location exists for the use outside the SFO;
- c. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level;
- d. The use complies with all other applicable federal, state, and local laws; and
- e. The County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 days prior to granting the variance.

# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards

### 4.4.5 Industrial Uses

#### ~~4.2.~~ **Incinerator**

Incinerators shall comply with the following standards:

- a. The use shall be located at least 1,000 feet from any existing residential use, school, or child care use.
- b. The use shall be surrounded by a solid fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.

#### ~~F.3.~~ **Landfills, Convenience Sites, and Related Privately-Owned Landfills, Convenience Sites, and Similar Facilities**<sup>107</sup>

A privately-owned landfill, convenience site, or ~~related similar~~ facility shall comply with the following standards:

- ~~1.a.~~ The applicant must show written evidence of having received all required state and federal permits prior to ~~the issuance of the zoning compliance permit and prior to any use of the site for a landfill operation.~~
- ~~2.b.~~ The applicant must ~~show written evidence of a valid and properly executed~~ **execute a waste-related** franchise issued by the County pursuant to Section 153A-136 of the North Carolina General Statutes ~~prior to the issuance of the zoning compliance permit and prior to any use of the site for a landfill.~~
- ~~3.c.~~ The plans and specifications for the landfill and any facilities related thereto, including any infrastructure serving the property or the site, shall be reviewed **and approved** by an engineer **and or** other technical advisers ~~so~~ appointed by the UDO Administrator. ~~Prior to any use of the site as a landfill, such plans and specifications must receive the written approval of the Administrator following consultations, with the engineer and other technical advisers appointed by the UDO Administrator.~~
- ~~4.d.~~ ~~Prior to any use of the site as a landfill, t~~The applicant shall reimburse the ~~e~~County for all ~~reasonable~~ expenses incurred in reviewing the application, ~~Such expenses shall include~~ **ing** administrative costs, ~~and advisory fees, incurred by the County, including any legal fees, and engineering, or other professional fees~~ **incurred by the County.**

<sup>107</sup> This section ~~carries forward~~ **consolidates the standards in** Section 151.217, **Privately Owned Landfills, Convenience Sites, and Related Facilities, and Section 151.383(G)(9), Variance Procedures,** from the current UDO.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses<sup>107F</sup>

#### 4.5.1 Purpose

## 4.5 ACCESSORY USES<sup>108</sup>

### 4.5.1 PURPOSE

This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

### 4.5.2 PROCEDURES FOR ESTABLISHMENT

- A. Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use.
- B. With the exception of agricultural uses or facilities used to prepare a site for development, no accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.
- C. Establishment of an accessory use or structure shall require approval of a zoning compliance permit in accordance with the standards in [Section <>, Zoning Compliance Permit](#), and the standards in this section.
- D. A lawfully-established nonconforming use or structure may be supplemented with an accessory use or structure provided the accessory does not increase the nonconformity.

### 4.5.3 GENERAL STANDARDS FOR ACCESSORY STRUCTURES

#### A. Permitted Accessory Uses and Structures

Permitted accessory uses and structures include those listed in this section and those that the UDO Administrator determines meet the following:

- 1. Are clearly incidental to an allowed principal use or structure;
- 2. Are subordinate to and serving an allowed principal use or structure;
- 3. Are subordinate in area, extent, and purpose to the principal use or structure;
- 4. Contribute to the comfort, convenience, or needs of occupants, business or industry associated with the principal use or structure.

#### B. Located on Same Lot as a Principal Use

All accessory uses and structures shall be located on the same lot as the principal use or structure and not located within any street right-of-way, except as allowed by this Ordinance for specific accessory uses and structures.

#### C. Compliance with Ordinance Requirements

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards in Article 151.3: Zoning Districts, or the development standards in Article 151.5: Development Standards.

#### D. Dimensional Standards

Accessory structures, which include accessory buildings, shall meet the applicable zoning district dimensional standards and district standards, except as provided in [Section <>, Setback Encroachments](#).

#### E. Maximum Size

#### F. Easements

Accessory structures may not be located in an easement unless the easement or easement holder expressly states the allowance in writing.

#### G. Conflict with District or Use-Specific Standards

In the event the standards in this section conflict with district-specific standards in Article 151.3: Zoning Districts, or use-specific standards for a principal use in [Section <>, Use-Specific Standards](#), the zoning or use-specific standards shall control.

#### H. Location in the SFO

Accessory uses or structures located in the SFO shall comply with the standards in [Section <>, Accessory Uses](#), in addition to these standards.

### 4.5.4 STANDARDS FOR SPECIFIC ACCESSORY USES

<sup>108</sup> This section builds on the standards in Section 151.329 of the current ordinance



# ARTICLE 151.4 USE REGULATIONS

## Section 4.5 Accessory Uses107F

### 4.5.4 Standards for Specific Accessory Uses

#### A. Accessory Dwelling Units

Accessory dwelling units shall comply with the following standards:

##### 1. Where Permitted

- a. Accessory dwelling units in the SFM, SFO, SFR, or SFI districts may be located within a principal structure (e.g., a downstairs apartment) subject to a zoning compliance permit (see Section 2.4.9) or as a freestanding building or above a detached outbuilding subject to an approved use permit (see Section 2.4.6).
- b. The use of manufactured homes, travel trailers, campers, tractor trailers, or similar vehicles as an accessory dwelling unit is prohibited.

##### 2. Owner Occupancy Required

The owner of the lot shall reside on a lot containing an accessory dwelling unit.

##### 3. Additional Standards

- a. Not more than one accessory dwelling unit per lot is permitted.
- b. An accessory dwelling unit shall have a floor area of at least 300 square feet, but shall not exceed 1,000 square feet in size.
- c. At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the required off-street parking serving the principal use).
- d. Accessory dwelling units shall not be sold apart from the principal structure.
- e. Accessory dwelling units may be used for home occupation uses but in no instance shall more than one home occupation use be conducted on a single lot.

#### B. Amateur Ham Radio

1. Towers associated with a ham radio operator or private television antenna shall not exceed 100 feet above grade.
2. Towers or antennas attached to a principal structure shall be located on a side or rear elevation.
3. Freestanding towers or antennas shall be located behind the principal structure.

#### C. Boat Lifts

Boat lifts shall be subject to an approved CAMA minor permit (see Section 18.2.4.F, CAMA Minor Permit).

#### D. Boat Ramps

Boat ramps shall comply with the following standards:

1. All boat ramps shall be confined to shoreline of manmade canals, channels, and basins with little or no native vegetation and shall be located in the least vegetated area of the shoreline.
2. The width of boat ramps, including side slopes, shall be limited to 35 feet.
3. Up to two accessory docks meeting all docking facility requirements may be allowed.
4. Boat ramps without accessory docks must meet the water depth and access criteria for a dock within ten feet of the waterward end of the ramp to allow for a bottom slope.
5. Dredging and filling shall be limited to the minimum amount necessary to construct the boat ramp surface, side slopes, walls, and moorings or dock pilings.
6. All such projects shall require prior approval by the NC Division of Coastal Management.

#### E. Cemetery, Family or Religious Institution

Cemeteries that are not subject to the North Carolina Cemetery Act, including family cemeteries and church cemeteries, are permitted in accordance with the following standards:



1. Lots including a cemetery shall be a minimum of two acres in size, but the cemetery site itself has no minimum area requirement.
2. Table , Cemetery Dimensional Requirements, sets out the dimensional requirements for cemeteries.

TABLE  : CEMETERY DIMENSIONAL REQUIREMENTS	
REQUIREMENT	STANDARD (FEET)
Minimum Street Frontage	125 feet
Burial Plot Setback from Local Streets	20 feet
Burial Plot Setback from Major Arterial Streets	50 feet
Burial Plot Setback from Side Lot Line	15 feet
Burial Plot Setback from Rear Lot Line	25 feet
Burial Plot Setback from Potable Water Supply	50 feet
Burial Plot Setback from CAMA Wetland/Water Body	75 feet



## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses<sup>107F</sup>

#### 4.5.4 Standards for Specific Accessory Uses

3. The property owner shall provide a road or path for the purpose of access to and from the cemetery.
4. The cemetery shall not be owned or operated as a business for profit.
5. The applicant requesting to establish or enlarge a cemetery shall submit the following minimum information on the site plan:
  - a. Lot dimensions;
  - b. All property line setback requirements;
  - c. All existing physical features (structures, buildings, streets, roads, grave sites, etc.);
  - d. Location and dimension of cemetery boundaries; including number of grave sites or burial plots;
  - e. Location and dimension of the road or path used to access the family cemetery;
  - f. Location of all potable water supplies within 50 feet of the family cemetery; and,
  - g. Location of all water bodies and major drainage ways (sounds, creeks, river, canals, etc.) within 75 feet of the family cemetery.
6. The site plan as approved by the Planning Department showing the location of and access to the cemetery shall be recorded with the Register of Deeds as an addendum to the deed for the subject property.

#### F. Child Care, Incidental

Child care is permitted as an accessory use to a single-family dwelling in accordance with the following standards:

1. Such uses shall be licensed by the State as a Family Child Care Home and shall comply with all minimum State requirements;
2. The child care portion shall be limited to 25 percent or less of the floor area of the principal structure;
3. The maximum number of children shall be limited to 12;
4. The use shall be operated by a person residing within the principal use and shall be limited to a maximum of one additional employee not residing in the principal use;
5. A minimum of 100 square feet of fenced play area per child shall be provided within a rear or interior side yard.

#### G. Community Agriculture

Community agriculture uses shall comply with the following standards:

1. **Minimum Lot Size**
  - a. Community agriculture uses may only be located on lots of two acres or larger within residential districts, and one acre or larger within business or mixed-use districts.
  - b. Community agriculture uses may be conducted on a lot that does not contain a principal use.
2. **Buildings and Storage**
  - a. Community agriculture uses may include up to 1,500 total square feet of floor area within greenhouses, storage buildings, or other related structures.
  - b. Equipment or materials shall be stored within an enclosed structure or within a fully-screened enclosure.
3. **Retail Sales**
  - a. Retail sales of produce grown on-site may take place provided the sales/display area is not located within a habitable structure, and provided the sales/display area is located at least 300 feet from any residential use.
  - b. Nothing shall prohibit the erection of a temporary shade structure, provided the shade structure does not remain in place overnight.
4. **Additional Standards**
  - a. Exterior lighting is prohibited;
  - b. Signage shall be limited to a single, non-illuminated, flat sign of four square feet;
  - c. No more than four off-street parking spaces shall be provided in addition to those required for the principal use; and
  - d. Plantings shall not obstruct roadway visibility or impede the flow of traffic.

#### H. Docks and Piers

Docks and piers shall be allowed in accordance with state and federal regulatory and permitting requirements. Docks and piers shall be treated as an accessory use to the property to which they are connected. In no instance shall a roof be permitted on any dock or pier structure.

#### I. Drive-Through

1. Drive-through facilities shall be located at least 100 feet from any detached single-family dwelling or single-family residential zoning district.
2. Outdoor speakers associated with a drive-through shall be at least 50 feet from any lot line.
3. Drive-through facilities shall not be located on the front façade of the building they serve.
4. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses<sup>107F</sup>

#### 4.5.4 Standards for Specific Accessory Uses

5. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure

#### J. Excavation

Minor excavations for the purpose of establishing a pond or acquiring fill may be permitted as an accessory use, provided:

1. One acre or less is disturbed (excluding haul roads);
2. Excavation is setback at least 100 feet from all lot lines;
3. Slopes are maintained at no greater than 3:1 above the water, 2:1 below the water, and an average depth of four feet is maintained; and
4. A performance guarantee of at least \$1,000 is posted with the Planning Department to ensure adequate reclamation following excavation.

#### K. Gasoline Sales

Gasoline sales may be permitted as an accessory use in accordance with the following standards:

##### 1. Location

- a. Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard in the CC and VC districts.
- b. If the gasoline sales use is located on a corner lot, the lot shall have an area of at least 30,000 square feet and a frontage of at least 200 feet on each street side. In all other cases, the lot shall have an area of at least 15,000 square feet and a lot width of at least 150 feet.

##### 2. Circulation

The gasoline sales use shall have no more than two vehicular access points. Access points shall be located at least 150 feet from each other and from any intersecting street right-of-ways, and at least 15 feet from any other lot line.

#### L. Home Occupations

A home occupation shall be permitted as accessory to any principal dwelling unit, provided that the accessory use will not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, or other impacts. Home occupations shall be subject to the following standards:

1. The business or service is located within the dwelling or an associated accessory building, and does not exceed 25 percent of the heated floor area of the principal structure or 1,000 square feet, whichever is less.
2. The principal person or persons providing the business or service resides in the dwelling on the premises.
3. The home occupation employs no more than one person on the premises who do not reside on the premises.
4. The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
5. Retail sales of products produced on site shall be limited to lots with street frontage on a major arterial street.
6. All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than one vehicle per home occupation. In no instance shall any vehicle larger than eight feet by 32 feet be parked, stored, or otherwise maintained at the site of a home occupation.
7. Home occupations shall not result in regular and on-going vehicular traffic to the home where located.
8. There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.
9. Up to one advertising sign shall be allowed, provided the sign does not exceed six square feet in area per side, or more than four feet in height. No signage shall be illuminated or moving.
10. The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
11. The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

#### M. Housing for Poultry

Except within the WL district, the housing of poultry shall comply with the following standards:

1. No more than eight birds may be housed per lot;
2. Roosters are prohibited;
3. On-site slaughter of birds is prohibited;
4. All birds shall be housed within a covered enclosure or coup;
5. No enclosure shall be located closer than 25 feet to any residential structure or lot line; and
6. Birds shall be kept within a fenced enclosure at all times.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses<sup>107F</sup>

#### 4.5.4 Standards for Specific Accessory Uses

##### N. Inoperable Vehicles

Up to one inoperable or junked vehicle is allowed per residential dwelling unit.

##### O. Ice House

Ice houses of 50 square feet in size or larger shall comply with the following requirements:

1. Ice houses shall be located at least 100 feet from any public street right-of-way.
2. The ice house shall be surrounded with plantings (excluding any areas necessary for dispensing or servicing) on any side facing a public street or residentially-zoned land. Plantings shall be at least 36 inches in height at the time of planting.
3. Ice houses shall be served by a semi-circular parking and vehicular access area that removes the need for backing. In cases where the ice house is located within an established surface parking area, accessways shall be painted or otherwise designated.
4. Any signage shall have a maximum copy area of 16 square feet.
5. All roof-top mechanical equipment shall be screened.
6. A litter receptacle shall be provided, and shall be maintained in a sanitary condition.
7. Ice houses shall not be allowed as a primary use and shall be designed with an exterior closure that is similar to the primary structure on the site.

##### P. Outdoor Display and Sales

Outdoor display or sales may be allowed as an accessory use for all retail sales and service uses and wholesale sales uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items is unsightly, impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The outdoor display/sales of goods shall comply with the following standards:

1. Outdoor display/sales areas shall be depicted upon a site plan (see Section 2.4.7, Site Plan).
2. All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots.
3. Containers or racks used for display shall be anchored in manner capable of withstanding 120 mph winds, or shall be capable of being moved indoors.
4. Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side.
5. In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center facade, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front length of the shopping center.
6. The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.)
7. No goods shall be attached to a building's wall surface.
8. The height of the outdoor display shall not exceed nine feet, except in the case of live or recently cut trees or similar vegetation.
9. The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
10. At least three feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
11. Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.
12. No additional signage shall be permitted in association with outdoor display areas.
13. Outdoor display of large items (e.g., heavy equipment, vehicles, manufactured homes, prefabricated structures, etc.) shall comply with the standards applied to these activities when they occur as principal uses (see Section 4.2, Use-Specific Standards).

##### Q. Outdoor Storage (Other than Boats or Vehicles)

Outdoor storage may be allowed as an accessory use in accordance with the following standards:

1. Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be shown on a site plan, if one is required.
2. Outdoor storage areas shall be located to the side or rear of the principal structure.
3. Outdoor storage areas shall not be located within fire lanes, parking lot drive aisles, loading zones, required setbacks, required off-street parking spaces, or sight triangles.
4. Goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises as part of an associated, additional principal use.
5. Each outdoor storage area shall be screened from off-site views in accordance with Table <>, Outdoor Storage Screening:

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.5 Accessory Uses107F**

4.5.4 Standards for Specific Accessory Uses

<b>TABLE 4.5.4: OUTDOOR STORAGE SCREENING</b>		
<b>ADJACENT FEATURE OR ZONING DISTRICT TO BE SCREENED</b>	<b>MINIMUM OPAQUE SCREENING FENCE OR WALL HEIGHT (FEET)</b>	<b>STORED OBJECT/MATERIAL MAXIMUM HEIGHT WITHIN 50 FEET OF FENCE OR WALL (FEET) [2]</b>
Public street right-of-way	6	5
Park, recreation, or civic area	8	7
Single-family residential zone [1]	8	8
Multi-family residential zone [1]	6	6
Commercial or mixed-use zone [1]	6	6
Industrial zone	None	N/A
<b>NOTES:</b> [1] Or use type if in a planned development district [2] Stored object/material heights located more than 50 feet from a screening fence or wall shall not exceed 35 feet in height.		

- 6. If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.
- 7. No materials may be stored in areas intended for vehicular or pedestrian circulation.

**R. Parking of Boats or Watercraft**

- 1. Up to four boats licensed by the NC Division of Marine Fisheries, and associated trailers, may be stored for personal use outside of required setbacks and sight triangles. Storage of five or more boats requires an additional acre of lot area for each boat beyond four.
- 2. Lots with more than four boats shall screen all boats from adjacent residential structures on different lots.

**S. Parking of Heavy Trucks, Trailers, or Major Recreational Equipment in Residential Districts**

- 1. **Intent**  
It is the intent of this subsection to prohibit the customary or continual parking of commercial or other vehicles engaged in activity exceeding personal transport on streets and within yards adjacent to streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.
- 2. **Applicability**  
The standards in this subsection apply to trucks with more than two axles or that exceed 13,000 pounds or two-and-one-half tons of gross vehicle weight rating, trailers with more than one axle, or major recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.
- 3. **Standards**
  - a. Heavy trucks and trailers with a rated capacity exceeding two-and-one-half tons, or major recreational equipment, shall not be parked or stored on public right-of-way in a residential zoning district except for the purposes of active loading or unloading.
  - b. No heavy truck, trailer, or other major recreational equipment shall be parked or stored in any front yard, corner side yard, or in any location where it is closer to a street right-of-way than the principal structure within a residential or mixed-use zoning district.
  - c. Major recreational equipment may be stored in the rear yard within a residential district, provided the equipment is at least ten feet from all lot lines.
  - d. Major recreational equipment may be exempted from the standards in this subsection following approval of a temporary use permit for a maximum period of ten days during a calendar year.

**T. Produce Stands**

The sale of fresh vegetables and produce, as defined in the North Carolina General Statutes, from curbside stands or in a similar fashion shall:

- 1. Be located on the same lot as a principal use;
- 2. Be limited to retail sale of agricultural or horticultural products;
- 3. Be located outside sight triangles or other areas that may result in visual obstructions to drivers;
- 4. Not exceed 1,000 square feet in area; and
- 5. Provide adequate ingress/egress and off-street parking.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses107F

#### 4.5.4 Standards for Specific Accessory Uses

#### **U. Recreational Vehicles**

Recreational vehicles located within the SFO shall comply with the applicable standards in [Section <>](#), [SFO Standards](#).

#### **U.V. Residential Accessory Structures**

##### **1. Generally**

Except for below-ground swimming pools and decks, all residential accessory structures traditionally associated with a single-family or duplex dwelling (e.g., gazebo, pergola, prefabricated storage shed, well house, outdoor kitchen, hot tub, above ground pool, etc.) shall comply with the following standards:

##### **a. Setbacks**

###### **1. Rear and Side**

Accessory structures must setback five feet from side and 10 feet from rear lots lines.

###### **2. Corner Side**

For corner lots, accessory structures must meet the street setback of the dimensional standards for the applicable zoning district.

###### **3. Through or Double Frontage Lots**

For through or double frontage lots, all accessory structures shall be set back 10 feet from the rear lot line abutting the street.

###### **4. Alleys**

For accessory structures that are located along an alley, the structure must setback a minimum of 10 feet from the rear lot line abutting the alley.

###### **5. Utilities**

Utility service, such as water, sewer and electricity, to the accessory structure shall be provided by branching service from the principal structure.

###### **6. Encroachments**

See [Section <>](#), [Setback Encroachments](#), for allowable encroachments into setbacks for specific accessory structures.

##### **b. Accessory Buildings**

###### **1. Location**

In addition to the setback requirements, accessory buildings shall be located behind the front building line of the principal structure, except on lots that are greater than two acres in area, for which one accessory building may be located in front of the principal structure, provided it meets the front setback.

###### **2. Size**

The maximum total area of all accessory buildings on the lot shall not exceed 50 percent of the gross floor area of the principal structure or 600 square feet, whichever is greater.

##### **2. Below-Ground Swimming Pool**

Below-ground swimming pools, spas, and hot tubs are not required to be set back from a lot line, but shall comply with all applicable standards in the NC State Building Code and comply with standards for accessory structures in this section.

##### **3. Decks**

Decks shall comply with all applicable setback standards for the district in which the use is located.

#### **V.W. Retail Sales from a Vehicle**

Retail sales of food or other products from a vehicle is permitted as an accessory use, provided:

1. The vehicle is located outside of the right-of-way;
2. The vehicle and any other appurtenances are removed each day after the completion of sales;
3. No permanent features are included as part of the use;
4. No signage or exterior lighting is used;
5. The location has sufficient space to accommodate vehicular parking and safe pedestrian movement; and
6. Any retail sales of food is subject to Albemarle Regional Health Services certification.

#### **W.X. Solar Energy Equipment**

Solar energy equipment shall comply with the following standards:

1. The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground, subject to the dimensional standards in the district where located (see Chapter 3: Zoning Districts).



## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses107F

#### 4.5.4 Standards for Specific Accessory Uses

2. The system shall comply with the maximum height standards for the zoning district in which it is located, provided that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted.
3. Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.
4. The area of the system shall not exceed one-half the footprint of the principal structure or 600 square feet, whichever is greater.
5. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

#### **X.Y. Underground Storage Tanks**

1. Except for water and L.P. gas tanks, use or placement of a metallic underground storage tank is prohibited.
2. State- or Federal-approved fiberglass tanks may be installed underground.
3. Upon the installation of any underground tank, a building permit shall be acquired, the Fire Marshal shall be notified, and a survey prepared by a North Carolina registered land surveyor showing the exact location of the tank.
4. Prior to final inspection, the survey shall be recorded in the office of the Currituck County Register of Deeds.

#### **Y.Z. Wind Energy Facility, Small**

A small wind energy facility shall comply with the following standards:

1. **Amount**  
Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.
2. **Location and Setback**
  - a. Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.
  - b. A small wind energy facility shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus ten feet from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least ten feet from all lot lines.
3. **Height**  
The maximum height of a small wind energy system (including the tower and extended blades) shall be 120 feet.
4. **Sound**  
Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.
5. **Appearance**  
The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).
6. **Blade Clearance**  
The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public right of ways, parking, or driveway areas.
7. **Lighting**  
No illumination of the turbine or tower shall be allowed, unless required by the (FAA).
8. **Access to Tower**  
Any climbing rungs shall be removed to a height of 12 feet above grade.
9. **Signage Prohibited**  
Signage visible from any public street shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
10. **Abandonment**  
On determining that a small wind energy facility has been inoperable for 180 days or more, the Planning Director shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner's expense, to remove the wind turbine



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## ARTICLE 151.4 USE REGULATIONS

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### Section 4.5 Accessory Uses<sup>107F</sup>

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#### 4.5.4 Standards for Specific Accessory Uses

from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the county may pursue legal action to have the wind turbine removed at the owner's expense.

# ARTICLE 151.4 USE REGULATIONS

## Section 4.6 Temporary Uses<sup>108F</sup>

### 4.6.1 Purpose

## 4.6 TEMPORARY USES<sup>109</sup>

### 4.6.1 PURPOSE

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

### 4.6.2 APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction. The activities listed in this section require the issuance of a temporary use permit, except as exempted, in accordance with the standards in [Section <>, Temporary Use Permit](#).

### 4.6.3 GENERAL STANDARDS FOR TEMPORARY USES

All temporary uses shall comply with the following general standards, unless otherwise specified in this Ordinance:

#### A. General Standards

1. Secure written permission from the landowner;
2. Obtain the appropriate permits and licenses from the County and other agencies;
3. Comply with the requirements for temporary signs in [Section <>, Signage](#);
4. Meet public utility and County requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. Not violate the applicable conditions of approval that apply to a site or use on the site;
6. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
7. Contain sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
8. Not remain in place for more than 30 days if located within a special flood hazard area;
9. Provide adequate on-site restroom facilities; and
10. Cease all outdoor activities within 500 feet of a residential use by 10:00 pm.

#### B. General Conditions

In approving a temporary use permit, the UDO Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The UDO Administrator is authorized, where appropriate, to require:

1. Provision of temporary parking facilities, including vehicular access and egress;
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Regulation of placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Provision of security and safety measures;
7. Use of an alternate location or date;
8. Modification or elimination of certain proposed activities;
9. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
- 10.** Submission of a financial guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

#### C. Temporary Uses in the SFO

~~40.~~ [Temporary non-residential uses in the SFO shall comply with the standards in \[Section <>, Temporary Nonresidential Structures\]\(#\), in addition to the applicable standards in this section.](#)

### 4.6.4 STANDARDS FOR SPECIFIC TEMPORARY USES

<sup>109</sup> This is a new section which consolidates all of the standards for the few specific temporary uses currently housed in the definitions and supplemental use standards (i.e. Section 151.210, Section 151.211, and others), and adds prefatory language that defines temporary uses, direction to the temporary use permit procedure in Article 2, and a set general standards for all temporary uses.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.6 Temporary Uses<sup>108F</sup>

#### 4.6.4 Standards for Specific Temporary Uses

##### A. **Portable Storage Container**<sup>110</sup>

Portable storage containers may be permitted as an accessory use to a residential use, subject to the following standards.

###### 1. **Maximum Size**

Containers no larger in dimension than eight feet in height, nine feet in width, or 16 feet in length.

###### 2. **Maximum Number**

- a. No more than two portable storage containers shall be located on a single lot or parcel of land.
- b. No other type of container or shipping container is located on the same lot or parcel of land.

###### 3. **Hazardous Substances**

Portable storage containers shall not be used to store or transport nonresidential materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives, and unlawful substances and materials.

###### 4. **Duration**

- a. A portable storage container may remain upon a lot for 14 days in any consecutive calendar year except when used in conjunction with construction on the same lot, and shall then be removed within 14 days of the issuance of a certificate of occupancy.
- b. The UDO Administrator may grant one 14-day extension to the maximum duration, for good cause shown.

###### 5. **Location**

- a. If a portable storage container is placed in the front yard, then it shall be located only in the area primarily used for vehicular ingress and egress and be at least five feet from the edge of the paved right-of-way.
- b. If a portable storage container is placed in the required rear or side yard, no setback shall be required.

##### B. **Temporary Buildings**

###### 1. **Generally**

All temporary buildings shall comply with the following:

- a. Structures shall be built in accordance with the State Building Code; and
- b. Structures shall be built in accordance with the standards promulgated by the U.S. Department of Housing and Urban Development and all temporary buildings shall be secured to the ground in a manner, approved by the county's Building Inspector, that reflects the temporary nature of the structure.
- c. Temporary buildings shall observe the setback requirements applicable to permanent buildings within the district where the temporary buildings are located.
- d. Permits must be secured from the Building Inspector and Administrator prior to the location of any temporary building(s). Permits shall remain valid for 12 months and may be renewed for additional 12-month periods upon a showing that the building is being used in conformity with this section and reasonable progress is being made toward completion of the project.

###### 2. **Temporary Emergency, Construction or Repair Residences**<sup>111</sup>

- a. Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.
- b. Permits for temporary residences to be occupied by persons intending to live in a permanent residence pending the construction, repair or renovation of the permanent residential building on a site shall expire within nine months after the date of issuance, except that the Administrator may renew the permit for one additional period not to exceed three months if he or she determines that the renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make the building habitable.
- c. Temporary emergency, construction or repair residences, as defined herein, shall consist of campers, travel trailers, recreational vehicles and Class "B" mobile homes.

###### 3. **Temporary Construction and Sales Offices**<sup>112</sup>

<sup>110</sup> This is a new temporary use that we suggest for inclusion in the updated UDO.

<sup>111</sup> This section carries forward Section 151.210 from the current UDO.

<sup>112</sup> This section carries forward Section 151.211 from the current UDO.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.6 Temporary Uses<sup>108F</sup>

#### 4.6.4 Standards for Specific Temporary Uses

Within any district, a temporary building may be located on any lot or tract that is being developed so long as the building:

- a. Is used as a construction or field office related to the development of the tract where the office is located or as a place of storage for materials used in the development of the tract;
- b. Is used as a sales office solely in connection with the development where the temporary building is located; and
- c. Is removed within 30 days after completion of construction work on the tract where the building is located or within 30 days after 95% of the lots or units have been sold.

#### 4. Temporary Real Estate Office<sup>113</sup>

Within any real estate development offering lots or units for sale, a temporary sales office may be established in a model or display unit that is or will be for sale and within any permanent building, such as a clubhouse or recreation facility, that will remain as part of the development after sales are completed.

#### C. Temporary Health Care Structure<sup>114</sup>

One temporary health care structure is permitted on a lot with a single-family detached dwelling, subject to the following standards:

##### 1. Structure

A temporary health care structure is one that:

- a. Is transportable and primarily assembled at a location other than the site of installation;
- b. Is located on a lot with an existing single-family detached dwelling;
- c. Is limited to 1 occupant who is a mentally or physically impaired person related to the caregiver;
- d. Is used by a caregiver or legal guardian in providing care for 1 mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;
- e. Has no more than 300 square feet of gross floor area;
- f. Is connected with water, sewer and electricity by branching service from the single-family detached dwelling;
- g. Has the same street address and mailbox as the existing single-family detached dwelling;
- h. Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);
- i. Meets the dimensional standards of the zoning district for a single-family detached dwelling; and
- j. Meets the applicable provisions in the NC State Building Code; however, is not located on a permanent foundation.

##### 2. Need and Relationship

- a. The occupant of the structure must be a mentally or physically impaired person that is a resident of the State who requires assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in this State.
- b. The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece, including half, step, and in-law relationships.

##### 3. Permit Conditions

- a. Once the applicant provides sufficient proof that the temporary health care structure meets all standards, then the temporary structure shall be permitted for a period of 12 months.
- b. The applicant may renew the zoning compliance permit for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.
- c. The County may make permit renewal and periodic inspections of the temporary structure at reasonable times convenient to the applicant.
- d. No signage shall be permitted on the exterior of the temporary structure or on the lot that identifies or promotes the existence of the structure.
- e. The temporary structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.
- f. The temporary structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.

<sup>113</sup> This section carries forward subsection (C) of the definition of Temporary Building from the current UDO.

<sup>114</sup> This is a new use that we included to comply with current state law.

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## ARTICLE 151.4 USE REGULATIONS

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### Section 4.6 Temporary Uses108F

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#### 4.6.4 Standards for Specific Temporary Uses

- g. The temporary use permit may be revoked or other enforcement actions taken if these standards are violated.

**D. Temporary Wireless Telecommunications Facility**

A temporary wireless telecommunications facility, is permitted on a lot containing a commercial or mixed-use, subject to the following standards:

1. A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 30 days, except that the temporary use permit may be renewed for good cause shown.
2. A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of a site for a period not to exceed 14 days, except that the temporary use permit may be renewed for good cause shown.
3. A temporary wireless telecommunications facility may be allowed on a lot in association with an event where the anticipated demand cannot be handled by existing facilities for a period not to exceed 14 days.
4. A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed after reconstruction or maintenance is complete and service restored on the permanent structure.
5. All temporary wireless telecommunications facilities, including all supporting cables and anchors, shall be contained on the lot.

# DEVELOPMENT STANDARDS



## Key Changes in Article 151.5:

- This article includes new multi-family, commercial, and mixed-use design standards intended to increase development quality while still giving developers choices for how to comply with the provisions.
- The article includes a set of single-family residential design guidelines that are available for application to single-family detached, attached, and duplex development, subject to consent by the landowner at the time of development
- The property numbering standards in Article 150 of the County Code have been relocated to this article
- This article includes new farmland compatibility standards intended to protect pre-existing farming operations from complaints from encroaching new land uses like residential subdivisions
- There are new off-street parking and loading standards that correspond to the list of principal uses in Article 151.4: Use Regulations, include comprehensive new configuration requirements, and new flexibility provisions that are based on clear standards and criteria
- The article includes a consolidated section on access and circulation that addresses driveways and pedestrian movement around non-residential, mixed-use, and multi-family sites
- There is a comprehensive new section on landscaping that includes parking lot landscaping, perimeter buffer, and streetyard planting requirements. The section includes new configuration, maintenance, and responsibility provisions
- There are new screening requirements for refuse collection, recycling, and ground-based mechanical equipment associated with non-residential, mixed-use, and multi-family development
- The article includes new fence and wall standards that address location, maximum height, materials, and configuration requirements
- There are comprehensive new exterior lighting standards that establish new configuration requirements, maximum heights, and controls to limit light trespass and glare on adjacent lands
- Article 151.5 includes an overhaul of the County's signage standards for compliance with the Reed decision from the US Supreme Court regarding the removal of content-based sign standards that require County staff to read the sign to determine how it should be regulated



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# ARTICLE 151.5 DEVELOPMENT STANDARDS

## 5.1 DESIGN STANDARDS<sup>115</sup>

### 5.1.1 MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

#### A. Purpose and Intent

These purpose for these multi-family residential design standards is to:

1. Establish a minimum level of quality for multi-family development;
2. Ensure multi-family development is aesthetically pleasing and desirable; and
3. Promote greater compatibility between multi-family development and other allowable uses in the County.

#### B. Applicability

1. The standards in this section shall apply to all new triplex, quadraplex, and multi-family development, regardless of the zoning district where located.
2. Redevelopment of an existing triplex, quadraplex, or multi-family development that exceeds 25 percent of the building's assessed value shall require the newly redeveloped portions to comply with the standards of this section, to the maximum extent practicable.

#### C. Exemptions

1. Single-family attached development shall be exempted from these standards, though a landowner may sign the following statement of consent agreeing to comply with these standards as part of a conditional zoning map amendment (see **Section <>, Zoning Map Amendment**) or in accordance with **Section <>, Sustainable Development Incentives**:

*The single-family attached development depicted on the attached site plan is subject to Camden County's Multi-family Residential Design Standards in place at the time the application for this development was determined to be complete. I hereby voluntarily consent to the application of these design standards, this acceptance of which shall run with the land regardless of changes in ownership, and recognize that failure to comply with the applicable guidelines following approval is a violation of the Camden County Unified Development Ordinance.*

\_\_\_\_\_  
*Landowner Signature*

\_\_\_\_\_  
*Date*

2. The signed statement of consent and an associated site plan depicting the development's compliance with these standards shall be recorded in the office of the Camden County Register of Deeds prior to issuance of a building permit.

#### D. Design Requirements

Development subject to these standards shall be designed in accordance with the following:

##### 1. Compliance with Other Requirements

New triplex, quadraplex, and multi-family buildings shall comply with all applicable zoning district, use-specific standards, and other applicable development standards in this article. In the event of conflict between these standards and other standards in this Ordinance, the standards in this section shall control.

##### 2. Maximum Building Size

Individual multi-family buildings shall be configured so that no single building exceeds a maximum width of 100 linear feet in any direction.

##### 3. Maximum Height

Buildings subject to the standards of this section shall have a maximum height of two stories within 100 feet of a lot with an existing single-family detached residential dwelling, without an intervening public street. This standard shall apply regardless of any incentives, administrative adjustments, or master plans.

##### 4. Building Orientation and Entryways

- a. All buildings with shared entrances shall be oriented so that primary entrance(s) face the street. In case of corner lots, the primary entrance(s) shall face the street from which the building derives its street address.
- b. Long corridors and shared entrance(s) not visible from the public realm shall be avoided.

<sup>115</sup> This section is described on Page 80 of the Evaluation Report. It converts the design provisions for these uses from district standards in Section 151.031, Commercial Districts Established, to specific design standards applied to uses regardless of the district where located.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.1 Design Standards114F

#### 5.1.2 Commercial Design Standards

- c. Buildings that do not have a direct and visible pedestrian entrance from a public street shall, at a minimum, have windows or patios facing the street.
  - d. Common open spaces and children's play areas shall be clearly visible from the dwelling units on the site.
- 5. Building Features**
- a. Developments abutting public street corners shall provide one or more of the following elements on the building facades closest to the intersection:
    - 1. Placement of primary pedestrian entry;
    - 2. Distinctive roof form; or
    - 3. Other architectural features (e.g. porches, canopies).
  - b. Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a similar level of quality and architectural detailing on all sides facing:
    - 1. A street;
    - 2. Abutting existing single-family development; and
    - 3. Vacant land designated as a single-family district on the Official Zoning Map.
- 6. Facade Articulation**
- a. Street-facing building facades shall be articulated with wall offsets at least two feet deep for every 30 feet of facade frontage.
  - b. In addition to wall offsets, front facades facing streets shall provide a minimum of three of the following articulation elements:
    - 1. A covered porch;
    - 2. One or more dormer windows or cupolas;
    - 3. Pillars, posts or pilasters;
    - 4. One or more bay windows with a minimum twelve-inch projection from the facade plane;
    - 5. Multiple windows with a minimum of four-inch-wide trim;
    - 6. Raised corniced parapets over the door;
    - 7. Eaves with a minimum of four-inch-wide trim; or
    - 8. Integral planters that incorporate landscaped areas and/or places for sitting.
  - c. Side facades shall maintain at least ten percent of the facade area as windows.
- 7. Roof Form**
- a. Development shall incorporate roof pitches between 3:12 and 12:12, or shall incorporate a three-foot parapet with a dimensional cornice around a flat roof.
  - b. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
  - c. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured to the degree practicable, to have a minimal visual impact as seen from the street.
- 8. Accessory Structures**
- In addition to the standards in **Section <>, Accessory Uses**, accessory uses and structures associated with a multi-family development shall comply with the following standards:
- a. Street-facing detached garages on corner lots shall be located to the side or rear of buildings.
  - b. Access to accessory structures (such as garages, carports, storage areas, etc.) shall be provided from alleys or secondary streets, to the maximum extent practicable.
  - c. Accessory buildings shall include exterior materials, colors, and roof form designed to be consistent with the principal structure.
  - d. Accessory structures shall not physically obstruct pedestrian entrances.
  - e. Centralized trash receptacles, if provided, shall be located in an enclosed area located to the rear of principal buildings.

### 5.1.2 COMMERCIAL DESIGN STANDARDS

#### A. Purpose and Intent

These design standards are proposed to promote architectural compatibility and the preservation of architectural character throughout the County. More specifically, the purposes of this section are to:

- 1. Encourage establishment of a strong sense of place with vibrant commercial, office, and mixed-use development in village centers and commercial crossroad areas;
- 2. Encourage a more pedestrian-friendly environment through attention to human-scale design and site features in village centers and commercial crossroad areas;
- 3. Foster greater compatibility between adjacent residential and non-residential development;
- 4. Limit the impacts of automobile-oriented development in mixed-use areas; and
- 5. Enhance the appearance of development along major streets.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.1 Design Standards114F

#### 5.1.2 Commercial Design Standards

#### B. Applicability

1. These commercial design standards shall apply to all new non-residential development in the VR, VC, CC, MC, and HC zoning districts.
2. Redevelopment of existing non-residential development in these districts that exceeds 25 percent of the building's assessed value shall require the newly redeveloped portions to comply with the standards of this section, to the maximum extent practicable.

#### C. Exemptions

The standards in this section shall not apply to the following forms of development:

1. Development listed in the industrial or agricultural use classifications in **Table <>, Table of Principal Uses**;
2. Utility and public safety uses; and
3. Non-residential development located in the CCO, which shall be subject to the design standards in **Section <>, Commercial Corridor Overlay (CCO)**.

#### D. Design Requirements

Development subject to these standards shall be designed in accordance with the following:

##### 1. Compliance with Other Requirements

New non-residential buildings shall comply with all applicable zoning district, use-specific standards, and other applicable development standards in this article. In the event of conflict between these standards and other standards in this Ordinance, the standards in this section shall control.

##### 2. Building Orientation

- a. The primary entrance shall be architecturally and functionally designed on the front facade facing the primary public street.
- b. Except for multi-building developments such as shopping centers or campus-style developments, the front facade of the principal structure shall be parallel to the front lot line and street.
- c. Ground mounted mechanical equipment, solid waste storage, recycling storage, and loading facilities shall be located to the rear or side yard and screened from view of the street.

##### 3. Building Material Standards

###### a. Allowable Materials

1. The predominant exterior building materials for non-residential development shall be of high quality, and may include:
  - A. Brick;
  - B. Rock, stone, or tinted and textured concrete masonry units;
  - C. Natural, decay-resistant, high quality exterior wood siding, shingles, or clapboards;
  - D. Cementitious siding (sheet or plank);
  - E. High-quality, architectural metal (stainless steel, copper, brushed nickel, brass, but excluding corrugated metal siding); and
  - F. Transparent glass windows and doors.
2. Suggested pitched roof materials include asphalt shingles, standing seam metal, slate, or similar materials.
3. Artificial materials which closely resemble these materials shall also be allowed, but are subject to approval by the UDO Administrator.

###### b. Color

###### 1. Primary Colors

Overly bright, neon, or "day-glow" colors shall not be used as primary exterior building colors. Nothing shall limit pastel or traditional community material colors.

###### 2. Accent Colors

Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15 percent of any building facade.

###### c. Configuration

1. Where two or more materials are proposed on a building façade, the heavier or more massive material (like stone) shall be located below the lighter or less massive material (stucco).
2. Heavier details may be permitted as details on corners or around doors and windows.
3. Material changes shall take place at logical locations, such as the intersection of building wings or interior corners.
4. Material changes shall not take place at outside corners, and material returns shall be included for a distance of at least five feet past an exterior building corner.

###### d. Prohibited Materials



## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.1 Design Standards114F

#### 5.1.3 Mixed-Use Design Standards

No portion of building constructed of unadorned (unfaced) concrete masonry units, corrugated and/or sheet metal, or smooth vinyl siding may be visible from a public roadway.

#### 4. Massing and Articulation

##### a. Purpose and Intent

These massing and articulation standards are proposed to help ensure greater pedestrian orientation and architectural compatibility. This is achieved by limiting long monotonous or unbroken building walls in favor of building projections, recesses, offsets, or other architectural features that provide visual interest. These standards are intended to:

1. Reduce the apparent mass and bulk of building, as seen from the public realm;
2. Ensure that all building walls receive some form of architectural treatment;
3. Ensure an equal level of treatment to all buildings (including buildings on outparcels) in a multi-building development.
4. Encourage buildings to present a continuity of style on all facades visible from the public realm.

##### b. Building Mass

1. Buildings or developments with 15,000 or more gross square feet of floor area shall configure buildings to appear as individual volumes containing 15,000 or fewer square feet through the use of offsets, building wings, and lateral connections like breezeways.
2. These standards are not intended to limit the maximum size of a building, rather, they are intended to minimize the mass or bulk size of a building as seen from the public realm.

##### c. Building Articulation

Buildings subject to these standards shall be configured so that no single facade fronting a public street shall extend for longer than 35 linear feet without inclusion of one or more of the following features:

1. The use of projections or recesses in the building façade wall with a depth of between 18 inches and 36 inches from the primary facade plane and a minimum span of eight feet;
2. The use of columns, pilasters, or other architectural detail harmonious with the general design of the structure with a minimum width of eight inches and spaced no less than every ten feet on-center;
3. Distinct changes in building material that are vertically aligned with variations in roof form and parapet heights; or
4. A single vertical accent or focal point such as a tower feature located on a prominent building corner.

#### 5. Fenestration

- a. Buildings subject to these standards shall be configured so that building facades facing public streets shall include a window or functional general access doorway at least every 20 feet along the façade. False or display casements are an allowable alternative, as approved by the UDO Administrator.
- b. At least 25 percent of the first floor facades facing a street shall be transparent.
- c. First floor windows facing streets shall remain visually permeable and shall not be obstructed by window signs to such a degree that less than 25 percent of a first floor street-facing facade remains transparent.
- d. Ventilation grates or emergency exit doors located at the first floor level oriented toward a street shall be decorative.

#### 6. Awnings and Canopies

- a. When used, awnings and canopies shall be placed at the top of window or doorway openings.
- b. No awning shall extend outwards from the building wall more than the width of the sidewalk or ten feet, whichever is less.
- c. Awnings must be self-supporting from the building wall.
- d. No supports shall rest on or interfere with the use of pedestrian walkways or streets.
- e. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities.

#### 7. Roof Form

- a. Roof pitches less than 3:12 and flat roofs shall require a parapet wall on all sides visible from the street. Parapet walls shall fully screen all roof-top mechanical equipment from the street.
- b. Parapet walls shall have decorative cornices or caps.
- c. A pitched roof shall have eaves that extend a minimum of 12 inches from the building face.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.1 Design Standards114F

#### 5.1.3 Mixed-Use Design Standards

- d. Roof-mounted mechanical equipment on a pitched roof shall be screened or otherwise camouflaged from view from the street.

### 5.1.3 MIXED-USE DESIGN STANDARDS

#### A. Purpose and Intent

The purpose for these standards is to create vibrant, pedestrian-oriented areas of residential and non-residential use that are located on the same sites or in close proximity to one another. More specifically, these standards are intended to:

1. Create well-designed, desirable places for County residents and visitors to shop, dine, recreate, and live;
2. Ensure development within designated village centers is compact and walkable;
3. Shorten travel times and support alternative modes of transportation by reducing the need for automobile travel within urban portions of the County;
4. Encourage human-scaled development that is pedestrian-oriented;
5. Reduce development costs by facilitating the most dense forms of development in areas easily served by public infrastructure; and
6. Accommodate both vertically mixed-use development within an individual building as well as horizontally mixed-use development on a single site.

#### B. Applicability

The standards in this section shall apply to all development within the MX district, as well as to new live/work dwellings, non-residential development that includes upper story residential, and any development that includes principal use types from two different use classifications in [Table <>, Table of Principal Uses](#).

#### C. Exemptions

These standards shall not be applied to the following forms of development:

1. Agriculture-related uses;
2. Principal uses that include an accessory use from a different use classification; and
3. Mixed-use development established prior to the effective date of this Ordinance.

#### D. Design Requirements

Development subject to these standards shall be designed in accordance with the following:

##### 1. Compliance with Other Requirements

Mixed-use development shall comply with all applicable zoning district, use-specific standards, and other applicable development standards in this article. In the event of conflict between these standards and other standards in this Ordinance, the standards in this section shall control.

##### 2. Street Network

In cases where mixed-use development involves the construction of new streets or alleys, the new streets shall be configured in accordance with the following standards:

- a. Streets shall be organized into a grid pattern with block lengths that do not exceed 500 feet.
- b. Streets shall be configured to a design speed of 25 miles per hour.
- c. Streets shall include well-defined ADA-compliant crosswalks and small turning radii at intersections.
- d. Streets shall include bicycle lanes in accordance with NCDOT standards.
- e. Streets shall include sidewalks configured in accordance with Section <>, Sidewalks.
- f. Mid-block alleys shall be included to facilitate off-street parking and to accommodate service functions.
- g. Cul-de-sacs and dead-end streets are prohibited, except where topography or natural features make them necessary.

##### 3. Building Orientation

###### a. Single Building Development

New development consisting of a single building shall be oriented parallel or perpendicular to the street right-of-way they face.

###### b. Multiple Building Development

Development comprised of multiple buildings shall be configured with two or more of the following design elements:

1. Site configuration as a series of smaller “blocks” defined by buildings fronting on-site streets and internal vehicle access ways, utilizing pedestrian oriented design such as walkways, or other circulation routes and multi-modal transportation access/waiting areas when appropriate;
2. Corner buildings designed to front both sides of an adjacent street intersection or entry point to the development in an “L” configuration;

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.1 Design Standards114F

#### 5.1.3 Mixed-Use Design Standards

3. Buildings facing each other across a relatively narrow vehicular access area with pedestrian amenities in a "main street" character;
  4. Buildings framing and enclosing at least three sides of parking areas, public spaces, or other site amenities; or
  5. Buildings framing and enclosing outdoor dining or gathering spaces for pedestrians between buildings.
4. **Building Location**
- a. Buildings on lots bounding streets shall be built to the edge of the sidewalk. In the case of double or reverse frontage lots, the building shall be located adjacent to the street that can provide ingress/egress to the lot.
  - b. When development is proposed on a corner lot, the building shall be configured to occupy the lot corner nearest the street intersection.
  - c. Nothing shall prevent a mixed-use building from exceeding a maximum front or corner side setback being setback provided the area between the building and the street is occupied by a public gathering space, open space set-aside, or an area used for outdoor dining.
5. **Lot Frontage to be Occupied by Building Wall**  
In order to ensure an inviting and desirable streetscape for pedestrians, mixed use development shall be configured so that at least 70 percent of the lot frontage where it is located is occupied by building wall. Areas occupied by gathering areas (like plazas), urban open space set-aside, or outdoor dining areas shall be credited towards areas these lot frontage requirements.
6. **Ground Floor Configuration**  
The ground floor of vertically-integrated mixed-use buildings and buildings located in the MX district shall be configured to meet the State Building Code requirements for commercial development. Nothing shall require the ground floor to be occupied by a non-residential use.
7. **Off-Street Parking Location**
- a. Off-street parking areas shall be located to the side or rear of buildings subject to these standards.
  - b. Mixed-use buildings located outside the MX district and with two or more habitable stories may be configured to allow up to one row of off-street parking spaces between the building and the street it fronts.
8. **Building Articulation**  
Buildings subject to these standards shall be configured so that no single facade fronting a public street shall extend for longer than 35 linear feet without inclusion of one or more of the following features:
- a. The use of projections or recesses in the building façade wall with a depth of between 18 inches and 36 inches from the primary facade plane and a minimum span of eight feet;
  - b. The use of columns, pilasters, or other architectural detail harmonious with the general design of the structure with a minimum width of eight inches and spaced no less than every ten feet on-center;
  - c. Distinct changes in building material that are vertically aligned with variations in roof form and parapet heights; or
  - d. A single vertical accent or focal point such as a tower feature located on a prominent building corner.
9. **Fenestration**
- a. Blank, windowless walls facing sidewalks, streets and other public places shall be prohibited.
  - b. At least 40 percent of the first floor facade facing a street shall be transparent (whether through the use of glass windows, doors, or both).
  - c. At least 25 percent of each upper story façade facing a street shall be transparent
  - d. First floor windows facing streets shall remain visually permeable and shall not be obstructed by window signs to such a degree that less than 25 percent of a first floor street-facing facade remains transparent.
  - e. Ventilation grates or emergency exit doors located at the first floor level oriented toward a street shall be decorative.
10. **Building Entrances**
- a. Primary structures must be oriented with their main entrance facing the street upon which the project fronts.
  - b. If the site is on a corner, it may have its main entrance oriented to either street or at the corner.
  - c. Entrances serving mixed-use buildings shall include at least two of the following features:
    1. Canopies or porticos;
    2. Overhangs;
    3. Recesses/projections;

## ARTICLE 151.5 DEVELOPMENT STANDARDS

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### 5.1 Design Standards114F

#### 5.1.3 Mixed-Use Design Standards

4. Galleries or arcades;
  5. Raised corniced parapets over the door;
  6. Peaked roof forms;
  7. Arches;
  8. Architectural detail such as tile work and moldings integrated into the building structure and design; or
  9. Integral planters that incorporate landscaped areas and places for sitting.
11. **Roof Form**
- a. Roof pitches less than 3:12 and flat roofs shall require a parapet wall on all sides visible from the street. Parapet walls shall fully screen all roof-top mechanical equipment from the street.
  - b. Parapet walls shall have decorative cornices or caps.
  - c. A pitched roof shall have eaves that extend a minimum of 12 inches from the building face.
  - d. Roof-mounted mechanical equipment on a pitched roof shall be screened or otherwise camouflaged from view from the street.
12. **Weather Protection**  
Weather protection for pedestrians, such as awnings, canopies, galleries, and arcades, shall be provided along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.
13. **Drive-up/Drive Through Prohibited**  
No building within a mixed-use development shall include drive-up or drive through facilities.
14. **Signage**  
Pole or pylon signs shall be prohibited on lots with mixed-use development.

## 5.2 RESIDENTIAL DESIGN GUIDELINES<sup>116</sup>

### 5.2.1 PURPOSE AND INTENT

These residential design guidelines are proposed as suggestions for ways to ensure that new single-family and duplex housing in the County is high quality, aesthetically pleasing, and provides a wide variety of living options for County residents. More specifically, these guidelines are intended to:

Provide mandatory design guidance for pocket neighborhoods and bungalow courts;

### 5.2.2 APPLICABILITY

These residential design guidelines shall apply to the following forms of development;

- A. Pocket neighborhoods;
- B. Bungalow courts;
- C. Single-family detached residential dwellings, single-family attached dwellings, and duplex dwellings, when subject to a signed statement of consent in accordance with [Section <>, Statement of Consent](#).

### 5.2.3 STATEMENT OF CONSENT

- A. Except for pocket neighborhoods and bungalow courts, compliance with the design guidelines in this section is voluntary and at the discretion of the applicant. In cases where an applicant chooses to comply with the guidelines in this section, the applicant shall sign the following statement of consent and include it with the application for a preliminary plat, special use permit, site plan, or zoning compliance permit, as appropriate.

*The single-family attached development depicted on the attached site plan is subject to Camden County's Multi-family Residential Design Standards in place at the time the application for this development was determined to be complete. I hereby voluntarily consent to the application of these design standards, this acceptance of which shall run with the land regardless of changes in ownership, and recognize that failure to comply with the applicable guidelines following approval is a violation of the Camden County Unified Development Ordinance.*

\_\_\_\_\_  
Landowner Signature

\_\_\_\_\_  
Date

- B. The signed statement of consent and the development approval shall be recorded in the office of the Camden County Register of Deeds prior to issuance of a building permit.

### 5.2.4 DESIGN FEATURES

#### A. Exterior Materials

Exterior materials on the front façade shall not change at outside corners, but shall continue along side facades for a minimum distance of at least five feet, to a different location such as a change in roof line or where a separate wing meets the main body of the dwelling, or another logical location.

#### B. Side and Rear Facades

- 1. Although the front facade of a principal building is expected to be the primary focal point in terms of architectural character and features, all sides of a building shall incorporate architectural detailing and windows that complement the front facade and provides visual interest.
- 2. Blank walls void of windows or architectural detailing are prohibited when adjacent to a street.

#### C. Foundation Materials

- 1. Poured concrete foundations, concrete block foundations, or smooth-faced concrete masonry unit foundations shall be covered by decks, porches, or be clad in face brick, stone, or some other masonry material accurately imitating these materials. In no instance shall poured concrete, concrete block, or smooth-faced concrete masonry unit foundations be visible on a front or street-facing facade.
- 2. In cases where a dwelling includes a finished or unfinished basement, the exterior basement walls on the rear or on sides not visible from streets are exempted from these standards.

#### D. Material Changes

<sup>116</sup> These are new guidelines for the design of single-family detached homes proposed as part of a subdivision, single-family attached development, and duplex dwellings. The General Assembly has limited local governments from applying these kinds of requirements except when a landowner consents to follow them. The General Assembly has not limited the ability to apply design standards to manufactured and mobile homes, and these provisions are included as use-specific standards in Article 151.4: Use Standards.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.2 Residential Design Guidelines<sup>115F</sup>

#### 5.2.4 Design Features

1. Exterior material changes shall take place along a horizontal line where two forms meet, such as the wall and the foundation, the first and second stories, or the wall and roof. It is acceptable for material changes to be configured as architectural accents in areas around windows, doors, cornices, at corners, or in a repeating pattern across a façade.
2. Where two or more exterior material meet or are combined, the heavier or more massive material shall be located below the lighter element(s). For example, brick below wood siding, stone below brick, wood siding below stucco, etc.
3. It is acceptable for heavier materials to be used as accents around doors, windows, and corners.

#### E. Prohibited Materials

The use of corrugated metal siding, unpainted plywood, or smooth-face concrete block is prohibited. Synthetic stucco or EIFS shall be prohibited within two feet of the finished grade.

#### F. Street-Facing Garages

##### 1. Maximum Door Width

A street-facing garage door configured in accordance with these guidelines shall not exceed a maximum width of 16 feet.

##### 2. Location

The placement of the primary entrance closer to the front lot line than a street-facing garage door is strongly encouraged, but in no instance shall a primary entrance be more than nine feet farther from the front lot line than a street-facing garage door.

##### 3. Design Features

Street-facing garages configured in accordance with these guidelines shall incorporate at least three of the following design features on the building wall containing the garage doors:

- a. Each garage door shall include transparent or opaque windows;
- b. Garage doors shall incorporate decorative hinges or hardware that may be functional or aesthetic;
- c. Garage doors shall include an overhang, eave, trellis, arbor, awning, or other similar architectural feature that projects at least 16 inches beyond the facade directly above the garage door(s);
- d. Garage doors shall be flanked on either side by vertical design elements like columns, pilasters, posts, or similar vertical feature; or
- e. The garage door(s) are located at least two or more feet behind a front porch or the primary entrance to the dwelling.

#### G. Side-loaded Garages

Side-loaded garages configured in accordance with these guidelines may be closer to the front lot line than the primary entrance to the dwelling, provided the garage facade facing the street includes compatible design features found on other building facades, including but not limited to: windows, eaves, overhangs, decorative trim, material changes, or other architectural features.

#### H. Duplex Entrances

A duplex structure shall be organized so as to give the appearance of being a large single-family detached home. In no instance shall two entry doors be located on the same side of the house. A single shared main entry door is strongly encouraged.

#### I. Architectural Variability<sup>117</sup>

##### 1. Bungalow Court, Pocket Neighborhood, Single-Family Detached, and Duplex Structures

- a. A continuous row of identical buildings along a block shall be prohibited. Each building shall include "distinctly different" front facade elevations within any single phase of the development such that:
  1. No three structures that are side-by-side may have the same front facade elevation; and
  2. No structures directly across the street from one another shall have the same front facade elevation.
- b. For the purposes of this section, "distinctly different" shall mean that a dwelling must differ from other adjacent and opposing dwellings in at least six of the following ways:
  1. Color variation (not a slight variation of a similar hue, such as beige or pastel);
  2. Variation in materials;
  3. Use of distinct variations in roof forms (e.g. gable, hip, shed, mansard, gambrel, flat, or other);
  4. Variations in the number of building stories by at least one story;
  5. Variation in the amount of habitable space (a minimum distinction of 400 square feet or more);

<sup>117</sup> NOTE: These standards will be illustrated.



## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.2 Residential Design Guidelines 115F

#### 5.2.4 Design Features

6. A change in the depth of the front setback by 15 feet or more;
  7. The type and color of roofing material on structures with pitched roofs;
  8. The orientation of the longest building axis (either parallel, perpendicular, or canted to the street the dwelling faces); or
  9. The primary roof ridgeline orientation (either parallel, perpendicular, canted to the street the dwelling faces).
2. **Single-family Attached Structures**
- a. Single-family attached development shall maintain architectural variability on the front façade from building to building within a development and from unit to unit within a single building. A continuous row of identical or nearly identical buildings or a continuous row of identical or nearly identical units within a building shall be prohibited. Each building shall include “distinctly different” front facade elevations within any single phase of the development such that:
    1. Each in-line unit in a row of attached single-family dwellings located within a single building includes a front facade comprised of different exterior materials, colors, or architectural features;
    2. Each individual building (comprised of two or more in-line units in a row) shall be configured such that the overall front facade of one building differs from the overall front facade of each adjacent building; and
    3. No individual building directly across the street from another building shall have the same overall front facade.
  - b. For the purposes of this section, “distinctly different” shall mean that a building comprised of multiple in-line units must differ from other adjacent and opposing buildings containing multiple in-line units in at least five of the following ways:
    1. Variation in structure height of at least one story or more (finished attics may be credited towards this requirement);
    2. Variation in the number of units-per-building of 50 percent or more;
    3. Variation in the distance from the front façade wall to the right-of-way of 15 feet or more;
    4. Variation in primary roof form, whether through type of roof framing (e.g., gabled, hip, flat, or a combination of multiple distinct roof slopes or planes), or in the orientation of the primary roof ridge line relative to the roadway fronting the building (e.g., either parallel, perpendicular, or canted to the roadway);
    5. Variation in building footprint by at least 1,000 square feet or more;
    6. The presence or absence of driveways or garages in front of the building;
    7. Inclusion of functional first or second-story front porches;
    8. Inclusion of ground-floor workspace configured for use by the public on the front façade;
    9. Variation in presence or size of a garage (e.g., none, one-car, two-car, etc.);
    10. Variation in garage entrance orientation (e.g., street-facing versus alley-facing); or
    11. Variation in the size and placement of windows.

## 5.3 PROPERTY NUMBERING<sup>118</sup>

### 5.3.1 PURPOSE AND INTENT

These standards are proposed to protect public health and safety by ensuring that emergency service providers can quickly locate the origin of a call for assistance and to ensure that visitors and deliveries can easily locate their intended locations without creating potentially dangerous conditions on the roadway.

### 5.3.2 APPLICABILITY

- A. All principal structures located on lots within Camden County shall display property address numbers in accordance with the standards in this section.
- B. Accessory structures and structures owned or operated by the County shall be exempted from these requirements.

### 5.3.3 REQUIREMENTS

#### A. Numbering Map Established

- 1. The property numbering map entitled "A Property Numbering Map dated September 1, 1990, Camden County, North Carolina" is hereby adopted as the Official Property Numbering Map of the County and all property numbers assigned shall be assigned in accordance with this numbering map.
- 2. Only property numbers assigned in accordance with the Official Property Numbering Map shall be displayed in locations visible from a street or accessway.
- 3. The Official Property Numbering Map is maintained in the office of the Building Inspector, and is available for public inspection during normal working hours.

#### B. Numbering System

- 1. On the Official Property Numbering Map, NC 343 is hereby designated as the north-south axis and US 158 is hereby designated as the east-west axis, and all avenues, streets and alleys running generally north and south shall be numbered from the east-west axis consecutively to the corporate limits of the extremity of the avenue, alley or street.
- 2. Avenues, streets, or alleys running generally east and west shall be numbered from the north-south axis in the same manner.
- 3. Wherever possible, 100 numbers shall be allowed to each block so that the number of each consecutive block shall commence with consecutive hundreds and one.
- 4. One whole number shall be assigned for every 125 feet of ground whether improved property or vacant lot on every street within the County limits.
- 5. Odd numbers shall be assigned to the west side of the street on all north-south streets, and even numbers to the east side.
- 6. On east-west streets, odd numbers shall be assigned to the south side of the street and even numbers to the north side.

#### C. Owners to Purchase Numbers

Every property owner of improved property shall purchase and display, in a conspicuous place on the property, the property number assigned in accordance with these provisions.

#### D. Defacing Numbers Prohibited

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this subchapter, except for repair or replacement of the number.

#### E. Number Configuration

Property numbers required in accordance with this section shall be of suitable height and contrast so as to be visible to emergency service providers at night, in the sole opinion of the Building Inspector.

## 5.4 RESERVED

<sup>118</sup> This section relocates the property numbering provisions in Sections 150.30, Property Map, through Section 150.35, Size and Color of Numbers, in Article 150 of the County Code.

## 5.5 FARMLAND COMPATIBILITY STANDARDS<sup>119</sup>

### 5.5.1 PURPOSE AND INTENT

The purpose and intent of these farmland compatibility standards is to promote development that is compatible with existing farms and agricultural uses in Camden County. More specifically, these standards are intended to:

- A. Ensure new development does not negatively impact existing adjacent agricultural uses;
- B. Maintain and promote rural character in agricultural areas; and
- C. Ensure greater compatibility between existing farms and new non-farm uses.

### 5.5.2 APPLICABILITY

Except where exempted by **Section <>, Exemptions**, the standards in this section shall apply to all subdivisions, planned developments, special use permits, or site plans on lots or tracts of five acres in area or greater proposed adjacent to a bona fide farm or agricultural use associated with a bona fide farm.

### 5.5.3 EXEMPTIONS

The standards in this section shall not apply to the following:

- A. Lots established in accordance with **Section <>, Transfer Plat**; and
- B. Portions of a conservation subdivision adjacent to an agricultural use or activity taking place within the conservation subdivision's open space set-aside.

### 5.5.4 COMPATIBILITY STANDARDS

Development subject to the standards in this section shall comply with the following compatibility standards:

#### A. **Vegetated Buffer**

Development subject to these standards shall provide a fifty-foot-wide vegetated buffer between building lots in the development and an existing agricultural use. The buffer shall:

1. Remain undisturbed for a minimum distance of 25 feet from the edge of the agricultural use or boundary of the agricultural activity;
2. Include at least 15 aggregate caliper inches of canopy trees for every 100 linear feet of buffer length;
3. Incorporate existing or planted vegetation, configured in a staggered fashion, so as to create two or more rows of trees within the buffer; and
4. Incorporate a fence, berm, drainage ditch, or any combination of these features to physically separate the agricultural use from the new development. Nothing in this section shall limit the use of wire mesh fencing for this purpose.

#### B. **Location of Open Space Set-Aside**

In cases where new development includes an open space set-aside, it shall be located between the agricultural use and the buildings in the new development, to the maximum extent practicable. Land area occupied by the vegetated buffer may be credited towards the open space set-aside requirements. Nothing shall limit the requirement for the vegetated buffer even in cases when it will result in more open space than is required by **Section <>, Open Space Set-Aside**.

#### C. **Lot Size Configuration**

Except for lots in a conservation subdivision, lots bordering the vegetated buffer shall maintain a minimum lot area twice the minimum lot area required by the base zoning district where the subdivision is located. It is permissible for lots in other portions of the subdivision to maintain a reduced minimum lot size (subject to applicable ARHS requirements) so that the total number of potential house lots may be maintained.

#### D. **Lot Location**

Development subject to these standards shall be configured to ensure farms or agricultural uses retain direct access to adjacent streets.

### 5.5.5 NOTIFICATION ON PLAT

Preliminary and final plats subject to these standards shall bear a notation in 14 point type indicating the development is adjacent to an existing agricultural or farm use that is anticipated to generate noise, light, dust, odor, or vibration as part of its normal operations.

<sup>119</sup> These are new standards intended to limit complaints from new development that encroaches on existing agricultural uses. The standards are applied to the new uses locating adjacent to the existing farm. These standards are proposed to take the place of the vegetated buffer requirements in Section 151.232(N), Buffer Strips, in the portion of the current code that deals with major subdivisions.

## 5.6 OFF-STREET PARKING AND LOADING<sup>120</sup>

### 5.6.1 PURPOSE AND INTENT

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demand of the different uses allowed by this Ordinance. The standards are further intended to:

- A. Provide for adequate off-street parking;
- B. Allow for flexibility to accommodate alternative solutions to off-street parking and loading needs;
- C. Encourage pedestrian-oriented development in village centers;
- D. Avoid excessive paved surface areas and the resulting problems associated with stormwater runoff;
- E. Promote low impact development.

### 5.6.2 APPLICABILITY

#### A. General

The standards in this section shall apply to all development in the County.

#### B. Additions and Expansions

Whenever a building or open air use of land is constructed, enlarged, or increased in capacity, the development shall meet the requirements of this section unless the total number of off-street parking spaces required after the addition or expansion is less than four.

#### C. Changes in Use

- 1. If the principal use changes, then the new principal use shall meet the requirements of this section, except that if the use change results in an increase of less than five percent in the required number of parking spaces, or less than four additional parking spaces, no additional parking spaces are required.
- 2. Changes in use may also employ the standards in [Section <>, Nonconforming Sites](#), as a means of complying with these standards.

### 5.6.3 EXEMPTIONS

The following activities are exempt from the requirements of this section:

- A. Re-striping an existing parking lot which does not create a deficient number of parking spaces or nonconforming situation;
- B. Expansion of a single-family or duplex dwelling that does not increase the number of bedrooms; and
- C. Rehabilitation or re-use of an historic structure.

### 5.6.4 PARKING REQUIREMENTS

#### A. Parking Plan Required

Every application for a site plan, building permit, or zoning compliance permit, shall ensure that adequate off-street parking is provided for the uses or buildings contained in the application. Off-street parking must be provided to meet the parking demand without use of public streets, except as specifically allowed by this section.

#### B. Minimum Off-Street Parking Spaces Required<sup>121</sup>

The minimum number of off-street parking spaces required for development shall be in accordance with [Table <>, Minimum Off-Street Parking Spaces Required](#). Nothing shall prohibit the provision of off-street parking spaces in amounts exceeding the minimum requirements.

#### C. Uses Not Listed

- 1. For uses that do not correspond to the use types listed in [Table <>, Minimum Off-Street Parking Spaces Required](#), any one of the following actions may be taken:

<sup>120</sup> These standards are proposed to replace the standards pertaining to off-street parking in Sections 151.110, Definitions, through 151.123, Driveways, in the current ordinance. The changes proposed in this section are described on Page 81 in the Evaluation Report, and include relocation of definitions and driveway provisions, a new more comprehensive list of parking requirements by use type (to match the uses in the Principal Use Table), greater clarity on parking lot configuration provisions, and revising the approach to off-street loading by switching the current minimum requirements to an approach that allows an applicant to determine their loading needs (provided the approach to loading does not limit the ability to comply with all other UDO requirements). The standards also include more evidenced-based provisions for granting reductions of requests for alternative configuration.

<sup>121</sup> This table is proposed to replace the table in Section 151.111, Number of Parking Spaces Required, in the current ordinance. The uses correspond to the principal uses listed in Article 151.4 and the minimum requirements have been reviewed for consistency with national trends in parking provisions.

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5.6 Off-street Parking and Loading<sup>119F</sup>

5.6.4 Parking Requirements

- a. The applicant may provide a parking study for the use(s) prepared by a professional engineer licensed by the State of North Carolina;
  - b. The applicant may propose a text amendment to this UDO in accordance with **Section <>, UDO Text Amendment**;
  - c. The applicant may request a formal interpretation of these off-street parking standards in accordance with **Section <>, Interpretation**; or
  - d. The UDO Administrator shall determine the minimum parking space requirement in accordance with the standards of this Ordinance and other professionally accepted sources, including but not limited to: the National Parking Association, the Institute of Transportation Engineers, the American Planning Association, or the Urban Land Institute.
2. In cases where the applicant desires the UDO Administrator to make a determination, the application shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed, and hours of operation.

**D. Other Vehicles Located Off-Street**

Off-street parking areas used for any of the following vehicles are not credited towards the minimum number of required off-street parking spaces in **Table <>, Minimum Off-Street Parking Spaces Required**, and shall be parked or located outside required parking spaces and any public street right-of-way in accordance with this Ordinance:

- 1. Vehicles for sale or lease;
- 2. Vehicles being stored, serviced, or repaired; or
- 3. Vehicles belonging to the use, such as company vehicles.

**E. Multiple Use Development**

Development containing more than one principal use shall provide parking spaces in an amount equal to the total of all individual principal uses, except as allowed by **Section <>, Parking Alternatives**.

**F. Driveways Used to Meet Requirements**

Except for multi-family dwellings, driveways may be used to meet the minimum off-street parking space requirements for all use types in the Household Living use category of **Table <>, Table of Principal Uses**, provided that sufficient space is available to meet the standards of this section.

<b>TABLE &lt;&gt;: MINIMUM OFF-STREET PARKING SPACES REQUIRED</b>				
<b>USE CLASSIFICATION</b>	<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1]</b>	
<b>AGRICULTURAL</b>	Agriculture/ Horticulture Uses	All	1 per every 1,500 sf	
	Animal Husbandry	All	1 per every 2,000 sf	
	Agricultural Support	Agricultural Research Facility		1 per every 800 sf
		Agri-Education/ Agri-Entertainment		1 per every 1,000 sf
		Distribution Hub for Agriculture Products		1 per every 6,000 sf
		Equestrian Facility		1 per stall + 2
		Farm Machinery Sales, Rental, or Service		1 per every 300 sf
		Farmers Market		1 per every 300 sf
<b>RESIDENTIAL</b>	Household Living	Bungalow Court	1 per dwelling + 0.25 for guest parking [2]	
		Duplex	2 per dwelling unit	
		Live/Work Dwelling	2 per dwelling + 1 per every 1,000 sf of non-residential floor area	
		Manufactured Home	2 per dwelling unit	
		Mobile Home	2 per dwelling unit	

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.6 Off-street Parking and Loading<sup>119F</sup>

5.6.4 Parking Requirements

<b>TABLE &lt;&gt;: MINIMUM OFF-STREET PARKING SPACES REQUIRED</b>			
<b>USE CLASSIFICATION</b>	<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1]</b>
		Multi-Family	1.8 per dwelling unit; 1 per unit for age-restricted
		Pocket Neighborhood	1 per dwelling + 0.25 for guest parking [2]
		Quadraplex	1.8 per dwelling unit + 2 guest spaces per quadraplex
		Single-Family Attached	2 per dwelling + 0.25 for guest parking [2]
		Single-Family Detached	2 per dwelling unit
		Triplex	2 per dwelling unit
		Upper Story Residential	0.5 per dwelling unit
	Group Living	Dormitory	1 per every 2 resident beds
		Family Care Home	2 + 2 guest spaces
		Group Home	1 per every bedroom + 1 guest space
		Rooming House	2 + 1 per every guest bedroom
<b>INSTITUTIONAL</b>	Community Services	Community Center	1 per every 300 sf
		Cultural Facility	1 per every 350 sf
		Library	1 per every 400 sf
		Museum	1 per every 350 sf
		Senior Center	1 per every 400 sf
		Youth Club Facility	1 per every 300 sf
	Day Care	Adult Day Care Center	1 per employee on largest shift + 1
		Child Care Center	1 per 325 sf
	Educational Facilities	Major	1 per every 300 sf
		Moderate	1 per every 500 sf
		Minor	1 per classroom + 1 per employee on largest shift
	Government Facilities	Government Office	1 per every 300 sf
		Government Maintenance, Storage, or Distribution Facility	1 per every 600 sf
	Health Care Facilities	Drug or Alcohol Treatment Facility	Greater of: 1 per every 400 sf, or 1 per bed
		Hospital	2 per every inpatient bed
		Medical Treatment Facility	1 per every 200 sf
	Institutions	Assisted Living Facility	1 per employee on largest shift + 0.25 per bed
		Club or Lodge	1 per every 325 sf
		Halfway House	2 per dwelling + 0.25 per bed
		Nursing Home	1 per employee on largest shift + 0.25 per bed



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5.6.4 Parking Requirements

<b>TABLE &lt;&gt;: MINIMUM OFF-STREET PARKING SPACES REQUIRED</b>			
<b>USE CLASSIFICATION</b>	<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1]</b>
		Psychiatric Treatment Facility	1 per every 3 patient beds
		Religious Institution	Greater of: 1 per every 6 seats, or 1 per every 50 square feet of seating area in main assembly room
	Parks and Open Areas	Cemetery	1 per employee + 1 per every 1,000 sf of interment area [3]
		Community Garden	1 + 1 per every 5,000 sf of garden area
		Park, Public or Private	1 per employee + 1 per acre
	Public Safety	Police, Fire, or EMS Facility	1 + 1 per employee on the largest shift
		Correctional Facility	3 + 1 per employee on the largest shift
	Transportation	Airport	1 per employee on largest shift [4]
		Helicopter Landing Facility	2 per every landing pad
		Passenger Terminal, Surface Transportation	1 per employee on largest shift [4]
	Utilities	Solar Array	None
		Antenna Collocation (on a Building)	None
		Antenna Collocation (on a Tower)	None
		Small Wireless Facility	None
		Wind Energy Conversion Facility	1 per every employee on the largest shift
		Telecommunications Tower, Freestanding	2
		Telecommunications Tower, Stealth	1
		Utility, Major	1 per every 1,500 sf
		Utility, Minor	None
	<b>COMMERCIAL</b>	Adult and Sexually-Oriented Businesses	All
Animal Care		Major	1 per every 250 sf
		Minor	1 per every 300 sf
Eating Establishment		Restaurant, Major	1 per every 200 sf [5]
		Restaurant, Minor	1 per every 250 sf [5]
		Bar, Nightclub, or Dance Hall	1 per every 100 sf [5]
Offices		Major	1 per every 200 sf
		Minor	1 per every 300 sf
Personal Services		Major	1 per every 200 sf
		Minor	1 per every 300 sf
Recreation/Entertainment, Indoor		Major	Greater of: 1 per every 300 sf, or 1 per every 4 seats

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5.6 Off-street Parking and Loading<sup>119F</sup>

5.6.4 Parking Requirements

<b>TABLE &lt;&gt;: MINIMUM OFF-STREET PARKING SPACES REQUIRED</b>				
<b>USE CLASSIFICATION</b>	<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1]</b>	
	Recreation/Entertainment, Outdoor	Minor	1 per every 300 sf	
		Major	1 per every 1,000 sf of activity area, including buildings	
		Minor	1 per every 1,500 sf of activity area, including buildings	
		Firing Range	1 per every employee on largest shift + 1 per firing position	
		Water-Related Uses	1 per every 200 sf [5]	
	Retail Sales	Grocery Store	1 per every 300 sf	
		Major	1 per every 200 sf	
		Minor	1 per every 350 sf	
	Storage, Commercial	Major	2 + 1 per every employee on largest shift	
		Minor	1 per every 5,000 sf	
	Vehicle Establishment	Major	1 per every 200 sf	
		Minor	1 per every 300 sf	
	Visitor Accommodations	Bed and Breakfast	2 + 1 per guest room	
		Hotel or Motel	1 per every employee on night shift + 1 per every guest room	
	<b>INDUSTRIAL</b>	Extractive Industry	All	1 + 1 per every employee on largest shift
		Industrial Services	Contractor Service	Greater of: 1 per every 300 sf, 1 per every 1,00 sf of outdoor storage area
			Crabshedding	1 per every 500 sf
Fuel Oil or Bottled Gas Distributor			1 per every 400 sf	
General Industrial Service and Repair			1 per every 400 sf	
Heavy Equipment Sales, Rental, or Service			1 per every 400 sf	
Research and Development			1 per every 300 sf	
Manufacturing and Production		Manufacturing, Heavy	1 per every 800 sf	
		Manufacturing, Light	1 per every 1,000 sf	
Warehouse and Freight Movement		All	1 per every employee on largest shift	
Waste-Related Services		Incinerator	1 per employee on the largest shift	
		Landfill	1 per every 300 sf of building area	
		Public Convenience Center or Transfer Station	4 per container intended for public use	
	Recycling Center	3 per container intended for public use		
	Salvage or Junkyard	1 per every 8,000 sf of outdoor area		

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.6 Off-street Parking and Loading<sup>119F</sup>

5.6.5 Parking Lot Configuration<sup>121F</sup>

<b>TABLE &lt;&gt;: MINIMUM OFF-STREET PARKING SPACES REQUIRED</b>			
<b>USE CLASSIFICATION</b>	<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1]</b>
		Waste Composting Facility	1 per every employee on largest shift
	Wholesale Sales	Major	1 per every 500 sf
		Minor	1 per every 1,000 sf
<p>NOTES:</p> <p>[1] Requirements listed as “sf” (square feet) require 1 parking space for every listed amount of square footage of gross floor area of the principal building.</p> <p>[2] Guest parking takes place on a separate lot.</p> <p>[3] Visitor parking may be accommodated on internal accessways instead of dedicated parking areas.</p> <p>[4] Does not include long and short term parking for travelers.</p> <p>[5] Including areas devoted to outdoor seating.</p>			

**5.6.5 PARKING LOT CONFIGURATION<sup>122</sup>**

All parking lots comprised of four or more parking spaces shall comply with the following standards:

**A. General**

- All required off-street parking and loading spaces shall be located on the same lot as the principal use they serve, except as allowed in **Section <>, Parking Alternatives**.
- All required off-street parking and loading spaces shall not be used for any other purpose, including, but not limited to the storage or display of goods or the sale, lease, storage, or repair of vehicles.
- Required off-street parking shall be maintained for the duration of the principal use and shall not be reduced unless the principal use ceases or changes.
- Except where allowed by this Ordinance, off-street loading spaces shall be not be located in any required parking space or protrude into any public street.

**B. Easements**

A parking lot shall not be located within an easement without approval of the easement holder.

**C. Parking Space Access**

All off-street parking spaces shall be accessed directly from drive aisles or private driveways and not directly from arterial or collector streets.

**D. Vehicle Backing**

- Vehicular use areas shall be designed so that a vehicle is not required to back onto a public street to enter or exit the parking lot, a parking space, or a stacking space.
- Off-street loading shall be designed so that no backing into or from a public street is necessary.

**E. Dimensional Standards for Parking Spaces and Aisles<sup>123</sup>**

Standards parking spaces and parking aisles shall comply with the minimum dimensional standards established in **Table <>, Dimensional Standards for Off-Street Parking Spaces**.

<b>TABLE&lt;&gt;: DIMENSIONAL STANDARDS FOR OFF-STREET PARKING SPACES</b>				
<b>TYPE OF PARKING SPACE</b>	<b>MINIMUM WIDTH (FEET)</b>	<b>MINIMUM DEPTH (FEET)</b>	<b>MINIMUM AISLE WIDTH (FEET)</b>	
			<b>ONE WAY</b>	<b>TWO WAY</b>

<sup>122</sup> This section consolidates Section 151.115, General Design Requirements and Section 151.116, Vehicle Accommodation Area Surfaces, in the current ordinance.

<sup>123</sup> This section consolidates the standards in Section 151.113, parking Space Dimensions, and Section 151.114, Required Widths of Parking Aisles and Driveways. Information on driveways is relocated to Section 151.5.7, Access and Circulation, in this draft ordinance. The motorcycle space standards are new.

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.6 Off-street Parking and Loading119F

5.6.5 Parking Lot Configuration121F

<b>TABLE&lt;&gt;: DIMENSIONAL STANDARDS FOR OFF-STREET PARKING SPACES</b>				
TYPE OF PARKING SPACE	MINIMUM WIDTH (FEET)	MINIMUM DEPTH (FEET)	MINIMUM AISLE WIDTH (FEET)	
			ONE WAY	TWO WAY
Parallel (0°)	9	22	13	19
Angled (30°)	10	20	14	20
Angled (45°)			15	21
Angled (60°)			18	23
Perpendicular (90°)	10	20	24	24
Compact	7½	15	[1]	[1]
Motorcycle	3	8		
NOTES: [1] Minimum aisle width shall be in accordance with the other non-compact spaces in the same parking row or parking lot.				

**F. Accessible Parking Spaces**

Accessible parking spaces for the disabled are required for all forms of development except single-family detached dwellings, and shall meet the following criteria:

**1. Configuration**

- a. Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act.
- b. All handicapped spaces shall be identified by pavement markings and by appropriate signage approved by the NC Department of Transportation.
- c. Handicapped parking spaces shall be located in the closest proximity to major building entrances, but in no event shall handicapped parking spaces be located more than 100 feet from a major building entrance.
- d. Handicapped parking spaces shall be a minimum of eight feet wide by 20 feet in depth and shall have an adjacent access aisle that has a minimum width of five feet.
- e. Two accessible parking spaces may share a common access aisle.
- f. The first one out of every eight accessible parking spaces shall be a van accessible space with an adjacent access aisle at least eight feet wide and a vertical clearance of at least eight feet along the vehicular route to the parking space.
- g. All handicapped parking spaces shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.
- h. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

**2. Number Provided**

Accessible (handicapped) parking spaces shall be provided in accordance with the State Building Code requirements.

**G. Motorcycle Parking Spaces**

- 1. Motorcycle parking spaces are not required under these standards, but if provided, shall comply with the standards in **Table <>, Dimensional Standards for Off-Street Parking Spaces.**
- 2. In no instance shall a motorcycle parking space be credited towards a required regular or accessible parking space.

**H. Stacking Spaces**

**1. General**

Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with this section.

**2. Where Required**

The following use types shall provide stacking spaces in accordance with this section:

- a. Eating establishments with drive-up or drive through service;
- b. Personal services with a drive through;
- c. Retail establishments with a drive through, vehicular service bay, or fuel sales;

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.6 Off-street Parking and Loading<sup>119F</sup>

#### 5.6.5 Parking Lot Configuration<sup>121F</sup>

- d. Day care, educational facilities, health care facilities, transportation uses, visitor accommodations, or institutions that have a pick-up or drop-off area;
- e. Vehicle establishments with fuel sales or vehicular service bays; and
- f. Any use type not listed but that includes some form of service or transaction where the customer remains in their vehicle.

#### 3. Design

Stacking spaces are subject to the following design and layout standards:

- a. **Size**  
Stacking spaces shall be a minimum of nine feet wide and 16 feet long.
- b. **Number Provided**
  - 1. Uses subject to these standards shall provide at least two stacking spaces for each drive-up window, ordering box, drive through, and gasoline pump.
  - 2. Uses with passenger pick-up or drop-off areas shall maintain at least two stacking spaces, as measured from the building entrance.
- c. **Traffic Movements**  
Stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.
- d. **Bicycle and Pedestrian Movement**  
Stacking spaces shall not impede on-site or off-site bicycle or pedestrian traffic movements, whether on-site or off-site.
- e. **Separation**  
Stacking spaces shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

#### I. Surface Materials

- 1. All required parking spaces, drives, and loading spaces in a parking lot shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as provided in this section.
- 2. The use of pervious or semi-pervious materials may be approved as an alternate means of paving provided it is demonstrated that the materials will function in a similar fashion as required materials.
- 3. Except for required accessible parking spaces, required parking may be constructed with gravel or other approved comparable all-weather surface for:
  - a. Parking used on an irregular basis for religious institutions, private clubs or lodges, and other similar nonprofit organizations;
  - b. Parking for residential uses or a bed and breakfast establishment where six or fewer spaces are required; and
  - c. Parking for an office use converted from a single-family detached dwelling where four or fewer spaces are required.

#### J. Grading and Drainage

- 1. The parking lot shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.
- 2. Parking lots shall not impound stormwater unless surface impoundment is required as a method of stormwater management. However, in no instance shall surface impoundment result in a fewer number of parking spaces than required by **Table <>, Minimum Off-Street Parking Spaces Required**.
- 3. Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement unless alternative provisions for drainage are proposed and accepted by the UDO Administrator.

#### K. Curb and Gutter

Where vehicular use areas are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the area.

#### L. Pedestrian Connections

Pedestrian connections between the principal buildings on a development site and a sidewalk or other pedestrian way (like a greenway trail) shall be provided in accordance with **Section <>, Access and Circulation**. Parking spaces shall be designed to ensure vehicles do not encroach into the walkways.

#### M. Markings

All spaces and lanes in vehicular use areas shall be clearly delineated with paint lines, curbs, or other treatment, whether the vehicular use area is paved or unpaved.

#### N. Curbs and Wheel Stops

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.6 Off-street Parking and Loading<sup>119F</sup>

#### 5.6.6 Parking Lot Cross-Access<sup>123F</sup>

All parking spaces provided shall have curbs or wheel stops located so that no part of the parked vehicle will extend onto a sidewalk, walkway, adjacent property, or landscape area, whether the vehicular use area is paved or unpaved.

**O. Separation from Fire Protection Facilities**

1. No required parking space shall be located within 15 feet of a fire hydrant or other fire protection device.
2. Parking shall not take place within designated fire lanes or other areas demarcated for fire protection.

**P. Exterior Lighting**

Exterior lighting in parking lots shall be designed to prevent glare or illumination exceeding maximum allowable levels on adjacent land and shall comply with the standards of **Section <>, Exterior Lighting**, as appropriate.

**Q. Landscaping**

Parking lot landscaping shall be provided in accordance with **Section <>, Landscaping**.

### 5.6.6 PARKING LOT CROSS-ACCESS<sup>124</sup>

- A. All non-residential development shall be designed to allow for cross-access to adjacent non-residential, mixed-use, and multi-family uses to encourage shared parking and shared access points on public or private streets and/or driveways.
- B. A minimum distance of 100 feet shall be required between a cross-access way and an intersection or driveway entrance.
- C. This requirement may be removed when cross-access is deemed impractical by the UDO Administrator on the basis of topography, incompatible adjacent developments, the presence of natural features, or vehicular safety factors.
- D. A cross-access easement shall be prepared, signed, and recorded in the office of the Camden County Register of Deeds prior to issuance of a certificate of occupancy for the development.

### 5.6.7 BICYCLE PARKING<sup>125</sup>

Bicycle parking shall be provided for all commercial, mixed-use, and multi-family developments with 20 or more off-street vehicular parking spaces, in the VR, VC, MX, and CC districts, in accordance with the following standards:

**A. General Standards**

1. A bicycle rack or other device shall be provided to enable bicycles to be secured.
2. Bicycle racks shall be provided at a rate of one rack with at least one bicycle parking space for every 10 off-street parking spaces for automobiles.
3. Bicycle parking shall be located where it does not interfere with pedestrian traffic and is protected from conflicts with vehicular traffic.
4. Bicycle parking should be accessible to the primary entrances of the development and located in a visible, well-lit area.
5. Bicycle parking may be accommodated within street setback areas.

**B. Shared Parking Spaces**

Nothing shall limit uses on the same or opposing block faces from establishing shared or consolidated bicycle parking spaces in central or mid-block locations, provided there are sufficient bicycle parking spaces for all uses sharing the required bicycle parking.

### 5.6.8 PARKING ALTERNATIVES<sup>126</sup>

Development may deviate from the parking requirements in this section through the requirements and procedures in **Section <>, Administrative Adjustment**, **Section <>, Variance**, or the following:

**A. Deviation from Required Minimum**

An applicant may propose a reduced rate of provision for off-street parking less than that specified in **Table <>, Minimum Off-street Spaces Required**, in accordance with a parking study prepared by a professional engineer licensed by the State of North Carolina and accepted by the UDO Administrator.

**B. On-Street Parking**

<sup>124</sup> This is a new section that requires adjacent parking lots serving non-residential uses to connect to one another so that vehicular movement from use to use can take place without need of getting back on streets.

<sup>125</sup> These are new standards to encourage increase use of bicycles in village centers and in areas of commerce around the County.

<sup>126</sup> This section is proposed to replace the current open-ended flexibility provisions in Section 151.111(B) & (D), Number of Parking Spaces Required, and Section 151.112, Flexibility in Administration Required, in the current ordinance.



## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.6 Off-street Parking and Loading<sup>119F</sup>

#### 5.6.9 Off-street Loading Requirements<sup>128F</sup>

If on-street parking is available for use immediately adjacent to a proposed project site, the parking requirement may be reduced by a percentage equivalent to the number of spaces available.

#### C. Off-Site Parking<sup>127</sup>

The required off-street parking for a use may be met off-site in accordance with the following standards:

1. The off-site parking is located within 1,000 feet as measured from the entrance of the use to the nearest shared parking space.
2. A sidewalk or pedestrian accessway is provided to the shared parking area from the use.
3. A off-site parking plan is a written agreement allowing the off-site location of parking, and shall be executed by the owners involved and filed with the UDO Administrator prior to the use of off-site parking facilities.
  - a. The agreement must guarantee the long-term availability of parking.
  - b. Should the agreement cease, then the use shall be considered to contain nonconforming site conditions and future expansions of the use shall be prohibited unless the use is brought into compliance with the minimum parking requirements of this section.

#### D. Shared Parking<sup>128</sup>

The required off-street parking for a use may be met with the required off-street parking spaces of another use, only in accordance with the following standards:

1. The shared parking is located within 1,000 feet, as measured from the entrance of the use to the nearest shared parking space.
2. A sidewalk or pedestrian accessway is provided to the shared parking area from the use.
3. The uses served by the shared parking must have different peak parking demands, differences in hours or days of operation, or otherwise operate such that the uses have access to the required minimum parking spaces when in operation.
4. The UDO Administrator may approve up to 100 percent of the minimum parking requirement of a use through a shared parking plan.
5. A shared parking plan is a written agreement allowing the shared use of parking, and shall be executed by the owners involved and filed with the UDO Administrator prior to the use of shared parking facilities.
  - a. The agreement must guarantee the long-term availability of parking.
  - b. Should the agreement cease, then the use shall be considered to contain nonconforming site conditions and future expansions of the use shall be prohibited unless the use is brought into compliance with the minimum parking requirements of this section.

#### E. Compact Car Parking Spaces

Up to 20 percent of the required off-street parking spaces may be provided as compact car spaces, provided the parking lot has ten or more spaces, the spaces comply with the standards in [Table <>, Dimensional Standards for Off-Street Parking](#), and that compact car parking spaces are to be clearly marked or posted for compact cars only.

## 5.6.9 OFF-STREET LOADING REQUIREMENTS<sup>129</sup>

#### A. Loading Spaces Required

Every application for a non-residential use shall ensure that adequate off-street loading spaces are provided so that loading vehicles do not occupy required off-street parking spaces, block vehicular access, or prevent appropriate on-site maneuvering.

#### B. Minimum Off-Street Loading Space Requirements

A minimum number of off-street loading spaces is not established; however, off-street loading spaces shall be provided and maintained in sufficient numbers to adequately handle the needs of a non-residential use. Failure to provide or maintain off-street loading spaces when they are necessary to serve the development is a violation of this Ordinance.

#### C. Dimensional Standards for Loading Spaces

When off-street loading spaces are provided, they shall comply with the following minimum requirements:

1. Except for loading spaces used by semi-tractor trailers, off-street loading spaces shall be at least 12 feet wide and at least 25 feet long.
2. Off-street loading spaces used by semi-tractor trailers shall be at least 60 feet long.
3. Overhead clearance for an off-street loading space shall be at least 14 feet.

<sup>127</sup> This section is proposed to replace Section 151.118, Satellite Parking, in the current ordinance, but the maximum distance between off-site parking and the use served has been increased to 1,000 feet (up from 300).

<sup>128</sup> This section is proposed to replace Section 151.117, Joint Use of Required Parking Spaces, in the current ordinance

<sup>129</sup> This section is proposed to replace the standards in Section 151.120, Loading and Unloading Areas, in the current ordinance. These proposed standards establish configuration requirements for loading areas, but do not specify minimum numbers of loading spaces in favor of letting the applicant make this determination.

## 5.7 ACCESS AND CIRCULATION<sup>130</sup>

### 5.7.1 PURPOSE AND INTENT

The purpose of this section is to ensure the safe and efficient movement of vehicles, bicyclists, pedestrian, and deliveries on development sites in the County. More specifically, these standards are intended to:

- A. Protect the health and safety of County residents and visitors;
- B. Ensure pedestrian accessibility is included in site planning;
- C. Protect the safety of motorists from traffic entering or exiting the street system; and
- D. Encourage alternative forms of transportation in the County.

### 5.7.2 APPLICABILITY

#### A. General

Unless exempted in accordance with **Section <>, Exemptions**, or except where otherwise expressly stated, the standards in this section apply to all new development in the County.

#### B. Existing Development

Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity in an amount equivalent to or beyond 50 percent.

#### C. Conflict

In the event of conflict or overlap with the standards in this section and the standards in Chapter 6: Subdivisions and Infrastructure, the standards in Chapter 6 shall control.

### 5.7.3 EXEMPTIONS

The following forms of development are exempted from the standards in this section:

- A. Lots in the CP district;
- B. Development of one single-family detached home on its own lot;
- C. Development of a duplex; and
- D. Development configured as a conservation subdivision shall be exempted from the following standards:
  1. **Section <>, Development Entry Points**; and
  2. **Section <>, On-Site Pedestrian Circulation**.

### 5.7.4 STREET CONFIGURATION

Development subject to the standards of this section that includes construction of, extension of, or connection to a public or private street shall also comply with the standards in **Section <>, Streets**.

### 5.7.5 SIDEWALK CONFIGURATION

Development subject to the standards of this section that includes construction of, extension of, or connection to a public sidewalk shall also comply with the standards in **Section <>, Sidewalks**.

### 5.7.6 VISIBILITY AT INTERSECTIONS

#### A. Visibility at Intersections<sup>131</sup>

Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a public or private street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection. Required sight distance triangles shall be configured in accordance with the following standards:

##### 1. Roadway Intersections

##### a. Intersections with State-maintained Roadways

1. In cases where a roadway intersects a state-maintained roadway, the required sight distance triangle shall be an area between a point at the edge of the state-maintained

<sup>130</sup> This is a new section described on Page 88 of the Evaluation Report. This section deals with access and circulation issues occurring on individual development sites or tracts. The standards in Article 151.6: Subdivision Requirements, pertaining to streets and sidewalks deal with public infrastructure elements that take place outside the boundaries of lots.

<sup>131</sup> These are new standards proposed for the County's consideration.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.7 Access and Circulation<sup>129F</sup>

#### 5.7.7 Driveways

road right-of-way located 70 linear feet from the intersection and a second point at the edge of the opposing road right-of-way located ten feet from the intersection.

2. Nothing shall prohibit the NCDOT from requiring an alternative sight distance triangle configuration.

**b. Intersections with All Other Roadways**

1. In cases where a roadway intersects another roadway not maintained by the state, the required sight distance triangle shall be an area between a point at the edge of one road right-of-way and a second point at the edge of the opposing road right-of-way, each point being a distance of 20 linear feet from the intersection.
2. Alternative sight distance triangles may be approved by the UDO Administrator, if designed and sealed by a professional engineer licensed by the State of North Carolina.

**2. Points of Ingress or Egress on a Roadway**

Lots with a driveway serving a parking lot of four or more off-street parking spaces shall incorporate a sight distance triangle that includes an area between one point at the edge of the road right-of-way located 15 feet from the edge of the driveway and a second point at the edge of the driveway located ten feet from the edge of the road right-of-way.

**3. Limitations on Obstructions within Required Sight Distance Triangles**

- a. No planting, structure, fence, wall, slope, embankment, parked vehicle, or other obstruction to vision between the heights of two-and-one-half (2½) feet and ten feet above the centerline grades of intersecting streets or accessways may be located within a required sight distance triangle.
- b. No structure or object, regardless of its size, which obstructs visibility within a required sight distance triangle to the detriment of vehicular or pedestrian traffic shall be permitted.

### 5.7.7 DRIVEWAYS

**A. General Standards<sup>132</sup>**

1. Driveways accessing public streets shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highways" adopted by the North Carolina Department of Transportation (NCDOT), as amended.
2. All driveways connecting to NCDOT-maintained roads shall obtain driveway permit approval from NCDOT.
3. Except for single-family detached development, all driveways that abut a paved street shall be surfaced with asphalt or six inches of concrete for a distance of 15 feet from the edge of pavement.
4. Single-family detached development obtaining ingress or egress from a major arterial street shall incorporate a driveway surfaced with asphalt or six inches of concrete for a distance of 15 feet from the edge of pavement.

**B. Design Standards**

1. All driveways shall be constructed so that:
  - a. Vehicles can enter and exit from a lot without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets; and
  - b. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.
2. Driveway radii shall be designed in accordance with the type of intended vehicle to be served, and shall not extend beyond side lot lines.
3. No surface parking or circulation driveway is permitted within any required landscaping area, but driveways may be installed across these areas.
4. Driveways shall be as nearly perpendicular to the street right-of-way as possible.
5. Driveways shall line up with other driveways across the street and be shared between adjacent uses, wherever possible.
6. Driveways on corner lots shall provide access from the street with less traffic, to the maximum extent practicable.

**C. Driveway Widths<sup>133</sup>**

**1. Single-family, Duplex, Triplex, and Quadraplex Development**

Driveways for single-family, duplex, triplex, and quadraplex dwellings shall extend ten feet into the lot before establishing drive aisles or parking spaces.

**2. Multi-family, Non-residential, and Mixed-Use Development**

<sup>132</sup> This section is proposed to replace the standards in Section 151.123, Driveways, except that there are new standards for sight distance triangles in new Section 151.5.7.6, Visibility at Intersections.

<sup>133</sup> This section is proposed to replace the standards in Section 151.114(D) Driveways, in the current ordinance.

5.8 Reserved

5.7.8 On-Site Pedestrian Walkways<sup>134F</sup>

The following width provisions shall apply to multi-family, non-residential, and mixed-use development.

- a. Driveways shall be not less than ten feet wide for one-way traffic and 18 feet wide for two-way traffic.
- b. Driveways serving nonresidential and multi-family uses shall extend 20 feet into the lot or site before establishing drive aisles or parking spaces.
- c. Driveways of 12 feet in width are permissible for two-way traffic only when all the following conditions are present:
  - 1. The driveway is not longer than 75 feet; and
  - 2. The driveway provides access to not more than six parking spaces; and
  - 3. Sufficient turning space and stacking area is provided so that vehicles need not back into a public street; and
  - 4. There is no conflict with fire safety requirements.
- d. Driveways of 10 feet in width are permissible for two-way traffic only if the UDO Administrator determines that:
  - 1. Not more than ten trips per day will be generated to and from the vehicular area; and
  - 2. The vehicular area is not used by the general public; and
  - 3. There is no conflict with fire safety requirements.
- e. The width of any driveway accessing a public street shall not exceed 36 feet at its intersection with the right-of-way, except as required by NCDOT.

**D. Required Spacing<sup>134</sup>**

- 1. No portion of any driveway leading from a public street shall be closer than 100 feet to the corner of any intersection measured from the edge of the right-of-way.
- 2. No two driveways accessing a public street whether on the same or different lots, shall be located within 100 feet of each other as measured along the right-of-way.

**5.7.8 ON-SITE PEDESTRIAN WALKWAYS<sup>135</sup>**

On-site pedestrian walkways that minimize conflict between pedestrians and traffic shall be provided on all non-residential, mixed-use, and multi-family development sites, and shall be configured in accordance with the following standards.

- A. On-site pedestrian walkways shall connect building entrances to off-street parking areas and to other building entrances on the same site.
- B. Development subject to these standards shall provide at least one connection to the public sidewalk (where sidewalks exist) via an on-site pedestrian walkway configured in accordance with these standards.
- C. Connections shall be made to all existing or planned adjacent transit facilities, to the maximum extent practicable.
- D. On-site pedestrian walkways shall be paved with asphalt, concrete, or other all-weather material, and shall be of contrasting color or materials when crossing drive aisles.
- E. On-site pedestrian walkways shall be positively drained and configured to avoid areas of pooling water.
- F. On-site pedestrian connections shall be in compliance with applicable state and federal requirements, including ADA requirements.

**5.8 RESERVED**

<sup>134</sup> These spacing standards are proposed for the County's consideration.

<sup>135</sup> These are new standards for the County's consideration.

## 5.9 LANDSCAPING<sup>136</sup>

### 5.9.1 PURPOSE AND INTENT<sup>137</sup>

The purpose of these provisions is to establish minimum requirements for the provision and maintenance of functionally adequate, attractive screening and buffering of buildings, site features, and off-street parking areas. These standards are intended to:

- A. Promote and increase design compatibility between different land uses, while ensuring attractive views from streets and adjacent properties;
- B. Assist in delineating separations of spaces, structures, uses, and activities on a site, or between adjacent sites;
- C. Shield adjacent properties from potentially adverse external impacts of development, and development from potential negative impacts of adjacent land uses and activities;
- D. Enhance the streetscape by separating the pedestrian from motor vehicles in urban portions of the County;
- E. Abate glare and moderate temperatures of impervious areas;
- F. Help filter air of fumes and dust;
- G. Provide shade;
- H. Attenuate noise;
- I. Reduce the visual impact of large expanses of pavement;
- J. Promote energy conservation;
- K. Reduce the amount and rate of stormwater runoff and erosion;
- L. Improve stormwater runoff quality;
- M. Increase in the capacity for groundwater recharge; and
- N. Enhance the appearance and value of both residential and non-residential development.

### 5.9.2 APPLICABILITY

The standards in this section apply to the following forms of development:

- A. **New Principal Buildings or Uses**  
New principal buildings or open uses of land constructed, reconstructed, or established after *(insert the effective date of this Ordinance)*.
- B. **Changes in Use**  
Changes in an existing principal use on a lot shall require the development to fully comply with these standards.
- C. **Substantial Improvement**  
All substantial improvements, including expansions or remodeling of principal buildings, parking areas, or open uses of land shall comply with these standards, subject to the requirements in *Section <>, Nonconforming Site Features*.
- D. **Multi-Phase Development**  
Multi-family, non-residential, and mixed-use development that is planned and developed in phases shall be required to install landscaping that is associated with the active phase or phases only, unless an alternative arrangement is otherwise agreed to by the UDO Administrator and the developer. An active phase of a development is the one that is subject to permitted and on-going development activity.

### 5.9.3 EXEMPTIONS

The following forms of development are exempted from these standards.

- A. Changes to an existing or development of a new proposed single-family detached or duplex dwelling on a residentially-zoned lot.
- B. Routine maintenance of existing vegetation, such as pruning, watering, and fertilizing, outside the public right-of-way.

<sup>136</sup> This section sets out the landscaping provisions in the UDO as described on Pages 82 and 83 of the Evaluation Report. These draft provisions establish three basic types of landscaping: parking lot landscaping, perimeter buffers, and plantings along streets (street yard landscaping). The proposed parking lot landscaping provisions supplement the standards in Section 151.155, Shade Trees in Parking Areas, by adding evergreen shrub plantings around parking lots. The proposed perimeter buffer standards apply perimeter planting requirements to developments in different zoning districts (instead of a land use classification as is done in Section 151.138, Landscaping Land Use Classification, in the current ordinance. The streetyard landscaping standards apply tree and shrub requirements along roadways (building on the standards in Section 151.156, Required Trees Along Dedicated Streets, in the current ordinance). In addition to these changes, these proposed standards add new basic configuration and maintenance requirements to the landscaping provisions.

<sup>137</sup> These standards replace Sections 151.135, Board Findings Concerning the Need for Landscaping Requirements, and Section 151.155, Board Findings and Declarations of Policy on Shade Trees, in the current ordinance.



## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.9 Landscaping<sup>135F</sup>

#### 5.9.4 Landscaping Plan Required<sup>137F</sup>

- C. The removal of dead trees and shrubs, or trees and shrubs that have been diagnosed and determined to be diseased beyond treatment, provided the screening function of the landscaping is maintained or re-established.
- D. Repaving or restriping of a parking lot, provided there is no increase in parking lot size or the number of parking spaces.
- E. Lot lines abutting platted street rights-of-way that have remained unopened for at least ten years are exempted from streetscape buffer requirements.

#### 5.9.4 LANDSCAPING PLAN REQUIRED<sup>138</sup>

##### A. Generally

1. A landscape plan depicting how required landscaping will be planted in accordance with these standards shall be included with an application for site plan, preliminary plat, zoning compliance permit, or building permit, as appropriate, to ensure compliance with this section.
2. The landscape plan shall be approved prior to, or concurrent with, the approval of a site plan, preliminary plat, zoning compliance permit, or the issuance of a building permit.
3. A landscape plan shall contain, at a minimum, the following:
  - a. Location of required planting material;
  - b. Identification of trees and plants, including their scientific names;
  - c. Minimum and maximum dimensions of all planting yard areas (see [Section <>, Rules of Measurement](#));
  - d. Calculations determining the number of canopy trees, understory trees, and shrubs required (see [Section <>, Rules of Measurement](#));
  - e. Locations, species, and sizes of existing vegetation to be retained and counted towards minimum landscaping requirements; and
  - f. Existing topography, or proposed topography where site grading is proposed to occur.

##### B. Stormwater Detention Pond Landscaping

If landscaping is proposed around or on the embankment of a stormwater detention pond, a landscape plan must be submitted for review to determine that the safety and functionality of the device will not be compromised by the addition of trees and/or shrubs.

##### C. Landscaping in Bio-retention Cells

Trees and shrubs used in bio-retention cells or rain gardens located in parking lots or within landscape yards may be counted toward tree or shrub requirements provided they meet the minimum specifications in [Section <>, Plant Material Specifications](#).

##### D. Phased Development

Development that is planned in phases may submit a landscape plan for the entire development, or separate landscape plans for each phase, which shall be approved prior to approval of the final plat.

#### 5.9.5 PLANT MATERIAL SPECIFICATIONS<sup>139</sup>

##### A. Canopy Tree Size

1. Canopy trees shall have a minimum height at maturity of 40 feet and a minimum crown width of 30 feet.
2. All canopy trees shall have a minimum caliper size of two inches at planting.
3. Evergreen trees shall be a minimum of six feet in height at planting.

##### B. Understory Tree Size

1. Understory trees shall have a minimum height at maturity of 25 to 40 feet, except that trees to be placed below overhead utility lines may not exceed a mature height of 20 feet.
2. Drought tolerant understory trees shall have a minimum caliper size of one inch at planting.
3. All other understory trees must have a minimum caliper size of two inches at planting.

##### C. Shrub Size and Variety

1. All shrubs shall be at least a three-gallon size and have a minimum height or spread of 18 inches at the time of planting.
2. Shrubs shall reach a minimum height of 36 inches and a spread of 30 inches within three years of planting.
3. Decorative grasses may be proposed as a substitute for shrubs, provided the grasses meet the screening objectives and are approved by the UDO Administrator.

##### D. Native or Locally-Adapted Species

<sup>138</sup> This is a new section clarifying that landscaping plans are required.

<sup>139</sup> These standards are proposed to replace the provisions in Section 151.145, Minimum Planting Heights, in the current ordinance. They use caliper size instead of height, as height can vary widely among species and can be difficult to calculate.



5.9 Landscaping<sup>135F</sup>

5.9.6 Landscaping Placement<sup>139F</sup>

1. Required landscaping materials shall be cold-hardy for the location where planted.
2. Plant species used in required landscaping areas must be native species or species of a locally-adapted nature. Other species may be approved by the UDO Administrator.

**E. Species Diversity**

To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the County's plant material specifications and the following standards:

1. When fewer than 20 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.
2. When more than 20 but fewer than 40 trees are required to be planted on site, at least three different species shall be utilized, in roughly equal proportions.
3. When 40 or more trees are required on a site, at least four different species shall be utilized, in roughly equal proportions.
4. A larger number of different species than specified may be utilized.
5. In no instance shall invasive species be utilized as landscaping materials to meet the requirements of this section.

**F. Stabilization**

1. Required landscaping areas shall be stabilized and maintained with ground cover, mulch, or other approved materials to prevent soil erosion and allow rainwater infiltration.
2. Required landscaping areas with slopes of 15 percent or more shall be stabilized with vegetative cover to minimize erosion and mulch washout. Vegetative cover shall be established and functional prior to issuance of a certificate of occupancy.
3. Use of landscape fabric on slopes of 15 percent or more is discouraged.

**5.9.6 LANDSCAPING PLACEMENT<sup>140</sup>**

**A. Grouping of Plant Material**

1. Except within a Type A perimeter buffer or within a parking lot perimeter area, required plant material may generally be grouped or clustered, however, the overall screening intent must be adequately addressed. Groupings or clusters shall be depicted on the landscape plan.
2. Required plant material in a Type A perimeter buffer may not be grouped, and shall be planted according to the required on-center spacing in **Table <>, Buffer Configuration**.
3. Shrubs intended to screen parking lots, access drives, loading areas, and outdoor storage may not be grouped.

**B. Multiple-Lot Development**

1. A multiple-lot development, such as a shopping center, that is configured and developed as a single entity shall be treated as a single lot for the purposes of applying the landscaping standards.
2. Individual lots located within a multiple-lot development are not required to provide perimeter buffers along lot lines internal to the development, but the perimeter of the development shall be subject to the standards in **Section <>, Perimeter Buffers**.

**C. Easements**

1. Trees may be located within a required easement on a case-by-case basis with the permission of the easement holder.
2. Shrubs may be planted within the outer three feet of an easement, subject to approval by the easement holder (whether such easement pertains to above or below ground rights).
3. When landscaping is within an easement, the easement holder is responsible for replacement of any required vegetation if maintenance or other utility requirements result in its removal.
4. When shrubs are planted in a drainage easement, they shall not impact the easement design or impede the flow of water through the easement.
5. Where an easement and a required landscape area coincide, there is a prohibition on planting within the easement and the remaining width is not sufficient to properly contain required plant material, then the required landscaping area width shall be expanded, as necessary, outside the easement.

**D. Fire Protection System**

Minimum clear separation distances required by the current adopted version of the North Carolina Fire Code shall be maintained for landscaping near a fire protection system.

**E. Plantings in the Right-of-Way**

Required planting materials shall not be located within a public or private street right-of-way.

**F. Permitted Encroachments**

<sup>140</sup> These are new basic planting configuration requirements.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.9 Landscaping<sup>135F</sup>

#### 5.9.7 Features within Required Landscaping Areas<sup>140F</sup>

The following are permitted in required landscape areas as indicated, provided the landscaping requirements are met and there is no interference with visibility at intersections.

1. The following features may be located entirely within required landscaping areas, provided the screening function of the landscaping is maintained:
  - a. Landscaping features such as, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
  - b. Pet shelters;
  - c. Ornamental entry columns, gates, fences, walls, and retaining walls;
  - d. Flagpoles of 30 feet in height or less;
  - e. Lamp and address posts;
  - f. Utility cabinets of four feet in height or less;
  - g. Mailboxes; and
  - h. Signage.
2. The following features may cross a required landscaping area in a manner that minimizes the impact to the required landscaping:
  - a. Driveways, sidewalks, or pedestrian accessways;
  - b. Utilities; and
  - c. Stormwater management facilities.

#### G. Prohibited Features

The following features shall not be located within a required landscaping area:

1. A principal building or open air use;
2. An accessory structure or open air use other than those permitted in subsection (6);
3. Off-street parking or loading areas; or
4. Outdoor storage.

### 5.9.7 FEATURES WITHIN REQUIRED LANDSCAPING AREAS<sup>141</sup>

#### A. Berms

1. Berms may be used independently, or in conjunction with a wall or fencing, to meet the screening intent of a perimeter buffer or other required screening.
2. Berms shall have a slope not exceeding 3:1 (horizontal to vertical), have a crown width at least ½ the berm height, and be no taller than six feet above the toe of the berm.
3. Berms shall be stabilized with vegetation and ground cover.
4. A berm may not damage the roots of existing healthy vegetation to be preserved.
5. A berm shall not interfere with required a sight distance triangle.

#### B. Fences and Walls

1. Opaque fences or walls, a minimum of four feet in height, constructed within required landscaping areas, may reduce the minimum and average perimeter buffer width requirement in accordance with [Table <>, Buffer Configuration](#).
2. If utilized, fences or walls shall be located within the required landscaping area and all required shrubs shall be planted between the fence or wall and the lot line. Required trees may be planted behind the fence or wall.

#### C. Planters

1. Planters, if provided, shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. Other materials may be approved, based upon their durability, by the UDO Administrator.
2. Planters shall have a minimum height of 30 inches and have an effective planting area of seven feet (measured in any direction) if trees are to be planted and an effective planting area of four feet (measured in any direction) if no trees are to be included.
3. The minimum height of shrubs in the planter, except for ground cover, shall be six inches at the time of planting.

### 5.9.8 PARKING LOT LANDSCAPING<sup>142</sup>

All parking lots of four or more spaces serving multi-family, mixed-use, and non-residential developments shall comply with the following parking lot landscaping standards:

<sup>141</sup> This section provides additional guidance on the types of features that are allowed within required landscaping areas, like off-street parking or required site features.

<sup>142</sup> These standards are proposed to replace the standards in Section 151.158, Shade Trees in Parking Areas, but adds new requirements for shrubs along parking lot perimeters and in landscaping islands. These are very basic ways to dramatically improve the appearance of development in the County.

**A. Shade Trees**

All parking lots shall include shade trees to reduce the heat island effect and soften the appearance of the parking lot, in accordance with the following standards:

1. Parking lot landscaping shall include at least one canopy tree for every 12 parking spaces.
2. Required canopy trees shall be placed such that no parking space is more than 60 feet from the trunk of a canopy tree.
3. Required canopy trees shall be distributed throughout parking areas and may be located in landscape islands, landscape divider medians, between rows of parking, in driveway medians, and within ten feet of the perimeter of the parking lot.

**B. Interior Plantings**

**1. Area to be Landscaped**

For the purposes of this section, the interior of a parking lot shall be all of the area within the outer boundary of the parking lot including interior and corner landscape islands intended to fulfill the interior parking lot landscaping requirements, but not including landscaping planted around the perimeter of the parking lot.

**2. Landscaping Islands and Strips**

A parking aisle with more than 12 spaces in a single row shall provide and maintain landscaping islands at each end, or provide landscaping strips along the full length of the row, in accordance with the following standards.

- a. Islands shall have a minimum dimension of nine feet and a minimum area of 162 square feet, including the curb (if curbing is provided).
- b. Landscape islands that do not contain canopy trees shall contain three or more shrubs and also may contain understory trees.
- c. Landscaping islands intended for the placement of canopy or understory trees shall maintain a minimum width of nine feet.
- d. Landscape strips between adjoining rows of parking spaces or serving as driveway medians shall have a minimum dimension of nine feet, including the curb (if provided). Landscape strips that do not have canopy trees shall include shrubs planted no more than 10 feet on-center.
- e. Landscaping strips running the full length of a row of parking spaces shall be provided so that no more than four rows of parking spaces are provided without a landscaping strip.

**3. Separation of Light Poles and Trees**

In order to prevent the need to excessively trim trees within landscape areas and to maintain the effectiveness of parking area lighting, light poles shall be spaced at least ten linear feet from a canopy tree trunk, to the maximum extent practicable.

**4. Protection of Landscape Islands**

- a. Landscape islands shall be protected from vehicle damage by the installation of curbing, wheel stops or other comparable methods.
- b. The placement of plant material within landscape islands shall allow for a two-and-one-half-foot vehicle overhang from the face of the curb or wheel stop.

**5. Protection of Pedestrian Accessways**

Pedestrian accessways shall be located at least five feet from tree trunks, to the maximum extent practicable. In cases where a pedestrian accessway must be located closer than five feet from a tree trunk, wooden walkways, pervious pavers, or other method shall be used for the accessway.

**6. Stormwater Management**

A landscape island may be designed to function as a stormwater management device provided its landscaping performance function is maintained.

**7. Structural Soil Required**

Landscaping islands and strips located within a parking lot shall be comprised of properly prepared structural soil that has been properly amended and cultivated to support healthy vegetation.

**C. Perimeter Plantings**

**1. Intent**

Parking lot perimeter landscaping shall be designed to soften the view of the parking lot from an abutting street or development and to filter spillover light from vehicle headlights. Required plant material shall be planted in such a way as to best achieve this intent.

**2. Location**

- a. Required plant material shall be placed adjacent to the perimeter of the parking area.
- b. Depending upon the geometric relationship of the parking lot to the property lines or to topographic conditions, plant material may be placed away from the edge of the parking area, if necessary, to best achieve the intent of this section, as determined by the UDO Administrator.

3. **Planting Rate**
  - a. Parking lot perimeter landscaping shall consist of a single continuous row of evergreen shrubs planted no greater than three feet on-center.
  - b. Applicants may propose an alternative plant species (such as native grasses) provided the proposed plant material provides a fully opaque screen to a minimum height of 36 inches above grade throughout the year.
4. **Size of Plant Material**

Shrubs used for parking lot perimeter landscaping shall be of a minimum size necessary to achieve a height of 36 inches above grade within three years of planting.
5. **Alternatives**

Perimeter parking lot plantings may be supplemented or replaced through use of a vegetated berm configured in accordance with [Section <>, Berms](#), or a fence or wall that meets the screening objective of this section and is configured in accordance with [Section <>, Fences and Walls](#).
6. **Exemption**

Where off-street parking lots are adjacent to one another, but on different lots, perimeter plantings are not required along the common boundary between the two parking lots.

### 5.9.9 PERIMETER BUFFERS<sup>143</sup>

- A. **Purpose and Intent**

These standards are proposed to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas through physical and visual separation between incompatible land uses, or between land uses and adjacent roadways.
- B. **Applicability**

Development shall provide perimeter buffers in accordance with [Table <>, Buffer Application](#).
- C. **Buffers Distinguished**
  1. [Table <>, Buffer Configuration](#), establishes the standards for perimeter buffers, including the minimum requirements for each of the following buffer types:
    2. Type A Opaque Buffer;
    3. Type B Semi-Opaque Buffer; and
    4. Type C Intermittent Buffer.
  5. The table includes two different configuration options, a standard width option (Option 1), and a narrow width option (Option 2). The applicant may choose whether to provide option 1 or option 2, but in no instance shall the perimeter buffer along a single lot line vary from one option to another. Nothing shall limit different lot lines from using different options.
  6. Determination of the kind of buffer to be provided is in accordance with [Section <>, Buffer Application](#).

<sup>143</sup> These standards replace the provisions in Section 151.138, Landscaping Land Use Classification, through Section 151.140, Descriptions of Landscaping, in the current ordinance with several notable changes. The idea of land use classification or land use class has been removed in favor of application of buffer requirements based on the zoning district. This change better accommodates changes in use by removing the need to supplement buffers following use changes. It also simplifies the application system. There are three basic buffer types that differ based on the amount of screening they provide. There are two alternatives for each type of buffer (one regular width, one narrow width) that are available for use at the discretion of the applicant. Narrow buffers are less consumptive and land, and would be desirable in portions of the County where land costs are higher. The fencing standards in the current Type A buffer are relocated to the section on fences and walls in this draft ordinance. These buffer standards are also proposed to replace the perimeter buffer requirements for subdivisions in Section 151.232(N), Buffer Strips, in the major subdivision section. These buffer requirements reduce the perimeter buffer width from 50 to a smaller number, but planting standards are higher, and there are new open space and farmland compatibility standards designed to address compatibility issues.




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5.9.9 Perimeter Buffers142F

**TABLE <>: BUFFER CONFIGURATION**


BUFFER TYPE, INTENT, AND REQUIRED FEATURES	MINIMUM REQUIREMENTS	
	OPTION 1	OPTION 2
<b>Type A – Opaque Buffer</b>		
<p>Intent: This landscape yard functions as an opaque screen from the ground to a height of 8 feet. This type of buffer prevents visual and auditory contact between uses and creates a strong impression of total separation. The image shows the buffer at maturity.</p>		
		
Average width (feet) [1]	30	20
Minimum width (feet) [1]	25	15
Canopy trees per every 100 linear feet (#) / on-center spacing (feet)	3/33	4/25
Understory trees per every 100 linear feet (#) / on-center spacing (feet)	6/16	2/50
Shrubs per every 100 linear feet (#)	25	[2]
Minimum evergreen shrub percentage (%)	100	20
Additional Standards	N/A	[3]

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**TABLE <>: BUFFER CONFIGURATION**

BUFFER TYPE, INTENT, AND REQUIRED FEATURES	MINIMUM REQUIREMENTS	
	OPTION 1	OPTION 2
<b>Type B – Semi-Opaque Buffer</b>		
<p>Intent: This landscape yard functions as a partially opaque screen from the ground to a height of six feet. This type of buffer prevents visual contact between uses and creates a sense of spatial separation. The image shows the buffer at maturity.</p>		
		
Average width (feet) [1]	20	18
Minimum width (feet) [1]	15	13
Canopy trees per every 100 linear feet (#)	2	3
Understory trees per every 100 linear feet (#) / on-center spacing (feet)	4/16	2/50
Shrubs per every 100 linear feet (#)	15	[2]
Minimum evergreen shrub percentage (%)	100	20
Additional Standards	N/A	[4]




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5.9.9 Perimeter Buffers142F

**TABLE <>: BUFFER CONFIGURATION**

BUFFER TYPE, INTENT, AND REQUIRED FEATURES	MINIMUM REQUIREMENTS	
	OPTION 1	OPTION 2
<b>Type C – Intermittent Buffer</b>		
<p>Intent: This landscape yard functions as an intermittent visual screen from the ground to a height of five feet. It is intended to partially block visibility between different uses but not totally obstruct visual contact from one use to another. The image above shows the buffer at maturity.</p>		
		
Average width (feet) [1]	10	8
Minimum width (feet) [1]	8	6
Canopy trees per every 100 linear feet (#)	1	N/A
Understory trees per every 100 linear feet (#) / on-center spacing (feet)	N/A	3/33
Shrubs per every 100 linear feet (#)	7	4
Minimum evergreen shrub percentage (%)	50	100
<p>NOTES:                      [1] In cases where the required district setback is less than the required perimeter buffer width, the perimeter buffer width shall be reduced, as necessary.                      [2] Shrubs shall be planted every six feet on-center along the full course of the fence or wall between the fence or wall and the lot line.                      [3] A six-foot opaque fence, wall, berm, or combination shall be provided within the required perimeter buffer.                      [4] A four-foot opaque fence, wall, berm, or combination shall be provided within the required perimeter buffer.</p>		

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

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5.9.10 Streetyard Buffers143F

**D. Buffer Application**

Table <>, Buffer Application, specifies the type of perimeter buffer that new development shall provide between it and adjacent land, based on the zoning district of the development site and that of the adjacent land. The buffer type is indicated by a letter corresponding to one of the three buffer types described in Table <>, Buffer Configuration.

<b>TABLE &lt;&gt;: BUFFER APPLICATION</b>				
<b>ZONING DISTRICT OF DEVELOPING LAND</b>	<b>ZONING DISTRICT OF ADJACENT LAND [1] [2]</b>			
	<b>WL, RR</b>	<b>SR, VR</b>	<b>CC, VC, MC</b>	<b>CP, HC, LI, HI</b>
WL, RR	N/A	B	B	C
SR, VR	A	N/A	B	C
CC, VC, MC	A	B	N/A	C
CP, HC, LI, HI	A	B	C	N/A

NOTES:  
 [1] "N/A" = not applicable; no perimeter buffer required.  
 [2] Development abutting a bona fide farm or agricultural use associated with a bona fide farm shall be subject to the standards in Section <>, Farmland Compatibility Standards.

**E. Buffer Responsibility**

**1. Adjacent to Vacant Parcel**

Where a developing parcel is adjacent to a vacant parcel and a perimeter buffer is required in accordance with this section, the developing parcel shall provide a minimum of one-half of the perimeter buffer required adjacent to the vacant land.

**2. Adjacent to Existing Land Use(s)**

- a. Where a developing parcel is adjacent to an existing use and a perimeter buffer is required in accordance with this section, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use in accordance with Table <>, Buffer Configuration, and Table <>, Buffer Application, unless a portion or all of a perimeter buffer that complies with the standards of this section already exists between the lots.
- b. Where part of a perimeter buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing only the additional planting material on-site necessary to meet the standards of this section.
- c. The landscape plan shall include photographs and a description of existing vegetation on adjacent lands that are to be counted towards meeting the perimeter buffer requirements in this section.

**F. Buffer Location**

- 1. Perimeter buffers required by this section shall be located along the outer perimeter of the lot and shall extend to the connecting lot lines.
- 2. In cases where the lot line is within a drainage swale, the perimeter buffer shall extend to the edge of the swale instead of the lot line.
- 3. A perimeter buffer may be located along shared access easements between parcels in nonresidential developments.

**5.9.10 STREETYARD BUFFERS<sup>144</sup>**

Development subject to these landscaping standards shall provide a streetyard buffer in accordance with the following standards:

**A. Where Required**

Streetyard buffers shall be provided along all lot lines bounded by an arterial or collector street right-of-way.

<sup>144</sup> These standards are proposed to replace the provisions in Section 151.156, Required Trees along Dedicated Streets, in the current ordinance.

5.9 Landscaping<sup>135F</sup>

5.9.11 Planting Flexibility<sup>145F</sup>

**B. Required Plant Material<sup>145</sup>**

Streetyard buffers shall be configured in one of the following three ways:

1. Two canopy trees per every 100 linear feet of property frontage;
2. One canopy tree and two understory trees per every 100 linear feet of frontage; or
3. In cases where overhead utilities are present, three understory trees per every 100 linear feet of frontage.

**C. Configuration**

1. A streetyard buffer shall maintain a minimum width of ten feet.
2. Driveway widths (measured at the inside edge of the buffer) are excluded from the streetyard buffer distance calculation.
3. Required sight distance triangles are excluded from the buffer length determination, and streetyard buffer landscaping material shall not be located within a required sight distance triangle.
4. While the streetyard buffer width is typically located parallel to the lot line, design variations are allowed subject to the approval of the UDO Administrator, as needed to address existing obstructions or topographic conditions.

**5.9.11 PLANTING FLEXIBILITY<sup>146</sup>**

**A. Credit for Existing Vegetation**

1. In order to encourage the preservation of established vegetation, credit shall be given for preservation within the proposed buffer or other required landscaping areas at a rate of 1.25 times the amount of landscaping required for all retained vegetation. In limited cases, the UDO Administrator may allow the applicant to count established vegetation located outside of the required planting area (such as streetyard buffers) towards the landscaping requirement.
2. Vegetation to be credited towards these requirements shall be protected in accordance with these standards before and during development of the site and maintained thereafter in a healthy growing condition.

**B. Plantings in Shaded Areas**

In cases where required landscaping material would be heavily shaded by buildings on either side of the lot line, required trees and shrubs may be planted outside the shaded area to improve their chances of survival.

**C. Revisions to Approved Landscaping Plans**

Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the UDO Administrator if:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

**D. Alternative Landscaping Plans**

An alternate landscape plan may be approved by the UDO Administrator, that allows modifications to the requirements of this section. Natural physical conditions (such as wetland areas, topography, or non-arable soils), lot configuration, utility easements, desire to retain existing vegetation, and impractical situations that would result from application of this section, may justify approval of an alternate landscape plan.

**1. Intent**

Any alternate landscape plan approved shall meet the intent of the applicable planting yard(s) and the purpose and intent of the landscaping standards of this section.

**2. Allowable Modifications**

- a. The following landscape standards may be modified by an alternate landscape plan.
  1. The location of required plant materials;
  2. The configuration of required plant materials; and
  3. The number of required plant materials.
- b. The alternative landscape plan shall include justification for the modifications requested, based upon but not limited to the following:
  1. The presence or planned location of public utilities, infrastructure, or easements;

<sup>145</sup> NOTE TO STAFF: Additional discussion is needed about whether or not to broaden the applicability provisions to local streets within village centers.

<sup>146</sup> These standards are proposed to build on the standards in Section 151.141, Flexibility in Administration Required, by adding new criteria and standards for how landscaping flexibility may be provided and administered.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.9 Landscaping<sup>135F</sup>

#### 5.9.12 Time of Installation<sup>146F</sup>

2. The location of existing healthy vegetation or other beneficial site features to be retained after development;
3. The size, shape, or topographic elevation of the site relative to the street(s) it abuts; and
4. The need to protect solar access or avoid permanently shaded areas on the site.

#### 5.9.12 TIME OF INSTALLATION<sup>147</sup>

- A. A certificate of occupancy shall not be issued, until all seeding, trees, and plant material have been placed in accordance with the approved site plan and requirements of this section.
- B. A temporary certificate of occupancy may be issued for a period of 120 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon request to the UDO Administrator.

#### 5.9.13 REQUIRED MAINTENANCE<sup>148</sup>

##### A. Responsibility

The responsibility for maintenance of required landscaping areas shall remain with the owner of the property, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of the plantings as a landscaped area which reduces or eliminates nuisance and/or conflict.

##### B. Maintenance

1. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to: watering, mulching, fertilizing, and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2. Necessary pruning and trimming shall be in accordance with the Tree Care Industry Association (TCIA) Standards for the Professional Arborist, and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures that may cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of these zoning regulations.
3. Dead or diseased plantings shall be removed. Unless specifically exempted (such as understory trees shaded by canopy trees), replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.
4. Natural water courses within a buffer shall be maintained in a natural condition consistent with any applicable regulations.
5. Landscape structural features such as walls, fences, berms, or water features shall be maintained in a structurally safe and attractive condition.
6. Where other uses, including pedestrian and bicycle accessways, are allowed within a required landscaping area, these uses shall be maintained to provide for their safe use.

##### C. Failure to Maintain

1. Failure to maintain required landscaping areas is a violation of this Ordinance, in accordance with Article 151.9: Enforcement.
2. Through the course of enforcement of these standards, the County may recover the cost of enforcement, including reasonable attorney fees.
3. The County may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter a landscaping area to conduct required maintenance. The cost of maintenance shall be charged to those persons having the primary responsibility for maintenance of the buffer area.

#### 5.9.14 SITE INSPECTION<sup>149</sup>

##### A. Post Construction Inspection

1. A permanent certificate of occupancy for the development shall not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat.
2. No person shall refuse entry or access to any staff or authorized representative of the County who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any

<sup>147</sup> NOTE TO STAFF: This is a new section that allows for temporary certificates of occupancy. The County may not wish to proceed with this approach, instead opting for posting of a performance guarantee. Additional discussion is needed.

<sup>148</sup> These are new standards that clarify requirements to maintain vegetation in order to maintain its screening function.

<sup>149</sup> NOTE TO STAFF: This is a new inspection regimen proposed for the County's consideration. If staff resources are insufficient, some or all of the requirements could be removed. Additional discussion is necessary.



## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.9 Landscaping135F

#### 5.9.15 Revegetation149F

person obstruct, hamper, or interfere with that representative while in the process of carrying out official duties.

#### B. Follow-up Inspection

The UDO Administrator or a designee shall inspect the site one year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscaping is properly maintained.

#### C. Periodic Inspection

1. The UDO Administrator may periodically inspect sites subject to the provisions of this Ordinance. If, through inspection, it is determined that a site does not comply with the approved site plan or subdivision plat, a notice to comply shall be served upon the landowner by registered mail with return receipt or other means by the County.
2. The notice shall set forth that which will be necessary to comply with the Ordinance.
3. The County shall have the power to conduct investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance and for this purpose may enter at reasonable times upon the property, public or private, for the purpose of inspecting the site(s) subject to the provisions of this Ordinance.

## 5.9.15 REVEGETATION<sup>150</sup>

#### A. Damage or Removal of Vegetation is a Violation

1. The damage, disturbance, or removal of any landscaping area or vegetation required by this section shall constitute a violation of this Ordinance.
2. Damage or removal of existing vegetation required to be preserved during the course of development activity shall be subject to civil penalty of \$2.00 for every square foot area of vegetation damaged or destroyed, not to exceed \$30,000.00.

#### B. Replacement Required

1. Any disturbed landscaping areas, areas of preserved existing vegetation, or required plant material shall be replaced in accordance with the approved development application and these standards.
2. Trees or vegetation that die within one year of construction completion shall be removed and replaced with new vegetation of equal or greater size.
3. A performance guarantee, configured in accordance with **Section <>, Performance Guarantees**, shall be required for replacement trees.

#### C. Revegetation Plan Required

In cases where required landscaping or existing vegetation required to be preserved is damaged, disturbed, or removed, a revegetation plan shall be submitted for review and approval by the UDO Administrator, in accordance with the following standards:

1. Any tree with a caliper of at least eight inches that is damaged or removed shall be replaced with one or more trees that have a caliper of at least two and one-half (2½) inches and a cumulative caliper equal to or greater than the original tree.
2. Trees damaged or destroyed less than eight inches in diameter shall be replaced to satisfy the performance criteria of this section.
3. Understory trees and shrubs may also be required to restore the landscaping performance criteria for the disturbed area.

#### D. Location of Replacement Trees and Vegetation

1. Replanting shall be located within the vicinity of the violation.
2. If the area is too small for sufficient growth, a more suitable location on the site may be selected, as permitted by the UDO Administrator.

## 5.9.16 EMERGENCIES

In the case of emergencies such as windstorms, ice storms, fire, or other disasters, the County may reduce or suspend the requirements of this Ordinance during the emergency period so that the requirements of this Ordinance will in no way hamper private or public work to restore order in the County.

<sup>150</sup> These are new standards that require revegetation when landscaping material is removed in violation of this Ordinance.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.10 Screening<sup>151</sup>

#### 5.10.1 Purpose and Intent

## 5.10 SCREENING<sup>151</sup>

### 5.10.1 PURPOSE AND INTENT

These standards are intended to reduce the visual impact of solid waste collection structures, service areas, and mechanical equipment upon the public realm and adjacent lots as well as to enhance the aesthetics of development in the County.

### 5.10.2 APPLICABILITY

- A. Unless exempted in accordance with Section <>, Exemptions, the standards in this section apply to the following:
1. Principal buildings constructed or open uses of land established after <insert the effective date of this Ordinance>;
  2. Changes in use; and
  3. Expansions of principal building floor area 1,000 or more square feet or expansions of off-street parking of 2,000 or more square feet.
- B. For the purposes of this section, the site features subject to these standards include the following:
1. Solid waste collection dumpsters, bins, and compactors;
  2. Recycling facilities (including cardboard recycling);
  3. Ground-based climate control equipment;
  4. Ground-based mechanical equipment (including electrical generators);
  5. Above ground storage tanks; and
  6. Loading equipment.

### 5.10.3 EXEMPTIONS

Solid waste collection facilities and mechanical equipment serving single-family detached and duplex dwellings shall be exempted from these standards, but these standards shall apply within manufactured home parks.

### 5.10.4 GENERAL STANDARDS

- A. **Location**  
No site features subject to these standards shall be located between the principal structure and the street it fronts.
- B. **Screening Required**  
Site features subject to these standards shall be screened from view from streets, public parks, urban open space set-asides, single-family detached residential dwellings, and duplex dwellings.

### 5.10.5 SCREENING METHODS

- A. Site features subject to these standards may be screened by any of the following methods, in single use or in combination:
1. Evergreen vegetation configured to provide a fully-opaque screen to a minimum height of six feet within four years of planting;
  2. Vegetated berms supplemented with plantings as necessary to provide a fully-opaque screen to a minimum height of six feet within three years of planting;
  3. An opaque fence constructed of treated wood, rot-resistant wood (such as cypress or redwood), plastic, or vinyl;
  4. A masonry wall constructed of brick, textured concrete masonry units, or stuccoed block; or
  5. Walls of a principal or accessory structure.
- B. In no instance shall a chain link fence with plastic slats or attached fabric meet the opacity requirements for screening in this Ordinance.

### 5.10.6 SPECIFIC STANDARDS FOR SOLID WASTE FACILITIES

- A. All trash and recycling receptacles shall meet the minimum setback requirements of the underlying zoning district.
- B. All required dumpster, recycling, and trash handling facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement, and will most facilitate the service of the facilities.

<sup>151</sup> This section is proposed to replace the standards in Section 151.184, Sites for and Screening of Dumpsters, in the current ordinance, but the section is expanded to also address screening of ground-based mechanical equipment, loading, and service areas as described on Page 84 of the Evaluation Report. Screening of roof-mounted equipment is addressed in the design standards portions of Article 151.5.



## ARTICLE 151.5 DEVELOPMENT STANDARDS

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### 5.10 Screening150F

#### 5.10.6 Specific Standards for Solid Waste Facilities

- C. Space allocated to any trash handling facilities shall not be used to satisfy the space requirements for off-street parking or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

**5.11 FENCES AND WALLS<sup>152</sup>**

**5.11.1 APPLICABILITY**

The provisions of this section shall apply to all construction or replacement of all fences, screening walls, or retaining walls. A fence or wall may only be erected in accordance with this section and **Section <>, Zoning Compliance Permit**.

**5.11.2 EXEMPTIONS**

The following are exempted from the standards in this section:

- A.** Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.
- B.** The fence height limitations in this section shall not apply to fences built in conjunction with the following:
  - 1. Electric or gas substations;
  - 2. Water or sewage treatment facilities;
  - 3. Municipal water storage facilities; or
  - 4. Public safety facilities, including correctional facilities.

**5.11.3 LOCATIONAL STANDARDS**

**A. General**

No fence or wall shall:

- 1. Be located within the public right-of-way (except for public fences or walls, or as needed for retention of soil);
- 2. Impede visibility of the required property address number;
- 3. Block pedestrian access from doors or windows; or
- 4. Be located within two feet or less of a building wall (except where a fence or wall originates or terminates at a fence or wall).

**B. Easements**

- 1. Fences may be located within a required easement, subject to any additional restrictions imposed by the easement agreement. However, the landowner shall remain solely liable for any repair or replacement if any portion of the fence or wall is damaged during maintenance or construction activities within the easement by the easement owner or their agent.
- 2. Walls shall not be placed within a required drainage, utility, or other easement unless specifically allowed by the easement agreement.

**C. Block Drainage**

Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.

**D. Obstructions at Intersection**

No fence or wall shall be located within a required sight distance triangle (see **Section <>, Visibility at Intersections**).

**E. Required Setbacks**

Fences or walls may be located within required setbacks, but shall not encroach into a lot under separate ownership.

**F. Required Landscaping Areas**

Fences or walls may be located in required landscaping areas, subject to the standards in **Section <>, Landscaping**.

**5.11.4 MAXIMUM HEIGHT**

- A.** Maximum fence and wall height shall be in accordance with **Table <>, Maximum Fence and Wall Height**:

TABLE <>: MAXIMUM FENCE AND WALL HEIGHT		
TYPE OF ZONING DISTRICT	LOCATION ON SITE	MAXIMUM HEIGHT (FEET) [1] [2]
Residential and Mixed-Use	Front and Corner Side	4
	Side and Rear	6
Commercial, excluding Industrial	Front and Corner Side	6

<sup>152</sup> These standards consolidate and build on the standards in Section 151.140(A)(2), [Description of Landscaping], pertaining to fences or walls, as well as Section 151.329(C)(10), pertaining to accessory uses, in the current code.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.11 Fences and Walls 151F

#### 5.11.5 Wind Loading

TYPE OF ZONING DISTRICT	LOCATION ON SITE	MAXIMUM HEIGHT (FEET) [1] [2]
	Side and Rear	8
Industrial	Front and Corner Side	6
	Side and Rear	10
NOTES: [1] Fence height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops. [2] Retaining walls shall not exceed a maximum height of four feet, regardless of location.		

- B. Fence and wall height shall be measured in accordance with the standards in Section <>, Fence and Wall Height.
- C. Fences or walls that exceed the maximum heights in Table <>, Maximum Fence and Wall Height, are permitted, but shall be treated as building walls subject to the applicable district dimensional requirements in Article 151:3: Zoning Districts.

#### 5.11.5 WIND LOADING

All fencing and walls subject to the standards of this section shall be constructed in accordance with the State Building Code, and shall be designed and constructed in order to meet the minimum applicable wind loading standards in Camden County.

#### 5.11.6 MATERIALS

Fences and walls shall be design, constructed, and maintained to ensure a minimum useful life of at least ten years, and be configured in accordance with the following material standards:

##### A. Permitted Materials

The following fencing materials are permitted for fences and walls:

1. Masonry or stone;
2. Ornamental iron, steel, or aluminum;
3. Wood;
4. Vinyl, plastic, or composite; or
5. Chain-link, except where prohibited by this Ordinance.

##### B. Restricted Materials

1. Barbed wire, razor wire, and concertina wire, are prohibited and may only be used in the following instances:
  - a. Fences for public safety facilities, and uses engaged in potable water storage or treatment;
  - b. Fences associated with a bona fide farm; or
  - c. Fences enclosing livestock in the WL district.
2. Fences that carry an electrical current are allowed solely for the purposes of enclosing livestock (nothing shall prohibit below-ground electrical fences intended for the keeping of pets).
3. In no instance shall chain link fencing with plastic slats or attached fabric meet the minimum opacity requirements for screening in this Ordinance.

##### C. Prohibited Materials

1. Fences made of wooden pallets, debris, junk, rolled plastic, sheet metal, untreated or unpainted plywood, readily flammable material, or waste materials, unless the materials have been recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).
2. In no instance shall tarps or silt fencing remain on a lot or site after completion of construction.

##### D. Materials for Temporary Fences

Temporary fences in place for up to 90 days may be comprised of any material approved by the UDO Administrator.

##### E. Wall Material Standards

1. Walls shall be constructed of one or more of the following materials:
  - a. Stucco over concrete block;
  - b. Exposed aggregate concrete; or
  - c. Brick, stone, or architectural block assembled in a structurally safe and attractive condition.
2. No walls of exposed or painted-only, smooth-face concrete block shall be permitted.
3. Alternative wall materials may be permitted by the UDO Administrator provided they provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development.

### **5.11.7 FINISHED SIDE**

All fences or walls shall be configured so that the finished side faces outwards except when an alternative configuration is required by the State Building Code. For the purposes of this section, the finished side does not include any supporting members or bracing.

### **5.11.8 MAINTENANCE**

1. Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal, or property is hereby deemed a nuisance.
2. If such conditions exist, the UDO Administrator shall require the owner or occupant of the property upon which the fence or wall is located to repair, replace, or demolish the fence or wall causing the nuisance.

## **5.12 RESERVED**

## 5.13 LIGHTING<sup>153</sup>

### 5.13.1 PURPOSE AND INTENT

The purpose of this section is to regulate exterior lighting to ensure the safety of motorists and pedestrians and to minimize adverse effects on adjacent land uses due to excessive light intensity or due to light trespass and glare.

### 5.13.2 APPLICABILITY

The provisions of this section shall apply to all development, unless exempted in accordance with **Section <>, Exemptions.**

#### A. General

1. The provisions of this section shall apply to all multi-family, nonresidential, and mixed-use development.
2. Review for compliance with the standards of this section shall occur as part of the review of an application for a site plan, zoning compliance permit, or building permit, as appropriate.

#### B. Expansions

In the case of an expansion of an existing building, outdoor use area, or off-street parking lot, the following standards shall apply:

1. For individual or collective expansions of 50 percent or less, the standards in this section shall apply only to the expanded portion; or
2. For individual or collective expansions that exceed 50 percent, the standards in this section shall be applied to the entire development.

### 5.13.3 EXEMPTIONS

The following activities are exempt from the requirements of this section.

- A. Special events and holiday displays;
- B. Exterior lighting used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the event or function meets all other applicable Ordinance requirements. Such lighting shall be located at least 50 feet from any adjoining residential district or use and shall not be illuminated except during the activity and brief periods immediately before and after the event.
- C. FAA-required lighting on buildings, towers, or other structures;
- D. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
- E. Public street lighting;
- F. Lighting of official government flags;
- G. Temporary lighting necessary for construction or emergencies, used by construction workers or emergency personnel; and
- H. Exterior lighting associated with single-family detached, attached, and duplex dwellings, except that these forms of development shall be subject to **Section <>, Prohibited Lighting.**

### 5.13.4 PROHIBITED LIGHTING

The following forms of exterior lighting shall be prohibited:

#### A. Traffic Control Signal

1. Lighting that imitates an official highway or traffic control light or sign;
2. Lighting in the direct line of sight with any traffic control light or sign;

#### B. Flashing or Revolving

Flashing, revolving, or intermittent exterior lighting visible from any lot line or public street, except for permitted freestanding or wall signs in accordance with **Section <>, Signage;**

#### C. High Intensity Lighting

High intensity light beams, such as searchlights, laser, or strobe lights, except when used by federal, state, or local authorities, or for special events; and

#### D. Glare on Streets

Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers, bicyclists, or pedestrians.

<sup>153</sup> This section sets out new exterior illumination standards for individual sites as described on Page 86 in the Evaluation Report. These standards are proposed to replace the standards in Section 151.177, Lighting Requirements, and Section 151.178, Excessive Illumination, in the current ordinance. This new section includes much more specific standards for maximum illumination at the lot line and limitation of glare.

**5.13.5 LIGHTING PLAN**

**A. Applicability**

1. An exterior lighting plan shall be required as part of the application review for all areas proposed for illumination that exceed 10,000 square feet in area.
2. Projects with multiple areas proposed to be illuminated (such as separate parking lots) shall submit a site lighting plan if the sum of the multiple areas exceed 10,000 square feet.

**B. Elements to Include**

Regardless of whether a an exterior lighting plan is prepared, site plan, zoning compliance permit, and building permit applications, as appropriate, must indicate the following:

1. Exterior lighting fixture type;
2. Exterior lighting pole height; and
3. Exterior lighting fixture shielding.

**C. Certification**

Certification must be provided by the person preparing any plans that the proposed development complies with the exterior lighting standards of this section.

**5.13.6 EXTERIOR LIGHTING STANDARDS<sup>154</sup>**

All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements.

**A. Shielding**

1. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
2. Under canopy lighting fixtures should be completely recessed within the canopy.
3. Wall packs shall be cut-off and wall-mounted floodlights shall be shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct light downward.
4. Exterior lighting fixtures located on private property and visible from a residential land use shall be configured so that the source of illumination (the bulb) is not visible from the residential land use.

**B. Fixture Height**

1. Lighting fixtures shall be a maximum of 30 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.
2. All light fixtures located within 50 feet of any single-family detached or duplex dwelling shall not exceed 15 feet in height.
3. The UDO Administrator may allow fixtures above this height to provide internal lighting for stadiums, arenas, and similar facilities.

**C. Lamp Type**

1. Incandescent, florescent, metal halide, light-emitting diode (LED), or color corrected high-pressure sodium are permitted.
2. Non-color-corrected high pressure sodium lamps are prohibited.
3. Other lamp types are allowed when the color emitted is similar to the permitted lamp types.
4. The same lamp type must be used for the same or similar types of lighting on throughout a development.

**D. Mounting**

Exterior lighting shall be mounted and configured in such a manner so that the cone of illumination is contained on-site and does not cross any lot line around the perimeter of the site.

**E. Appearance**

1. Exterior lighting fixtures shall be designed as an integral element that complements the design of the project through compatible style, material, and color.
2. Exterior lighting fixtures shall be designed in a consistent and coordinated manner for the entire site.

**5.13.7 LIMIT LIGHTING TO PERIODS AF ACTIVITY**

The use of sensor technologies, timers, or other means to limit lighting to times when it is needed may be required by the UDO Administrator to conserve energy, provide safety, and promote compatibility between different land uses.

**5.13.8 MAXIMUM ILLUMINATION LEVELS**

Exterior lighting shall be designed and located such that the maximum illumination measured in footcandles at ground level at any lot line shall not exceed the standards in [Table <>, Maximum Illumination Levels](#).

<sup>154</sup> NOTE TO STAFF: Additional discussion necessary on these proposed maximum mounting heights and shielding requirements which are a fairly substantial increase in minimum requirements, but are consistent with best practices across the state.



TABLE <>: MAXIMUM ILLUMINATION LEVELS	
TYPE OF ABUTTING USE OR ZONING DISTRICT [1]	MAXIMUM ILLUMINATION LEVEL AT THE LOT LINE (FOOTCANDLES) [2]
Single-family residential or duplex use or land zoned for single-family development	1.0
Multi-family or mixed-use development or land zoned for multi-family or mixed-use development	1.5
Institutional use [3]	2.0
Commercial or industrial use or land zoned for uses other than residential	2.5
Parking lots	2.5
NOTES: [1] These are the kinds of uses or zoning districts that abut the development. The maximum allowable illumination along any lot line shared with a single-family residential use is 1.0 footcandles, regardless of the type of use deploying the exterior lighting. [2] In cases where a single development occupies multiple lots, the lot line shall be the lot line(s) around the perimeter of the project. [3] Use types are organized by use classification in <a href="#">Table &lt;&gt;, Principal Use Table</a> .	

### 5.13.9 NONCONFORMING LIGHTING

- A. Lighting fixtures that do not comply with these standards that were lawfully established as of [\[Insert the effective date of this Ordinance\]](#), may remain, and shall be considered nonconforming structures.
- B. Any modifications, replacement, or expansions to the exterior lighting facilities serving a development shall conform to the standards of this Ordinance.
- C. Redevelopment or remodeling on a site containing nonconforming lighting shall comply with the standards in [Section <>, Nonconforming Site Features](#).

**5.14 SIGNAGE<sup>155</sup>**

**5.14.1 PURPOSE AND INTENT**

The erection of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets and sidewalks. The provisions of this section are more specifically intended to:

- A.** Promote traffic safety;
- B.** Ensure residents and visitors can locate desired goods, services, and destinations;
- C.** Reflect the aesthetics desired by residents; and
- D.** Provide only the minimum interference with individual property rights necessary to ensure public health, safety, and welfare.

**5.14.2 APPLICABILITY**

- A.** Except for the sign types exempted from these standards identified in **Section <>, Exclusions**, signs may only be erected, affixed, placed, painted, or otherwise established in the County in accordance with the standards in this section.
- B.** All signs shall be constructed and designed, according to generally accepted engineering practices, to withstand wind pressures and load distribution as specified in the current building code.

**5.14.3 EXCLUSIONS**

The following shall not be subject to these standards, but may be subject to other standards in this Ordinance, including the requirement to obtain a building permit:

- A.** Fence-wrap signs affixed to fences surrounding a construction site in accordance with the North Carolina General Statutes;
- B.** Flags and insignia of any governmental agency;
- C.** Legal notices required by governmental bodies, public utilities, or civic associations;
- D.** Historical markers, memorial signs, plaques, or grave markers;
- E.** Integral decorative or architectural features of buildings, except moving parts or moving lights;
- F.** Signs that are not visible from off-site areas;
- G.** Handicapped parking signs;
- H.** Up to one incidental sign on a residential structure or a commercial establishment that does not exceed four square feet in area and configured so that the top of the sign is within five feet of the grade elevation; or
- I.** Up to two non-permanent, professionally manufactured sandwich board-style signs of up to six square feet in sign area per side for each business establishment in a non-residential district.

**5.14.4 PROHIBITED SIGNS**

The following signs, sign construction, and displays are prohibited:

- A.** Any sign which the UDO Administrator determines obstructs the view of bicyclists, pedestrians, or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal;

<sup>155</sup> NOTE TO STAFF: This section is proposed to replace the current sign standards in Section 151.415, Definitions, through Section 151.418, Off-Premise Signs. As mentioned on Page 87 in the Evaluation Report, federal laws with respect to the regulation of signs have changed dramatically based on the US Supreme Court’s ruling in the Town of Reed vs. Gilbert case. Essentially, the holding from this case is that sign standards that require the regulator to read the sign’s message to determine which kind of sign standards to apply are not content-neutral. Court precedent has indicated that sign standards must be content neutral (to pass muster under the 1st Amendment to the Constitution), or must withstand the strict scrutiny doctrine. To withstand strict scrutiny, standards must be developed with a compelling governmental interest and must be narrowly tailored to achieve that specific interest. In practice, most sign standards are focused on aesthetics, and thus will NOT pass the test of strict scrutiny. As a result, local governments across the country are now revising their sign standards in two or three key ways:

First, sign standards may not be structured in ways that require the sign to be read to determine which set of standards to apply (in other words, no longer may a community apply differential sign standards based on sign type – you may not have special standards for “for rent” signs versus “directional signs”). Second, sign standards may not distinguish between “commercial” signs versus “noncommercial” signs (since doing so requires reading the sign’s message). Third, the Court has ruled that speaker-based standards (sign standards that relate to a particular kind of use, like signs for a restaurant or a signs for a vacation rental) are not content neutral, and must also pass strict scrutiny. One of the best ways to address this new court precedent is to maintain the time, place, and manner provisions for signs that most communities already have, and revise any specific sign-type standards into a set of generic time, place, and manner sign standards that differ by type of zoning district.

These proposed sign standards have dramatically altered the County’s current sign regulations, and are proposed for the County’s careful review. There are now provisions for signs that are prohibited, signs that are allowed with sign permits, and the standards differentiate between sign regulations by zoning district.

5.14 Signage 154F

5.14.5 Obsolete or Abandoned Signs

- B. Illuminated, highly reflective signs or spot lights that law enforcement determines hampers the vision of motorists, pedestrians, or bicyclists;
- C. Signs, lights, rotating disks, words, and other devices, which resemble traffic signals, traffic signs, or emergency vehicle lights;
- D. Signs, other than government signs, which contain lights, rotating disks, words and other devices not erected by a public authority, which may be erroneously construed as government signs, or emergency warning signs;
- E. Any sign which interferes with free passage from or obstructs any fire escape, downspout, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light, drainage, or air;
- F. Any sign placed on any curb, sidewalk, utility pole, street sign post, hydrant, bridge, tree, or public street paving;
- G. Any sign located in such a way as to intentionally deny an adjoining landowner visual access to an existing sign;
- H. Flashing, fluttering, swinging, rotating signs;
- I. Signage in or affixed to a motor vehicle, boat, or trailer;
- J. Roof signs or signs above the parapet of a building;
- K. Electronic message boards in a residential district;
- L. Any sign or flag the UDO Administrator deems to be significantly worn, torn, dilapidated, damaged, tattered, or otherwise in disrepair - such signs may be removed by the UDO Administrator 60 days after written notice to the owner;
- M. Banners;
- N. Windblown devices such as pennant, streamers, spinners, balloons, gas- or air-filled figures, and other similar devices; and
- O. Off-premise signs, including billboards. Existing off-premises signs may remain in place until they are modified or damaged to a point that exceeds 50 percent of the sign's established value, and must then be removed.

**5.14.5 OBSOLETE OR ABANDONED SIGNS**

Nonconforming signs or signs serving a vacant building or site that has not been in use for 180 days or more shall be deemed to be an abandoned sign and shall be removed. The obsolete or abandoned sign may be removed by the UDO Administrator within 60 days of notice to the owner at the owner's expense.

**5.14.6 SIGNS PERMITTED WITHOUT A SIGN PERMIT**

The following signs may be installed without a sign permit, but are subject to the standards in this section and may be required to obtain building permit approval.

**A. Governmental Signage**

Temporary or permanent signs erected and maintained by or required by the County, the State of North Carolina, or the Federal government, including, but not limited to:

- 1. Signs posted by or under the authority of County, State, or Federal authorities for crime prevention, public safety, health, zoning, and identification; or
- 2. Signs or flags erected by any government advertising County-sponsored events, County-related information or used decoratively.

**B. Safety Signage**

Safety signs shall be allowed, provided:

- 1. The aggregate sign face area for all safety signage on a lot shall not exceed 32 square feet;
- 2. No single safety sign shall exceed two square feet of sign face area;
- 3. No lot shall include more than 16 individual safety signs (for the purposes of this section, a two-sided sign shall be counted as a single sign);
- 4. The top of a safety sign shall be no more than five feet above the adjacent grade; and
- 5. Safety signs shall not be illuminated.

**C. Flags**

Flags shall be allowed provided:

- 1. A maximum of two flags shall be allowed per business or residence;
- 2. No individual flag shall exceed 60 square feet in area;
- 3. Flags shall not unreasonably distract a driver of a motor vehicle by interfering with a sight line or sight distance triangle; and
- 4. Flag poles shall not exceed 30 feet in height.

**D. Temporary Signage**

Each lot shall be allowed up to one temporary sign per street frontage, subject to the following standards:

- 1. Temporary signage on residentially-zoned lots shall not exceed six square feet of sign area per sign;
- 2. Temporary signage on lots zoned for mixed-use or business uses shall not exceed 32 square feet of sign area per sign;
- 3. Temporary signs shall not be illuminated; and

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5.14.7 Sign Permit Required

- 4. Temporary signs may remain in place for up to 30 days per lot. This 30-day period may be renewed by the UDO Administrator up to 12 times per lot per year.

E. Political Signs

Political signs (campaign and election signs) are permitted without a permit, provided that:

- 1. The person responsible for erecting the sign shall be held responsible for any violations;
- 2. No political signs are allowed on Town-owned property (this does not apply to Town right-of-way); and
- 3. Sign placement and duration shall be in accordance with Section 136-32 of the North Carolina General Statutes.

5.14.7 SIGN PERMIT REQUIRED

Unless exempted by Section <>, Exclusions, or Section <>, Signs Permitted Without a Sign Permit, all signs shall require a sign permit in accordance with Section <>, Sign Permit, prior to construction, installation, or display. Whether the sign is new, part of new construction, or an existing sign, the following information will be required as part of the permit application:

- A. A detailed description of any new sign for which a permit is required, including, but not limited to: a detailed drawing of the sign showing size, height, and site location relative to property lines and street right-of-way.
- B. Existing signs must meet these requirements if, for any reason, the sign is to be changed or altered. Normal copy changes and routine maintenance matters, without changes in construction, size, height, or lighting are exceptions to this requirement.
- C. Prior to issuance of a sign permit, all fees in accordance with the associated fee schedule shall be paid. Some signs may require building and electrical permits as determined by the Building Inspector.
- D. Upon notification of completion by the permit holder, the UDO Administrator shall inspect the sign to verify conformance with applicable codes and the issued permit. The Building Inspector shall inspect the signs where applicable for electrical and structural compliance.

5.14.8 MEASUREMENT

Sign face area and maximum height are determined in accordance with Section <>, Signage.

5.14.9 SIGNS STANDARDS IN RESIDENTIAL DISTRICTS

Lots in residential districts may incorporate the following forms of signage:

- A. Up to one ground-mounted or monument sign per entrance may be utilized, provided it does not exceed 20 square feet in face area, and seven feet in height.
- B. Uses in a residential district may install up to one wall sign with an area of no greater than four square feet on a residential principal structure.

5.14.10 SIGN STANDARDS IN MIXED USE DISTRICT

Signs on lots in the MX district shall comply with the requirements in Table <>, Sign Standards in Mixed-Use Districts.

TABLE <>: SIGN STANDARDS IN MIXED-USE DISTRICT				
TYPE OF SIGN	MAXIMUM FACE AREA [1] [2]	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS PER LOT	ADDITIONAL STANDARDS [3]
Wall Sign [4]	5% of wall area	Below the roof, soffit, or parapet	None	- Limited to building facades facing streets - Wall signs shall not project more than 12 inches outwards from the wall
[wall sign image]				
Window Sign	10% of total window and glass door area	Top of ground floor window or door	None	Window signs shall not be placed on faux windows or structural glass

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5.14.11 Sign Standards in Commercial Districts

<b>TABLE &lt;&gt;: SIGN STANDARDS IN MIXED-USE DISTRICT</b>				
<b>TYPE OF SIGN</b>	<b>MAXIMUM FACE AREA [1] [2]</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER OF SIGNS PER LOT</b>	<b>ADDITIONAL STANDARDS [3]</b>
[window sign image]				
<b>Projecting Sign</b>	12 sf per side	Below the roof, soffit, or parapet [5]	1	No portion of the sign may be located within three feet of the street paving
[projecting sign image]				
<b>Awning Sign</b>	Sign copy area limited to the drip flap	Awnings on ground floor only	1	N/A
[awning sign image]				
<b>Monument Sign</b>	12 sf per side	3½ feet above grade	1	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way
[monument sign image]				
<p>NOTES:</p> <p>[1] Regardless of the composition of signage, the maximum available sign area per development shall be 40 square feet (not counting signage excluded from these standards).</p> <p>[2] "sf" = square feet</p> <p>[3] Signs shall also be subject to the standards in Section 18.5.10.L, Additional Sign Specifications.</p> <p>[4] Wall signs are not permitted on side or rear building facades.</p> <p>[5] Projecting signs shall maintain a minimum of eight feet of clearance above the grade or a walkway.</p>				

**5.14.11 SIGN STANDARDS IN COMMERCIAL DISTRICTS**

Signs on lots in the commercial districts other than the MX district shall comply with the requirements in **Table <>, Sign Standards in Commercial Districts**.

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5.14.11 Sign Standards in Commercial Districts

<b>TABLE &lt;&gt;: SIGN STANDARDS IN MIXED-USE DISTRICT</b>				
<b>TYPE OF SIGN</b>	<b>MAXIMUM FACE AREA [1] [2]</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER OF SIGNS PER LOT</b>	<b>ADDITIONAL STANDARDS [3]</b>
<b>Wall Sign</b> on Front Façade	Greater of: 1 sf per linear foot of wall frontage, or 5% of wall area	Below the roof, soffit, or parapet	No limit	Wall signs shall not project more than 12 inches outwards from the wall
<b>Wall Sign</b> on Side or Rear Façade fronting a street	½ sf per linear foot of wall frontage			
[wall sign image]				
<b>Window Sign</b>	25% of total window and glass door area	Top of ground floor window or door	No limit	Window signs shall not be placed on opaque doors, faux windows, or structural glass
[window sign image]				
<b>Projecting Sign</b>	12 sf per side	Below the roof, soffit, or parapet [4]	1	No portion of the sign may be located within three feet of the street paving
[projecting sign image]				
<b>Awning Sign</b>	Sign copy area limited to the drip flap	Awnings on ground floor only	1	None
[awning sign image]				
<b>Freestanding Sign</b>	50 sf total	15 feet above grade	1	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way
<b>Freestanding Sign</b> serving a multi-building use	Up to 6 tenants: 100 sf; 7-14 tenants: 125 sf; 15+ tenants: 150 sf	20 feet above grade	1 per street frontage	



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5.14.12 Additional Sign Specifications

<b>TABLE &lt;&gt;: SIGN STANDARDS IN MIXED-USE DISTRICT</b>				
<b>TYPE OF SIGN</b>	<b>MAXIMUM FACE AREA [1] [2]</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER OF SIGNS PER LOT</b>	<b>ADDITIONAL STANDARDS [3]</b>
[freestanding sign image]				
<b>Monument Sign</b>	50 sf per side	4 feet above grade	2	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way
[monument sign image]				
<b>Portable Sign</b>	24 inches by 36 inches	4 feet above grade	2	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way
[portable sign image]				
<p>NOTES:</p> <p>[1] Regardless of the composition of signage, the maximum available sign area per development shall be 200 square feet (not counting signage excluded from these standards).</p> <p>[2] "sf" = square feet</p> <p>[3] Signs shall also be subject to the standards in <b>Section &lt;&gt;, Additional Sign Specifications.</b></p> <p>[4] Projecting signs shall maintain a minimum of eight feet of clearance above the grade or a walkway</p>				

**5.14.12 ADDITIONAL SIGN SPECIFICATIONS**

**A. Wall Signs**

1. No wall sign or its supporting structure shall cover any window or part of a window, nor shall it extend on the roofline, parapet, or mansard roof.
2. Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises.
3. Signs may be painted or printed onto a canopy or awning.
4. In no instance shall a canopy or awning sign extend into a street right-of-way.
5. No wall sign shall be attached to any cupola, tower, or other architectural feature that is above the roofline.

**B. Freestanding and Monument Signs**

Any freestanding or monument sign greater than three and one-half feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight distance triangle.

**C. Projecting Signs**

1. A projecting sign shall not project more than four feet from a building wall.

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5.14.13 Sign Illumination

2. A projecting sign shall not extend vertically above the roofline or parapet of a building.
3. Projecting signs may be substituted for wall signs in a shopping center, provided:
  - a. A projecting sign shall not project into any required setback or yard.
  - b. There shall be more than one projecting sign per business entrance.

**D. Electric Signs**

1. No electric sign shall be so located with relation to pedestrian traffic as to permit it to be easily reached by any person.
2. The bottom of such sign shall be located a minimum of ten feet above the grade if the sign is within 15 feet of the edge of the street right-of-way.
3. All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code.

**5.14.13 SIGN ILLUMINATION**

Unless otherwise indicated in this Ordinance, all signs may be illuminated, in accordance with the following:

**A. General Standards**

1. All illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign and does not shine directly into or cause glare onto a public right-of-way or residential uses.
2. All electric signs shall be in accordance with Article 9, Part III, Outdoor Lighting, the Building and National Electric Code, and shall obtain all required building permits.
3. All wiring to freestanding or monument signs or to lighting equipment erected after the effective date of this section must be underground.

**B. Signs near Residential Uses**

No sign serving or within 150 feet of a residential use shall be illuminated between the hours of midnight and 6:00 a.m., unless there is no spillover of lighting or glare to the residential area beyond the boundaries of the lot where the lighting is located.

**C. Flashing or Intermittent Lights**

No sign shall contain or be illuminated by flashing or intermittent light or lights of changing degrees of intensity.

**5.14.14 INSPECTIONS AND INVESTIGATIONS**

**A. Removal of Illegal Signs in Right-of-Way and Public Properties**

The UDO Administrator may remove and destroy or otherwise dispose of any sign placed on public property or within any public right-of-way. This shall only apply to signs in violation of this Ordinance. Penalties may be levied for each such sign as prescribed Article 151.9: Enforcement.

**B. Citations**

1. If, through inspection, it is determined that a person has failed to comply with the provisions of these regulations, the UDO Administrator shall issue a warning citation to the violator.
2. Violations shall be corrected within two weeks of the issuance of a citation.
3. If the violation is not corrected within the specified time period, the violator shall be subject to the provisions of Article 151.9: Enforcement.

# SUBDIVISION REQUIREMENTS



## Key Changes in Article 151.6:

- This article consolidates all the subdivision provisions in the current ordinance into a single article
- There are new purpose and intent and applicability standards pertaining to the subdivision of land
- The article includes additional guidance regarding the dedication, ownership, and maintenance responsibility of public infrastructure (such as streets, water lines, sewer, etc.)
- There are new standards for sidewalks, sight distance triangles, community mailboxes (CBUs), vehicular gates, and other common features
- The article revised the language pertaining to water supply infrastructure for greater clarity
- There are adjustments to the performance guarantee provisions for compliance with changing state law, including the ability of the applicant to choose their desired financial instrument and the removal of maintenance guarantees for public infrastructure (except stormwater management facilities)
- The performance guarantee provisions include requirements for guarantee of private site improvements (off-street parking, landscaping, etc.) to aid in the development process
- The standards include clarification about the process of reduction or release of a performance guarantee
- There are new maintenance provisions for stormwater management facilities and replacement trees
- The article sets out the procedure for establishment of an HOA when a subdivision has common features (open space set-aside, infrastructure, etc.), including a set of minimum documentation requirements to establish an HOA and new provisions controlling the timing of transfer of subdivision responsibility from the subdivider to the HOA
- The standards establish a new reserve fund balance requirement prior to transfer of subdivision responsibility transfer
- There are new conservation subdivision standards that replace the open space subdivision provisions and new districts where conservation subdivision is mandated (WL, RR), allowed (SR, PD), or prohibited (VR, MX)

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# ARTICLE 151.6 SUBDIVISION REQUIREMENTS

## 6.1 SUBDIVISION STANDARDS<sup>156</sup>

### 6.1.1 PURPOSE AND INTENT

The purpose of this section is to establish standards for the subdivision of land in the County. More specifically, this section is intended to:

- A. Provide for the orderly growth and development of the County;
- B. Coordinate the provision of streets within and contiguous to proposed subdivisions with other existing or planned streets in the general area;
- C. Provide for the adequate provision of public services and infrastructure;
- D. Maintain conditions essential to the public's health, safety, and general welfare; and
- E. Facilitate the further re-subdivision of larger tracts into smaller parcels of land, where appropriate.

### 6.1.2 APPLICABILITY

#### A. In General

No subdivision of land in the County, as defined in **Section <>, Definitions**, shall occur, and no lot or parcel created by such division of land may be sold or developed, unless the division is expressly exempted from this section or has received subdivision approval in accordance with **Section <>, Minor Subdivision**, **Section <>, Transfer Plat**, **Section <>, Preliminary Plat**, **Section <>, Final Plat**, and the requirements of this section.

#### B. Exemptions

Expedited subdivisions created in accordance with **Section <>, Expedited Subdivision**, and exempt subdivisions meeting the standards of **Section <>, Exempt Subdivision**, shall be exempted from these standards.

### 6.1.3 SUBDIVISION DESIGN<sup>157</sup>

#### A. Generally

Proposed subdivisions subject to these standards shall:

- 1. Comply with the standards in this article and Article 151.3: Zoning Districts;
- 2. Be in accordance with **Section <>, Adopted Policy Guidance**; and
- 3. Be designed to promote development that is beneficial to the County.

#### B. Development Name

The name of a proposed development shall not duplicate or be phonetically similar to an existing development name in the County unless the proposed development lies adjacent or in proximity to the existing development.

#### C. Reasonable Relationship

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

### 6.1.4 LOT CONFIGURATION<sup>158</sup>

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lots shall to the dimensional standards for the zoning district where located in accordance with Article 151.3: Zoning Districts, and the following standards.

#### A. Conformance to Other Regulations

- 1. A lot shall have sufficient area, dimensions, and street access to allow a principal building to be erected on it in compliance with the requirements of this Ordinance.
- 2. Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area.

<sup>156</sup> This is a new section proposed for the County's consideration. It sets out a series of basic purpose and intent statements and general design parameters for all subdivisions.

<sup>157</sup> These are new standards.

<sup>158</sup> These are a blend of new standards, standards from 151.232, Design Standards and Criteria [for major subdivisions] pertaining to lots, and the flag lot standards, which are taken from Section 151.062(D) of the current ordinance.



## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.1 Subdivision Standards<sup>155F</sup>

#### 6.1.5 Access to Lots<sup>159F</sup>

##### **B. Side Lot Line Configuration**

1. Side lines of lots should be at or near right angles or radial to street lines.
2. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

##### **C. Lot Lines and Drainage**

Lot boundaries shall coincide with natural and pre-existing manmade drainageways, to the maximum extent practicable, to avoid disruption of established drainage patterns or lots that can be built upon only by altering such drainageways.

##### **D. Double or Reverse Frontage**

1. Double frontage or reverse frontage lots shall be avoided, except when used in conjunction with the provisions for marginal access streets in **Section <>, Marginal Access Streets**.
2. Double frontage lots shall require a non-access buffer of 25 feet on one side of the lot bounded by a street, in addition to other dimensional requirements.

##### **E. Special Purpose Lots**

Minimum lot dimensional standards shall not apply to lots for family or religious institution cemeteries, sewage lift stations, and similar utility uses. Such lots shall comply with the following:

1. A special-purpose lot shall be permitted only after the UDO Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and perimeter buffers required in accordance with **Section <>, Perimeter Buffers**;
2. If the special-purpose lot does not have direct access to a public or private street, an easement for ingress and egress with a minimum width of 20 feet shall be platted.
3. The subdivision to create the special purpose lot shall be approved in accordance with this Ordinance and the final plat shall label the lot as a special purpose lot.

##### **F. Flag Lots**

New flag lots may be established, subject to the following requirements:

1. No more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.
2. In no instance shall a subdivision have more than 20 flag lots in total.
3. New flag lots may be established along an arterial street only in cases where access to the arterial street is shared with an adjacent lot.
4. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 45 feet.
5. Where public water is available, any building on the flag lot shall be within 500 feet of a fire hydrant. The distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;
6. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

##### **G. Wetlands on Lots<sup>159</sup>**

###### **1. CAMA Wetlands**

- a. CAMA wetlands are those lands which are subject to regular or periodic flooding and bear characteristic vegetation or as defined in the State Administrative Code described as any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides provided this shall exclude hurricane or tropical storm tides.
- b. Where any lot or site includes an area of CAMA wetlands, as determined by on-site evaluation by the Division of Coastal Management Staff, the wetland area shall not be counted as part of the minimum square footage required of any lot for development.
- c. CAMA wetlands can be credited towards passive open space set-aside requirements in **Section <>, Open Space Set-Aside**.

###### **2. Designated 404 Wetlands**

- a. Where any lot or site includes an area of designated 404 wetlands, as delineated by the U.S. Army Corps of Engineers, the wetland area may be counted as part of the minimum square footage required of any lot for development.

<sup>159</sup> This section includes the standards for wetlands from Section 151.232, Design Standards and Criteria [for a major subdivision], in the current ordinance. The current provisions do not allow CAMA wetlands to be credited towards open space requirements, however these proposed open space set-aside standards in article 151.7: Environmental Provisions, do allow CAMA wetlands to be credited towards passive open space set-aside requirements. The standards in this subsection have been revised for consistency with the draft provisions in Article 151.7.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.1 Subdivision Standards<sup>155F</sup>

#### 6.1.5 Access to Lots<sup>159F</sup>

- b. CAMA wetlands can be credited towards passive open space set-aside requirements in **Section <>, Open Space Set-Aside**.
- c. Any subdivision that includes designated 404 wetlands shall include a note indicating the presence of such wetlands on the final plat.

### 6.1.5 ACCESS TO LOTS<sup>160</sup>

#### A. Every Lot Must Maintain Access

##### 1. Generally

Except for lots within bona fide farms, lots created in accordance with **Section <>, Transfer Plat**, or lots created through an expedited subdivision (see **Section <>, Expedited Subdivision**), all lots intended to contain a building or structure shall abut a state-maintained road or a private street built and maintained to state road standards.

##### 2. Lots in Bona Fide Farms, Transfer Plats, or Expedited Subdivisions

- a. Lots established after **(insert the effective date of this Ordinance)** in a bona fide farm, transfer plat, or expedited subdivision that are intended to contain a building or structure are not required to abut a state-maintained road or private street, but shall maintain some form of access with a minimum width of 45 feet and maintained to afford a reasonable means of ingress and egress for emergency vehicles.
- b. In no instance shall an accessway not meeting the requirements for a public or private street serve more than five individual lots.

#### B. Access on Lots Abutting Major Arterial and Minor Collector Streets

1. The standards in this subsection shall apply to lots abutting the roads listed in **Table <>, Major Arterial and Minor Collector Streets**.

TABLE <>: MAJOR ARTERIAL AND MINOR COLLECTOR STREETS	
MAJOR ARTERIAL STREETS	MINOR COLLECTOR STREETS
US 17	SR 1224, Old Swamp Road
US 158	SR 1145, Lamb's Road (in its entirety)
NC 34	SR 1203, Scotland Road
NC 343	SR 1107, Sandy Hook Road
	SR 1121, Trotman Road (in its entirety)
	SR 1111, Wickham Road
	SR 1000, Texas Road

2. In cases where a tract or site abutting a street listed in **Table <>, Major Arterial Streets and Minor Collector Streets**, is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street, either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by a street listed in **Table <>, Major Arterial Streets and Minor Collector Streets**.
3. The final plat creating the subdivision shall indicate a notation that driveway access to a major arterial or minor collector street is limited and shall be provided by a different street.
4. In the event a site or tract is unable to comply with the access limitations in this subsection, an applicant may seek a variance in accordance with **Section <>, Variance**.

#### C. Marginal Access Streets

1. Where a tract of land to be subdivided adjoins an arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial street.

<sup>160</sup> This section consolidates the standards in Sections 151.014, Every Lot Must Abut a Street or Road, Section 151.082 Access to Lots, and Section 151.083, Access to Streets from the current ordinance with no substantive changes except that lots or sites unable to comply with the access limitations to major arterials or collectors streets should undergo a variance instead of the exemption available in the current standards.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.1 Subdivision Standards<sup>155F</sup>

#### 6.1.8 Monuments<sup>163F</sup>

2. Where reverse frontage is established, private driveways shall not have direct access to the arterial street, and a 25-foot-wide non-access buffer zone on the side of the lot abutting the arterial street shall be provided.
3. A ten-foot-wide non-access buffer zone may be approved if the vegetation creates a year-round opaque screen or a six-foot-tall opaque fence is provided.
4. The non-access buffer zone may be counted toward the open space set-aside requirement or may be counted as a portion of each individual lot.

#### D. Driveway Consolidation Along Major Arterial and Minor Collector Streets

While a lawfully-established access to an individual lot from a major arterial or minor collector street created prior to (*insert the effective date of this Ordinance*) may remain, it is the intent of this Ordinance to consolidate or eliminate these driveways to help ensure public safety and to preserve the traffic-carrying capacity of the street. In order to incentivize the removal of existing driveways or shared driveways serving two or more lots, the required side setbacks and any perimeter landscaping buffers required by *Section <>, Perimeter Buffers*, between the lots may be waived, subject to the following requirements:

1. NCDOT confirms the shared access can still achieve a satisfactory level of access control;
2. A cross access easement between all parties sharing access is approved by the UDO Administrator and recorded with the Camden County Register of Deeds;
3. All fire code regulations are met;
4. Adequate utility and drainage easements are provided, if necessary; and
5. The maximum number of shared driveways permitted to take advantage of these standards shall be:
  - a. One driveway for frontages less than 500 feet;
  - b. Two driveways for frontages between 500 feet and 1,000 feet; and
  - c. Three driveways for frontages over 1,000 feet.

### 6.1.6 ACCESS TO PUBLIC WATERS<sup>161</sup>

- A. A subdivider shall not usurp, abolish, or restrict public access to Albemarle Sound, Pasquotank River, North River, or other water body where public access has been historically provided.
- B. Subdivisions of 20 or more lots or dwelling units abutting public trust or estuarine waters shall provide an area at least 20,000 square feet in area and at least 100 feet in width with at least 20 linear feet of shoreline that provides visual and physical access to the water for landowners in the subdivision.

### 6.1.7 EASEMENTS

#### A. Utility and Drainage Easements<sup>162</sup>

1. Each lot in a major or minor subdivision shall provide combined utility and drainage easements with a minimum width of ten feet along all side and rear lot lines as well as a combined utility and drainage easement with a minimum width of 15 feet along lot lines bounded by a street.
2. Additional easement width may be required by the County due to topography or other physical features.
3. Where a conservation subdivision or other development concept is approved with zero lot lines, alternative easement locations may be considered.

#### B. Easement Ownership<sup>163</sup>

In cases where a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that these facilities be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to the utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain the facilities.

### 6.1.8 MONUMENTS<sup>164</sup>

Monuments shall be included as part of any subdivision, and shall be configured in accordance *The Standards of Practice for Land Surveying in North Carolina*, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, and the following:

<sup>161</sup> These standards carry forward the access to water provisions in the subdivision design standards (Section 151.232(D)) of the current ordinance.

<sup>162</sup> This section carries forward the standards for easements in Section 151.232, Design Standards and Criteria [for major subdivisions].

<sup>163</sup> This section carries forward the standards in Section 151.170, Utility Ownership and Easement Rights, in the current ordinance.

<sup>164</sup> These standards are carried forward from the standards in Section 151.232, Design Standards and Criteria [for major subdivisions], related to lots.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.1 Subdivision Standards<sup>155F</sup>

#### 6.1.13 Reservation of School Sites<sup>168F</sup>

- A. Prior to the approval of the final plat, permanent reference points shall have been established in accordance with the standards in this section.
- B. At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker.
- C. If a corner is within 2,000 feet of a U.S. Geodetic Survey or NC Grid System coordinated monument, then this corner shall be marked with a monument so designated by computed X and Y coordinates which shall appear on the map with a statement identifying this monument to an accuracy of at least one to 10,000.
- D. When a monument is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure. However, if in the opinion of the Planning Board, a subdivision is of a small size, or if there is an existing tie within a reasonable distance of the subdivision, this shall not be required.
- E. Within each subdivision, at least two monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments, if required.
- F. All monuments shall be constructed of #4 rebar surrounded by three-inch PVC pipe and filled with concrete.
- G. Each monument shall be set 24 inches in the ground unless this requirement is impractical because of unusual conditions.
- H. The allowable angular error of closure and the linear error of closure for surveys shall be in accordance with Standards of Practice for Land Surveying published by the State Board of Registration for Land Surveyors.

#### 6.1.9 FLOOD ELEVATION MARKERS<sup>165</sup>

Where a subdivision contains more than five lots or more than five acres, it shall include at least one flood elevation marker established by a registered land surveyor.

#### 6.1.10 COMMUNITY MAILBOXES<sup>166</sup>

New residential subdivisions shall include cluster mailbox units in accordance with U.S. Postal Service guidelines and the following:

- A. Wherever possible, cluster mailboxes shall be located within open space set-aside, served by pedestrian access and served by two or more off-street parking spaces.
- B. In cases where the cluster mailboxes must be placed within a public right-of-way, the mailbox unit(s) shall be located and configured in accordance with the latest revision of the NCDOT policy guidance on the placement cluster box units (CBU's) in state maintained subdivision streets.

#### 6.1.11 CULTURAL AND HISTORIC RESOURCES<sup>167</sup>

The developer shall not destroy buildings and structures of cultural or historic significance, as determined by County staff in consultation with state preservation officials.

#### 6.1.12 BUS STOPS FOR SCHOOL CHILDREN<sup>168</sup>

Except for age-restricted development, the application for a major subdivision or planned development shall show the location(s) of bus stops that shall be used for the pick-up and drop-off of school children on both the preliminary and final plats. Bus stops shall be configured in accordance with the following:

- A. Each bus stop shall include a shelter built to the specifications in this section.
- B. Each bus stop shall at least six feet long and at least three feet deep with a bench running the length of the bus stop shelter.
- C. The sides of each bus stop shelter shall be made of a clear or semi-clear material and the roof shall be constructed to keep rain off persons standing inside the bus stop shelter.
- D. Bus stops shall be located at locations approved by the School Superintendent or his or her designee.
- E. The homeowner's association shall be responsible for the maintenance of bus stops.
- F. These requirements for a bus stop may be waived by the County upon written approval of the School Superintendent or his or her designee.

<sup>165</sup> This section carries forward the standards for flood elevation markers in Section 151.232, Design Standards and Criteria [for major subdivisions].

<sup>166</sup> These are new standards.

<sup>167</sup> This section carries forward the standards for cultural resources in Section 151.232, Design Standards and Criteria [for major subdivisions].

<sup>168</sup> This section carries forward the standards for bus stops from Section 151.232, Design Standards and Criteria [for major subdivisions].

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.1 Subdivision Standards<sup>155F</sup>

#### 6.1.14 Dedication of Land for Public Parks<sup>169F</sup>

#### 6.1.13 RESERVATION OF SCHOOL SITES<sup>169</sup>

- A. If a proposed subdivision of 40 or more lots includes a school site that is designated in the Land Use Plan (in accordance with Section 153A-331 of the North Carolina General Statutes) or some other long range document adopted by the Board of Commissioners, the County shall immediately notify the Camden County Board of Education.
- B. If the Board of Education determines the school site does not need to be reserved, it shall not be required as part of the subdivision.
- C. If the Board of Education determines the school site needs to be reserved to accommodate a new school, the subdivision shall not be approved without reservation of the school site. If the school site is reserved, the Board of Education must acquire the site within 18 months after the date the site is reserved, or the subdivider may treat the reservation as null and void as authorized by Section 153A-331 of the North Carolina General Statutes.

#### 6.1.14 DEDICATION OF LAND FOR PUBLIC PARKS<sup>170</sup>

Subdivisions of land for 30 or more single-family residential lots shall be required to dedicate a portion of land, or pay a fee-in-lieu thereof, for public parkland, in accordance with the standards of this section.

- A. **Dedication Amount**
  - 1. Single-family residential subdivisions of 30 or more lots shall dedicate 1,452 square feet of land per residential lot to the County for its use in developing public parkland.
  - 2. No credit towards required parkland dedication is given for CAMA wetlands, 404 wetlands, or other lands mandated for preservation by federal or state requirements.
  - 3. No more than 25 percent of the total dedication requirement may be met through dedication of water areas.
- B. **Procedure for Dedication or Payment**
  - 1. The developer shall identify land proposed for dedication on the preliminary plat, or propose payment of an in-lieu fee as part of the application for approval of a preliminary plat.
  - 2. The Board of Commissioners shall review the proposed application and determine if it complies with the standards in **Section <>, Nature of Area to be Dedicated**, or **Section <>, Payment-in-lieu of Dedication**, as appropriate. The decision to accept dedication or payment-in-lieu is up to the sole discretion of the Board of County Commissioners.
  - 3. Land shall be dedicated prior to recording the first final plat for the subdivision, or the payment-in-lieu shall be paid prior to recording the first final plat for the subdivision for which the payment-in-lieu is paid.
- C. **Nature of Area to be Dedicated**

All lands proposed for dedication as recreation and park areas shall meet the following standards:

  - 1. **Unity**

The dedicated land shall be a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the BOC that multiple parcels would better serve County residents.
  - 2. **Usability**

Public parkland must be flat, well-drained, usable land for a park, as determined by the BOC. In cases where dedication includes an area of water, public access to all portions of a water feature shall be provided and maintained, regardless of water feature's size.
  - 3. **Shape**

The dedicated land shall be of a shape that supports gathering and recreation activities.
  - 4. **Location**
    - a. The dedicated parkland shall be located so it can reasonably serve the park needs of the residents of the subdivision and immediate area.
    - b. The BOC may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the recreation and park area with adjacent development or park facilities, existing or planned.
  - 5. **Access**

<sup>169</sup> NOTE TO STAFF: This section is proposed to replace the standards in Section 151.200, Reservation of School Sites, and the standards for school site reservation in Section 151.232(I) in the current ordinance. These standards propose to delete the community service facility standards in Section 151.232(I)(2) of the design standards and criteria for major subdivisions. It is unclear exactly what a community service facility is, and the statutory authority available to the County to include these requirements.

<sup>170</sup> This section is proposed to replace the standards for public park dedication in Section 151.232, Design Standards and Criteria [for major subdivisions], in the current ordinance.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.1 Subdivision Standards155F

#### 6.1.14 Dedication of Land for Public Parks169F

- a. All dwelling units in the subdivision and residents in the immediate area shall have access to and from the parkland provided by means of streets and public walkways or trails.
- b. Rights-of-way for this access shall be shown on the preliminary and final plats.
- c. All dedicated lands shall have access by way of a street. Such access can be provided when the dedicated land is adjacent to existing or proposed public parkland with street access.

#### D. **Payments-In-Lieu of Dedication**

##### 1. **General**

If any of the following conditions apply to the proposed subdivision, a payment-in-lieu shall be provided instead of parkland dedication:

- a. The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;
- b. The amount of parkland to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;
- c. The intended location of the parkland is too far from existing recreation and park areas to be efficiently maintained;
- d. Adequate access is not available to the proposed parkland; or
- e. The recreation needs of the subdivision can be better met by acquisition or development of park sites outside the subdivision.

##### 2. **Amount of Payment**

The payment-in-lieu shall be calculated based upon the total acreage of parkland required for dedication. The land's assessed value (as determined by the Camden County Tax Assessor) following subdivision shall be used to arrive at the required payment-in-lieu amount.

##### 3. **Use of Funds**

Payments-in-lieu received in accordance with this subsection shall be used only for the acquisition or development of recreation and park areas, and open space sites that serve residents living in the immediate area of the development making the payment-in-lieu, in accordance with Section 153A-331 of the North Carolina General Statutes.



## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>170F</sup>

#### 6.2.2 Generally

## 6.2 REQUIRED INFRASTRUCTURE<sup>171</sup>

### 6.2.1 APPLICABILITY<sup>172</sup>

- A. The standards in this section shall apply to the construction, installation, and maintenance of public and private utilities located in a public street right-of-way, private street right-of-way, or easement.
- B. These standards shall apply to development consisting of a subdivision, site plan, planned development, special use permit, or subject to a building permit.
- C. Required infrastructure located in a SFO shall also comply with the applicable standards in **Section <>, Special Flood Hazard Area Overlay (SFO)**.

### 6.2.2 GENERALLY

- A. **Consistency with Adjacent Development<sup>173</sup>**

Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, the utility facilities (such as, water or sewer lines) shall be located and constructed in accordance with the standards in this section so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
- B. **Within Special Flood Hazard Areas**

Placement of required infrastructure within the SFO shall only be in accordance with the applicable standards in **Section <>, Special Flood Hazard Area Overlay (SFO)**.
- C. **As-built Plans Required**
  - 1. Whenever a developer installs or causes to be installed any utility in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any utility, furnish the County with an as-built plan that shows the exact location and configuration of the utility. Nothing shall limit the depiction of more than one type of utility on the same as-built plan sheet.
  - 2. The as-built plan must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development
  - 3. As-built plans shall be prepared and verified prior to issuance of a certificate of occupancy, commencement of operation, approval of a final plat, or release of a performance guarantee, as appropriate.
- D. **Maintenance Required**
  - 1. Required infrastructure installed or caused to be installed by a developer and intended for ownership or operation by another entity shall be maintained by the developer until such time as the infrastructure is accepted by the entity who will own or operate it.
  - 2. All utility facilities shall be constructed in a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.
- E. **Dedication and Acceptance<sup>174</sup>**
  - 1. **Streets and Associated Facilities**
    - a. The subdivider or developer shall install all streets in accordance with the standards in this Ordinance, the procedures manual, and any applicable state or federal requirements.
    - b. The County shall not accept dedication of rights-of-way or maintenance responsibilities for streets and associated facilities (including curb and gutter, streetlights, street signs, traffic control devices, and stormwater management facilities within a street right-of-way).
    - c. Streets or roads and their associated infrastructure shall remain under private ownership or be dedicated to the NCDOT, in accordance with NCDOT requirements.
  - 2. **Potable Water**

<sup>171</sup> This section is proposed to consolidate the standards for utilities into one section. There are additional provisions that clarify that these required infrastructure standards apply to subdivisions as well as site plans or development on individual lots.

<sup>172</sup> This section carries forward and builds on the standards in Section 151.096, Utilities, in the current ordinance.

<sup>173</sup> This section carries forward the standards in Section 151.180, Utilities to be Consistent with Internal and External Development, but the provisions pertaining to maintenance are relocated to the subsection on maintenance.

<sup>174</sup> NOTE TO STAFF: Additional discussion is necessary regarding the County's willingness to accept dedication and maintenance responsibility for these features.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>170F</sup>

#### 6.2.3 Streets<sup>174F</sup>

- a. The subdivider or developer shall install all potable water supply lines and meters in accordance with the standards in this Ordinance, the procedures manual, and other state or federal requirements.
  - b. The County shall not accept dedication of rights-of-way for water lines, which shall be located in with a street right-of-way, or within an easement on land belonging to a landowner.
  - c. Potable water supply lines, including water tanks, distribution lines, water mains, and laterals shall be dedicated to the County for maintenance and operation. Supply lines serving individual lots or uses beyond the water meter shall not be the responsibility of the County.
- 3. Sanitary Sewage System**
- a. In cases of development being served by a public or central private sewage systems, the subdivider or developer shall install all sewer lines in accordance with the standards in this Ordinance, the procedures manual, and other state or federal requirements.
  - b. The County shall not accept dedication of rights-of-way for sewer lines, which shall be located in with a street right-of-way, or within an easement on land belonging to a landowner.
  - c. Sanitary sewage lines, including pump stations and treatment facilities shall be dedicated to the County for maintenance and operation. Sewer lines serving individual lots or uses prior to their connection to the central collection system shall not be the responsibility of the County.
  - d. Centralized private sewage systems shall be offered for dedication to the County, who may choose to accept the system in the sole discretion of the Board of County Commissioners.
- 4. Stormwater Management Facilities**
- a. The subdivider or developer shall install all stormwater management facilities in accordance with the standards in this Ordinance, the Stormwater Drainage Design Manual, and any applicable state or federal requirements.
  - b. The County shall not accept dedication of land occupied by a stormwater management facility or maintenance responsibilities, though the County shall require posting of a performance guarantee for stormwater management facility maintenance in accordance with **Section <>, Stormwater Management.**
- 5. Public Open Space**
- a. Land designated as public open space on a final plat shall be considered to be offered for dedication until such offer is accepted by the County. The offer may be accepted through conveyance of fee simple marketable title (unencumbered financially and environmentally) of the land to the County at the time of final plat recordation.
  - b. Until such offer of dedication is accepted by the County, land offered for dedication may be used for open space purposes by the landowner or by the owners' association. Land offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

### 6.2.3 STREETS<sup>175</sup>

#### A. All Streets and Rights-of-Way to Meet State Requirements

All public and private streets and rights-of-way shall be constructed in accordance with the standards established for the particular type of street in question by the NCDOT, unless a higher or more restrictive standard is established by this Ordinance, in which case the street shall meet that higher or more restrictive standard.

#### B. Construction Standards for Roads Dedicated to the State<sup>176</sup>

1. All streets intended for dedication to the State shall have rights-of-way and construction meeting the standards contained in the *Subdivision Roads, Minimum Construction Standards Handbook*, as revised, published by the NCDOT. The District Highway Engineer shall approve the plat with respect to road construction, road width, and right-of-way prior to recording. Without the approval, the plat cannot be recorded.
2. Once the development meets the minimum housing requirements for state road acceptance, the developer shall petition NCDOT for state road acceptance. After inspection and upon receipt of outcome of the inspection, the developer shall have 12 months to turn over roads to NCDOT.

#### C. Street Classification<sup>177</sup>

<sup>175</sup> This section carries forward the standards for streets in Section 151.232(A) Design Standards and Criteria [for major subdivisions], Section 151.261(A), Design Standards [for minor subdivisions], and Section 151.276, Design Standards [for private access subdivisions].

<sup>176</sup> NOTE TO STAFF: Additional discussion is necessary regarding how the County wishes to handle Appendix C pertaining to roadway construction standards. This material could be relocated to a procedures manual.

<sup>177</sup> This section carries forward the standards in Section 151.081, Street Classification, in the current ordinance.

**ARTICLE 151.6 SUBDIVISION REQUIREMENTS**

6.2 Required Infrastructure 170F

6.2.3 Streets 174F

1. Streets that are dedicated to public use shall be classified in accordance with **Table <>: Street Classification**.

<b>TABLE &lt;&gt;: STREET CLASSIFICATION</b>	
STREET TYPE [1] [2]	DESCRIPTION
Arterial Street	A street whose principal function is to carry large volumes of traffic at higher speeds through the county or from one part of the county to another. Specifically, the following streets shall be considered arterials: US 17, US 158, NC 34, and NC 343.
Arterial Access Street	A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
Collector Street	A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.
Cul-de-Sac Street	A street that terminates in a vehicular turnaround.
Local Street	A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.
Loop Street	A street that has its beginning and end points on the same road.
Major Arterial	The following arterials that are part of the state's primary road system: US 17, US 158, NC 343, and NC 34.
Minor Arterial Street	All arterials other than major arterials.
<p>NOTES:</p> <p>[1] The classification shall be based upon the function of the street and projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.</p> <p>[2] The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.</p>	

2. Whenever a street within a new development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the development.

**D. General Layout of Streets**<sup>178</sup>

1. Streets shall be related appropriately to the topography and designed to facilitate the drainage and storm water runoff.
2. Street grades shall be governed by DOT requirements and shall conform as closely as practicable to the original topography.
3. Half streets (such as streets of less than the full required right-of-way and pavement width) shall not be permitted, except where the streets, when combined with a similar street, developed previously or simultaneously, on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this Ordinance.

**E. Compliance with Access and Circulation Standards**

New streets and changes to existing streets located within a single lot or tract shall also be subject to the standards in **Section <>, Access and Circulation**.

**F. Street Intersections**<sup>179</sup>

Street intersections shall be configured in accordance with the following standards:

1. Not more than two streets shall intersect at any one point unless the NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.

<sup>178</sup> This section carries forward the standards in Section 151.088, General layout of Streets, in the current ordinance.

<sup>179</sup> This section carries forward the standards in Section 151.089, Street Intersections, in the current ordinance.

ARTICLE 151.6 SUBDIVISION REQUIREMENTS

6.2 Required Infrastructure170F

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- 2. Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 60 degrees.
- 3. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street.
- 4. Where a street center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet.
- 5. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet, unless no other alternative is practicable.

G. Turn Lanes Required<sup>180</sup>

Turn lanes for either or both left and right turns into a commercial or residential subdivision driveway may be necessary for safety when there are high roadway and/or turning volumes or traffic, when the roadway speeds are moderate or high, or where needed due to limited sight distance. When provided, turn lanes shall be configured in accordance with the following:

- 1. The final determination for the need, location, and design of a turn lane is the responsibility of the NCDOT.
- 2. Left and right turn lanes shall be constructed in accordance with NCDOT standards and specifications.
- 3. Right-turn lanes shall be constructed entirely within the frontage of the property being served, since an adjacent development might subsequently require an entrance that would otherwise encroach into the turn lane.
- 4. The NCDOT may require a undivided highway to be widened when the median has an inadequate width for a left turn lane.

H. Deceleration Lanes on Major Arterial Streets Required<sup>181</sup>

- 1. Any use capable of generating more than 60 trips per peak hour, as estimated by using NCDOT guidelines or the Institute of Traffic Engineers Trip Generation Manual, shall provide at least one deceleration lane per street front in accordance with NCDOT standards when the use is located along a major arterial street.
- 2. Deviations from these requirements may only be authorized when the NCDOT indicates that a particular development design or technique can still achieve a satisfactory level of access control consistent with the objectives of this section.

I. Coordination and Continuation of Streets<sup>182</sup>

1. Internal Street Connectivity

Streets within new developments shall be connected to one another to ensure emergency access and prevent traffic congestion in accordance with the following:

a. Minimum Connectivity Index Score Required

All development shall achieve an internal street connectivity score in accordance with Table <> Minimum Street Connectivity Index:

TABLE <>: MINIMUM STREET CONNECTIVITY SCORE	
ZONING DISTRICT WHERE DEVELOPMENT IS PROPOSED	Minimum Connectivity Index Score
WL, RR, HI	1.0
SR, MC, HC, LI	1.20
NR, VR, CC	1.40
VC, MX	1.60

b. Connectivity Index Score Calculation

- 1. The connectivity index for a development is calculated by dividing its links by its nodes.
- 2. Figure <>, Street Connectivity Index Example, provides an example of how to calculate the connectivity index. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street

<sup>180</sup> This section carries forward the standards in Section 151.085, Turn Lanes Required, in the current ordinance.

<sup>181</sup> This section carries forward the standards in Section 151.084, Deceleration Lanes on Major Arterial Streets, in the current ordinance.

<sup>182</sup> This section carries forward-replaces the standards in section 151.086, Coordination with Surrounding Streets, and Section 151.187, Relationship of Streets to Topography, in the current ordinance with new standards for street connectivity, both inside and outside new development, as well as new minimum ccess requirements to ensure multiple points of entry for emergencies.

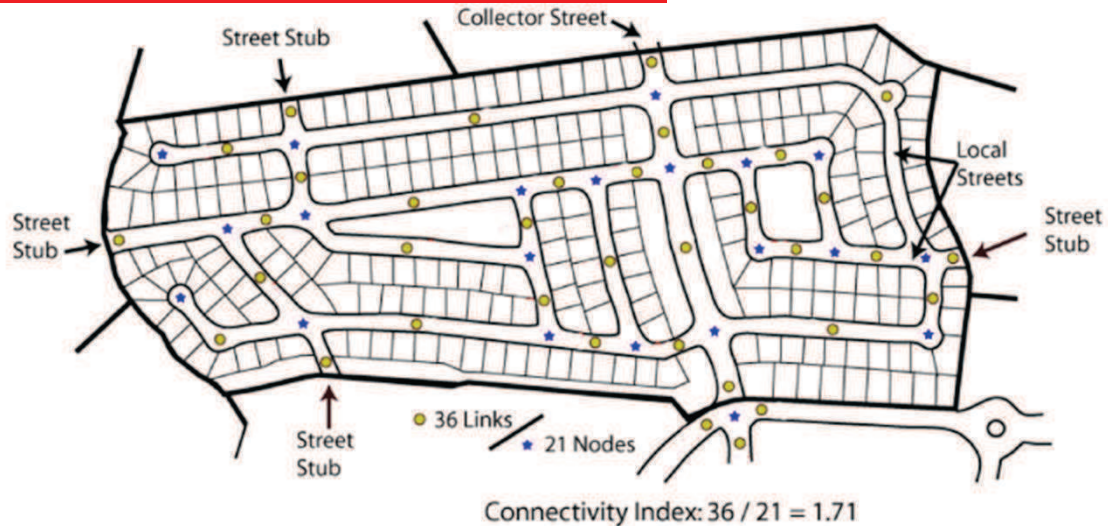
## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure 170F

#### 6.2.3 Streets 174F

stub-outs are considered as links, but temporary dead-end streets internal to a development or alleys are not counted as links. One link beyond every node that exists in the development and provides access to the street system outside the development shall be included in the index calculation. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore the connectivity index is 1.71 (36/21 = 1.71).

**Figure <>: Street Connectivity Index Example**



**c. Reduction in Minimum Index Score**

The minimum connectivity index score may be reduced if the owner/developer demonstrates it is not possible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity index score as is reasonably practical.

**2. External Street Connectivity**

- a.** The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and deemed appropriate for future development or in which the adjoining lands are developed and include opportunities for such connections.
  - b.** Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands. In cases where the property boundary is within a drainage swale, the roadway connection or street stub shall terminate at the edge of the swale, and the developer shall post a performance guarantee with the County to ensure funds are available to complete the street connection.
  - c.** Arterial and collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations, as determined by the NCDOT and UDO Administrator.
  - d.** At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.
  - e.** The final plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.
- 1.** The street system of a development shall be coordinated with existing, proposed, and anticipated streets outside the development or outside the portion of a single tract that is being divided into lots.
  - 2.1.** Arterial and collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations, as determined by the NCDOT and UDO Administrator.
  - 3.** Local streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic or facilitate emergency service vehicle access. Local street connections shall not be permitted where the effect would be to encourage the use of the streets by substantial through traffic.



ARTICLE 151.6 SUBDIVISION REQUIREMENTS

6.2 Required Infrastructure 170F

6.2.3 Streets 174F

- ~~4. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the property being developed, or to the edge of the remaining undeveloped portion of a single tract, at the point where the connection to the anticipated or proposed street is expected.~~
- ~~5. The County may require temporary turnarounds to be constructed at the end of the streets pending their extension when the turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.~~
- ~~6.f.~~ The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited.
- ~~7. Landlocked parcels shall not be created.~~
- ~~8.g.~~ Where access to a subdivision site is by a street that does not meet State standards, that street shall be improved by the developer in order to meet current State standards.

~~J. Through Traffic Discouraged~~

- ~~1. Through traffic discouraged on local and minor streets.~~
- ~~2. Minor streets shall be configured so that their use by through traffic is discouraged.~~

J. Development Entry Points

- 1. Unless exempted in accordance with subsection (4) below, all subdivisions shall provide access from the development to the street system outside the development in accordance with **Table <>, Required Subdivision Access:**

<b>TABLE &lt;&gt;: REQUIRED SUBDIVISION ACCESS</b>		
<u>Type of Development</u>	<u>Development Size</u>	<u>Minimum Number of Vehicular Access Points</u>
<u>Residential and Mixed-Use Development</u>	<u>50 or fewer lots</u>	<u>1</u>
	<u>51 to 100 lots</u>	<u>2</u>
	<u>More than 100 lots</u>	<u>3</u>
<u>Non-residential Development</u>	<u>Less than 5 acres or fewer than 10 lots</u>	<u>1</u>
	<u>5 to 20 acres or 10 to 20 lots</u>	<u>2</u>
	<u>More than 20 acres or more than 20 lots</u>	<u>2 + 1 for every additional 20 acres or lots</u>

- ~~2. Nothing in this section shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable external street connectivity standards.~~
- ~~3. Street stubs shall be credited as an access point when all ingress or egress to a development is only available from a single major arterial street.~~
- ~~4. Development shall be exempted from these standards if it is demonstrated the following conditions apply:~~
  - ~~a. No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;~~
  - ~~b. NCDOT will not authorize the required number of entrances; or~~
  - ~~c. Alternative access can be provided in a manner acceptable to the County that is supported by a transportation impact analysis.~~

**K. Cul-de-Sac Street Design**

All dead end streets (excluding temporary dead end streets) shall be designed as cul-de-sacs, in accordance with the following standards:

- 1. No cul-de-sac or dead end street shall exceed 1,000 feet in length nor be less than 100 feet in length, as measured from the closest street intersection centerline.
- 2. Cul-de-sacs shall be designed and constructed to meet state standards and National Fire Protection Association standards.
- 3. The entrance into a cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles upon entering and exiting the cul-de-sac.
- 4. Streets that include roundabouts shall not be considered cul-de-sacs or dead end streets.

**L. Private Streets and Roads**<sup>183</sup>

<sup>183</sup> This section carries forward the standards in Section 151.091, Private Streets and Roads in Subdivisions, in the current ordinance, except that language pertaining to construction and maintenance has been added.



## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>170F</sup>

#### 6.2.6 Sidewalks<sup>188F</sup>

1. Private streets and roads shall be designed, constructed, and maintained in accordance with the standards for public streets.
2. Accessways serving lots within a transfer plat or expedited subdivision shall not be considered private streets.
3. In no instance shall an accessway serve more than five lots.

#### M. Vehicular Gates<sup>184</sup>

1. For the purposes of preserving access to public and private lands by citizens, utility companies, and emergency service providers, vehicular gates, barriers, or other devices intended to obstruct vehicular traffic along a public street right-of-way are prohibited.
2. Vehicular gates are allowed on private streets platted after (*insert the effective date of this Ordinance*), provided the gate is equipped with County-approved devices that allow emergency services to gain access to the street and it meets all requirements set forth in the currently adopted version of the North Carolina Fire Code.

#### N. Street Names<sup>185</sup>

1. Street names shall be assigned by the developer, subject to the approval of the Planning Board.
2. Proposed streets which are obviously in alignment with existing streets shall be given the same name.
3. Street names shall include a suffix such as, circle, court, place, loop, street, road, or other typical suffix.
4. In assigning new street names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, or similar terms.

#### O. Street Name Signs<sup>186</sup>

1. The subdivider shall be required to provide street name signs of a legible and durable construction, and arrange for their maintenance.
2. Street name signs shall conform to NCDOT standards.
3. At least two street name signs shall be placed at each four-way street intersection and at least one at each "T" intersection.
4. Signs shall be installed free of visual obstruction.

#### P. Traffic-control Signs and Signals

1. If deemed necessary by the NCDOT traffic control signs or signals shall be erected and maintained by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road.
2. Signs shall comply with NCDOT regulations with regards to size, shape, color, location and information contained thereon.
3. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" intersection.
4. Signs and signals shall be installed free of visual obstruction.

### 6.2.4 BRIDGES<sup>187</sup>

All bridges shall be constructed in accordance with the standards and specifications of the NCDOT, except that bridges on roads not intended for public dedication may be approved if designed by a professional architect or engineer licensed by the State of North Carolina.

### 6.2.5 STREET LIGHTS<sup>188</sup>

- A. Streets and sidewalks shall be illuminated with street lights for security and safety, in accordance with utility company, NCDOT, and County standards.
- B. Areas adjacent to the vehicular entrances for non-residential, mixed-use, and multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

<sup>184</sup> This is a new section proposed for the County's consideration.

<sup>185</sup> This section carries forward the standards in Section 151.094, Street Names and House Numbers, in the current ordinance.

<sup>186</sup> NOTE TO STAFF: Additional discussion is needed regarding the procurement process for street name and traffic signs. Does the County obtain these, or is a developer free to do this? If the County acquires the sign, how are the costs passed on?

<sup>187</sup> This section carries forward the standards in Section 151.095, Bridges, in the current ordinance.

<sup>188</sup> NOTE TO STAFF: This section consolidates the standards in Sections 151.177, Street Lights, and Section 151.178, Excessive Illumination, in the current code. Additional discussion is required about designating portions of the County (like streets and sidewalks in village centers) as pedestrian areas subject to shorter lighting heights and closer light spacing requirements.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

6.2 Required Infrastructure 170F

6.2.7 Potable Water Systems 189F

- C. Exterior lighting located outside of a street right-of-way shall be configured in accordance with the standards in Section <>, Exterior Lighting.
- D. Illumination requirements must be met prior to final plat approval or prior to the issuance of an occupancy permit where final plat approval is not required by this Ordinance.

### 6.2.6 SIDEWALKS<sup>189</sup>

Sidewalks shall be configured in accordance with the following standards:

#### A. Location

##### 1. Both Sides of the Street

Sidewalks shall be required on both sides of the street in the VR, VC, and MX zoning districts, except that sidewalks shall only be required on one side of cul-de-sac streets that are 200 feet in length or shorter.

##### 2. One Side of the Street

- a. Sidewalks shall be required on one side of the street in the SR, NR, and HC districts, except that no sidewalks shall be required when the majority of lots in a subdivision exceed two acres in area and there are no existing sidewalks connections within 500 linear feet of the subdivision.
- b. When sidewalks are required on one side of the street, they shall generally be located on the side of the street to best continue existing sidewalk networks, if present.
- c. Where there is no clear preferable street side for the placement of a sidewalk, the sidewalk shall be placed on the street side where it is least likely to have a negative impact on stormwater management, in the opinion of the UDO Administrator.

##### 3. In Accordance with Existing Conditions

Sidewalks shall be located in accordance with County policy or with existing conditions, as determined by the UDO Administrator, in the MC, LI, HI, and CC districts.

- a. When County policy requires sidewalks to be installed, but there is no clear preferable street side for the placement of a sidewalk, the sidewalk shall be placed on the street side where it is least likely to have a negative impact on stormwater management, in the opinion of the UDO Administrator.

##### 4. No Sidewalks Required

No sidewalks shall be required in the following locations:

- a. In the CP, WL, and RR districts;
- b. Along alleys and accessways to individual lots not served by a street;
- c. Where an existing or proposed all-weather surface trail or pedestrian pathway can provide an equivalent level of pedestrian circulation; and
- d. In cases where environmental or topographic conditions make such provision prohibitive and no practicable alternative design is available.

#### B. Configuration

- 1. Sidewalks shall be at least four feet wide, and may be required to match the width of a connecting sidewalk that exceeds four feet in width.
- 2. Sidewalks shall be constructed of asphalt, concrete, or other hard-surface materials, consistent with an approved site plan, or with the established sidewalk patterns in the general area of the development.
- 3. Pedestrian street crossings shall be raised above the adjacent street level, be a different material, or be striped as a traffic-calming measure.
- 4. Sidewalks and pedestrian pathways shall connect with existing or planned sidewalks at property boundaries.
- 5. New nonresidential, mixed-use, and multi-family development shall provide at least one on-site improved connection between the development and the adjacent public sidewalk system (planned or existing).
- 6. Whenever curb and gutter construction is used on public streets, wheelchair ramps for the disabled, configured in accordance with NCDOT standards, shall be provided at intersections and other major points of pedestrian flow in accordance with Section 136-44.14 of the North Carolina General Statutes.
- 7. In unsubdivided developments, sidewalk construction for the disabled shall conform to the requirements of the State Building Code.

#### C. Credit for Trails

Hard-surfaced, ADA-accessible trails within open space set-asides shall be credited towards these sidewalk requirements when trails connect developments or connect open space set-asides to schools, shopping areas, or other recreation areas.

<sup>189</sup> These are new standards for the County's consideration, and incorporate the standards in Section 151.093, Attention to Handicapped in Street and Sidewalk Construction, in the current ordinance.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

6.2 Required Infrastructure 170F

6.2.7 Potable Water Systems 189F

### 6.2.7 POTABLE WATER SYSTEMS<sup>190</sup>

#### A. Water Supply System Required

1. Except where exempted due to distance or different ownership, every lot within a subdivision shall be served by a means of a water supply that is adequate to accommodate the reasonable needs of the use or subdivision lot(s) and that complies with all applicable health regulations.
2. The developer shall provide all the necessary pipes and accessories for installation of the required potable water lines.
3. All materials and pipes shall meet or exceed the requirements established under state law and by the County for the potable water system.
4. The County may, before issuing any permit under this Ordinance, make the investigation and require the developer to submit the information as appears reasonably necessary to ensure that the developer or his or her successor will be able to comply with the water supply system requirements of this Ordinance.
5. Individual lots within a subdivision subject to a still-valid and unexpired preliminary plat approved prior to November 4, 1996, shall not be required to connect to the County potable water system.

#### B. Connection to Current County Water Supply System Required

1. Unless exempted, the subdivider shall construct a water system as part of the subdivision that complies with the standards and specifications of the public water system with jurisdiction where the subdivision is located and then connect it to the public water supply system serving the area in which the subdivision is located. Construction of the water system shall comply with the following:
  - a. Construction plans for the proposed system shall be prepared by a professional engineer;
  - b. Materials and construction shall be in accordance with the specifications for the public water system, as specified by the water system's engineer that serves the area where the subdivision is located;
  - c. The cost of the construction, connection, and approval of the subdivision water system shall be paid by the subdivider;
  - d. All water mains, laterals, meter boxes, and easements shall be dedicated to the public water system;
  - e. Water lines shall be installed within street rights-of-way, where possible; and
  - f. All water systems installed having 15 or more connections shall meet the standards of the State Commission for Health Services, Division of Environmental Management.
2. All water system connection fees shall be paid by the developer for each lot required to be connected to the County water system, prior to the submission of final plat approval.

#### C. Connection to Planned County Water Supply System Required

1. If a public water supply system is to be provided to the area proximate to a subdivision within a five-year period, as indicated in the County's long range water extension plan, official map, or other official document, the County may require installation of a capped system or dry lines (mains only), within the road right-of-way; or
2. The County may require a payment in lieu of the improvement.

#### D. Oversizing of Water Supply System-Related Improvements

1. The water supply system where the subdivision is being developed may require installation of certain oversized facilities, such as water mains in excess of eight inches in diameter, when it is in the interest of future development.
2. When oversizing is required, the public water system operating where the subdivision is located shall pay for that portion of the improvement that exceeds the standards set forth in this Ordinance.

#### E. Exemption from County Water Supply System Connection due to Distance

##### 1. Subdivisions of More than Five Lots

A subdivider establishing a subdivision of more than five lots shall be exempted from the requirement to install water lines only in cases when the development falls outside the maximum distance from the existing water supply system. The maximum distance shall be determined in accordance with the following:

##### a. Residential Development

1. In cases where all lots in a residential subdivisions are located farther than the maximum separation distance from an existing or planned public potable water supply system, the subdivision may be developed without connecting to the public water system.

<sup>190</sup> This section consolidates the standards in Section 151.174, Water Supply System Required, Section 151.171, Major Subdivisions to Install Water Lines, Section 151.172, Sewage Disposal Facilities Required, and Section 151.176, Water/Sewer Districts Required, in the current ordinance. The language in this section has been revised for greater clarity.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>170F</sup>

#### 6.2.8 Sewage Systems<sup>191F</sup>

2. The maximum separation distance shall be a distance greater than the distance determined using the following equation: 100 feet for the first 10 units and 20 feet per each additional residential units beyond 10.

*Example: All lots within a 40-unit residential subdivision shall be more than 1,600 feet away from a potable water supply line before the subdivision may be exempted from the requirements to connect to the public system.  $(10 \times 100) + (30 \times 20) = 1,600$  feet. If any lot in the proposed subdivision is less than 1,600 feet from a potable water supply line, then the developer shall be responsible for installing water supply lines throughout the subdivision in accordance with this section.*

#### b. Nonresidential Development<sup>191</sup>

1. In cases where the subdivision is proposed for non-residential development, the maximum separation distance shall be determined by transposing the projected daily water demand of the proposed non-residential use into the water demand created by an equivalent number average residential units and then using the distance formula for residential development (in subsection (a) above).
2. The projected water demand for an average residential unit is 250 gallons per day.

*Example: A proposed non-residential development is projected to use a total of 5,000 gallons of potable water per day, which is equivalent to 20 residential units  $(5,000/250 = 20)$ . If the lot containing the non-residential use is within 1,300 feet of a centralized public potable water supply line, the developer shall connect to the potable water supply system. If the lot containing the nonresidential use is more than 1,300 feet from the centralized public potable water supply, then no connection to the water public water line is required.*

#### c. Supplemental Calculation Information

1. The number of residential units in a development shall be determined by calculating the maximum number of units (or equivalent units) allowable for each proposed lot.
2. In determining the number of residential units (or equivalent units) in a development as part of calculating the maximum separation distance, the number of residential units used in the equation shall be the total for the development rather than one or more phases.

#### 2. Subdivisions of Five or Fewer Lots

A subdivider establishing a subdivision of five or fewer lots shall be exempted from the requirement to install water lines to all lots when no portion of the land being subdivided is within 1,000 feet on an existing public water supply system and the applicant provides a written statement signed by an official of each public water supply system in the County that the public water supply system does not plan to provide water service to the land in the subdivision within five years of the date of the application.

#### F. Exemption from County Water Supply System Connection due to Different Ownership

Connection to an existing County water supply line closer than the maximum separation distance shall not be required if it necessary for the subdivider to extend the water line across land owned by a different landowner, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

### 6.2.8 SEWAGE SYSTEMS<sup>192</sup>

#### A. Sewage System Required

Every lot within a subdivision intended to be developed shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of the use or subdivision lot and that complies with all applicable Albemarle Regional Health Services regulations.

#### B. Connection to Public Sewer

##### 1. Residential Subdivisions

Residential subdivisions may connect to existing public sewer lines, but nothing shall require connection to public sewer unless the development cannot be adequately served by an on-site wastewater system, as determined by Albemarle Regional Health Services (ARHS).

##### 2. Nonresidential and Mixed-Use Subdivisions

<sup>191</sup> NOTE TO STAFF: This section has been supplemented with a equivalency figure of water demand of 250 gallons per day.

<sup>192</sup> NOTE TO STAFF: This section consolidates the standards in Sections 151.172, Sewage Disposal Facilities, Required, and Section 151.173, Determining Compliance, from the current ordinance. Nothing in the current provisions requires the set aside of a reserve area for lots using on-site sewage treatment systems. Is this a requirement the County wants to include?

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>170F</sup>

#### 6.2.9 Fire Protection<sup>192F</sup>

Nonresidential and mixed-use subdivisions shall connect to and extend public sewer through the development.

#### C. On-Site Sewage Disposal System

1. No preliminary plat for a subdivision proposing to use septic tanks or other ground absorption systems shall be approved until ARHS has certified that each lot shown on the preliminary plat has been inspected and found suitable for a septic tank or other ground absorption system capable of serving at least a three-bedroom house.
2. No final plat or other approval for a subdivision proposing to use septic tanks or other ground absorption systems shall be approved until Albemarle Regional Health Services has certified that each lot in the subdivision has been inspected and found suitable for a septic tank or other ground absorption system capable of serving the intended or likely use of the lot. Subdivisions already subject to preliminary plat approval including certification by ARHS shall be exempted from this requirement provided the ultimate use is consistent with the use anticipated during certification at preliminary plat stage.

#### D. Centralized Sewage Systems

1. In cases where a proposed subdivision seeks to address sewage through a centralized system, like a “package plant”, the centralized system shall be built to designed, constructed, operated, and maintained in accordance with minimum County standards.
2. Whenever a private sewer treatment system is utilized to service a development, a sewer district shall be established in accordance with state law encompassing the boundaries of the development.
3. The district shall be established prior to the first final plat approval and shall be structured in a manner that will ensure the long term viability of the water and/or sewer treatment system.

#### E. Additional Standards for Sewage Systems

1. No sewage treatment system that discharges into surface waters shall be allowed.
2. Sewage systems constructed in a special flood hazard area overlay shall comply with the applicable standards in [Section <>, Special Flood Hazard Area Overlay \(SFO\)](#).

## 6.2.9 FIRE PROTECTION<sup>193</sup>

#### A. Fire Hydrants

1. Every subdivision that is served by a County-owned water system or a private/public central water system with at least six-inch lines shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development.
2. Fire hydrants must be located so that not more than 500 linear feet, measured along the centerline of the street right-of-way, separates a property within the development and a fire hydrant. However, the County may require a deviation from the standards in this section if a different configuration is warranted.
3. The County, after consultation with local fire officials, shall determine the precise location of all fire hydrants.
4. Fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter and must be placed within ten feet of a public or private road or street.
5. The permit issuing authority shall, after consultation with local fire officials, determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified, all hydrants shall have two 22-inch hose connections and one 42-inch hose connection. The 22-inch hose connections shall be located at least 212 inches from the ground level. All hydrant threads shall be national standard threads.
6. Water lines that serve hydrants shall be at least six-inch lines and, unless no other practicable alternative is available, no lines shall be dead-end lines and they shall be looped where practical.
7. When served by a County-owned or a private/public central water system, all conversions of existing structures to non-residential uses and all new construction projects, excluding single-family and two-family dwellings, that are less than 1,000 feet from an existing fire hydrant shall be required to extend the line and install a new fire hydrant within 500 feet of their parcel.
8. Subdivisions of five lots or less shall be exempt from these requirements, provided all five lots are within one parcel/tract of land. Additional lots subdivided from the one parcel/tract of land shall comply with the fire hydrant requirement.

#### B. Fire Protection in Developments Not Served by the Public Water Supply System

Every residential development containing 20 or more lots and every non-residential subdivision containing ten or more lots shall provide a supply of water that is sufficient to provide adequate fire fighting capability with respect to every building that is reasonably expected to be constructed within the development, in accordance with the following:

<sup>193</sup> This section consolidates the standards in Section 151.182, Fire Hydrants, and Section 151.183, Water Supply for Fire Protection in Developments not Served by the Public Water Supply System, in the current ordinance.



## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>170F</sup>

#### 6.2.10 Underground Utilities<sup>193F</sup>

1. The UDO Administrator shall determine the types, sizes, dimensions, and spatial relationships of buildings anticipated within the development by using the best information available, including, without limitation, market experience, the developer's plans, and the range of permissible uses in the district where located.
2. The developer may provide the required water supply through ponds, wells, cisterns, above ground storage tanks, water lines, where a community water supply system is installed, or a combination of these, provided they comply with the requirements of this section.
3. The water supply facilities may be located on or off the site of the development. However, off-site facilities shall be acceptable only if the developer has a sufficient legal interest in the facilities to ensure that the facilities will be available to serve the development as long as they are needed.
4. The water supply facilities shall be of a size and so located that within 2,500 feet of every anticipated building in the development a sufficient volume of water is available at all times of the year to supply the water flow needed to suppress a fire on each building.
5. In determining needed water flow for anticipated buildings, the UDO Administrator shall be guided by the standards promulgated by the Insurance Service Office, which standards shall be available in the office of the UDO Administrator. However, the UDO Administrator may modify these standards warranted upon the advice of the Fire Chief of the applicable Volunteer Fire Department to the end that the basic objective of this section set forth above might most reasonably be satisfied.
6. Water supply sources shall be so located so that fire-fighting vehicles will have ready access to the sources at all times. A hard surfaced roadway shall be provided to the water source as well as a hard surfaced, turnaround area of sufficient dimensions to facilitate access by fire-fighting vehicles to and from the water source.
7. Water supply sources shall be provided with the necessary equipment and connections (such as, dry hydrants in ponds) to ensure that fire-fighting equipment can draw water from the sources in the most efficient manner reasonably possible.
8. The developer or his or her successor shall be responsible for ensuring that all water supply sources, access roadways and other facilities or equipment required under this section are maintained.

#### 6.2.10 UNDERGROUND UTILITIES<sup>194</sup>

- A. All electric power lines, not to include transformers or enclosures containing electrical equipment including, but not limited to switches, meters or capacitors which may be pad mounted, telephone, gas distribution and cable television lines in subdivisions constructed after (*insert the effective date of this Ordinance*) shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with applicable NCDOT requirements.
- B. No electric power, telephone, cable television or other utility lines may be installed over the waters of the Pasquotank or North Rivers, areas of environmental concern or wetlands and no utility poles may be erected within the waters of the Pasquotank or North Rivers, areas of environmental concern or wetlands without proper permits from the Army Corps of Engineers and/or CAMA.
- C. The provisions of this section shall not apply to the underground installation of any lateral service line in excess of 200 feet to serve a single-family residence.

<sup>194</sup> This section carries forward the standards in Section 151.179, Underground Utilities, from the current ordinance with no substantive changes.



## 6.3 PERFORMANCE GUARANTEES<sup>195</sup>

### 6.3.1 PURPOSE AND INTENT

These standards create the additional flexibility necessary for development to be occupied or for lots in a subdivision to be conveyed prior to completion of all required infrastructure or site improvements, provided funds have been reserved for completion of these features. These provisions ensure that funds are available for the County's use to complete required public infrastructure or private site features in the event an applicant or developer is unable to do so.

### 6.3.2 WHEN REQUIRED

A performance guarantee, prepared in accordance with the standards in this section, shall be required in the following circumstances:

- A. To ensure the completion of public infrastructure improvements, including but not limited to: streets, potable water, sanitary sewer, stormwater management facilities within rights-of-way, electricity, and street lights, that are required as part of an approved preliminary plat, site plan, or special use permit, but are not approved as complete before approval of a final plat or certificate of occupancy, as appropriate; and
- B. To ensure completion of required private site improvements including, but not limited to: off-street parking, screening, landscaping, tree protection, fencing, or stormwater management facilities on individual lots, that are required as part of a preliminary plat, site plan, or special use permit, but are not installed before approval of a certificate of occupancy.

### 6.3.3 MAXIMUM TERM OF GUARANTEE

The maximum term of the performance guarantee shall reflect any time limit for completing installation of required improvements that is included in the preliminary or final plat, site plan, or special use permit, as appropriate. In no instance shall the term of a performance guarantee exceed two years. The Board of Commissioners, for good cause shown, may grant up to one extension for a time period not exceeding one year.

### 6.3.4 FORM OF GUARANTEE

- A. The applicant shall propose the form(s) of the performance guarantee, which shall be provided in one or more of the following forms:
  1. **Cash or Irrevocable (Evergreen) Letter of Credit**
    - a. The developer shall deposit cash, or other instrument readily convertible into cash at face value, such as an irrevocable (or "evergreen") letter of credit, either with the County or in escrow with a North Carolina financial institution.
    - b. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the County guaranteeing the following:
      1. That the escrow account shall be held in trust until released by the County and may not be used or pledged by the developer for any other matter during the term of the escrow; and
      2. That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the County, immediately pay the funds deemed necessary by the County to complete or repair the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.
  - c. The financial institution holding the cash or other instrument shall indicate to the County its notification requirements for release or payment of funds.
2. **Surety Bond**
  - a. The developer shall obtain a surety bond from a surety bonding company authorized to issue surety bonds in North Carolina.
  - b. The bond shall be payable to the County and shall be in an amount as required by this subsection.

<sup>195</sup> These standards are proposed to replace the standards for improvement guarantees in Sections 151.242, Protection Against Defects through Section 151.245, Acceptable Bond Terms and Methods, in the current ordinance. The standards have been revised to reflect several statutory changes, including the ability for the applicant to specify the form of performance guarantee they prefer and removal of the ability of the County to require sureties for the warranty of streets (though warranty bonds may still be required for stormwater management facilities and replacement trees).

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.3 Performance Guarantees<sup>194F</sup>

#### 6.3.9 As-Built Plans Required

- B. The performance guarantee shall distinguish between the portion of the guarantee provided for public infrastructure improvements as well as the portion of the guarantee provided for private site improvements, if applicable.
- C. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.

### 6.3.5 AMOUNT OF GUARANTEE

#### A. Generally

Performance guarantees shall be in an amount equal to 125 percent of the estimated cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

#### B. Estimated Costs

1. Estimated costs of completing installation of required public improvements shall be itemized by improvement type and certified by the developer's licensed professional engineer, and is subject to approval by the UDO Administrator.
2. Estimated costs for completing private site improvements shall be itemized and certified by the developer's contractor, and is subject to approval by the UDO Administrator.

#### C. Renewal

If a performance guarantee is renewed, the UDO Administrator may require the amount of the performance guarantee be updated to reflect changes in cost over time.

### 6.3.6 RELEASE OR REDUCTION OF GUARANTEE<sup>196</sup>

#### A. Release Requested

The UDO Administrator shall release or reduce a performance guarantee only after:

1. The owner or developer has submitted to the County a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);
2. County staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
3. No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

#### B. Acceptance Shall be Documented

The UDO Administrator shall provide written notice of the County's final acceptance of the improvements subject to performance guarantees.

### 6.3.7 IMPROPER RELEASE OF FINANCIAL GUARANTEES

If the County releases a performance guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

### 6.3.8 FORFEITURE OF GUARANTEE<sup>197</sup>

#### A. Notice of Failure to Install or Complete Improvements

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the UDO Administrator shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

#### B. County Completion of Improvements

After the 30-day notice period expires, the County may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements. After completing such work, the County shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the performance guarantee, the County shall return any of the unused deposited cash funds or other security.

### 6.3.9 AS-BUILT PLANS REQUIRED

<sup>196</sup> This is a new section providing greater clarity about how release of performance guarantees takes place.

<sup>197</sup> This is a new section that describes the process followed when the County must access a performance guarantee.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.3 Performance Guarantees<sup>194F</sup>

#### 6.3.10 Maintenance Warranties<sup>197F</sup>

##### A. Public Improvements

Upon completion of a public infrastructure project, the developer shall certify to the UDO Administrator that the completed project has been constructed in accordance with the approved plans and shall submit actual “as built” plans for all public improvements after final construction is completed.

##### B. Stormwater Management Facilities

Upon completion of a private stormwater management facility, the developer shall certify to the UDO Administrator that the completed project is in accordance with the approved plans and shall submit actual “as built” plans after final construction is completed. The plans shall show the final design specifications for all improvements and the field location, size, depth, and related measures, controls and devices, as installed. The designer shall certify, under seal, that the as-built design, measures, controls, and devices are in compliance with the approved plans and with the requirements of this Ordinance.

##### C. Inspection Required

A final inspection and approval by the UDO Administrator shall occur before the release of the financial guarantee.

## 6.3.10 MAINTENANCE WARRANTIES<sup>198</sup>

##### A. When Required

1. A maintenance warranty, prepared in accordance with the standards in this section, is required to ensure against defects in workmanship or materials in providing stormwater management facilities required as part of an approved preliminary plat, site plan, or special use permit, as appropriate.
2. A maintenance warranty may also be required by the County to ensure that any replacement trees required by this Ordinance survive for a period of up to three years following planting.

##### B. Term of Maintenance Warranty

1. The term of a maintenance warranty for a stormwater management facility shall be 18 months from the date of completion.
2. The term of a maintenance warranty for replacement trees shall be set by the UDO Administrator at the time the requirement for the provision of replacement trees is applied. In no instance shall the term exceed a maximum of three years from the date a replacement tree is planted, but nothing shall limit the County from applying successive maintenance warranty periods to any subsequent plantings necessary following death of a replacement tree within three years of its planting.

##### C. Form of Maintenance Warranty

The applicant shall propose the form(s) of the maintenance warranty, which shall be provided in one or more of the forms in **Section <>, Form of Guarantee.**

##### D. Function of Maintenance Warranty

The maintenance warranty shall:

1. Be conditioned on the performance of all work necessary to cure defects in materials and workmanship and maintain the required stormwater management facilities or replacement trees during the term of the maintenance warranty.
2. Provide that in case of the owner's or developer's failure to maintain and repair or replace the stormwater management facilities or replacement trees, the County shall be able to obtain the funds necessary to make necessary repairs or replacements in accordance with the warranty provisions for timeframe and forfeiture.

##### E. Amount of Maintenance Warranty

1. Maintenance warranty for stormwater management facilities shall be in an amount up to 30 percent of the full actual cost, including the costs of materials and labor, of installing the required stormwater management facilities.
2. Maintenance warranty for replacement trees shall be in an amount up to 100 percent of the full actual cost, including the costs of materials and labor, of installing the required replacement trees.

##### F. Release of Maintenance Warranty

The UDO Administrator shall release a maintenance warranty at the end of the term only after an inspection is conducted of the stormwater management facilities or replacement trees, and it is certified in writing that the guaranteed stormwater management facilities or replacement trees have been maintained in accordance with approved plans and specifications.

<sup>198</sup> This section replaces Section 151.242, Protection Against Defects, from the current ordinance, but the standards have been revised to clarify that maintenance warranties may only be applied to stormwater management facilities and replacement trees. Warranty requirements may no longer be applied to roads/ It is possible to apply maintenance requirement to public water and public sanitary sewer infrastructure in cases when these aspects are provided as enterprises, but zoning and subdivision regulations re no longer authorized to require warranties for these features.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

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6.3 Performance Guarantees194F

6.3.10 Maintenance Warranties197F

### **G. Default and Forfeiture of Maintenance Warranty**

#### **1. Notice of Failure to Maintain Improvements**

If the owner or developer fails to maintain the stormwater management facilities or allows the replacement trees to die during the term of the maintenance warranty, the UDO Administrator shall give the owner or developer 30 days written notice of the scope and degree of the default by certified mail.

#### **2. County Correction of Defects**

After the 30-day notice period expires, the County shall present a plan to cure any defects within 30 days, and following such presentation, draw on the security and use the funds to perform work necessary to ensure the guaranteed stormwater management facilities or replacement trees comply with approved plans and specifications. After completing the work, the County shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused funds, without interest.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.4 Homeowners' or Property Owners' Association<sup>198F</sup>

#### 6.4.6 Documentation Requirements

## 6.4 HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION<sup>199</sup>

### 6.4.1 PURPOSE

The purpose of this section is to set out the requirements for establishment of a homeowners' or property owners' association (hereinafter "association") that shall be responsible for the long-term maintenance of common areas, common features, and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

### 6.4.2 APPLICABILITY

The standards in this section shall apply to subdivisions with open space set-aside(s), lands held under common ownership, or shared responsibility for common infrastructure including, but not limited to: streets or stormwater management facilities.

### 6.4.3 CREATION REQUIRED

- A. A homeowners' or property owners' association shall be established in areas that have private common open space or shared private infrastructure. Associations are required to accept ownership and maintenance responsibility of all open space set-aside(s), shared infrastructure, or common areas within a development.
- B. Associations are also required in order to fulfill the requirements of Chapter 47C (the "Condominium Act") of the North Carolina General Statutes, or the requirements of Chapter 47F (the "Planned Community Act") of the North Carolina General Statutes.
- C. The association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development, though maintenance responsibility shall only transfer from the developer to the association in accordance with [Section <>, Transfer of Maintenance Responsibility](#).

### 6.4.4 RESPONSIBILITIES OF ASSOCIATION

Upon transfer of maintenance responsibility, the association shall be responsible for:

- A. Liability insurance and payment of premiums for liability insurance and local taxes;
- B. Maintenance of all common elements including, but not limited to, stormwater management facilities, private utilities, private streets and drives, private sidewalks and trails, private streetlights, and private common recreation facilities shown on the preliminary and final plats;
- C. Maintenance of public streets until such time as NCDOT agrees to accept the responsibility for street maintenance;
- D. Maintenance of an escrow account intended for the maintenance and repair of community facilities; and
- E. Payment of assessments for public and private improvements made to or for the benefit of the common elements.

### 6.4.5 PROCEDURE FOR ASSOCIATION ESTABLISHMENT

- A. Documents for the creation of the association shall be submitted to the County for review and approval prior to approval of the final plat (see [Section <>, Final Plat](#)). Documentation shall include, but not be limited to the information in [Section <>, Documentation Requirements](#).
- B. The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.
- C. The association documents shall establish that the subdivider shall maintain the common area, common facilities, and infrastructure until 75 percent of the lots are sold, unless 75 percent of the lots is insufficient to meet the NCDOT's minimum threshold for the number of homes served by a street, in which case ; and
- D. Responsibility for maintaining the subdivision's common areas, common facilities, and private infrastructure shall be transferred in accordance with the standards in [Section <>, Transfer of Maintenance Responsibility](#).

### 6.4.6 DOCUMENTATION REQUIREMENTS

- A. The association documents submitted to the County for review and approval shall include, but not be limited to, the following:
  - 1. A declaration of all restrictive covenants;
  - 2. A declaration of all deed restrictions;
  - 3. A declaration that the association is responsible for liability insurance and all applicable taxes;

<sup>199</sup> This is a new section proposed to replace the standards in Section 151.198, Homeowners Associations, in the current ordinance with the revisions described on Pages 48 and 49 in the Evaluation Report. Specifically, these new standards enhance the formation documentation requirements, require establishment of a reserve fund for operating funds, and provide greater clarity about the timing of transfer of maintenance responsibility from the developer to the HOA. In particular, these standards delay transfer of responsibility of roadway maintenance responsibility until the street(s) meet NCDOT's threshold standards for the minimum number of dwelling units.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.4 Homeowners' or Property Owners' Association<sup>198F</sup>

#### 6.4.9 Failure to Maintain is a Violation

4. A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or state agency, including but not limited to streets, drainage systems, wastewater systems, open space set-aside areas, recreational facilities, and private infrastructure;
  5. A description of the structural organization and operating procedures of the association;
  6. Association by-laws;
  7. A legal description of all open space set-asides and other lands owned in common;
  8. Provisions establishing the legal authority of the association to maintain control over all common areas, common features, and private infrastructure in the subdivision, following transfer of control by the subdivider;
  9. Provisions authorizing the association to compel contributions from owners in the development to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure;
  10. Provisions authorizing the association to increase the amount of mandatory fees or assessments, when necessary, for the continued maintenance of common areas, common features, or private infrastructure;
  11. Provisions authorizing the association to convert any member's unpaid assessments into a lien on the real property; and
  12. Evidence related to the establishment of a reserve fund to support the continued maintenance and upkeep of common areas, common features, and private infrastructure.
- B. Following approval of the required documentation by the County, the subdivider shall record all required documentation with the Camden County Register of Deeds.

#### 6.4.7 MEMBERSHIP REQUIREMENTS

- A. Following establishment of the association by the subdivider, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.
- B. All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

#### 6.4.8 TRANSFER OF MAINTENANCE RESPONSIBILITY<sup>200</sup>

- A. The subdivider shall be responsible for maintenance of all common areas, common features, and private infrastructure until maintenance responsibility is transferred to the association in accordance with the standards in this subsection.
- B. Maintenance responsibility shall not be transferred from the subdivider to the association until all of the following occur:
1. At least 75 percent of the total number of lots in the subdivision are sold; and
  2. The subdivider commissions a report prepared by a professional engineer licensed in North Carolina indicating that all common areas, common features, and infrastructure elements comply with the minimum standards in this Ordinance and the County Code of Ordinances. The report shall also include verification of the reserve fund balance in accordance with the standards in this section; and
  3. County staff reviews and approves the report prepared by the professional engineer; and
  4. A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established with a banking institution acceptable to the County in the name of the association that contains a minimum balance that includes the following:
    - a. Ten percent of the road construction costs for streets not maintained by NCDOT at the time of transfer (gravel base and asphalt only);
    - b. Except for sidewalks and street trees, ten percent of the construction costs of common features and private infrastructure;
    - c. Liability insurance and taxes for two years; and
    - d. Facilities, stormwater, and landscaping maintenance costs for two years.
  5. In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements.
- C. The subdivider shall retain maintenance responsibility of all streets intended for dedication to NCDOT until either 75 percent of the lots are sold, or until the street has the minimum number of homes required to meet NCDOT requirements for acceptance.

<sup>200</sup> NOTE TO STAFF: This is a new set of provisions for the County's consideration. The standards specify the timing of transfer from a developer to an HOA and require establishment of a reserve fund for maintenance expenditures prior to transfer. The standards also specify a minimum fund balance for the reserve fund. These figures are open to further revision, as appropriate.



## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

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### 6.4 Homeowners' or Property Owners' Association<sup>198F</sup>

#### 6.4.9 Failure to Maintain is a Violation

- D. Applications to cede maintenance responsibility to the association for common areas, common features, or private infrastructure prior to conveyance of 75 percent of the lots in the subdivision may be reviewed by the Board of Commissioners. The Board of Commissioners, at the request of the subdivider, shall waive the timing and reserve fund requirements upon a finding that the association has sufficient financial capacity to assume maintenance responsibility for common areas, common facilities, and private infrastructure.

#### **6.4.9 FAILURE TO MAINTAIN IS A VIOLATION**

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Failure to maintain common areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Article 151.9: Enforcement.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.5 Conservation Subdivision<sup>200F</sup>

#### 6.5.3 Procedure

## 6.5 CONSERVATION SUBDIVISION<sup>201</sup>

### 6.5.1 PURPOSE AND INTENT

The purpose and intent of this section is to provide landowners in the rural and suburban portions of the County a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects rural character, agricultural activities, or natural and historic features on the site. This is done in order to:

- A. Conserve open land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature hardwood trees, and watersheds;
- B. Promote existing rural character particularly in areas visible from major roadways in the County;
- C. Retain and protect existing environmental, natural, and cultural resources;
- D. Create a linked network of open lands; and
- E. Provide reasonable economic use of the land.

### 6.5.2 APPLICABILITY<sup>202</sup>

#### A. Type of Development

This conservation subdivision option shall be limited to development of single-family detached residential dwellings on individual lots in subdivisions of more than five lots. The conservation subdivision option shall not be available for any other form of development or use type.

#### B. Where Required

Single-family detached residential subdivisions of more than five lots in the WL and RR districts shall be configured as conservation subdivisions, in accordance with the standards in this section.

#### C. Where Allowed

Single-family detached residential subdivisions of more than five lots in the SR and PD districts may be developed as a conservation subdivision, in accordance with the standards in this section.

#### D. Where Prohibited

The conservation subdivision option is not available for use in the NR, VR, or MX districts.

### 6.5.3 PROCEDURE

Development utilizing the conservation subdivision option shall be approved as a preliminary plat in accordance with the procedures and standards in [Section <>, Preliminary Plat](#), after approval of a conservation and development plan in accordance with this section.

#### A. Conservation and Development Plan

Prior to review of an application for preliminary plat for a conservation subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the UDO Administrator in accordance with this section and the standards of [Section <>, Conservation Subdivision Standards](#), and [Section <>, Delineation of Conservation Areas and Development Areas](#).

#### B. Conservation and Development Plan Requirements

##### 1. Step 1—Site Analysis Map

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that analyzes existing conditions both on the land proposed for the development site and on land within 500 feet of the site, and submit the site analysis map to the UDO Administrator. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, in order to ensure the process is economical for the applicant.

##### 2. Step 2—Site Inspection

<sup>201</sup> This section is proposed to replace the provisions in Section 151.290 through Section 151.297 of the current ordinance pertaining to common open space subdivisions. Page 57 of the Evaluation Report describes several of the recommended revisions, including a different name – “conservation subdivisions,” new mandates for configuration of residential subdivisions of more than 5 lots to be configured as conservation subdivisions in the WL and RR districts, reductions in individual lot size (for the sake of conservation and creating more open space), and requirements to set aside at least 50 percent of the subdivision land area as passive open space (with the allowance for farming to take place in the set-aside).

<sup>202</sup> This is a new section that specifies where a conservation subdivision can or cannot be located. The current ordinance does not have mandatory or prohibited locations. The mandatory locations are included to ensure rural areas stay rural and the prohibited areas are included to ensure that more urban areas remain urban in character.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.5 Conservation Subdivision<sup>200F</sup>

#### 6.5.4 Conservation Subdivision Standards<sup>202F</sup>

After receipt of the site analysis map, the UDO Administrator shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a County staff member. The purpose of this site visit is to:

- a. Familiarize the staff with the existing site conditions and natural and historic features of the site;
- b. Identify potential site development issues, including the best location for the development to ensure its visibility from surrounding areas and major roadways is minimized; and
- c. Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

#### 3. **Step 3—Conservation and Development Areas Map**

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with **Section <>, Delineation of Conservation Areas and Development Areas**.

#### 4. **Step 4—Conservation and Development Plan**

Based on the site analysis map, the information obtained during the site inspection, and the conservation and development areas map, the applicant shall prepare and submit to the UDO Administrator a conservation and development plan. The conservation and development plan shall include the following:

- a. A site analysis map;
- b. A conservation and development areas map; and
- c. A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

#### C. **Review of Conservation and Development Plan**

The UDO Administrator shall review the conservation and development plan in accordance with the procedures and requirements of **Section <>, Conservation Subdivision Standards**, and **Section <>, Delineation of Conservation Areas and Development Areas**.

#### D. **Review and Approval of Conservation Subdivision**

Following review and approval or approval with conditions of the conservation and development plan by the UDO Administrator for a preliminary plat of the conservation subdivision shall be submitted and reviewed in accordance with **Section <>, Preliminary Plat**.

### 6.5.4 CONSERVATION SUBDIVISION STANDARDS<sup>203</sup>

A conservation subdivision shall comply with the following standards:

#### A. **Location**

Conservation subdivisions shall be configured to minimize their visibility from adjacent lands and major roadways.

#### B. **Minimum Project Size**

Conservation subdivisions shall be at least 10 acres in area.

#### C. **Required Conservation Area**

1. The required conservation area shall occupy at least 50 percent of the total acreage of the conservation subdivision site, but nothing shall limit it from occupying more than 50 percent of a conservation subdivision site.
2. The conservation area shall be considered open space set-aside subject to the applicable standards in **Section <>, Open Space Set-Aside**.

#### D. **Maximum Residential Density**

<sup>203</sup> This section replaces the standards in Section 151.291, Applicability and Lot Sizes, in the current ordinance with the standards for the zoning districts where the developments are proposed. The density bonus provisions in Section 151.293, Density Bonus and Incentives for Developing a Common Open Space Subdivision, in the current ordinance is not carried forward because the maximum allowable densities are already increased for conservation subdivisions in the zoning district material in Article 151.3: Zoning Districts. Several of the requirements in Section 151.294, Ownership and Minimum Percentage of Open Space, in the current ordinance are not carried forward. For example, the current standards exclude CAMA and 404 wetlands from the open space set-aside. This is not carried forward since recent state changes allow these areas to be included in calculating development yield. The active recreation requirements in the current ordinance are not carried forward because the open space set-aside standards in Article 151.7: Environmental Provisions, do not credit active recreations towards open space requirements in the WL, RR, and SR districts.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.5 Conservation Subdivision<sup>200F</sup>

#### 6.5.5 Delineation of Conservation and Development Areas<sup>203F</sup>

A conservation subdivision shall be limited to the maximum density for a conservation subdivision in the zoning district in which it is located. Nothing shall prevent a conservation subdivision from increasing the maximum allowable residential density in accordance with **Section <>, Sustainable Development Incentives**.

#### E. Dimensional Requirements

Conservation subdivision lots in the WL, RR, and SR zoning districts shall comply with the dimensional standards for the zoning district where located. Conservation subdivisions in a PD district shall comply with the dimensional requirements specified in the PD Master Plan.

#### F. Setbacks

1. Conservation subdivision lots in the WL, RR, and SR zoning districts shall comply with the setback requirements for the zoning district where located.
2. Conservation subdivision lots in the PD district shall comply with the setback requirements specified in the PD Master Plan.
3. Lots in a conservation subdivision shall comply with required setbacks from streets, wetlands/surface waters, or other protected natural areas.

#### G. Maximum Lot Coverage

1. Conservation subdivision lots in the WL, RR, and SR zoning districts shall comply with the maximum lot coverage requirements for the zoning district where located.
2. Conservation subdivision lots in the PD district shall comply with the maximum lot coverage requirements specified in the PD Master Plan.

#### H. On-Site Wastewater

With approval from the ARHS, individual septic systems and drain lines may be located within the conservation area, provided:

1. Easements shall be recorded showing the location of systems within conservation area;
2. Restrictive covenants shall provide for access, maintenance, and upkeep of systems located in the conservation area; and
3. All septic systems shall be operated in compliance with state and local regulations.

### 6.5.5 DELINEATION OF CONSERVATION AND DEVELOPMENT AREAS<sup>204</sup>

The conservation area and development area on the conservation and development areas map shall comply with the following standards:

#### A. Primary Conservation Areas

##### 1. Features to be Preserved

The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

- a. Areas with existing mature trees around the perimeter of the site;
- b. CAMA wetlands;
- c. U.S. Army Corps of Engineers designated 404 wetlands;
- d. Riparian buffers and other lands within 50 feet of estuarine or other surface waters;
- e. Areas with impermeable soils; and
- f. Habitat utilized by endangered or threatened species or designated Natural Heritage Areas.

##### 2. Amount to be Preserved

All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:

##### a. Primary Conservation Area is Less than Minimum Required

In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

##### b. Primary Conservation Area Exceeds the Minimum Required

1. In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement, priority for retention shall be given to the highest quality portion of the features to be conserved. *(For example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of five percent and the minimum required conservation area is 50 percent of the site area, the*

<sup>204</sup> This section replaces the provisions in Section 151.295, Location of Open Space, and Section 151.297, Site Planning Procedures, with a basic system for identifying primary and secondary conservation areas as well as building areas. This process takes place prior to review of the conservation subdivision through the preliminary plat process.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.5 Conservation Subdivision 200F

#### 6.5.5 Delineation of Conservation and Development Areas 203F

*applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area).*

2. Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

#### 3. Allowable Uses

Uses located within a primary conservation area shall be limited to:

- a. Unpaved pedestrian trails, walkways, and boardwalks;
- b. Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
- c. Street or driveway crossings, provided such crossings do not violate this Ordinance, or other state or federal laws;
- d. Stormwater management systems, where no practicable alternative exist; and
- e. Docks and other water-dependent features, as allowed in this Ordinance.

### B. Secondary Conservation Areas

#### 1. Features to be Preserved

In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

- a. Historic, archeological, and cultural resources;
- b. Prime agricultural lands, including existing pastures (whether in use or otherwise);
- c. Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);
- d. Scenic corridors and views; and
- e. Areas that could serve to extend existing greenways, trails, parks, or recreation areas.

#### 2. Amount to be Preserved

All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards:

##### a. Primary Conservation Area Occupies More than that Required

In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

##### b. Primary Conservation Area Occupies Less than that Required

In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order.

#### 3. Allowable Uses

Uses located within a secondary conservation area shall be limited to:

- a. All uses allowed in a primary conservation area;
- b. Uses allowed in the Agricultural Use classification in Table <>, Principal Use Table;
- c. Individual or community water supply and septic systems;
- d. Stormwater management facilities;
- e. Required drainage or other utility easements;
- f. Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

### C. Ownership of Conservation Areas

#### 1. Landowner or Association

A conservation area shall be owned jointly or in common by the owners of the development or through a recognized homeowners or property owners association, which shall be established in accordance with [Section <>, Homeowners' or Property Owners' Association](#).

#### 2. Nonprofit Organization

The landowners may decide to convey a conservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the County is provided adequate assurance the area will be properly managed and maintained.

#### 3. Dedicated to County or Other Public Agency

In some cases, certain lands designated as conservation areas, such as greenways, may be dedicated to the County, a nonprofit organization, or other public agency during the development review process, at the landowner's discretion. If offered by the landowner, the Board of Commissioners shall determine whether that land is appropriate for dedication to the County or other public agency.

### D. Development Areas

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.5 Conservation Subdivision<sup>200F</sup>

#### 6.5.6 Evaluation Criteria for Conservation Subdivision Layout<sup>204F</sup>

After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:

1. Any clearing or grading activities will take place;
2. Ingress and egress will be located;
3. Individual or community wells and septic systems may be located (if not located within the secondary conservation area);
4. Streets, utilities, and other similar structures will be located; and
5. All allowable uses may be located.

#### 6.5.6 EVALUATION CRITERIA FOR CONSERVATION SUBDIVISION LAYOUT<sup>205</sup>

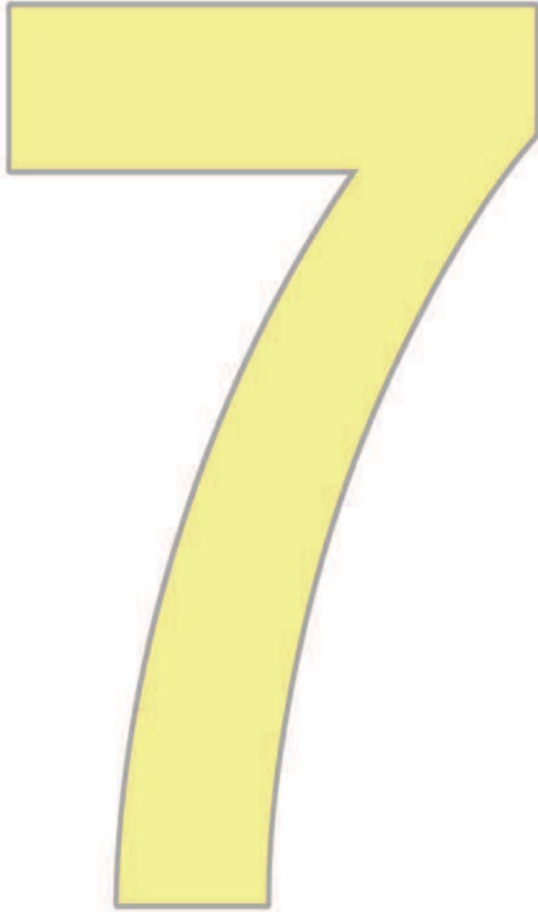
Conservation subdivisions shall be configured to:

- A. Protect and preserve all floodways and wetlands;
- B. Preserve and maintain mature woodlands, existing fields, pastures, meadows and orchards and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses;
- C. Locate development outside of prime agricultural soils, to the maximum extent practicable;
- D. Ensure the appearance of development is minimized, to the maximum possible extent;
- E. Design around existing hedgerows and tree lines between fields or meadows;
- F. Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways;
- G. Avoid siting new construction on prominent rises or highly visible areas by taking advantage of lower topographic features;
- H. Protect wildlife habitat areas of species listed as endangered, threatened or of special concern by NCDEQ;
- I. Preserve sites of historic, archaeological, or cultural value (including spring houses, barn foundations, cellar holes, earthworks, burial grounds and similar features);
- J. Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system; and
- K. Consolidate open space into areas that are contiguous, to the maximum extent practicable.

<sup>205</sup> This section carries forward the standards in Section 151.296, Evaluation Criteria, from the current ordinance.



# ENVIRONMENTAL PROVISIONS



## Key Changes in Article 151.7:

- This article includes a new stormwater section that consolidates standards from across the current ordinance into one place
- These standards now reference the County's Stormwater Drainage Design Manual
- The standards are drafted in recognition of the ability to file a conceptual stormwater plan as part of an application for a preliminary plat
- The County may now require access/maintenance easements to stormwater facilities
- There are new maintenance guarantee requirements for stormwater management facilities
- This article includes new tree protection purpose statements and exemptions
- The standards include requirements for retention of significant understory trees of 8 inches in DBH or greater (in addition to retention of canopy trees of 18 inches or greater)
- There are revised significant tree removal mitigation requirements that require replacement of the same cumulative diameter of significant trees removed
- There are new guidelines for voluntary afforestation, or the re-establishment of forested areas in locations where the view of new development can be screened
- The standards include incentives for afforestation of land areas between new development and adjacent major roadways
- The standards allow an accelerated amount of credit towards landscaping requirements provided to retained existing trees
- There is greater clarity on required methods of tree protection during construction
- The standards now apply open space set-aside requirements for mixed-use and nonresidential forms of development
- There are new distinctions between the types of open space to be provided, including passive (for rural areas), active for higher density residential uses, and urban (for urban areas like village centers)
- There are new incentives for the inclusion of sustainable development features that allow increased densities or deviations from certain other standards in return for development configurations that preserve the environment or make development more resilient

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# ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

## 7.1 STORMWATER MANAGEMENT<sup>206</sup>

### 7.1.1 PURPOSE AND INTENT

These stormwater management standards are proposed to ensure new and existing development is configured to retain and slowly release stormwater to help avoid nuisance flooding on surrounding lands. These standards are intended to:

- A. Establish basic requirements for stormwater management for all uses across the County;
- B. Identify the types of development required to file a stormwater management plan to control stormwater in accordance with this section;
- C. Clarify the maintenance responsibilities for stormwater management devices;
- D. Recognize the County's Stormwater Drainage Design Manual as a resource for applicants subject to requirements to prepare stormwater management plans; and
- E. Ensure that deposition of soil or fill material on a lot does not create negative stormwater runoff impacts for adjacent lots.

### 7.1.2 APPLICABILITY

#### A. Stormwater Management Required

The stormwater management standards in this section shall apply to all the following forms of development:

- 1. New residential development (including subdivisions of land) that disturbs one acre of land area or more; and
- 2. New non-residential and mixed-use development, regardless of the amount of land area disturbed.

#### B. Land Disturbance

- 1. The standards pertaining to the land disturbance, including deposition of fill, in **Section <>, Standards for Land Disturbance**, shall apply to all new development in the County, including construction of single-family detached dwellings on individual lots.
- 2. The standards for land disturbance shall also apply to any land disturbing activities on an existing non-residential, mixed-use, or multi-family development site after **[insert the effective date of this Ordinance]**.

### 7.1.3 STORMWATER MANAGEMENT PLAN REQUIRED

- A. Stormwater management plans shall be prepared for all forms of development identified in **Section <>, Stormwater Management Required**.
- B. Stormwater management plans shall be prepared by a professional engineer or land surveyor licensed by the State of North Carolina with proven experience in stormwater drainage.
- C. Stormwater management plans shall be prepared in accordance with Section 6 of the County's Stormwater Drainage Design Manual.
- D. The plan shall clearly indicate the steps that will be taken for restoring a stormwater management facility to design specifications if a failure occurs.
- E. Nothing shall limit the ability of an applicant for a preliminary plat to file a conceptual or preliminary stormwater management plan for consideration by the Planning Board and Board of Commissioners as part of the approval of a preliminary plat. However, a final stormwater plan, meeting all the standards in the Stormwater Drainage Design Manual, shall be approved by the County prior to the commencement of any construction activities associated with the preliminary plat<sup>207</sup>.

### 7.1.4 STORMWATER MANAGEMENT STANDARDS<sup>208</sup>

<sup>206</sup> This is a new section described on Page 7-1 of the Evaluation Report. This section consolidates the provisions from Section 151.232(F), Drainage, as well as Sections 151.400 through 151.403 pertaining to stormwater management from the current ordinance. This section establishes the requirements to manage stormwater runoff, the minimum standards, and cross references the County's Stormwater Design Manual as the source for information about how best to configure stormwater management controls. In addition, this section includes new provisions pertaining to required maintenance of stormwater facilities, and new requirements for maintaining County access to such facilities (via an easement) to ensure the County may access and maintain these facilities in cases where owners do not.

<sup>207</sup> NOTE TO STAFF: The Stormwater Drainage Design Manual does not establish requirements for a preliminary stormwater management plan as described in the standards for review of a preliminary plat.

<sup>208</sup> NOTE TO STAFF: Additional discussion is needed regarding this section. This section includes the current basic requirements for stormwater management from the current ordinance, but it appears that the County's Stormwater Drainage Design Manual includes more/different standards for stormwater management. It is unclear if the Manual was adopted via ordinance or resolution. If the Manual

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.1 Stormwater Management<sup>205F</sup>

#### 7.1.4 Stormwater Management Standards<sup>207F</sup>

##### A. Utilize Natural Drainage System<sup>209</sup>

1. To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
2. To the maximum extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built only by altering such drainage ways.

##### B. Disruption of Stormwater Flow Prohibited

All developments shall be constructed and maintained so that adjacent lands are not unreasonably burdened with surface waters as a result of such developments. More specifically:

1. No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
2. No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

##### C. Undue Retention of Stormwater Prohibited<sup>210</sup>

All developments subject to these standards shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on a development site. Surface water shall not be regarded as unduly retained if:

1. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater management plan; or
2. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

##### D. Stormwater Management Facility Performance

1. Stormwater management facilities shall include both a means of on-site temporary storage of stormwater as well as a system for the controlled release of collected stormwater run-off into off-site areas, including through ground absorption.
2. The total release rate of stored stormwater run-off on a site shall not exceed the rate of stormwater run-off that would result from the area in its pre-development state during a ten-year storm event. For the purposes of these stormwater management standards, a "pre-development state" is defined as the site in a natural, forested state.
3. All free-flowing stormwater removal systems within a subdivision shall be designed to accommodate a 24-hour ten-year storm event, or the NCDOT road drainage specifications, whichever is greater.
4. Whenever practicable, the drainage system of a development shall connect to and not interfere with the drainage systems or drainage ways on surrounding developments or streets.
5. No stormwater run-off water may be channeled or directed into a sanitary sewer.
6. Downstream drainage impediments that restrict stormwater run-off flow to a point of making a proposed subdivision unable to comply with these standards shall be addressed by the subdivider through additional storage of excess stormwater on site, improving downstream flow with the consent of all property owners adjacent to the drainage way, or a combination of both.

##### E. Stormwater Management Along Streets

Use of drainage swales along streets, as opposed to traditional curb, gutter, and storm drains, is permissible in areas specified by the Stormwater Drainage Design Manual.<sup>211</sup>

##### F. Development Subject to CAMA Permit Requirements

Any development that requires a CAMA Major Development Permit or a sedimentation and erosion control plan shall be subject to the state stormwater runoff policies promulgated in 15 NCAC 2H Section 1000, unless exempted by those regulations.

##### G. Facility Location and Access

includes standards different from those in the UDO and was adopted by resolution, there is a legal issue. If the Manual was adopted by ordinance, there is no legal issue, but there is mismatch between the standards in the code and the standards in the manual. The issue for discussion is whether or not the stormwater standards in the manual should move to the UDO or just be referenced by the UDO. It is fine to simply reference the Manual as long as it was adopted via ordinance. That would necessitate remove of subsections D2 and D3 from proposed Section 7.1.4 in favor of a blanket reference to the standards in the Manual. Please advise.

<sup>209</sup> These standards carry forward the standards in Section 151.402, Stormwater Management, as well as the standards in Section 151.400, Drainage, from the current ordinance with additional new provisions.

<sup>210</sup> This section carries forward the standards in Section 151.401, Developments Must Drain Properly, from the current ordinance.

<sup>211</sup> NOTE TO STAFF: Additional discussion is required regarding whether or not the Manual specifies conditions where swales may be used. In addition, there may be some areas (village centers) or zoning districts where the County does not want to allow swales.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.1 Stormwater Management<sup>205F</sup>

#### 7.1.5 Maintenance Requirements<sup>211F</sup>

1. Stormwater management facilities shall, to the maximum extent practicable, be designed and configured to allow on-going maintenance of the facility, including periodic dredging, as appropriate.
2. Stormwater management facilities serving a subdivision shall be located on their own lot or on a lot in common ownership. In no instance shall a facility serving a subdivision be located upon building lot intended for private ownership. Nothing shall limit the placement of a stormwater run-off conveyance on a private lot provided it is also located within a stormwater easement that permits periodic inspection and maintenance.

#### H. Stormwater Easement May Be Required

1. Nothing shall prohibit the County from requiring establishment of a permanent access and maintenance easement in favor of the County from a public right-of-way or other acceptable form of ingress and egress to a stormwater management facility.
2. Such easement shall be the minimum size and configuration necessary to allow the County to maintain the stormwater management facility, as determined in the sole discretion of the County.
3. The County shall not be responsible for damage to landscaping, fencing, walls, or other features located within the easement that results from routine inspection and maintenance of the facility.

#### I. Certification Upon Installation

1. Following installation of a stormwater management facility, a professional engineer licensed by the State of North Carolina shall certify the installation was performed as designed and verified by an as-built survey.
2. A certificate of occupancy shall not be issued for any building within the permitted development until the stormwater management facility has been certified and the certification has been accepted by the County.

## 7.1.5 MAINTENANCE REQUIREMENTS<sup>212</sup>

#### A. Maintenance Required

1. Stormwater management facilities established on private lands in accordance with these standards shall be regularly maintained to ensure it maintains the minimum level of required functionality in terms of stormwater run-off retention, release, and conveyance. Determination of an acceptable level of functionality shall rest solely with the County.
2. Guidelines on stormwater management facility maintenance are included in Division 12 of the County's Stormwater Drainage Design Manual. At a minimum, the facility shall be regularly maintained to ensure continued structural integrity, retention of stormwater run-off holding capacity, avoidance of sedimentation and soil subduction, as well as regular and on-going maintenance of vegetation and trash removal in accordance with the applicable nuisance provisions in the County Code of Ordinances.

#### B. Responsible Party

1. Maintenance responsibility for stormwater management facilities shall be upon the owner of the property where the facilities are located, or on an entity that has legally agreed to be responsible for their maintenance.
2. Nothing in these standards shall prohibit the transfer of maintenance responsibility for stormwater management facilities from a landowner to another entity, such as transfer from a developer to a homeowner's association.
3. The stormwater management plan prepared in accordance with **Section <>, Stormwater Management Plan Required**, shall specify the party responsible for stormwater management facility maintenance.
4. In the event a subdivision is established with an owner's association taking responsibility for maintenance of common features like stormwater management facilities, the documents establishing the association and its operating procedures shall specify the association's responsibility for stormwater management facility maintenance.

#### C. Vegetation

Vegetation shall not be established or allowed to mature in areas proximate to a stormwater management facility if the integrity of a stormwater management facility is diminished or threatened, or access to the facility is interrupted.

#### D. Annual Inspection Required<sup>213</sup>

An annual inspection report on each stormwater management facility shall be performed by a knowledgeable expert and documented on forms provided by the County. Annual inspection reports shall be submitted to the County in accordance with the schedule outlined in the approved stormwater management plan. Failure to prepare an

<sup>212</sup> These are new standards that build upon the very limited maintenance requirements described in the current ordinance. These standards include new requirements for development to configure stormwater management devices in such a way as to allow easy access to and maintenance of the device as well as the requirement for access easements in favor of the County to stormwater management devices serving subdivisions.

<sup>213</sup> This standard is typical in many communities with stormwater management standards, and is proposed for the County's consideration. It is not integral to the functionality of the standards, but may help address chronic inadequacies that result in nuisance flooding.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.1 Stormwater Management<sup>205F</sup>

#### 7.1.6 Performance Guarantee Required<sup>213F</sup>

inspection report or falsification of report findings shall be a violation of this Ordinance subject to the standards and requirements in [Article 151.9 Enforcement](#).

#### E. **Inspection by County**

Regardless of the timing or contents of an annual inspection report, the County may inspect stormwater management facilities located on private property. Inspection may include, but is not limited to: testing of structures, water, or vegetation as the County determines may be useful to determine the history or performance of the stormwater management facility.

### 7.1.6 PERFORMANCE GUARANTEE REQUIRED<sup>214</sup>

Certification of all stormwater management facilities by the County shall be conditioned on the posting of a performance guarantee for the purpose of maintenance and repair of the facility, in accordance with the following:

#### A. **Acceptable Form of Guarantee**

1. Prior to final inspection and certification of a stormwater management facility, the responsible party shall deposit either cash or an evergreen letter of credit with the County as a performance guarantee that the stormwater management facility will be properly maintained.
2. All evergreen letters of credit shall be in a form readily convertible into cash at face value.
3. In the event of transfer of maintenance responsibility from one entity to another, performance guarantees shall be transferred along with maintenance responsibility.

#### B. **Amount of Guarantee**

1. The cash or evergreen letter of credit shall be in an amount equal to 15 percent of the total cost of the stormwater management facility or the estimated cost of maintaining it over a ten-year period, whichever is greater.
2. The estimated cost of maintaining the stormwater management facility shall be consistent with the approved plan provided to the County by the developer.

#### C. **Default**

1. Upon failure of the responsible party to properly maintain the stormwater management facility in accordance with these standards or the applicable stormwater management plan, the County shall obtain and use all or any portion of the performance guarantee to conduct necessary maintenance. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the responsible party to comply with these maintenance requirements.
2. The County shall not return any of the unused deposited cash funds, which shall be retained for further maintenance.

#### D. **Guarantee not a Substitute for Maintenance**

Posting of a performance guarantee in accordance with this section shall not absolve a responsible party from maintaining a stormwater management facility in accordance with the standards in [Section <>, Maintenance Requirements](#).

<sup>214</sup> NOTE TO STAFF: This section is included based on preliminary discussions of the Evaluation Report with the BOC. It is lawful to require performance guarantees for maintenance of stormwater facilities. However, this can be a barrier to development and requires additional administrative tasks for County staff. Additional discussion on the desirability of this requirement is needed.



## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.2 Standards for Land Disturbance<sup>214F</sup>

#### 7.2.4 Configuration Requirements for Fill

## 7.2 STANDARDS FOR LAND DISTURBANCE<sup>215</sup>

### 7.2.1 APPLICABILITY

- A. The standards in this section shall apply to any land disturbing activity is proposed regardless of the size of disturbed area.
- B. A fill permit, issued in accordance with **Section <>, Fill Permit**, is required when filling/grading above any adjacent grade is proposed.

### 7.2.2 LIMITATIONS ON LAND DISTURBANCE<sup>216</sup>

- A. Land disturbing activities are prohibited within ten feet of any lot line. The following activities are exempted from this requirement:
  - 1. Clearing or grubbing of vegetation;
  - 2. Soil disturbance associated with landscape plantings or gardens;
  - 3. Drainage and stormwater improvements; and
  - 4. Placement of underground utilities.
- B. Landscaping, fences, and privacy walls may be located within an area ten feet from a lot line, provided they do not impede the flow of stormwater run-off.
- C. Land disturbance within ten feet of lot lines adjacent to a street may be permitted for driveways, provided such disturbance is limited to culvert, drainage, and driveway improvements that comply with all provisions of this section.
- D. Stormwater retention or detention ponds shall not be located within ten feet of a lot line unless approved by the County.
- E. Land disturbing activities proposed within the SFO shall be subject to the applicable standards in **Section <>, Special Flood Hazard Area Overlay (SFO)**.

### 7.2.3 LIMITATION ON THE LOCATION OF FILL

- A. Deposition of fill is not permitted within ten feet of any side or rear lot line under separate ownership. Deposition of fill may take place within ten feet of any lot line adjacent to a street right-of-way only under the County's express prior written approval.
- B. In no instance shall fill be deposited or shall land be graded on a lot in a manner that results in a finished grade that is higher than adjacent lots, except in the following cases:
  - 1. When Albemarle Regional Health Services (ARHS) determines that fill is necessary for a septic system to function property. In these instances, the fill area shall be limited to the septic system and drainfield areas, and the maximum fill shall not exceed 24 inches.
  - 2. An additional 12 inches of fill above the septic system and drainfield fill may be allowed for the building pad, to ensure adequate flow from the building to the septic system.
  - 3. When fill is required to raise the lot elevation to the base flood elevation or regulatory flood protection elevation.
  - 4. When fill is essential to meet the required pad elevation as shown on an approved preliminary plat or grading plan.
- C. Fill shall not encroach on natural water courses, floodplains, or constructed channels in a manner that adversely affects water bodies or adjacent lands.

### 7.2.4 CONFIGURATION REQUIREMENTS FOR FILL

- A. The slope for fill shall not to exceed 3:1 (three feet horizontal run for every one foot vertical rise).
- B. The toe of the slope shall meet the ten foot setback requirement from all lot lines.
- C. A permanent ground cover, sufficient to prevent erosion, shall be established on all fill slopes as follows:
  - 1. Prior to issuance of a certificate of occupancy for construction projects; or
  - 2. For projects where land disturbance activity has ceased for more than six months.
- D. Bulkheads or retaining walls shall not be allowed as a method to stabilize or contain fill, except bulkheads established for the purpose of shoreline protection and as otherwise permitted by the County. This shall not include

<sup>215</sup> This section replaces the standards from Section 151.404, Mandatory Standards for Land Disturbance Activities, from the current ordinance with minor revisions for clarity and ease of understanding.

<sup>216</sup> NOTE TO STAFF: Section 151.232.G, Erosion (as it related to subdivision design) limits "cut and fill" activities to 50% of a site. It is unclear what "cut and fill" is and how the 50% threshold is determined. Additional discussion is needed regarding the desire to maintain this standard, and if so, how it can be revised for greater clarity and precision.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

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### 7.2 Standards for Land Disturbance214F

#### 7.2.4 Configuration Requirements for Fill

retaining walls used to stabilize or contain existing natural grade when a driveway or walkway is cut into a lot at an elevation lower than existing natural grade.

- E. In the cases of natural grade differences greater than nine inches between adjoining lots of the same development, the County may require preparation of a stormwater management plan in accordance with **Section <>, Stormwater Management Plan Required**, in order to deviate from the fill requirements in this subsection. The stormwater management plan shall verify that the proposed development will not create flooding or nuisance conditions on the lower adjacent lots. In no instance shall the stormwater management plan be used to authorize the deposition of fill within ten feet of the side or rear lot lines.
- F. Any lot subject to filling shall install erosion and sediment control measures configured in accordance with **Section <>, Sedimentation and Erosion Control**, to prevent sediment from leaving the site. The erosion and sediment control measures shall be implemented on the site prior to the commencement of land disturbing activities and shall be continuously maintained during the land disturbance phase of development.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.4 Tree Protection<sup>217F</sup>

#### 7.4.2 Applicability

## 7.3 SEDIMENTATION AND EROSION CONTROL<sup>217</sup>

### 7.3.1 EROSION AND SEDIMENTATION CONTROL PLAN REQUIRED

Any development subject to zoning compliance permit, special use permit, or final plat that requires land disturbing activity shall require prior approval of an erosion and sedimentation control plan by the State Sedimentation Control Commission under Section 113A-57(4) of the North Carolina General Statutes, unless exempted by this section.

### 7.3.2 EXEMPTIONS

Section <>, Erosion and Sedimentation Control Plan Required, shall not apply in cases where the State Sedimentation Control Commission has certified to the County that:

- A. An erosion and sedimentation control plan has been submitted to and approved by the Commission; or
- B. The Commission has examined the preliminary plans for the development and it reasonably appears that an erosion and sedimentation control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the Commission approves the erosion and sedimentation control plan.

## 7.4 TREE PROTECTION<sup>218</sup>

### 7.4.1 PURPOSE AND INTENT

The purpose of this section is to retain existing mature trees during the development process as well as to encourage reforestation of cleared areas as a means of maintaining the community's rural character. These standards are further intended to:

- A. Promote sequestration of carbon dioxide through the retention of existing trees and establishment of new trees;
- B. Recognize the value of the oldest trees in the community and protect those trees from premature death or decline due to development;
- C. Encourage the retention of existing trees during the development process through accelerated credit towards landscaping requirements;
- D. Encourage the planting of trees in cleared areas in order to create and maintain scenic views and rural vistas along major roadways; and
- E. Establish tree protection requirements for trees proposed for retention during the development process.

### 7.4.2 APPLICABILITY

#### A. General

Unless exempted in accordance with Section <>, Exemptions, the standards in this section shall apply to all lands and development in the County.

#### B. Exemptions

The following activities are exempt from the standards of this section:

1. The removal or replacement of trees associated with an existing single-family detached dwelling or manufactured dwelling on an individual lot;
2. The removal of dead or diseased trees that pose a threat to an existing building, structure, or adjacent trees;
3. The removal of invasive species of trees, provided the removal results in the complete removal of the trees (including roots);
4. The selective and limited removal of trees necessary to obtain clear visibility within intersection sight distance areas;
5. The removal of trees that the UDO Administrator determines to be a hazard to traffic or that interfere with the provision of utility lines or public services;

<sup>217</sup> This section carries forward current code section 151.403 with no substantive change.

<sup>218</sup> This is a new section proposed to replace the standards in Section 151.157, Retention and Protection of Large Trees, and Section 151.159, Protection of Trees During Construction, in the current ordinance. These new standards include more detailed purpose statements, applicability, and exemption provisions. The standards preserve and protect significant trees from removal during the development process while also allowing removal of such trees subject to mitigation. There are new provisions encouraging afforestation (the re-establishment of trees in areas that have been cleared for several years, like former farmland), a new section providing increased credit toward the provision of required landscaping through the retention of existing trees, and standards for the protection of significant trees or existing trees being retained for credit toward landscaping requirements during the construction process.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.4 Tree Protection<sup>217F</sup>

#### 7.4.3 Retention of Significant Trees<sup>218F</sup>

6. The removal of trees as necessary for rescue in an emergency or for clean-up following a natural disaster; and
7. Tree removal associated with normal forestry activity that is conducted:
  - a. On land taxed on the basis of its present-use value as forestland pursuant to Chapter 105, Article 12 of the North Carolina General Statutes; or
  - b. In accordance with a forest management plan prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes.

### 7.4.3 RETENTION OF SIGNIFICANT TREES<sup>219</sup>

#### A. Basic Requirements

Development subject to the standards in this section shall be configured to retain existing significant trees during and after the development process.

#### B. Significant Trees Defined

1. A significant tree is:
  - a. Any mature, non-diseased, and well-formed canopy tree with a diameter at breast height (DBH) measurement of 18 inches or greater; or
  - b. Any mature, non-diseased, and well-formed understory tree with a diameter at breast height (DBH) measurement of eight inches.
2. Southern yellow pine trees, mulberry trees, and Bradford pear trees shall not qualify as significant trees, regardless of their DBH.

#### C. Process for Identification

Prior to any tree clearing, development work, or land disturbing activity, an applicant shall prepare and submit an inventory of significant trees on the development site, subject to the following requirements:

##### 1. Identification of Significant Trees

The tree inventory shall depict the approximate location, species, diameter, and general health of existing significant trees.

##### 2. Professionally Prepared

Tree inventories for development sites larger than one acre in size shall be prepared by a licensed landscape architect, surveyor, arborist, registered forester, or professional engineer, and shall have an accuracy of plus or minus three feet.

#### D. Standards for Protection

A significant tree shall not be damaged or removed, except in accordance with **Section <>, Removal of Significant Trees**. In addition, significant trees shall have the following protections, whether located on public or private land:

##### 1. Cutting, Removal, or Harm Prohibited

Significant trees shall not be cut, removed, pushed over, killed, or otherwise harmed.

##### 2. Protection During Construction

Significant trees indicated for retention shall be protected during construction in accordance with **Section <> Tree Protection Devices**.

##### 3. Soil Compaction Prohibited

The area within the dripline of any significant tree shall not be subject to soil compaction.

#### E. Removal of Significant Trees

1. Significant trees may be removed if the applicant demonstrates one or more of the following conditions to the UDO Administrator:

- a. A significant tree is dead, diseased, or dying, as certified by an arborist or other qualified professional; or
- b. A healthy significant tree is hindering compliance with the standards in Article 151.3: Zoning Districts, Article 151.5: Development Standards, or Article 151.6: Subdivision Standards; or
- c. A healthy significant tree limits building area to less than that otherwise allowed.

2. Removal of a healthy significant tree because it hinders compliance or limits building area shall require the applicant to provide mitigation in accordance with **Section <>, Mitigation for Significant Tree Removal**.

#### F. Mitigation for Significant Tree Removal

Those causing the destruction or removal of a healthy significant tree, unless exempted, shall be responsible for the following mitigation:

##### 1. Replacement Trees Required

<sup>219</sup> This section is proposed to replace Section 151.157, Retention and Protection of Large Trees, from the current ordinance but the requirements for replacement trees have been modified to require the same total diameter of the significant tree(s) removed or damaged.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.4 Tree Protection<sup>217F</sup>

#### 7.4.4 Afforestation Guidelines<sup>219F</sup>

Each healthy significant tree removed or damaged shall be replaced by replacement trees with a cumulative diameter measurement that equals or exceeds the diameter of the significant tree(s) removed. Each replacement tree shall be at least three inches in caliper at the time of planting, be of the same or similar species as the significant tree removed, and be replanted within 12 months of the removal or damage of the significant tree(s).

#### 2. Location of Replacement Trees

- a. Replacement trees shall be planted on the parcel of land from which the significant tree(s) was removed, if sufficient space is available.
- b. In cases where sufficient space on the same parcel is not available, replacement trees may be placed on any of the following lands, listed in priority order:
  1. Adjacent land under the same ownership;
  2. Adjacent land under separate ownership;
  3. Publicly-owned land (such as right-of-way or parkland) adjacent or proximate to the location of the removed or damaged significant tree; or
  4. Publicly-owned land located away from the removed or damaged significant tree.

#### 3. Establishment Period

Replacement trees shall be maintained through an establishment period of at least three years. The applicant shall guarantee the survival and health of all replacement trees during the establishment period and guarantee any associated replacement costs in accordance with **Section <>, Performance Guarantees**. If the replacement trees do not survive the establishment period, the applicant shall purchase and install new replacement trees.

### 7.4.4 AFFORESTATION GUIDELINES<sup>220</sup>

#### A. Purpose and Intent

These afforestation guidelines are proposed as a means of establishing new areas of tree canopy on non-forested lands in order to preserve and protect the County's rural character. These guidelines are further intended to:

1. Provide long-term screening of new development;
2. Restore wildlife habitat;
3. Limit soil erosion and degradation; and
4. Create or retain scenic views along major roadways.

#### B. Afforestation Defined

"Afforestation", as used in this section, is the planting of young trees in order to re-establish a tree canopy on non-forested land in ways that will eventually screen new development from view from adjacent roadways outside the development.

#### C. Provisions are Guidelines

Establishment on an afforestation area(s) in accordance with these guidelines is voluntary, but if a development does include afforestation activity, it shall take place in accordance with these provisions.

#### D. Credit Towards other Requirements

1. Afforested areas configured and maintained in accordance with these guidelines are credited towards the open space set-aside standards for passive open space set-aside in **Section <>, Open Space Set-Aside**, at an accelerated rate of two square feet of open space set-aside credit for every one square foot of land occupied by an afforested area.
2. Afforested areas may be credited towards up to 25 percent if the applicable canopy tree requirements for required landscape buffers in **Section <>, Perimeter Buffers**, provided the afforestation area is proximate to and parallel with the required perimeter buffer.
3. Afforested areas configured as a bio-retention area or stormwater detention basin and planted with trees capable of periodic inundation shall be credited towards the standards in **Section <>, Stormwater Management**.
4. Afforestation is intended as a tool to preserve rural character and is not appropriate in portions of the County where a more urban development character is desirable. As a result, credit towards other requirements for afforestation activities is not available in the VR, VC, and MX districts.

#### E. Location

The objective of these afforestation guidelines is to provide the maximum amount of visual obstruction in areas where it will have the highest impact upon the greatest number of motorists, passengers, and bicyclists. For this reason, afforestation areas may be divided up or located in several different areas around a development. The

<sup>220</sup> These are new provisions proposed for the County's consideration. They are proposed as guidelines for voluntary planting of trees between new developments like subdivisions (residential or commercial) or industrial parks and adjacent major roadways in order to screen these developments from view and maintain the rural appearance of the County, as seen from major roadways.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.4 Tree Protection 217F

#### 7.4.4 Afforestation Guidelines 219F

exact location(s) and size(s) of proposed afforestation areas should be determined with County staff prior to preparation of a site plan or subdivision plat.

#### F. Retention Required

In cases where credit towards other requirements in this Ordinance is granted for inclusion of afforested areas, the trees in the afforested areas shall be permanently retained and maintained in accordance with the standards in **Section <>, Maintenance**. In no instance shall trees in an afforested area become subject to a forestry management plan.

#### G. Configuration

Afforested areas shall be configured in accordance with the following:

##### 1. Mix of Species

- a. Trees proposed for planting in an afforestation area shall include both deciduous and evergreen species, in roughly equivalent proportions.
- b. Trees shall be native or endemic to the County and should be of a variety that can be expected to live at least 25 years under normal conditions.
- c. Nuisance species, such as the Tree of Heaven, Mimosa, Bradford Pear, or Chinese Tallowtree, shall not be included in afforestation area plantings.

##### 2. Mix of Mature Heights

Trees proposed for planting in an afforestation shall include both canopy trees with mature heights over 40 feet and understory trees with mature heights under 40 feet.

##### 3. Minimum Size of Trees at Time of Planting

Trees proposed for planting in an afforestation areas shall be from containerized stock. Bare-root stock is not recommended, and use of seeds or cuttings is prohibited.

##### 4. Minimum Planting Density

- a. Afforestation areas shall maintain a minimum planting density or number of new trees of 400 to 500 trees per acre at the time of planting. Some of these trees may not survive to maturity.

##### 5. Spacing between Newly Planted Trees

- a. Newly planted trees in an afforestation area being established shall be spaced approximately eight-to-ten feet from one another. In no instance shall spacing between trees be less than six feet.
- b. Replacement trees being introduced into an established afforestation area are not subject to these spacing requirements.

##### 6. Arrangement

Newly planted trees in an afforestation area being established shall be planted to follow the natural contours of the land in irregularly curved rows so as to maximum screening and avoid the appearance of being planted.

##### 7. Minimum Width

- a. The minimum width of an afforestation area shall be 40 linear feet.
- b. In cases where an afforestation area borders land that is unbuildable (such as open space set-aside, wetlands, floodplain, riparian buffers, etc.), the minimum width may be reduced by five feet for every ten feet of width in the adjacent unbuildable land. In no instance shall an afforestation area's width drop below 20 linear feet, regardless of the width of adjacent unbuildable land.
- c. Nothing shall limit the maximum width of an afforestation area, provided the minimum planting density and maximum spacing requirements are maintained.

##### 8. Maintenance

- a. Afforestation areas shall be subject to on-going maintenance as necessary, including the active control competing vegetation for at least three years following initial establishment and selective replanting of vegetation, as necessary in the opinion of the UDO Administrator, to maintain the ultimate screening function of the area.
- b. Nothing shall require an afforestation area to maintain the minimum planting density at the time of establishment. It is not uncommon for some trees in an afforestation to not reach maturity. Trees failing to reach maturity prior to death do not necessarily require replacement. Rather, the objective of these standards is to maintain the screening performance function of the afforestation area, which can be adequately accomplished with mature and maturing trees with maximum spacing that exceeds that required at the time of afforestation area establishment.
- c. Failure to maintain the desired screening function of an afforestation area after establishment shall be a violation of this Ordinance.

#### H. Timing

Afforestation areas shall be established prior to issuance of the first certificate of occupancy associated with the development, or development phase served by the afforestation area.



## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.4 Tree Protection<sup>217F</sup>

#### 7.4.6 Tree Protection Devices<sup>221F</sup>

##### I. Removal after Establishment

Trees located in an afforestation area shall not be removed after planting except in cases of disease, damage, death, or removal as necessary to support robust growth in adjacent trees in accordance with best practices.

#### 7.4.5 CREDIT FOR EXISTING VEGETATION<sup>221</sup>

- A. Existing healthy, well-formed canopy and understory trees that are retained on site during and after development shall be credited toward the minimum landscaping requirements in **Section <>, Landscaping Requirements**, provided:
1. The vegetation to be credited shall meet the minimum size standards for required landscaping;
  2. The vegetation to be credited conforms with all species requirements and does not include noxious weeds or other nuisance vegetation;
  3. The vegetation to be credited is protected before and during development in accordance with **Section <>, Tree Protection Devices**, prior to the start of any land-disturbing activities; and
  4. The location of the existing vegetation contributes to the screening or buffering functions of the landscaping.
- B. As an incentive for retention of existing trees, existing trees meeting the standards in (A) above that are retained during and after development shall be credited towards the minimum landscaping requirements in this Ordinance at a rate of 1.25 times the tree's actual caliper or diameter at breast height.
- C. The land area located within the dripline of existing trees retained during and after construction may be credited towards the requirements in **Section <>, Open Space**.

#### 7.4.6 TREE PROTECTION DEVICES<sup>222</sup>

##### A. Responsibility

During any development activity (including demolition activity) on a lot or site containing trees to be retained in accordance with this section, the landowner or developer shall be responsible for protecting existing or replacement trees in accordance with the standards in this section.

##### B. Protective Fencing and Signage

###### 1. Protective Fencing

- a. Continuous fencing consisting of a bright orange plastic mesh at least four feet high shall be provided along the driplines of significant trees or trees to be retained for credit towards minimum landscaping requirements.
- b. Retained trees that are inaccessible to development activities or separated from development activities by a distance of at least 300 linear feet are exempted from the requirement for tree protection fencing.
- c. Nothing shall prevent tree protection fencing and silt fencing from being consolidated.

###### 2. Warning Signage

Warning signs shall be installed along any required tree protective fencing at points no more than 150 feet apart. The signs shall be clearly visible from all sides of the outside of the fenced-in area. The size of each sign must be a minimum of two feet by two feet. The sign message shall, in both English and Spanish, identify the fenced or marked area as a tree protection area and direct construction workers not to encroach into the area (e.g., "Tree Protection Area: Do Not Enter"). For the purposes of this Ordinance, these warning signs are considered government signs exempted from First Amendment protections regarding regulation of sign content.

##### C. Duration of Protective Fencing and Signage

Required protective fencing and signage shall be erected before any grading or other development activity begins and shall be maintained until issuance of a certificate of occupancy following completion of all development in the immediate area of the fencing or signage.

##### D. Tree Protection Requirements

1. No development activity—including grade changes, the operation or parking of heavy equipment, or the washing down of concrete or cement handling equipment, or the storage of fuel, chemicals, materials, supplies, or construction waste and debris—shall be allowed within areas surrounded by tree protection fencing.
2. No structures or hard surfaces shall be located within areas surrounded by tree protection fencing.

<sup>221</sup> This is a new section that encourages the retention of existing trees for use in meeting landscaping requirements through an accelerated rate of credit offered for existing vegetation over the planting of new vegetation. The basic premise of this approach is that mature existing vegetation provides a superior level of landscaping than that provided by new landscape plantings.

<sup>222</sup> This section replaces the standards in Section 151.159, Protection of Trees During Construction, in the current ordinance.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.5 Open Space Set-Aside<sup>223</sup>

#### 7.5.4 Minimum Open Space Set-Aside Required

3. Retaining walls and drywells may be used to protect trees to be preserved from severe grade changes if venting adequate to allow air and water to reach tree roots is provided through any fill.

#### E. **Damage or Death of a Protected Tree**

If a violation of this section occurs and a protected tree is removed or dies within two years after a certificate of occupancy is granted for that portion of a development where the tree is or was located, then the permit recipient, or their successor, shall be required to replace the protected tree in accordance with the standards in [Section <>, Mitigation for Significant Tree Removal](#).

## 7.5 OPEN SPACE SET-ASIDE<sup>223</sup>

### 7.5.1 PURPOSE AND INTENT

The purpose of this section is to help ensure the rural character of the County is maintained in areas outside of designated village centers as well as ensuring village center areas have open space resources that encourage recreation and the gathering of residents and visitors. These standards are further intended to:

- A. Establish the standards under which residential, mixed-use, and nonresidential development shall set aside a portion of the development area as open space;
- B. Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides (OSS), based on the zoning district designation; and
- C. Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space set-asides.

### 7.5.2 APPLICABILITY

#### A. **Generally**

1. Unless exempted in accordance with [Section <>, Exemptions](#), the standards in this section shall apply to all new development and redevelopment in the County.
2. Redevelopment conducted after ([insert the effective date of this Ordinance](#)) shall comply with the standards in this section, to the maximum extent practicable, and shall provide its pro rata share of open space set-aside.

#### B. **Conservation Subdivisions**

Open space set-asides associated with a conservation subdivision shall be subject to the standards in [Section <>, Conservation Subdivision](#), in addition to these standards. In the event of a conflict, the standards in [Section <>, Conservation Subdivision](#), shall control.

#### C. **Exemptions**

The following forms of development shall be exempted from the standards in this section:

1. Development of an individual single-family dwelling (including manufactured homes) on lots platted prior to ([insert the effective date of this Ordinance](#));
2. Subdivisions comprised solely of six or fewer lots where all lots intended for single-family detached residential dwellings;
3. Development located within the CP, LI, and HI districts.

### 7.5.3 HOW TO USE THESE STANDARDS

- A. Developments subject to these open space set-aside (OSS) standards shall provide the minimum amount of open space set-aside based on the zoning district where located. The physical amount of open space to be set aside is based on the percentage of total development size. These percentage requirements are found in the dimensional standards tables for the zoning districts in Article 151.3: Zoning Districts.
- B. The required amount of open space set-aside may be reduced based on the provision of afforestation areas, configuration of off-street parking areas in accordance with low-impact development principles, the provision of sustainable development features in accordance with [Section <>, Sustainable Development Incentive](#), or other aspects of this Ordinance.

<sup>223</sup> This section includes new private common open space standards described on Pages 84 and 85 of the Evaluation Report. These standards are proposed to replace the open space provisions in Section 151.195, Open Space through Section 151.197, Ownership and Maintenance of Required Open Space, from the current ordinance. While the concept of private common open space is retained in these proposed standards, these provisions focus more on context (whether rural, suburban, or urban) in terms of how the open space should function. Generally speaking, these proposed standards remove active recreation requirements from open space in rural and suburban areas, and instead propose using open space in these areas for the preservation of rural character and for use in dealing with stormwater standards. On the other hand, open space in urban areas, like village centers, should be focused on providing places for people to gather. Higher density residential development like multi-family should focus on active recreation features.

**ARTICLE 151.7 ENVIRONMENTAL PROVISIONS**

7.5 Open Space Set-Aside<sup>222F</sup>

7.5.6 Allowable Features in Open Space Set-Asides

- C. Once the minimum amount of OSS to be provided is determined, the type of OSS, whether active, passive, or urban is determined based on **Table <>, Open Space Set-Aside Configuration**.
- D. Applicants should then consult the range of allowable and prohibited features in the type of OSS to be provided.

**7.5.4 MINIMUM OPEN SPACE SET-ASIDE REQUIRED**

The minimum required amount of open-space set-aside shall be in accordance with the dimensional standards for the zoning district where development is located. Article 151.3: Zoning Districts sets out the dimensional standards for each zoning district.

**7.5.5 OPEN SPACE SET-ASIDE DISTINGUISHED**

**A. Types of Open Space Set-Aside**

Open space set-aside may take any one of the following three forms, which are distinguished from one another based upon the types of facilities they contain, the general configuration of the land, or the kinds of function they serve:

1. Active open space set-aside;
2. Passive open space set-aside; and
3. Urban open space set-aside.

**B. Where Credited**

Development subject to these standards shall provide the required type of open space set-aside in accordance with **Table <>, Open Space Set-Aside Configuration**. Nothing shall limit the provision of a greater minimum percentage or other type of open space set-aside, provided the minimum requirements in this section are met.

<b>TABLE &lt;&gt;: OPEN SPACE SET-ASIDE CONFIGURATION</b>			
<b>ZONING DISTRICT</b>	<b>TYPES OF OPEN SPACE SET-ASIDE [1]</b>		
	<b>ACTIVE OSS (MINIMUM % OF TOTAL OSS PROVIDED)</b>	<b>PASSIVE OSS (MINIMUM % OF TOTAL OSS PROVIDED)</b>	<b>URBAN OSS (MINIMUM % OF TOTAL OSS PROVIDED)</b>
<b>RESIDENTIAL DISTRICTS</b>			
WL	·	100	·
RR	·	100	·
SR	·	100	·
NR	75	25	·
VR	25	·	75
<b>COMMERCIAL DISTRICTS</b>			
CC	·	25	75
VC	·	·	100
HC	·	100 [2]	·
MC	·	100 [2]	·
MX	·	·	100
<b>PLANNED DEVELOPMENT</b>			
PD	Variable, based on Planned Development Master Plan		
NOTES: [1] The amount of open space set-aside to be provided is established in the zoning district dimensional standards in Article 151.3: Zoning Districts. [2] Multi-family development in these districts shall configure at least 75 percent of the total OSS provided as active OSS.			

**7.5.6 ALLOWABLE FEATURES IN OPEN SPACE SET-ASIDES**

**A. Active Open Space Set-Aside**

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.5 Open Space Set-Aside<sup>224</sup>

#### 7.5.8 Design Standards for Active OSS Areas

The following types of features are allowable in and credited towards active open space set-asides:

1. Swimming pools, splash pads, and areas devoted to water play for children;
2. Athletic fields and courts;
3. Boat launches and swimming platforms;
4. Club houses;
5. Playgrounds and play structures for children; and
6. Obstacle courses and exercise trails.

#### **B. Passive Open Space Set-Aside**

The following types of features are allowable in and credited towards passive open space set-asides:

1. Walking, bicycling, and equestrian trails;
2. Boardwalks;
3. Gardens and greenway trails;
4. Benches and seating areas;
5. Tables, shelters, grills, and related picnicking facilities;
6. Lawn areas and community greens;
7. Lakes, ponds, wetlands (including CAMA wetlands), swamps, canals, and streams;
8. Piers and docks for fishing or viewing wildlife; and
9. Undisturbed land

#### **C. Urban Open Space Set-Aside**

The following types of features are allowable in active open space set-asides:

1. Plazas and courtyards;
2. Roof gardens;
3. Indoor atriums open to the public;
4. Outdoor dining areas;
5. Fountains; and
6. Areas devoted to public gathering.

#### **D. Within Conservation Subdivisions**

Open space set-asides within conservation subdivisions may include any of the features allowed in active, passive, or urban open space set-aside areas in addition to farm fields, forestry lands, or lands used for agricultural purposes.

#### **E. Unlisted Features**

Unlisted features may be credited towards one or more different types of open space set-aside as determined by the UDO Administrator in accordance with [Section <>, Interpretation](#).

#### **F. Features Not Credited Towards Open Space Set-Aside**

The following areas shall not be included in or credited towards open space set-aside requirements:

1. Private yards not subject to an open space or conservation easement;
2. Public street rights-of-way or private street easements;
3. Open parking areas and driveways for dwellings or other uses;
4. Land covered by structures not designated for active recreational uses;
5. On-site wastewater treatment facilities, including septic tank drain fields; and
6. Designated outdoor storage areas.

### 7.5.7 FEATURES CREDITED TOWARDS PASSIVE OSS REQUIREMENTS<sup>224</sup>

The following site features shall be credited towards passive open space set-aside requirements:

- A. Required landscaping areas;
- B. Afforestation areas;
- C. Tree protection areas;
- D. CAMA wetlands and U.S. Army Corps of Engineers designated 404 wetlands;
- E. Riparian buffer areas;
- F. Natural heritage areas; and
- G. Land area occupied by stormwater management facilities, including retention ponds, fully vegetated detention basins, and other bio-retention devices, provided these facilities are treated as a site amenity that includes pedestrian access, gentle slopes of three-to-one (3:1) or less, and pedestrian elements such as paths, benches, and similar aspects to and around the facility.

### 7.5.8 DESIGN STANDARDS FOR ACTIVE OSS AREAS

<sup>224</sup> NOTE TO STAFF: These standards provide credit towards passive open space requirements for all wetlands and do not provide partial credit for water areas. This is done for the sake of simplicity, but additional discussion may be needed.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.5 Open Space Set-Aside

#### 7.5.11 Provision in Multi-Phase Developments

Active open space set-asides shall meet the following design standards:

- A. Active OSS areas shall be located so as to be readily accessible and useable by residents and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development.
- B. Where the development site is adjacent to existing or planned trails, parks, or other public open area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area.
- C. Lands set aside as active open space set-aside shall be compact and contiguous unless the land is used as a continuation of an existing trail, or specific natural or topographic features require a different configuration.

#### 7.5.9 OWNERSHIP OF OPEN SPACE SET-ASIDES

Open space set-asides are intended to remain under private ownership while being available for use to residents and visitors in the development where located. Ownership of open space set-aside shall remain with the owner of the land, except in the following circumstances.

- A. **Homeowners or Property Owners Association**  
All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners or property owners association, which shall be established in accordance with [Section <>, Homeowners or Property Owners Association Requirements](#).
- B. **Nonprofit Organization**  
The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the County is provided adequate assurance the set-aside will be properly managed and maintained.
- C. **Dedicated to County or Other Public Agency**  
In some cases, certain lands designated as open space set-asides, such as wildlife habitat, may be dedicated to the County or other public agency during the development review process. The Board of Commissioners shall determine which lands and under what conditions open space set-asides may be dedicated to the County or other public agency.

#### 7.5.10 MAINTENANCE OF OPEN SPACE SET-ASIDES

- A. The owner of the land shall be responsible for maintenance of all open space set-aside areas (including land, vegetation, private infrastructure, and other features) in accordance with this Ordinance and any conditions of approval associated with the development.
- B. Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Chapter 151.9: Enforcement.

#### 7.5.11 PROVISION IN MULTI-PHASE DEVELOPMENTS

- A. Multi-phase development shall preserve open space set-asides in phases, so that the first phase of development does not contain 100 percent of the open space set-aside required for the entire development, but does contain, at a minimum, its pro rata share of the total amount of required open space set-aside.
- B. Open space set-asides shall be apportioned among phases such that the total amount of open space set-aside in a phase and any previously approved phases meets the open space set-aside standard as applied to the total area of the phase and previously approved phases.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.6 Sustainable Development Incentives<sup>224F</sup>

#### 7.6.5 Procedure

## 7.6 SUSTAINABLE DEVELOPMENT INCENTIVES<sup>225</sup>

### 7.6.1 PURPOSE AND INTENT

In an effort to encourage sustainable development practices as a means of addressing climate change and the need for more resilient development practices, the protection of natural resources, and ensuring a high quality of life for future County residents, the UDO provides the following sustainable development practice incentives.

### 7.6.2 HOW TO USE THESE INCENTIVES

These sustainable development incentives are intended to reward applicants and forms of development that are configured in ways that conserve resources or are better able to withstand damaging weather events. Rewards take the form of increased maximum residential densities, increased maximum building heights, or reductions from other kinds of development standards such as required parking or maximum sign face area.

- A. Applicants seeking to take advantage of these sustainable development incentives should first understand the type of incentives available in accordance with **Section <>, Type of Incentives**.
- B. Once the preferred type of incentive(s) is determined, an applicant should review **Section <>, Procedure**, in order to determine the minimum number and type(s) of sustainable development practices required to take advantage of the desired incentive(s).
- C. Each type of incentive requires provision of one or more types of sustainable development practice from each of two different schedules (Schedule A and Schedule B).
- D. The sustainable development practices are listed, by schedule type, in Table <>, Menu of Sustainable Development Practices.
- E. The types of sustainable development practices to be provided are at the applicant's discretion, but the minimum number of practices from each schedule must be provided. Nothing shall limit the Board of Commissioners from including a condition of approval that specifies the use of one or more particular types of sustainable development practice should an applicant decide to pursue a sustainable development incentive.
- F. Site plans, subdivision plats, and other application materials shall identify the type(s) of incentives sought and the sustainable development practices provided.

### 7.6.3 APPLICABILITY

The incentives included in this section are available to new development in the commercial, industrial, and planned development districts.

### 7.6.4 TYPE OF INCENTIVES

- A. Development integrating sustainable development practices in accordance with the provisions of this section shall be eligible for the following incentives:
  1. A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district, based on the land's designation in the 2035 Comprehensive Plan;
  2. An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district, with approval of the Fire Marshal;
  3. A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent, or an increase to the maximum allowable number of spaces provided by 15 percent (without an alternative parking plan);
  4. An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent; or
  5. A reduction in the amount of required open space set-aside by 10 percent.
- B. Development may include a sufficient number of sustainable development practices to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this sub-section.

### 7.6.5 PROCEDURE

- A. Development seeking to use incentives shall include a written request with the development application that demonstrates how compliance with the standards will be achieved.

<sup>225</sup> This is a new section that sets out a series of incentives and sustainable development practices that can be voluntarily included in development by an applicant. While not described in the Evaluation Report, these standards are proposed as a means for the County to help encourage more sustainable and resilient development through the use of incentives rather than mandates. One element of these provisions to consider is that they do allow development to exceed the maximum residential densities or building heights in Article 151.3: Zoning Districts.



**ARTICLE 151.7 ENVIRONMENTAL PROVISIONS**

7.6 Sustainable Development Incentives 224F

7.6.6 Menu of Sustainable Development Practices

- B. Review for compliance with this section, and granting of requests in accordance with this section shall occur during review of a site plan, subdivision, planned development master plan, special use permit, or zoning compliance permit, as appropriate. The review authority responsible for review of the development application shall also be responsible for the review of sustainable development incentive request.
- C. Approval of use of a particular incentive shall be based on the number of sustainable development practices provided, in accordance with Table <>, Sustainable Development Practice Incentives, and Table <>, Menu of Sustainable Development Practices. To obtain the right to a particular incentive, development shall provide the minimum number associated of sustainable development practices from both schedule A and schedule B in the table below.

<b>TABLE &lt;&gt;: SUSTAINABLE DEVELOPMENT PRACTICE INCENTIVES</b>		
TYPE OF INCENTIVE	MINIMUM NUMBER OF SUSTAINABLE DEVELOPMENT PRACTICES PROVIDED	
	FROM SCHEDULE A	FROM SCHEDULE B
A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district	2	4
An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district	2	3
A reduction from the minimum parking space requirements by 15 percent, or an increase to the maximum allowable number of parking spaces provided by 15 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent	1	3
A reduction in the amount of required open space set-aside by 10 percent	1	2

**7.6.6 MENU OF SUSTAINABLE DEVELOPMENT PRACTICES**

One or more of the sustainable development practices in Table <>, Menu of Sustainable Development Practices, may be offered by an applicant for proposed development in accordance with Table <>, Sustainable Development Practice Incentives.

<b>TABLE &lt;&gt;: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES</b>		
SCHEDULE	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
<b>ENERGY CONSERVATION</b>		
A	Inclusion of solar photovoltaic panels or small wind energy facilities	Indication on site plan
A	Use of central air conditioners that are Energy Star qualified	Provision of manufacturer's certification statement
A	Use of only solar or tankless water heating systems throughout the structure	Inclusion on construction drawings
A	Use of a white roof or roofing materials with minimum reflectivity rating of 60 percent or more	Provision of materials sample and manufacturer's certification statement (statement not required for white roofs)
B	Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	Indication on site plans
B	Roof eaves or overhangs of three feet or more on southern or western elevations	Indication on site plans

**ARTICLE 151.7 ENVIRONMENTAL PROVISIONS**

7.6 Sustainable Development Incentives 224F

7.6.7 Failure to Install or Maintain Sustainable Development Practices

**TABLE <>: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES**

SCHEDULE	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	Inclusion on construction drawings
B	Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building facade	Indication on site plan
B	Configuration of new buildings with one axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	Indication on site plan
<b>LEED CERTIFICATION</b>		
AAA [2]	Construction of the principal structure to meet or exceed LEED Platinum certification standards	Provision of Green Building Certification Institute's verification of project compliance (may be provided within one year following occupancy)
AA [2]	Construction of the principal structure to meet or exceed LEED Gold certification standards	
BBB	Construction of the principal structure to meet or exceed LEED Silver certification standards	
BB	Construction of the principal structure to meet or exceed LEED Bronze certification standards	
<b>WATER CONSERVATION AND QUALITY PROTECTION</b>		
AA [1]	Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof intended to capture and hold rain water	Indication on site plan
A	Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons	Inclusion on construction drawings
A	Provision of rain gardens or other appropriate stormwater infiltration system(s) of at least 500 square feet in area	Indication on site plan
A	Provision of open space set-asides at a rate 200 percent or more beyond the minimum required	
B	Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area	
B	Removal of all lawn or turf in favor of living ground cover or mulch	
B	Use of xeriscape landscaping techniques without irrigation	
B	Provision of 150-foot undisturbed buffers adjacent to/surrounding all wetlands or surface waters	
B	Use of permeable surfacing on 50 percent or more of the vehicular use area	
<b>BUILDING CONFIGURATION</b>		
AA [1]	Compliance with the multi-family residential design standards in <b>Section &lt;&gt;</b> , <b>Multi-family Residential Development</b> , for single-family attached development	Indication on site plan & signature on statement of consent
A	Construction of principle structure in accordance with Barrier Free Design Standards (ANSI A1171.1)	Inclusion on construction drawings
A	Construction of the principal structure to a design wind speed standard of 150 mph	Signed attestation from a qualified NC licensed engineer
A	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	Indication on site plan
B	Provision of on-site transit facilities (e.g., designated park-and-ride parking spaces, bus shelters, or similar features)	
B	Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	Inclusion on construction drawings
B	Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclable generated on-site	Indication on site plan
NOTES: [1] Credited as provision of three schedule "A" features [2] Credited as provision of two schedule "A" features		

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**ARTICLE 151.7 ENVIRONMENTAL PROVISIONS**

7.6 Sustainable Development Incentives224F

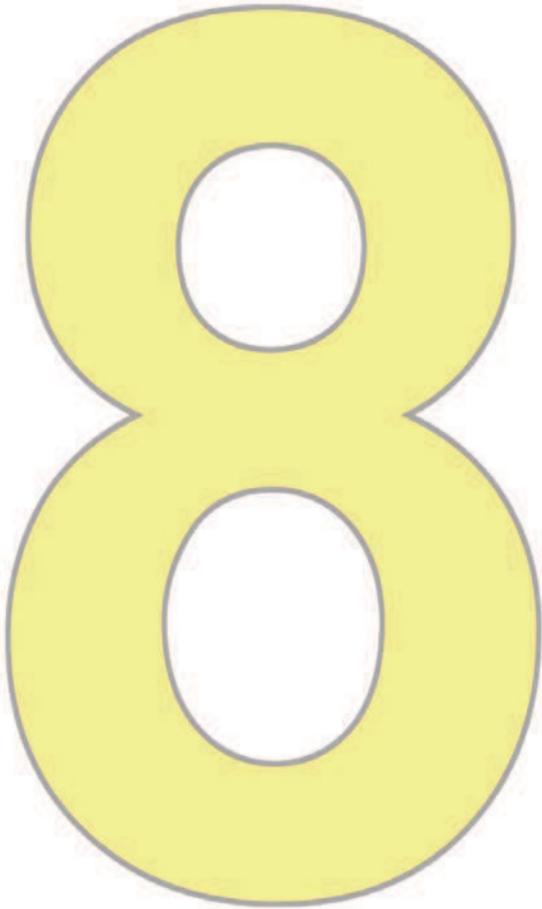
7.6.7 Failure to Install or Maintain Sustainable Development Practices

**7.6.7 FAILURE TO INSTALL OR MAINTAIN SUSTAINABLE DEVELOPMENT PRACTICES**

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The failure to install or maintain approved sustainable development practices is a violation of this Ordinance, shall render the subject development nonconforming, and may result in revocation of the authorization for use of sustainable development practice incentives.

# NONCONFORMITIES



## Key Changes in Article 151.8:

- This article establishes separate (but similar) standards for nonconforming uses, structures, and lots instead of a single set of provisions applied to all nonconforming 'situations'
- The standards clarify that it is the landowner's responsibility to demonstrate that an existing nonconformity is legally established.
- There are new standards for nonconforming signs that clarify when existing nonconforming signs may remain and when they must be removed.
- There are new standards to address nonconforming sites (landscaping, parking, etc.), that allow small improvements to existing sites to go forward without requiring full compliance. The amount of compliance that must be reached during renovation or addition is commensurate with the amount of money being spent – the more expensive the renovation, the greater the degree of conformity with these standards that must be achieved.
- The current provisions amortizing all nonconforming uses by January 1, 1999 has not been carried forward.
- These standards remove the current provisions that allow a decision-making body considering development where a nonconformity exists to waive some or all of the standards without any criteria. This kind of waiver should be addressed through an administrative adjustment or variance.
- The standards clarify that changes necessary to comply with regulatory flood elevation are allowed as part of any changes to a nonconformity.
- These standards add guidance on how to address nonconformities subject to casualty damage (fire, flood, explosion, etc.).
- There are new provisions to address situations where governmental acquisition of land (for a right-of-way or other purpose) could render a lot nonconforming.

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# ARTICLE 151.8 NONCONFORMITIES<sup>226</sup>

## 8.1 NONCONFORMITIES, GENERALLY<sup>227</sup>

### 8.1.1 PURPOSE AND INTENT

There are existing structures, uses of land, and lots of record that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, and lots are collectively referred to as “nonconformities.” The purpose and intent of this article is to allow nonconformities to continue to exist, but to regulate and limit their continued existence and expansion so as to bring them into conformity to the extent that is reasonably practicable.

### 8.1.2 DETERMINATION OF NONCONFORMITY STATUS

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the landowner of the land on which the alleged nonconformity is located.

### 8.1.3 CONTINUATION, MINOR REPAIRS, AND MAINTENANCE ALLOWED<sup>228</sup>

#### A. Continuation

Nonconformities are allowed to continue in accordance with the requirements of this article.

#### B. Completion

Nonconforming projects incomplete as of *[insert the effective date of this Ordinance]* shall only be completed in accordance with this article and *Section <>, Transitional Provisions.*

#### C. Maintenance Allowed

Nonconformities are allowed and encouraged to receive minor repairs and routine maintenance that are necessary to maintain the nonconformity and its surroundings in a safe condition and to protect against health hazards.

#### D. Strengthening Allowed

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized County official.

### 8.1.4 CHANGE OF TENANCY OR OWNERSHIP

No change in tenancy or ownership of land shall limit the continuance of a lawfully established nonconformity.

## 8.2 NONCONFORMING USES<sup>229</sup>

The lawful nonconforming use of a structure, land, or water existing as of *[insert effective date of this Ordinance]* may only be continued in accordance with the following standards:

### 8.2.1 DECLARED INCOMPATIBLE

<sup>226</sup> NOTE TO STAFF: This revised article does not carry forward the standards in Section 151.369, Amortization of Nonconforming Situations, which basically requires all nonconforming uses to be ceased or replaced with conforming uses by January 1, 1999.

<sup>227</sup> This article carries forward and amends the provisions addressing nonconforming situations in Section 151.360 (Definitions) through 151.368 (Amortization of Nonconforming Situations) with several notable changes, including: the definitions in these sections are relocated to Article 151.10: Definitions and Measurement; the standards have been reorganized into nonconforming lots, uses, and structures; there are new sections on certain nonconforming uses like manufactured homes built before 1993; and there are provisions for nonconforming site features (like landscaping, parking, etc.).

<sup>228</sup> This section is proposed to replace Section 151.361, Continuation of Nonconforming Situations and Completion of Nonconforming Projects, and Section 151.364, Repair, Maintenance, and Reconstruction, of the current ordinance. However, The current standards in Section 151.361(C) pertaining to lots with approvals of a temporary mobile home pending construction of a permanent single-family detached home are not carried forward because the failure to comply with the timeframe to construct the permanent dwelling has extinguished the right to have the temporary mobile home. In addition, the provisions pertaining to renovation in Section 151.364 are relocated to the section on nonconforming uses in these draft standards.

<sup>229</sup> NOTE TO STAFF: this section removes the need for the standards in Section 151.365, Change in Use of a Property Where a Nonconforming Situation Exists, in the current ordinance. This current section basically permits a nonconforming use to be replaced with a conforming use. It allows the body considering the replacement request to allow the replacement use to waive or deviate from other applicable code requirements as part of the review process. This is inappropriate, and should be addressed through the administrative adjustment or variance procedures.



All nonconforming uses are hereby declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance.

### 8.2.2 INCREASING ELEVATION

Nothing in this section shall limit the increase in elevation of an existing or damaged building or structure in the FPO to a height above the regulatory flood elevation.

### 8.2.3 EXTENSION OR EXPANSION<sup>230</sup>

A nonconforming use shall not be extended or expanded to occupy more space or altered in any way that increases the degree of nonconformity, except in accordance with the following standards:

**A. Single-Family Detached Dwellings**

Except for manufactured homes, any structure being used solely as a nonconforming single-family detached dwelling may be enlarged or replaced with a similar structure, provided the enlarged or replacement single-family detached dwelling does not:

1. Create new nonconformities; or
2. Increase existing nonconforming dimensional requirements or nonconforming site features such as parking, landscaping, or other site features.

**B. Manufactured or Mobile Homes**

An existing nonconforming manufactured or mobile home may be replaced with another nonconforming manufactured or mobile home provided the replacement mobile or manufactured home:

1. Is sixteen feet wide or wider;
2. Is in compliance with the County's minimum wind loading standards (and is therefore constructed after [redacted], 1993);
3. Is in place within 60 days of the removal of the prior nonconforming mobile or manufactured home;
4. Is connected to the public sewer system, or has all the necessary permits from the Albemarle Regional Health Services pertaining to wastewater treatment; and
5. Is surrounded by underpinning comprised of an all-weather base material.

**C. All Other Uses**

**1. Generally<sup>231</sup>**

The volume, intensity, or frequency of nonconforming use may be increased, and the equipment or processes used at a location may be changed if these changes amount only to changes in the degree of activity rather than changes in the kind of activity.

**2. Extension within a Building**

- a. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use.
- b. A nonconforming use may not be extended to additional buildings, new buildings, or to land outside the original building.

**3. Extension of an Open-Air Use**

- a. Except for extractive industry use types, an open-air nonconforming use (one without a building or structure) may not be expanded or extended to cover more land than it occupied at the time it became nonconforming.
- b. An extractive industry use that has removed 10% or more of the material being extracted prior to the date it became nonconforming may continue extracting material to the boundary identified in the original approval.

**4. Renovation**

A nonconforming use may be renovated only in accordance with the following standards:

- a. The proposed renovation is limited to a maximum cost equal to or less than 25 percent of the appraised value of the structure (including foundations) as listed on the current records maintained by the Camden County Tax Assessor's office.

<sup>230</sup> NOTE TO STAFF: This section does not carry forward the standards in Section 151.363(G) pertaining to satellite parking because of the proposed changes to the renovation/restoration provisions.

<sup>231</sup> NOTE TO STAFF: This standard is carried forward from Section 151.363(D) of the current standards. We suggest it not be included as it allows nonconforming uses to increase their intensity. Additional discussion is needed.

8.2. Nonconforming Uses<sup>228F</sup>

## 8.2.7. Replacement

- b. The need for the renovation or restoration is not the result of damage to the structure intentionally caused by a person with ownership interest in the structure, as determined by the Building Inspector.
- c. The renovation does not create a new nonconformity or worsen an existing nonconformity with respect to dimensional requirements or development standards in Section 151.5: Development Standards.
- d. In no instance shall renovation activities allowed under this section take place more than once after *[insert the effective date of this Ordinance]*.

### 8.2.4 CONVERSION TO ANOTHER NONCONFORMING USE

- A. No nonconforming use shall be converted to another nonconforming use unless the proposed nonconforming use is determined by the UDO Administrator to be of equal or less intensity or density. In determining whether a proposed nonconforming use is of equal or less intensity or density, the UDO Administrator shall consider:
  - 1. Anticipated traffic of each use;
  - 2. Parking requirements of each use;
  - 3. Anticipated number of persons on the premises of each use at a time of peak demand;
  - 4. The number of dwelling units; and
  - 5. Off-site impacts of each use, such as noise, glare, dust, vibration, or smoke.
- B. A converted nonconforming use shall occupy the same (or smaller) portion of the lot occupied by the original nonconforming use unless an alternate placement will reduce the amount of nonconformity.

### 8.2.5 RESTORATION FOLLOWING DAMAGE<sup>232</sup>

#### A. Single-Family Detached Dwellings

- 1. Except for manufactured or mobile homes, a structure being used solely as a nonconforming single-family detached dwelling that is damaged by fire, explosion, flood, or other calamity may be restored or reconstructed in accordance with the standards in *Section 8.2.3.A, Single-Family Detached Dwellings*.
- 2. Nonconforming manufactured or mobile homes damaged by fire, explosion, flood, or other calamity may be restored or reconstructed only in accordance with the standards in *Section 8.2.3.B, Manufactured or Mobile Homes*.

#### B. All Other Uses

If a nonconforming use other than a single-family detached dwelling is damaged by fire, explosion, flood, or other calamity to an extent more than 51 percent of its current assessed value, it shall not be restored, except in compliance with the provisions of this Ordinance.

### 8.2.6 CESSATION<sup>233</sup>

#### 1. Generally

- a. If a nonconforming use of land ceases operation for a continuous period of more than 180 days, any subsequent use of the land shall only be as a use permitted in the district in accordance with *Table <>, Principal Use Table*.
- b. The landowner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than 180 days, to maintain its nonconforming status.
- c. A determination by the County that a nonconforming use has ceased may be based on, but not limited to, any of the following:
  - 1. Removal of inventory, equipment, or machinery;
  - 2. Termination in or a substantial reduction in utility services;
  - 3. Absence or reduction in activity at the site compared with the former level of use;
  - 4. Failure to maintain minimal hours of operation;
  - 5. Voluntary demolition;
  - 6. Unoccupied buildings in which the use was formerly conducted;
  - 7. Removal of on-site signage or copy from that signage;
  - 8. Failure to apply or re-apply for the necessary permits; or
  - 9. Failure to appeal from the denial of necessary permits.

#### 2. Damage, Destruction, or Demolition

If a lawfully-established nonconforming use of land ceases because of fire, explosion, flood, or other calamity, it may be restored in accordance with *Section <>, Restoration Following Damage*, provided a

<sup>232</sup> This is a new section, and clarifies that most nonconforming uses may not be restored after casualty damage.

<sup>233</sup> This section replaces the standards in Section 151.366, Discontinuance of Nonconforming Situations.

building permit is obtained within 180 days of the date of damage and provided the building permit does not expire.

## 8.2.7 REPLACEMENT

A nonconforming use shall only be replaced with a use that conforms to the requirements of this Ordinance.

## 8.3 NONCONFORMING STRUCTURES<sup>234</sup>

### 8.3.1 APPLICABILITY

Nonconforming principal and accessory structures shall be subject to the standards in this section.

### 8.3.2 CONTINUATION AND REPLACEMENT

#### A. Continuation

A nonconforming structure may be continued in accordance with **Section <>, Continuation, Minor Repairs, and Maintenance Allowed.**

#### B. Replacement

##### 1. Residential Development

- a. Nonconforming single-family detached dwellings and nonconforming manufactured or mobile homes may be reconstructed in accordance with the standards in **Section 8.2.3, Extension or Expansion.**
- b. Nonconforming residential structures, other than single-family detached dwellings and manufactured or mobile homes, subject to damage by fire, explosion, flood, or other calamity may be reconstructed in the same location and with the same footprint as existed prior to damage. In no instance shall replacement of a nonconforming residential structure increase the nonconformity.
- c. Nothing shall limit activities that increase habitable space of a nonconforming residential structure to a height above the regulatory flood elevation.

##### 2. Nonresidential Development

###### a. After Damage in Excess of 50 Percent of Assessed Value

In the event of damage by fire, explosion, flood, calamity, or other causes to an extent exceeding 50 percent of its assessed value prior to such damage, of a nonconforming nonresidential structure shall be permitted only in compliance with the applicable requirements of this Ordinance.

###### b. After Damage Less Than 50 Percent of Assessed Value

In the event of damage by fire, explosion, flood, calamity, or other causes to an extent less than 50 percent of its assessed value prior to such damage, reconstruction of a nonconforming nonresidential structure shall be allowed, provided it is constructed:

1. In accordance with an approved site plan or building permit, as applicable;
2. In the same location and up to the same dimensions as originally existed; or
3. In compliance with the current dimensional requirements.

#### C. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless the relocation reduces or removes the nonconformity.

### 8.3.3 ALTERATION AND EXPANSION

#### A. Alteration

No nonconforming structure may be altered in any way which increases the nonconformity; however, any nonconforming structure or portion thereof may be altered to decrease the degree of nonconformity. Nothing shall limit the elevation of a residential structure as necessary to ensure habitable floor area is outside the regulatory flood elevation.

#### B. Enlargement

<sup>234</sup> This is largely a new section. These issues are addressed in indirect ways by the current standards through their use of the term "nonconforming situations." The proposed approach in these standards helps make it clear that there are cases where conforming uses may be located within nonconforming structures.

## ARTICLE 151.8. NONCONFORMITIES<sup>235</sup>F

### 8.4. Nonconforming Lots of Record<sup>234</sup>F

#### 8.4.5. Governmental Acquisition of Land

Any enlargement of a nonconforming structure shall be configured so as to not increase the degree of nonconformity.

### 8.3.4 CESSATION

A nonconforming structure may be re-occupied by a conforming use following discontinuance of a prior use.

## 8.4 NONCONFORMING LOTS OF RECORD<sup>235</sup>

### 8.4.1 APPLICABILITY

Lawfully established nonconforming lots of record may be developed in accordance with the standards in this section.

### 8.4.2 NONCONFORMING LOT WIDTH OR AREA

#### A. Lots with Contiguous Frontage in One Ownership

When two or more adjoining lots with contiguous frontage are under common ownership and one or more of the lots are nonconforming in terms of width or area, such lots shall be combined to create one or more lots, each of which conforms to the applicable dimensional requirements of the district prior to the commencement of development.

#### B. Single Lot of Record in a Residential District

When a lot in a residential zoning district has an area or width which does not conform to the dimensional requirements of the district where it is located, but was lawfully established on or before January 1, 1998, then a single-family detached dwelling may be built on the lot, subject to compliance with setback standards, to the maximum extent practicable. No other form of residential use may be established.

#### C. Single Lot of Record in a Nonresidential District

When a lot in a nonresidential district has an area or width which does not conform to the dimensional requirements of the district where it is located, but was lawfully established on or before January 1, 1998, then development on the lot may be permitted, subject to compliance with all required dimensional and development standards, to the maximum extent practicable, and all other applicable development and design standards.

### 8.4.3 NONCONFORMITY AFFECTS REQUIRED SETBACKS

A. In cases where the size or shape of a nonconforming lot inhibits the ability of a use to comply with required setbacks, an applicant may apply to reduce the setback requirements the minimum amount necessary in accordance with the standards and requirements in [Section <>, Administrative Adjustment](#).

B. The maximum deviation percentages in [Section <>, Administrative Adjustment](#), pertaining to required setbacks shall not apply, but the deviation from required setbacks shall be the minimum necessary, in the opinion of the UDO Administrator.

C. In no instance shall financial hardship serve as a justification of the need to exceed the maximum deviation percentage of an administrative adjustment.

### 8.4.4 EXPANSION OR ENLARGEMENT

The boundaries, shape, or size of a nonconforming lot may be modified through a lot line adjustment, boundary adjustment, recombination, or consolidation, provided it reduces the extent of the nonconformity.

### 8.4.5 GOVERNMENTAL ACQUISITION OF LAND

Conforming lots subject to governmental acquisition of a portion of the lot for a public purpose that results in the lot becoming nonconforming because it no longer complies with lot area, width, or depth standards of the district shall be deemed conforming upon receipt of a zoning compliance permit (see [Section <>, Zoning Compliance Permit](#)), and compliance with the following:

<sup>235</sup> This section is proposed to replace the standards in Section 151.362, Nonconforming Lots. The current standards apply the nonconforming lot standards only to vacant lots. Lots with development are addressed by the standards in Section 151.365, Changes in Use of Property where a Nonconforming Use Exists (even if the use on the lot is conforming). The current standards allow a lot to that does not meet required width standards to be developed as if it conformed, but not if the lot area is insufficient for the use type. In cases where the lot results in an inability to meet setback requirements, the current standards allow the decision maker to reduce or waive the setback requirements on a case-by-case basis. These proposed standards seek to allow lawfully established nonconforming lots to be developed even if they do not comply with dimensional requirements (even lot area) without need for individual case-based decision making. These standards do require nonconforming lots under common ownership to be consolidated prior to development.

## ARTICLE 151.8. NONCONFORMITIES<sup>225F</sup>

### 8.5. Nonconforming Signs<sup>235F</sup>

#### 8.5.4. Replacement of Nonconforming Signage

**A. Complies with Use Table**

The development proposed complies with **Table <>, Principal Use Table**;

**B. Complies with Dimensional Standards**

The development proposed complies with the dimensional standards of this Ordinance, prior to the acquisition;

**C. Complies with Off-Street Parking Standards**

The development proposed is designed to comply with the off-street parking and landscaping standards of this Ordinance; and

**D. Complies with Other Applicable Standards**

The development proposed complies with all other standards and requirements of this Ordinance.

## 8.5 NONCONFORMING SIGNS<sup>236</sup>

### 8.5.1 GENERAL

A sign that was legally in existence on January 1, 1998 and was constructed in accordance with the applicable laws and ordinances in effect on the date of construction, but by reason of its size, height, location, design, or construction is no longer in compliance with the requirements of the Ordinance, shall be deemed a nonconforming sign subject to the standards in this section.

### 8.5.2 PROHIBITED ACTIONS

The following actions associated with a nonconforming sign shall be prohibited:

**A. Enlargement or Alteration**

Structural alteration, enlargement, or extension of a nonconforming sign or sign structure, however, nothing shall limit the ability to replace the support structure of a billboard, including shifting from wooden poles to a steel monopole structure;

**B. Type of Lighting**

Changes to the type of sign lighting; and

**C. Relocation**

Relocation of a nonconforming sign upon the premises.

### 8.5.3 MAINTENANCE OF NONCONFORMING SIGNAGE ALLOWED

A nonconforming sign may remain in place and be maintained as long as the use it advertises remains in operation, subject to the following standards:

**A. Maintenance Actions**

Normal maintenance of a nonconforming sign shall be allowed, and shall be limited to the following:

1. Nonstructural repairs, such as repainting or electrical repairs;
2. Incidental alterations which do not increase the degree or extent of the nonconformity; and
3. Changing of copy, as provided in this section.

**B. Change of Sign Copy**

Nonconforming signs may change copy in the form of replacement panels or replacement lettering.

### 8.5.4 REPLACEMENT OF NONCONFORMING SIGNAGE

**A. Removal**

Any nonconforming sign that is removed for any reason shall only be replaced with a sign that complies with the provisions of this Ordinance.

**B. Damage**

1. If damage to a nonconforming sign from any cause is less than 50 percent of either the original or replacement value, whichever is less, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed.

<sup>236</sup> NOTE TO STAFF: This is a new section proposed for the County's consideration. Additional discussion is needed regarding the need for nonconforming billboard standards. The County may not wish to include those kinds of provisions. Article 151.4, Uses, makes off-site signage (billboards) prohibited except where authorized via federal law.

8.6. Nonconforming Sites<sup>236F</sup>

8.6.3. Remodeling of Buildings or Structures

2. If damage from any cause to a nonconforming sign equals or exceeds 50 percent of either the original or replacement value, the nonconforming sign may only be replaced with a sign that complies with the provisions of this Ordinance.

**C. Renovation**

Nonconforming signage shall be removed or replaced with conforming signage if any of the following occur:

1. If additions or expansions of buildings exceed 3,000 square feet of gross floor area (GFA) or the total of additions or expansions of buildings, parking areas, or open uses of land occur that individually or collectively exceed 5,000 square feet; or
2. If structural or nonstructural alterations, excluding routine maintenance and repair of the facade of the principal building, exceeds 50 percent of the facade's area, to be calculated from the area of the facade or wall used in calculating the maximum allowable sign area.

### 8.5.5 DISCONTINUANCE OF BUSINESS ACTIVITY

**A. Discontinued for Less than 180 Days**

If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of less than 180 days, then the nonconforming sign may remain.

**B. Discontinued for 180 Days or More**

If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of 180 days or more, then the nonconforming sign must be removed or replaced by a sign conforming to the standards of this Ordinance within 60 days of notice by the UDO Administrator.

### 8.5.6 ADDITIONAL SIGN PERMIT APPLICATION

On-premise nonconforming signage shall be removed or replaced with conforming signage if an application for a sign permit to add new or additional signage to the premises is approved.

## 8.6 NONCONFORMING SITES<sup>237</sup>

### 8.6.1 APPLICABILITY

- A. For purposes of this section, the term "nonconforming site features" includes the following:
  1. Nonconforming off-street parking;
  2. Nonconforming landscaping;
  3. Nonconforming perimeter buffers;
  4. Nonconforming screening walls or fences; and
  5. Nonconforming lighting.
- B. If an application is filed for a building permit (including mechanical, electrical, HVAC, or other typical permit) for the remodeling or expansion of a structure and the development site contains one or more nonconforming site features identified in Subsection A. above, and the value of the proposed improvements totals at least 25 percent of the assessed value of the existing structure, the applicant shall be required to address the nonconforming site feature as provided in this section.
- C. County staff may develop administrative guidelines to assist in the implementation of this section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into compliance with the requirements of this Ordinance because of particular site constraints or impacts on adjacent sites.

### 8.6.2 DETERMINATION OF COST AND ASSESSED VALUE

- A. For purposes of determining if upgrading of nonconforming site features is required by this subsection, the cost of the remodeling shall be as shown on the approved building permit application.
- B. Assessed value shall be based on the most recently available Camden County tax records.

<sup>237</sup> This is a new section designed to [replace the standards in Section 151.144, Nonconforming Landscaping, as well as](#) address existing sites that do not comply with the development and design standards included in this draft ordinance. It seeks to allow existing business to gradually reach full compliance through incremental improvements to the use or building. It allows small changes to existing buildings and sites to take place without requiring full compliance with current standards. This section is proposed for the County's consideration, but is not required to maintain an effective nonconformities article. This section could be removed without serious impact to the other provisions; however, the Ordinance should clarify the point at which existing nonconforming sites will be required to comply with the new standards. This may be upon removal of an existing building or at some other point. Regardless, the Ordinance should be clear on when existing development needs to be upgraded for compliance with new standards.



### 8.6.3 REMODELING OF BUILDINGS OR STRUCTURES

If a building permit is required for interior or exterior remodeling of the building or structure, the remodeling or redevelopment shall require correction of existing on-site nonconforming off-street parking, landscaping, perimeter buffer, screening, and lighting in accordance with this section.

**A. 25 Percent or Less of Structure Value**

Remodeling in any continuous one-year period that costs 25 percent or less of the current assessed value of the structure shall not require any correction to nonconforming site aspects.

**B. More Than 25 Percent but Less Than 75 Percent of Structure Value**

Remodeling in any continuous one-year period that costs more than 25 percent but less than 75 percent of the current assessed value of the structure shall require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, screening, and lighting standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance.

*Example: A hypothetical building is required to provide at least 40 off-street parking spaces, but the building site only includes 20 spaces. If the building is remodeled such that the cost of remodeling equals 30 percent of the building's assessed value, the remodeling project must add 12 parking spaces (30% x 40 required spaces). This increases the development's degree of compliance with off-street parking standards from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces).*

**C. 75 Percent or More of Structure Value**

Remodeling projects that cost 75 percent or more of the current assessed value of the structure shall require 100 percent compliance with the off-street parking, landscaping, perimeter buffer, screening, and lighting standards of this Ordinance.

**D. Five or Fewer Additional Parking Spaces**

When five or fewer additional off-street parking spaces are required under this subsection as a result of a remodeling project, such additional off-street parking is not required to be installed, but the applicant may install a comparable number of bicycle parking spaces.

### 8.6.4 ADDITIONS AND EXPANSIONS

Additions and expansions to structures on nonconforming sites shall require correction of existing on-site nonconforming off-street parking, landscaping, perimeter buffer, screening, and lighting standards in accordance with this section.

**A. Off-Street Parking, Landscaping, Perimeter Buffers, Signage, and Screening**

**1. Expansion of 50 Percent or Less of Gross Square Footage Over One Year**

Expansions in any continuous one-year period, which result in a 50 percent or less increase in the gross square footage of the existing structure (measured at the beginning of the one-year period), require that a corresponding percentage of the off-street parking, bicycle parking, landscaping, perimeter buffer, screening, and lighting standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance.

*Example: if the addition is 25 percent of the area of the existing structure and the site contains only 50 percent of the required landscaping, 25 percent of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to 75 percent of the total required. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.*

**2. Expansion of Greater Than 50 Percent of Gross Square Footage Over One Year**

Expansions over any continuous one-year period, which result in a greater than 50 percent increase of the gross square footage of the existing structure (measured at the beginning of the one-year period), require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance.

**B. Addition of Outdoor Storage Area Only**

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in **Section <>, Landscaping**, with priority given to screening the impacts of outdoor operations.

### 8.6.5 PHYSICALLY CONSTRAINED PROPERTIES - COMPLY TO MAXIMUM EXTENT PRACTICABLE

**ARTICLE 151.8. NONCONFORMITIES225F**

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8.6. Nonconforming Sites236F

8.6.5. Physically Constrained Properties - Comply to Maximum Extent Practicable

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply, to the maximum extent practicable, as determined by the UDO Administrator.

# ENFORCEMENT



## Key Changes in Article 151.9:

- This article provides a more in-depth set of provisions than those in the current ordinance for use by the County in enforcing this Ordinance, including sections on purpose and intent for the standards and a general list of the types of violations.
- The standards recognize recent changes in state law regarding the statute of limitations for enforcement of a violation.
- The article clarifies the right of County employees to enter property to enforce this Ordinance, as necessary.
- The article provides additional clarity regarding the notice of violation process, including the contents of the notice and how it may be delivered.
- The article clarifies that initial written notice of a violation is also the final written notice (though additional notice may be provided).
- The article includes several additional remedies, including conditioned approvals, stop work orders, injunctions, and orders of abatement.
- The article clarifies criminal penalties versus violations subject to civil penalties.
- There are new standards specifying the process for assessment of civil penalties to ensure clarity for those in violation of the Ordinance.

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# ARTICLE 151.9 ENFORCEMENT<sup>238</sup>

## 9.1 PURPOSE

This section establishes procedures to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

## 9.2 COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the County.

## 9.3 STATUTE OF LIMITATIONS<sup>239</sup>

Enforcement of violations of this Ordinance shall be in accordance with Section 1-49(3) and Section 1-51(5) of the North Carolina General Statutes.

## 9.4 VIOLATIONS IDENTIFIED

Any violation of this Ordinance shall be subject to the remedies and penalties provided by this Ordinance and by State law. Violations of this Ordinance shall include, but not be limited to, any of the following:

### 9.4.1 DEVELOPMENT WITHOUT AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance;

### 9.4.2 DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity;

### 9.4.3 VIOLATION BY ACT OR OMISSION

Violating, by act or omission, any term, variance, modification, adjustment, condition, or qualification placed upon any required plan, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon;

### 9.4.4 USE IN VIOLATION

Erecting, constructing, altering, repairing, maintaining, or using any building or structure, or use of any land in violation of this Ordinance or any regulation made under the authority conferred thereby;

### 9.4.5 SUBDIVIDE IN VIOLATION

Subdividing land in violation of this Ordinance, or transferring land by reference to a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the office of the Camden County Register of Deeds; and

### 9.4.6 CONTINUE OPERATION FOLLOWING PERMIT REVOCATION

<sup>238</sup> This section replaces the standards in Sections 151.565, Complaints Regarding Violations, through Section 151.569, Permit Revocation. Generally speaking, these standards go into greater detail than the current provisions on the kinds of violations, the procedure for correction, and the remedies available to the County.

<sup>239</sup> NOTE: This is a new provision added in response to Session Law 2017-10 passed by the General Assembly in 2017. The session law establishes two maximum time periods within which the County can enforce violations: 5 years and 7 years. According to the law, the County must bring an action for the violation of a "land-use statute, ordinance or permit or any other official action affecting land use carrying the effect of law." within five years of the date "The facts constituting the violation are known to the governing body, an agent, or an employee of the unit of local government" or when, "The violation can be determined from the public record of the unit of local government." The seven-year limitation on the County's ability to enforce the Ordinance applies when "The violation is apparent from a public right-of-way" or if "The violation is in plain view from a place to which the public is invited." The time limits do not apply in cases where a violation is a danger to public health or safety.

9.7. Enforcement Procedures<sup>241F</sup>

9.7.2. Violation Discovered

Continuing with construction or operation of a use, building, structure, or activity following permit revocation conducted in accordance with the standards of this section.

### 9.4.7 VIOLATION OF ENVIRONMENTAL REGULATIONS

Failing to follow or violating the rules or regulations of Section <>, Stormwater, Section <>, Flood Damage Prevention, or Section <>, Soil Erosion and Sedimentation Control.

## 9.5 RESPONSIBLE PERSONS<sup>240</sup>

### 9.5.1 GENERAL

The landowner, tenant, or other occupant of any land or structure and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and is subject to the remedies and penalties set forth in this Ordinance.

### 9.5.2 FAILURE BY COUNTY DOES NOT RELIEVE INDIVIDUAL

Failure of a County official charged with enforcement responsibility to observe or recognize conditions which violate the intent and purpose of this section of the Ordinance, or to deny the issuance of a development permit, shall not relieve the landowner from responsibility for the condition or damages that may result and shall not result in the County, its officers, or agents being responsible for conditions or damages.

## 9.6 ENFORCEMENT RESPONSIBILITIES<sup>241</sup>

The UDO Administrator, the Building Inspector, or other designated County employees shall have responsibility for enforcement of this Ordinance, in accordance with the following:

### 9.6.1 INVESTIGATIONS

As appropriate, any of the review authorities listed in this section have the power to conduct such investigation as may be deemed necessary to carry out their duties as prescribed in this Ordinance.

### 9.6.2 INSPECTIONS

- A. As appropriate, any of the review authorities listed in this section have the right, upon receipt of permission from a responsible person, to enter on any premises within the jurisdiction at any reasonable hour for the purpose of inspecting locations subject to any complaints or alleged violations, or determination of compliance or other enforcement action of this Ordinance.
- B. If any person charged with enforcing this Ordinance cannot obtain permission to enter from a responsible person, the County shall obtain an administrative search warrant prior to entering the property.

### 9.6.3 SUPPORTING DOCUMENTATION

As appropriate, any of the review authorities listed in this section have the power to compel a person responsible for an alleged violation to provide written statements, certificates, certifications, or reports relating to complaints or alleged violations of this Ordinance.

## 9.7 ENFORCEMENT PROCEDURES<sup>242</sup>

### 9.7.1 COMPLAINTS

- A. Whenever the UDO Administrator receives a written and signed complaint alleging a violation of this Ordinance, the UDO Administrator, or the Building Inspector, as appropriate, shall investigate the violation allegation in accordance with the standards in this section.

<sup>240</sup> This section replaces Section 151.566, Persons Liable, in the current ordinance.

<sup>241</sup> This is a new section clarifying the rights and responsibilities of County officials to enforce this Ordinance.

<sup>242</sup> This section consolidates the provisions in Section 151.565, Complaints Regarding Violations, and Section 151.567, Procedure Upon Discovery of Violations, from the current ordinance.



## 9.7.3. Failure to Take COrrective Action For Violations in the SFO

- B. The UDO Administrator or Building Inspector, as appropriate, shall inform the complainant as to whether or not a violation of this Ordinance was discovered upon investigation, and if a violation is found to exist, the actions that will be taken by the County to address the violation.
- C. Nothing shall limit the UDO Administrator or Building Inspector from investigating possible violations of this Ordinance without receipt of a written complaint.

**9.7.2 VIOLATION DISCOVERED**

When the UDO Administrator or Building Inspector finds a violation of this Ordinance, they shall take following actions:

**A. Preparation of Written Notice of Violation**

A written notice of violation shall be prepared, in writing, and delivered to the person(s) responsible for the violation. The notice shall include all of following:

1. **Violation Exists**  
That the land, building, structure, sign, use, or activity is in violation of this Ordinance;
2. **Nature of the Violation**  
The nature of the violation, and citation of the section(s) of this Ordinance violated;
3. **Remedy**  
The measures necessary to remedy the violation;
4. **Allowable Time Period**  
The time period in which the violation must be corrected;
5. **Penalties that May be Assessed**  
That penalties or remedies may be assessed; and
6. **Appeal**  
That the party cited has the right to appeal the notice in accordance with **Section <>, Appeal.**

**B. Delivery of Written Notice**

Written notice of violation shall be provided to the landowner, occupant, or any other responsible person by any of the following means:

1. Certified mail;
2. Registered mail to their last known address;
3. Personal service; or
4. Posting notice conspicuously on the property.

**C. Initial Notice Shall Constitute Final Notice**

The initial written notice of a violation shall constitute final notice regarding a violation though additional written notice may be provided, in the sole discretion of the UDO Administrator.

**D. Remedy Required upon Notice**

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the allowable time period.

**E. Emergency Situations**

In cases where the delay resulting from the notification process would pose a danger to the public health, safety, or welfare, the UDO Administrator may seek enforcement of this Ordinance without prior written notification, and may invoke any of the remedies available in **Section <>, Remedies.**

**F. Failure to Comply with Order**

If the landowner, occupant, or any other responsible person fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the BOA following an appeal, the landowner, occupant, or other responsible party shall be subject to such remedies and penalties as may be provided for by State law or **Section <>, Remedies.**

**G. Each Day a Separate Violation**

Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

**9.7.3 FAILURE TO TAKE CORRECTIVE ACTION FOR VIOLATIONS IN THE SFO**

- A. In cases where a responsible party has received a notice of violation for development or activity in violation of the standards in the SFO, and failed to take the required corrective action in the time limit provided, the Floodplain Administrator shall provide written notice of the failure via certified or registered mail to the responsible person's last known address indicating that the property in question is in violation of this Ordinance and that a hearing on the

9.8. Remedies<sup>242F</sup>

9.8.5. Revocation of Permits<sup>243F</sup>

matter will be conducted by the Floodplain Administrator not less than ten days after the date of the notice of failure to take corrective action.

- B. At the hearing, the responsible person shall be entitled to present arguments and evidence pertaining to the matter. If, after completion of the hearing, the Floodplain Administrator finds that the property remains in violation of the SFO standards, the Floodplain Administrator shall issue an order for correction within a specified time period of not less than 60 days from the close of the hearing. The order of the Floodplain Administrator may be appealed to the BOA within ten days in accordance with the standards in Section <>, Appeal.
- C. If no appeal is filed and the responsible party fails to take the corrective action identified in the Floodplain Administrator's order, the responsible party shall be guilty of a misdemeanor, and shall be punished in a manner under the discretion of the Circuit Court for Camden County.

## 9.8 REMEDIES<sup>243</sup>

Any of the following remedies may be applied by the County, whether individually or cumulatively, in response to a violation of this Ordinance.

### 9.8.1 CIVIL PENALTIES

Any responsible person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty of \$100.00 per day under the procedures provided in [Section <>, Assessment of Civil Penalties](#).

### 9.8.2 DENIAL OF PERMIT OR CERTIFICATE

The UDO Administrator or Building Inspector, as appropriate, may withhold or deny a permit, certificate, or other authorization for the same land, subdivision, building, structure, sign, use, or development activity in which there is an uncorrected violation of this Ordinance.

### 9.8.3 CONDITIONAL APPROVAL

- A. The UDO Administrator or Building Inspector, as appropriate, may condition a permit, certificate, or other authorization for land, subdivision, building, structure, sign, use, or development activity with a violation in order to compel:
  1. Correction of the violation;
  2. Payment of civil penalties; and
  3. Posting of a compliance security, as approved by the appropriate governmental authority.
- B. In no instance shall a permit, certificate, or approval for one property be conditioned in order to address a violation on a different property.

### 9.8.4 STOP WORK ORDERS

- A. **General**

Whenever the UDO Administrator or Building Inspector determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this Ordinance and that irreparable injury will occur if the violation is not terminated immediately, the UDO Administrator or Building Inspector, as appropriate, may order the specific part of the work that constitutes, creates, or results in a violation of this Ordinance to be immediately stopped.
- B. **Order in Writing**

The stop work order shall be in writing and directed to the landowner, and the occupant or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
- C. **Appeal**

Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment in accordance with [Section <>, Appeals](#). An appeal shall not stay the stop work order unless the BOA fails to hear the appeal within 60 days of receipt of the notice of appeal. If the BOA fails to hear the appeal within 60 days, the stop work order shall be stayed until the BOA acts on the appeal.
- D. **Compliance Required**

Neither the responsible person nor a landowner upon whom a stop work order is served shall continue with work in violation of the stop work order while it remains in effect, unless the order is stayed in accordance with subsection (C) above.

<sup>243</sup> This section consolidates the standards in Section 151.568, Penalties and Remedies for Violations, and Section 151.569, Permit Revocation, and adds several other remedies available to the County, including stop work, injunctive relief, and others.

### 9.8.5 REVOCATION OF PERMITS<sup>244</sup>

- A. The UDO Administrator or the Building Inspector, as appropriate, may revoke and require the return of a permit by notifying the permit holder in writing, at least ten days prior to the effective date of the revocation, stating the reason for the revocation. The notice shall indicate the permit holder's right to a hearing with the UDO Administrator to consider the pending revocation.
- B. Permits or certificates may be revoked, in accordance with Section 160A-422 and Section 153A-362 of the North Carolina General Statutes, for any of the following:
  - 1. Any substantial departure from the approved application, plans, or specifications;
  - 2. Refusal or failure to comply with the requirements of State or local laws; or
  - 3. For making false statements or misrepresentations in securing the permit, certificate, or approval.
- C. Any permit or certificate mistakenly issued in violation of an applicable State or County law may also be revoked.

### 9.8.6 CRIMINAL PENALTIES

- A. **Violation of Erosion and Sedimentation Control**

Any person who knowingly or willfully violates any soil erosion and sedimentation control provision of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which a soil erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor that may include a fine not to exceed five thousand dollars (\$5,000).
- B. **All Other Violations**

Any violation of this Ordinance may be enforced as a Class 3 misdemeanor as provided for by Sections 14-4 and 160A-175, and 153A-324 of the North Carolina General Statutes, subject to a maximum fine of \$500 or a maximum of 30 days imprisonment.

### 9.8.7 INJUNCTIVE RELIEF

- A. **Action by County Board of Commissioners**

Whenever the Board of Commissioners has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, or soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.
- B. **Superior Court**

The action shall be brought in the Superior Court of Camden County. Upon determination by the court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.
- C. **No Relief from Criminal Penalties**

The institution of an action for injunctive relief under this section shall not relieve a party in violation of this Ordinance from any applicable civil or criminal penalty.

### 9.8.8 ORDER OF ABATEMENT

In addition to an injunction, the County may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- A. That buildings or other structures on the property be closed, demolished, or removed;
- B. That fixtures, furniture, or other moveable property be moved or removed entirely;
- C. That improvements, alterations, modifications, or repairs be made; or
- D. That any other action be taken as necessary to bring the property into compliance with this Ordinance.

### 9.8.9 EQUITABLE REMEDY

The County may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the County's application for equitable relief.

<sup>244</sup> NOTE TO STAFF: Section 151.569, Permit Revocation, calls for the provision of public notice and a public hearing prior to the revocation of a special use permit. Additional discussion of this procedure is needed. Not sure this is required by law, but may be a matter of policy.

9.10. Enforcement of Specific Environmental Regulations

9.9.4. Nonpayment

**9.8.10 STATE AND COMMON LAW REMEDIES**

In addition to other enforcement provisions contained in this section, the County Board of Commissioners may exercise any and all enforcement powers granted to it by State or common law.

**9.9 ASSESSMENT OF CIVIL PENALTIES**

In cases where a violation of this Ordinance is determined to exist, a notice of violation is issued, and the violator is subject to civil penalties as a result of the violation, the assessment of civil penalties shall be in accordance with the following:

**9.9.1 PROCEDURE, GENERALLY**

**A. Written Notification Required**

Civil penalties may not be assessed until the responsible person in violation has been notified in accordance with **Section <>, Enforcement Procedures**. Nothing shall prevent the notice of violation from serving as the written notice of penalty assessment of civil penalties

**B. Notice of Penalty Assessment**

Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.

**C. Assessment Contents**

The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 10 days of the date of the notice of penalty assessment.

**D. Assessment Until Compliance**

Civil penalties may be assessed until compliance is achieved.

**9.9.2 CONTINUING VIOLATION**

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

**9.9.3 DEMAND FOR PAYMENT**

If compliance is not achieved, then the UDO Administrator shall make written demand for payment of penalties that have accrued while the property has been in violation. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

**9.9.4 NONPAYMENT**

If payment is not received or equitable settlement reached within 10 days after demand for payment is made, the County may recover any unpaid civil penalty by filing a civil action in the nature of debt.

**9.10 ENFORCEMENT OF SPECIFIC ENVIRONMENTAL REGULATIONS**

In the event of conflict between the enforcement provisions of this article and Article 151.7: Environmental Provisions, as they pertain to stormwater management, sedimentation and erosion control, or flood damage prevention, the standards in Article 151.7: Environmental Provisions, shall control.

# DEFINITIONS & MEASUREMENT

# 10

## **Key Changes in Article 151.10:**

- Article 151.10 consolidates all the definitions into a single summary table instead of including them throughout the code
- There is a new detailed set of rules of measurement that describe how to determine lot lines, setbacks, and dimensional requirements
- The article also includes the provisions for determination of numerical values like parking lot stalls, plant sizes, sign surface area, fence heights, and other measurement techniques
- The article includes a glossary of abbreviations used in the UDO
- At the end of the article is an index that will be completed following adoption
- The article also includes a set of endnotes that detail the proposed zoning districts and the changes that have been proposed in this UDO

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# ARTICLE 151.10 DEFINITIONS & MEASUREMENT

## 10.1 TABLE OF ABBREVIATIONS

Table <>, Abbreviations, includes the abbreviations and their corresponding terms as used in this Ordinance.

TABLE 10.<>: ABBREVIATIONS	
ABBREVIATION	TERM
ADU	Accessory Dwelling Unit
AEC	Area of Environmental Concern
ADA	Americans with Disabilities Act
ARHS	Albemarle Regional Health Services
ATM	Automated Teller Machine
BMP	Best Management Practice
BOA	Board of Adjustment
BOC	Board of Commissioners
BFE	Base Flood Elevation
CAMA	Coastal Area Management Act
CBU	Cluster Mailbox Units
CC	Crossroads Commercial
CCO	Commercial Corridor Overlay District
CFO	Commercial Fishing Overlay District
CP	Conservation & Protection
CRC	Coastal Resources Commission
DBH	Diameter at Breast Height
DEQ	See "NCDEQ"
FAA	Federal Aviation Administration
FBFM	Flood Boundary Floodway Map(s)
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
GFA	Gross Floor Area
HC	Highway Commercial
HI	Heavy Industrial
HOA	Homeowners' Association
HVAC	Heating, Ventilation, and Air Conditioning
kW	Kilowatt
LEED	Leadership in Energy and Environmental Design
LI	Light Industrial
LHO	Local Historic Overlay District
LOMA	Letter of Map Amendment
LOMR	Letter of [FIRM] Map Revision

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

10.1 Table of Abbreviations

9.9.4 Nonpayment

<b>TABLE 10.&lt;&gt;: ABBREVIATIONS</b>	
<b>ABBREVIATION</b>	<b>TERM</b>
MC	Maritime Commercial
MX	Mixed-Use
NC	North Carolina
NCAC	North Carolina Administrative Code
NCDEQ	North Carolina Division of Environmental Quality
NCDOT	North Carolina Department of Transportation
NCGS	North Carolina General Statutes
NFIP	National Flood Insurance Program
NR	Neighborhood Residential
OZM	Official Zoning Map
PB	Planning Board
PD	Planned Development
PUD	Planned Unit Development
ROW	Right-of-Way
RR	Rural Residential
SF or sf or sq ft	Square Feet
SFO	Special Flood Hazard Area Overlay District
SR	Suburban Residential
TCIA	Tree Care Industry Association
TRC	Technical Review Committee
UDO	Unified Development Ordinance
US	United States
VC	Village Commercial
VFD	Volunteer Fire Department
VR	Village Residential
WL	Working Lands
WPO	Watershed Protection Overlay District

## 10.2 RULES OF MEASUREMENT

### 10.2.1 PURPOSE

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

### 10.2.2 MEASUREMENTS, GENERALLY

#### A. Straight Lines

Unless otherwise stated in this Ordinance, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two points.

#### B. Rounding

All calculations that result in a fractional unit or part of a whole number, the number shall be rounded up to the next highest whole number, unless otherwise provided in this section or elsewhere in this Ordinance.

#### C. Irregular Shapes

In cases where an irregular shape complicates the application of these standards, the UDO Administrator shall determine the applicable dimensional, setback, or bulk standards.

#### D. Separation

##### 1. Lot to Lot

When the provisions of this Ordinance require separation between two or more lots, or a lot and another feature, separation shall be measured by drawing straight lines from the nearest point of one lot line to the nearest point of the lot line subject to the separation requirement (see **Figure <>: Separation**).

##### 2. Use Type to Use Type

When the provisions of this Ordinance require one use type to be separated from another use type, separation shall be measured by drawing straight lines from the nearest point of the wall of the existing or proposed principal structure to the nearest point of the wall of the existing or proposed structure subject to the separation requirement.

Insert Separation Diagram

### 10.2.3 LOT DIMENSIONS

#### A. Lot Measurements

##### 1. Minimum Lot Area

The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot (see **Figure <>: Lot Measurement**). Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:

- a. Public street rights-of-way;
- b. Private street common area;
- c. The "pole," arm," or "pan handle" portion of a flag lot; and
- d. Land that is submerged, regularly underwater (e.g., canal, stream, sound, etc.) and CAMA wetlands.

##### 2. Lot Width

- a. The mean width measured at right angles to its depth at the actual or proposed building setback line.
- b. Lot width on a cul-de-sac lot is measured at a point 50 feet inwards from the street right-of-way edge.

##### 3. Lot Depth

The distance along the perpendicular bisector of the lot.

##### 4. Street Frontage

The length of the lot line of a single lot abutting a public or private street right-of-way.

##### 5. Acreage

The total number or gross number of acres on a tract or site.

Insert Lot Measurement Diagram

## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.5 Setback Encroachments 244F

##### B. Lot Lines

A lot line is a line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space (see [Figure <>: Lot Lines](#)). The following terms describe differing types of lot lines:

1. **Front Lot Line**

The lot line connecting the two side lot lines along the edge of the street that provides a lot's street address or that opposes the primary entrance of a building.

2. **Rear Lot Line**

The lot line opposite and most distant from the front lot line.

3. **Side Lot Line**

The lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

Insert Lot Lines Diagram

##### C. Lot Types

1. **Corner Lot**

A lot which occupies the interior angle at the intersection of two street lines or a single street which make(s) an angle of more than 45 degrees and less than 135 degrees. The front of the lot is the lot line adjacent to the street from which the lot obtains its street address.

2. **Flag Lot**

A lot having shape and configuration so that it connects to street frontage by an extension and/or arm of the main portion of the lot.

3. **Interior Lot**

A lot other than a corner lot with only one frontage on a street.

4. **Lot of Record**

A lot which is part of a subdivision, a plat of which has been recorded in the Carteret County Register of Deeds prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

5. **Through Lot (Double Frontage Lot)**

A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.

Insert Lot Types Diagram

##### D. Lots Serving Condominium Use Types

Individual condominium uses, whether residential or nonresidential, are exempted from minimum lot area requirements in this Ordinance, but shall be located on a larger site or parent tract that meets the standards for the zoning district where located.

## 10.2.4 SETBACKS

A setback is the horizontal distance from a lot line or street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line.

##### A. Street Setback

1. A setback measured from the right-of-way edge associated with a public or private street.
2. The street setback is a minimum setback, and nothing shall prohibit a building from being located farther from the street right-of-way.
3. In cases where the street right-of-way edge is not readily identifiable, the location of the right-of-way edge shall be determined by measuring outwards from the street centerline one-half of the total right-of-way width. The right-of-way edge location shall be certified by the NCDOT or by a professional engineer or land surveyor licensed by the State of North Carolina.

##### B. Rear Setback

A setback from an interior lot line lying on the opposite side of the lot from the front setback.

##### C. Side Setback

Any interior property line setback other than a rear setback.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

10.2 Rules of Measurement

10.2.5 Setback Encroachments 244F

**10.2.5 SETBACK ENCROACHMENTS <sup>245</sup>**

A. Table <>, Allowable Encroachment into Setbacks, sets out the kinds of features that are permitted to encroach within a required setback, provided they do not obstruct visibility for motorists at any street intersection (see Figure <>: Setback Encroachments).

<b>TABLE 10.&lt;&gt;: ALLOWABLE ENCROACHMENT INTO SETBACKS</b>	
<b>FEATURE</b>	<b>MAXIMUM ALLOWABLE ENCROACHMENT DISTANCE INTO REQUIRED SETBACK</b>
Awnings	May encroach into any setback up to eight feet, but shall maintain a minimum height of at least nine feet above a sidewalk or other pedestrian access
Bicycle parking facilities	May encroach into any setback up to eight feet
Canopy, Attached	May encroach into any setback up to three feet, but shall maintain a minimum height of at least nine feet above a sidewalk or other pedestrian access
Canopy, Freestanding	May be located in a setback provided no portion is closer than 15 feet to a street right-of-way
Chimneys, fireplaces, or outdoor kitchens	May extend up to three feet into any setback, but shall be no closer than three feet from any lot line
Decks, Covered	Subject to the setbacks applied to principal structures
Decks, Uncovered	
Driveways	May be located in any required setback
Elevators, liftavators, and other mechanical devices for elevating people and cargo	May encroach into side setbacks no more than 18 inches and rear setbacks no more than 36 inches
Fences or walls, excluding retaining walls	May be located in any required setback, subject to the limitations in Section <>, Fences and Walls
Flagpoles, mailboxes, lamp and address posts	May be located in any required setback
Gazebo or garden structure	May not encroach into a required setback
Handicap ramps	May be located in any required setback provided it does not unduly obstruct pedestrian or vehicular access
Open balconies or fire escapes	May extend up to three feet into any required setback, but shall be no closer than three feet from any lot line
Outdoor equipment (e.g., HVAC condenser, water heater, etc.) serving single-family residential use	May extend up to three feet into any required setback, but shall be no closer than three feet from any lot line
Outdoor equipment serving a uses other than single-family detached residential	May not encroach into a required setback
Outdoor seating areas serving a non-residential use	May encroach into a setback up to eight feet
Outdoor storage	May not encroach into a required setback
Patio, Covered	Subject to the setbacks applied to principal structures
Patio, Uncovered	May extend into or be located in any required setback, if less than 12 inches above grade
Pet shelters	Subject to the setbacks applied to principal structures
Playground equipment accessory to a residential use	May extend up to three feet into any required setback, but shall be no closer than three feet to any lot line
Porches, Covered	Subject to the setbacks applied to principal structures
Porches, Uncovered	May extend into or be located in any required setback, if less than 12 inches above grade

<sup>245</sup> This section replaces the setback encroachment provisions in Section 151.063(c), Setback Requirements, from the current ordinance, and has been broadened to address a wider variety of encroaching elements.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

10.2 Rules of Measurement  
10.2.7 Gross Floor Area (GFA)

<b>TABLE 10.&lt;&gt;: ALLOWABLE ENCROACHMENT INTO SETBACKS</b>	
<b>FEATURE</b>	<b>MAXIMUM ALLOWABLE ENCROACHMENT DISTANCE INTO REQUIRED SETBACK</b>
Porch steps, uncovered	May encroach into a setback no more than four steps or 18 inches, whichever is less
Retaining walls	May not encroach into a required setback
Roof eaves, rakes, and overhangs	May extend up to three feet into any required setback, but shall be no closer than three feet from any lot line
Signs	May extend into or any required setback in accordance with Section <>, Signage
Swimming pool, Permanent (including all ancillary appurtenances)	May not encroach into a required setback
Swimming pool, Temporary (including all ancillary appurtenances)	May extend into any required setback, but shall be no closer than three feet from any lot line
Underground structures (including septic systems but excluding swimming pools)	May be located in any required setback
Vegetation and landscaping features	May be located in any required setback
Vehicular parking area	May be located in any required setback
Walkway	May extend into or be located in any required setback, if less than 12 inches above grade; otherwise, may not encroach into a required setback
Well house (functional or aesthetic)	May be located in any required setback, but shall be no closer than eight feet from a right-of-way
Window sills, bay windows, or entablatures	May extend up to 12 inches into any required setback

B. Setbacks into a right-of-way shall only be considered in accordance with the standards in Section <>, Right-of-Way Encroachment.

Insert Setback Encroachments Diagram

### 10.2.6 RESIDENTIAL DENSITY

Residential density is the maximum allowable number of residential dwelling units permitted on a particular site, tract, lot, or other unit of land area, typically expressed as a maximum number of residential units per acre.

**A. Calculation**

1. Maximum residential density is calculated by dividing the square footage of a lot by the number of square feet in an acre (43,560), then multiplying the maximum number dwelling units allowed in the zoning district, and rounding the product downwards to remove any fractions.  
*Example:*  
*Lot size: 52,000 square feet / 43,560 = 1.19 acres.*  
*Zoning district maximum density is 1.08 units per acre: 1.19 x 1.08 = 1.28.*  
*Maximum number of residential units = 1 (fractions are rounded downwards).*
2. Land area associated with floodplains and riparian buffers may be included in the calculation of the square footage of a tract or site for the purposes of determining the maximum residential density.
3. Maximum residential density in a particular zoning district may be increased beyond the amount stated in Article 151.3: Districts, in accordance with the standards in Section <>, Sustainable Development Incentives.
4. Maximum residential density may rely on the ability to serve a lot, site, or tract with public infrastructure.
5. Accessory dwelling units shall not be counted towards the maximum allowable residential density.

### 10.2.7 GROSS FLOOR AREA (GFA)

Gross floor area (GFA) shall be defined as the sum in square feet of all floors of the building measured from the exterior face of the exterior walls. The gross floor area shall include or exclude areas as indicated below:



## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.11 Open Space

##### A. Areas Included in Gross Floor Area

1. All enclosed habitable space.
2. Elevators, hallways, and stairwells on stories containing habitable space.
3. On stories containing both enclosed habitable space and off-street parking, the pro-rata portion of the area of the elevators, hallways, and stairwells on that story apportioned to the enclosed habitable space function.

##### B. Areas Excluded from Gross Floor Area

1. Unenclosed porches or decks.
2. Off-street parking areas, including the elevators, hallways, mechanical equipment, and stairwells on stories containing off-street parking.
3. Utility services areas devoted to the electric service, the potable water service, the wastewater system, the telephone service, the cable service, or to a backup generator.
4. Mechanical areas and uninhabited enclosed spaces on tops of roofs not intended for general storage.
5. On stories containing both enclosed habitable space and off-street parking, the pro-rata portion of the area of the elevators, hallways, and stairwells on that story apportioned to the off-street parking function.

## 10.2.8 HEIGHT

##### A. Measurement

Building height shall be measured from the existing grade elevation prior to any land disturbing activities.

##### B. Maximum Height

Building height is calculated from the existing grade elevation to the highest point of the roof.

##### C. Exceptions

###### 1. Residential Construction

Spires, belfries, cupolas, domes, and chimneys, and similar features located above the roof level for decorative purposes and not intended for human occupancy or general storage may exceed maximum height requirements by no more than five feet (see [Figure <>: Height](#)).

###### 2. Non-residential Construction

Water tanks, ventilators, elevator housing, mechanical equipment or other structures placed above the roof level and not intended for human occupancy or general storage may exceed maximum height requirements by no more than 10 feet.

Insert Height Diagram

## 10.2.9 LOT COVERAGE

That portion of a lot occupied by buildings, structures and/or improvements, including paving and/or surface treatment materials that are impervious. Unless subject to an approved CAMA Major Permit, impervious surfaces located waterward of the CAMA Normal High Water line, but located within the lot boundaries, shall be counted towards lot coverage.

## 10.2.10 SLOPE AND ELEVATION

##### A. Slope

The degree of deviation of the ground surface from a flat, horizontal elevation, usually expressed in percent or degrees of deviation from horizontal.

##### B. Base Flood Elevation

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation establishes the Regulatory Flood Protection Elevation.

##### C. Finished Grade

The established grade following grading, excavation, or other land-disturbing activity.

##### D. Natural Grade

The level of the ground elevation prior to the commencement of development or land disturbing activity (see [Figure <>: Grade Determination](#)).

##### E. Regulatory Flood Protection Elevation

The minimum height allowable for lowest structural member comprising habitable space within a building. This is a height equivalent to one linear foot in elevation above the base flood elevation.

## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.14 Signage

Insert Grade Determination Diagram

#### 10.2.11 OPEN SPACE

However, land that is submerged, regularly underwater, or part of a CAMA wetland may be credited towards the open space standards in accordance with [Section <>, Open Space Set Aside](#).

#### 10.2.12 PARKING SPACE COMPUTATION

**A. Rounding**

When computation of the number of required parking spaces results in a fraction, the fraction shall be rounded up to the next whole number.

**B. Multiple and Mixed Uses**

Unless otherwise approved, development containing more than one principal use shall provide off-street parking in an amount equal to the total requirements of all individual uses, unless the UDO Administrator determines that a lower standard would be adequate because of differences in peak operating hours.

**C. Seat Based Standards**

Where the minimum number of off-street parking spaces is based on the number of seats, all computations shall be based on the design capacity of the areas used for seating, including outdoor and waiting areas.

**D. Employee Based Standards**

When the minimum number of off-street parking spaces is based on the number of employees, the computations shall be based on the number of employees on the largest shift.

**E. Floor-Area Based Standards**

Where the minimum number of off-street parking spaces is based on square feet of floor area, all computations shall be based on gross floor area. The square footage shall include outdoor use area.

**F. Driveways Used to Satisfy Requirements**

Driveways may be used to satisfy minimum off-street parking standards for single-family detached, single-family attached, and duplex dwellings, provided sufficient space is available to satisfy the standards of this Ordinance.

Insert Parking Space Diagram

#### 10.2.13 LANDSCAPING

**A. Determining Tree Size at Time of Planting**

**1. Trees under Four Inches in Caliper**

Minimum size at time of planting shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of six inches above the bole, or the location where tree trunk meets the soil it is planted in.

**2. Trees over Four, but less than Twelve Inches, in Caliper**

Minimum size at time of planting shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of 12 inches above the bole, or the location where tree trunk meets the soil it is planted in.

Insert Plant Size Diagram

**B. Determining Tree Size of Existing Trees**

1. Existing tree size shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of four-and-one-half feet above the bole, or the location where tree trunk meets the soil it is planted in.

2. In the case of a multi-stemmed tree, the cumulative DBH shall be the square root of the sum of all the individual stem diameters squared. As an alternative, the tree's basal area is the sum of the diameters of all tree stems.

**C. Setback Less than the Required Planting Area**

1. In cases where the required building setback is less than the required planting area width, the building setback shall control, reducing the required planting area width only alongside the building.

## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.15 Exterior Lighting

2. The planting rate of the required planting area shall still apply.

#### D. Rounding

When computation of the amount of landscaping material to be provided results in a fraction, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.

### 10.2.14 SIGNAGE

#### A. Sign Area Determination

1. The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle, or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter.
2. In the case of signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately computed.
3. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
4. For multi-faced signs, the sign area shall be computed by including all sign faces visible from any one point.
5. In the case of cylindrical signs, signs in the shape of cubes, or other signs, which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces, is included in computations of area.
6. In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material is to be computed as part of the total surface area of the sign.
7. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence on which the sign face or letters are placed shall be calculated in the sign area.

Insert Sign Face Area Diagram

#### B. Sign Height Determination

1. Sign height shall be computed as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign.
2. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Insert Sign Height Diagram

#### C. Lots with Multiple Frontages

Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. The total sign area that is oriented toward a particular street, however, may not exceed the portion of the lot's total sign area that is derived from that street frontage or building frontage.

#### D. Wall Area (for the purposes of Sign Area Measurement)

For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which shall be determined as follows:

1. The area of all parallel vertical surfaces along a single building elevation regardless of offsets shall be counted as one wall.
2. The front of each unit of a multiple tenant commercial building shall be counted as a separate wall.
3. The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is most parallel with.
4. A 45 degree angled wall may be counted as part of the area of either adjoining wall, but not as a part of both.

Insert Wall Sign Diagram

### 10.2.15 EXTERIOR LIGHTING

## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.16 Fence and Wall Height

**A. Measured at the Lot Line**

Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.

**B. Measured at Finished Grade**

Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

**C. Measurement Device**

Measurements shall be taken with a light meter that has been calibrated within two years.

Insert Lighting Measurement Diagram

### 10.2.16 FENCE AND WALL HEIGHT

**A. Measurement Location**

1. In cases where a fence or wall is located within a required setback or required yard, fence height shall be determined along the grade of the adjacent lot or street.
2. In cases where a fence or wall is located outside a required setback or yard, the height shall be determined based on the finished grade.
3. In cases where a fence or wall is placed on a berm, the maximum fence or wall height shall include the height of the berm, as measured from the toe of the slope.
4. Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.

**B. Column and Post Height**

Columns or posts shall not exceed a height 18 inches above the built height of the fence.

**C. Railings Not Included**

Safety railings required by the State Building Code shall not be included in wall height measurements.

Insert Fence Height Diagram

**10.3 DEFINITIONS**

Table <>, Definitions, includes definitions of terms used throughout the UDO. Use categories and use types are defined in Table <>, Table of Principal Uses.

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
Note: use types are defined in Table <>, Table of Principal Uses	
<b>A</b>	
<b>ABANDONMENT</b>	The relinquishment of property or a cessation of the use of the property for a continuous period.
<b>ABUTTING LAND</b>	For the purpose of public notice, abutting land is the condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street or alley.
<b>ACCENT</b>	The use of an alternate material or color to a detail that is emphasized by contrasting with its surroundings.
<b>ACCESS EASEMENT</b>	An easement which grants the right to cross land.
<b>ACCESSORY BUILDING</b>	A detached building, the use of which is incidental to that of the principal building and which is located on the same lot as the principal building.
<b>ACCESSORY DWELLING UNIT</b>	A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.
<b>ACCESSORY STRUCTURE</b>	A detached subordinate or incidental structure, the use of which is incidental to the principal structure and which is located on the same lot as the principal structure.
<b>ACCESSORY USE</b>	As used in the flood damage prevention standards, a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
<b>ADDITION</b>	A use that is incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot.
<b>ADJACENT</b>	Land set aside for the residents or a development and under common ownership that is configured for active forms of recreation. Active open space typically includes playgrounds, athletic fields and courts, and similar features devoted to movement, activity, or sports pursuits.
<b>ADMINISTRATIVE ADJUSTMENT</b>	Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by an independent perimeter load bearing wall is new construction.
<b>ADJACENT</b>	For the purposes flood damage prevention, addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.
<b>ADJACENT</b>	A parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street, waterbody, or right-of-way divides the parcels.
<b>ADOPTED POLICY GUIDANCE</b>	A type of flexibility permit approval reviewed and approved or denied by the UDO Administrator in accordance with Section <>, Administrative Adjustment.
<b>AFFECTED PARTY</b>	The combined future land-use policy guidance provided by the adopted CAMA Land Use Plan, area plans prepared for specific parts of the County, and system plans related to the County's infrastructure systems.
<b>AFFORESTATION</b>	Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.
<b>AFFORESTED AREA</b>	The establishment of a forest or a stand of trees in an area where there was no previous tree cover.
<b>AGGRIEVED PARTY</b>	An area intended for the placement and establishment of new trees in pursuit of creating forest cover.
<b>AGGRIEVED PARTY</b>	A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the County, including any officer or agent of the County.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

All Weather Surface

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>
<b>ALL WEATHER SURFACE</b>	Paving or surface treatment to a walkway or vehicular use area that is capable of withstanding adverse weather while still maintaining its regular or typical surface characteristics.
<b>ALTERATION</b>	Any change or expansion in the size, configuration, or location of a structure; or any change or expansion in the use of a structure or lot, from a previously approved or legally existing size, configuration, location, or use.
<b>AMENDMENT</b>	A minor change, addition, or deletion to a legal statutory document.
<b>ANTENNA</b>	Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
<b>APPEAL</b>	A request for review of an administrative official's or decision-making body's interpretation or decision made under this UDO.
<b>APPLICANT</b>	A person who has submitted a development application for review under applicable provisions of this Ordinance.
<b>APPLICATION</b>	The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate Town department or board as part of the development review processes.
<b>ARBOR</b>	A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
<b>ARCADE</b>	A series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.
<b>ARCH</b>	A curved, semicircular opening in a wall.
<b>AREA OF ENVIRONMENTAL CONCERN</b>	Areas of natural importance including estuarine and ocean areas, areas where public water supplies originate, marshes, wetlands, and other natural and cultural resource areas identified by the Coastal Resources Commission as areas that could be damaged by uncontrolled development.
<b>ARTICULATION</b>	The presence or projections, recesses, or other architectural features along a building façade.
<b>AS-BUILT PLANS</b>	A set of engineering or site drawings that delineate the specific permitted development as actually constructed.
<b>AUTHORIZED AGENT</b>	A person with express written consent to act upon another's behalf.
<b>AWNING</b>	A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window.
<b>B</b>	
<b>BARE-ROOT STOCK</b>	Trees intended for use in afforestation activities that have no soil medium around the roots.
<b>BASE FLOOD</b>	The flood having a 1 percent chance of being equaled or exceeded in any given year. Also known as the "100-year flood."
<b>BASE FLOOD ELEVATION</b>	A determination of the water surface elevations of the base flood as published in the flood insurance study.
<b>BASEMENT</b>	As used in the flood damage prevention standards, any area of the building having its floor subgrade (below ground level) on all sides.
<b>BERM</b>	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.
<b>BEST MANAGEMENT PRACTICE</b>	A structural or non-structural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
<b>BIO-RETENTION CELL OR DEVICE</b>	A stormwater infiltration device consisting of an excavated basin that is refilled with engineered soil and mulch that allows stormwater run-off to collect and percolate through the engineered soil where it is treated prior to infiltrating into the surrounding undisturbed soil. Also known as a rain garden or bio-cell.
<b>BLOCK</b>	The land lying within an area bounded on all sides by streets.
<b>BLOCK FACE</b>	The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.
<b>BOARD OF ADJUSTMENT</b>	A quasi-judicial board appointed by the Board of Commissioners.
<b>BOARD OF COMMISSIONERS</b>	The Board of Commissioners for Camden County, North Carolina.



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Bona Fide Farm

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <span style="background-color: yellow;">Table &lt;&gt;, Table of Principal Uses</span>
<b>BO NA FIDE FARM</b>	<p>Any tract or tracts of land, one of which must contain at least ten acres and which meets the following criteria:</p> <ol style="list-style-type: none"> <li>1. On property an owner or lease is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry; and</li> <li>2. The property has produced or yielded, during each of the three immediately preceding years, a gross income from the above-described commercial production or growing of crops, plants, livestock or poultry, including payments received under soil conservation or land retirement programs, but not land rents paid to a non-resident owner, of at least \$1,000.</li> </ol> <p>Uses exempted from regulation except in accordance with Article 151.7, Environmental Provisions, shall only include any dwelling which is or will be the permanent residence of the owner or owner-occupant of the bona fide farm, the permanent residence of the son, daughter, mother, father, grandfather or grandmother of the owner or the permanent residence of the individual and his or her family where the individual earns at least 75% of his or her income from employment on the farm.</p>
<b>BOND</b>	See “performance Guarantee.”
<b>BREAKAWAY WALL</b>	A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall with loading resistance of more than 20 pounds per square foot is accompanied by a professional engineer or architect’s certificate indicating its ability to perform as required.
<b>BUFFER</b>	An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use.
<b>BUFFER, PERIMETER</b>	Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance, including but not limited to the Type A Opaque, Type B Semi-Opaque, and Type C intermittent.
<b>BUFFER, STREETYARD</b>	Vegetative material and structures (i.e., walls, fences) that are used to visually separate uses from streets abutting the lot.
<b>BUILDING</b>	A structure having a roof supported by walls or columns constructed or used for residence, business, industry, or other public or private purposes.
<b>BUILDING FAÇADE</b>	See “Façade.”
<b>BUILDING INSPECTOR</b>	The professional staff member responsible for inspecting new construction and issuing building permits, certificates of occupancy, and land disturbance permits.
<b>BUILDING MASS</b>	The visual form of a building that includes the exterior walls, projections, recesses, roof features, and any attachments.
<b>BUILDING PERMIT</b>	An official administrative authorization issued by the Town prior to beginning construction consistent with the provisions of Section 153A-357 of the North Carolina General Statutes.
<b>BUILDING, ACCESSORY</b>	See “Accessory Building.”
<b>BUILDING, PRINCIPAL</b>	See “Principal Building or Structure.”
<b>BUSINESS DAY</b>	Any day in which normal business is conducted. A business day does not include a holiday or a weekend day.
<b>C</b>	
<b>CALENDAR DAY</b>	All days in every month, including weekends and holidays.
<b>CALIPER</b>	Measurement for determining the size of trees at time of planting. Caliper is the quantity in inches of the diameter of trees measured at six inches above the ground.
<b>CAMA WETLANDS</b>	See “Wetlands, CAMA.”
<b>CANOPY</b>	A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature. A canopy is not a completely enclosed structure.
<b>CANOPY TREE</b>	A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
<b>CARETAKER’S QUARTERS</b>	An accessory dwelling unit located on the premises of another principal use for the occupancy of a caretaker, security guard, or other person charged with oversight and/or protection of the principal use.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Casualty Damage

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>
<b>CASUALTY DAMAGE</b>	The damage to or loss of a nonconforming structure or use that is sudden, unexpected, and unusual. Typically associated with fire, severe weather, or Act of God.
<b>CERTIORARI</b>	A situation where an appellant may file an appeal of a decision directly to a higher court of law.
<b>CHANGE OF USE</b>	The change in the use of a building, structure, or land. "Change of use" includes a change from one use type to another use type.
<b>CHILD CARE, INCIDENTAL</b>	A program or arrangement, licensed by the State and located in the provider's residence where, at any one time, twelve or fewer children under the age of 13, receive child care on a regular basis from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. This type of facility of facility is also referred to as an incidental home occupation and may include the State defined family child care home and child care center in a residence. This definition does not include day care centers, cooperative arrangements among parents (See Section 110-86 of the North Carolina General Statutes.)
<b>CIRCULATION AREA</b>	The portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Driveways and other maneuvering areas, other than parking aisles, comprise the circulation area.
<b>CLUSTER MAILBOX UNITS</b>	A centralized series of two or more mailboxes that serve individual housing units within a development.
<b>COASTAL AREA MANAGEMENT ACT</b>	North Carolina's Coastal Area Management Act. This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality's (NCDEQ's) Division of Coastal Management (DCM).
<b>COLLOCATION</b>	The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with the wireless telecommunications sites and towers standards in this Ordinance.
<b>COMMERCIAL VEHICLE</b>	A truck or other self-propelled vehicle of any type (along with a trailer or towed appurtenance) used or maintained primarily to transport material or to aid in the operation of a commercial establishment or business.
<b>COMMON LAW VESTED RIGHT</b>	Legal doctrine that recognizes where property owners have reasonably made a substantial expenditure of money, time, labor or energy in a good faith reliance on a permit from the government, that they acquire "vested rights" or a protected right to complete the development of their land as originally begun despite any changes in the zoning on the property.
<b>COMMUNITY CHARACTER</b>	The sum or combined effect of the attributes and assets that make the County unique and that establish Camden County's "sense of place." Attributes include the resident population, local institutions, visual characteristics, natural features, and shared history.
<b>COMPLETE APPLICATION</b>	<p>A complete application is one that:</p> <ol style="list-style-type: none"> <li>1. Contains all information and materials established by the UDO Administrator as required for submittal of the particular type of application;</li> <li>2. Is in the form established by the UDO Administrator as required for submittal of the particular type of application;</li> <li>3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and</li> <li>4. Is accompanied by the fee established for the particular type of application.</li> </ol> <p>An application will not be accepted for review until it is complete.</p>
<b>COMPREHENSIVE PLAN</b>	The <i>Camden County 2035 Comprehensive Plan</i> , adopted on October 1, 2012.
<b>CONDITION (OF APPROVAL)</b>	A limitation or stipulation on the range of allowable uses, density, intensity, configuration, or operational parameters of new development or redevelopment. A condition may be proposed by an applicant, a staff member, or an advisory or decision-making body that must be accepted by an applicant to become binding.
<b>CONDOMINIUM</b>	A building or group of buildings in which dwelling units, offices or floor area are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional undivided basis.
<b>CONNECTIVITY</b>	The relative degree of connection between streets, sidewalks, or other means of travel.
<b>CONSERVATION SUBDIVISION</b>	The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes.
<b>CONSTRUCTION</b>	The erection of any building or structure or any preparations (including land disturbing activities) for the same.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Construction Plans

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;</a> , <a href="#">Table of Principal Uses</a>
<b>CONSTRUCTION PLANS</b>	Drawing and specifications prepared by a qualified person showing buildings, structures, utilities, infrastructures, and site configuration aspects associated with development.
<b>CONTAINERIZED STOCK</b>	Trees or other vegetation delivered for planting or establishment in individual or group containers.
<b>CONTIGUOUS</b>	Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.
<b>CONTINUANCE</b>	The adjournment or postponement of review or decision on an application to specified future date.
<b>CONTROL CORNER</b>	A recognized corner of a lot or piece of real property that is permanently marked with a monument or marker for the purpose of determining distances, bearing, or metes and bounds descriptions of the lot or real property.
<b>CORNICE</b>	Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.
<b>COUNTY</b>	A governmental unit with powers as described in Section 153A of the North Carolina General Statutes. For the purposes of this Ordinance, Camden County, North Carolina.
<b>COVENANT</b>	A binding written agreement between two or more private parties regarding the use, occupancy, or configuration of development that runs with the land.
<b>CROSS-ACCESS</b>	Vehicular access provided between the vehicular use areas of 2 or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.
<b>CROSS-ACCESS EASEMENT</b>	Land area that is designated for the construction of and use as a cross accessway.
<b>CUPOLA</b>	A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.
<b>CURB</b>	A constructed element used to stabilize paving, gutter, planting areas, or sidewalks.
<b>D</b>	
<b>DECIDUOUS</b>	Trees, shrubs, or grasses that shed their leaves every year.
<b>DECK</b>	A structure, without a roof, directly adjacent to a principal building which has an average elevation above finished grade.
<b>DEDICATION</b>	The act of giving, donating, or dedicating land or infrastructure improvements to a unit of government for their operation and maintenance.
<b>DEED RESTRICTION</b>	A written private agreement that restricts the use, occupancy, or configuration placed upon the title of real estate often by the developer.
<b>DEFERRAL</b>	A postponement of consideration of an application or request to a future date that may or may not be specified.
<b>DEMOLITION</b>	Complete or constructive removal of a building or portion of a building on any site.
<b>DESIGNEE</b>	A person selected or designated to carry out a duty or role.
<b>DEVELOPER</b>	A person engaging in land, site, or building development.
<b>DEVELOPMENT</b>	Any man-made change to improved or unimproved real estate, including but not limited to: buildings or other structures; mining; dredging; filling; grading; paving; excavation; drilling operations; or storage of equipment or materials. "Development" also includes any land-disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or that otherwise decreases the infiltration of precipitation into the soil.
<b>DEVELOPMENT AGREEMENT</b>	A written agreement between the County and a developer or applicant that sets down the rights and responsibilities of each party as pertaining to a single development.
<b>DOCK</b>	A structure, typically comprised of wood, that extends alongshore or outwards from the shore into a body of water that allows access to the water or to moored boats or watercraft.
<b>DRAINAGE</b>	General terms applied to the removal of surface or resurface water from a given area either by gravity via natural means or by systems constructed so as to remove water, and is commonly applied herein to surface water.
<b>DRAINAGE EASEMENT</b>	An easement which grants the right to maintain, relocate, or, utilize land within the easement for the improvement of drainage and stormwater flow.
<b>DRAINAGE, POSITIVE</b>	An area that has been graded or shaped to prevent pooling of stormwater runoff.
<b>DRIPLINE</b>	A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.
<b>DRIVE THROUGH</b>	A facility designed to enable a person to transact business while remaining in a motor vehicle.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Driveway

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
Note: use types are defined in <a href="#">Table &lt;&gt;</a> , <a href="#">Table of Principal Uses</a>	
<b>DRIVEWAY</b>	The portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.
<b>DWELLING UNIT</b>	One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided therein.
<b>E</b>	
<b>EASEMENT</b>	The right to use or temporarily occupy the real property of another owner for a specifically identified purpose. An easement is a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.
<b>EAVE</b>	The projecting lower edges of a roof that overhangs the wall of a building.
<b>EGRESS</b>	An exit from a building or site.
<b>ELEVATED BUILDING</b>	For the purposes of flood damage prevention, a non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
<b>ELEVATION CERTIFICATE</b>	A written certificate of the elevation of a building or structure located in a special flood hazard area used to determine the proper flood insurance premium rate for the building.
<b>ENCROACHMENT</b>	The location of a building, structure, or portion of a building or structure in an open space, setback, yard, or other area typically required to remain free of buildings or structures.
<b>ENCROACHMENT</b>	For the purposes of flood damage prevention, the advance or infringement of uses, fill excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
<b>EROSION</b>	The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
<b>EROSION CONTROL MEASURE</b>	A device which controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.
<b>EVERGREEN</b>	A woody plant with one or more stems that does not lose the majority of its leaves during winter or dormancy.
<b>EX PARTE COMMUNICATION</b>	Any communication between a member of a decision-making body and a person involved in a development application that is made without the presence or knowledge of the other members of the same decision-making body.
<b>EXEMPTION</b>	A use, site feature, or development condition that is exempted authorized to deviate from otherwise applicable requirements
<b>EXPANSION</b>	An increase in the floor area of an existing structure or building, or the increase of area of a use.
<b>EXPENDITURE</b>	A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in positions.
<b>F</b>	
<b>FACADE</b>	The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.
<b>FAMILY</b>	One or more persons living together as a single housekeeping unit and who are related to each other by blood, adoption, or marriage.
<b>FARMING ACTIVITIES</b>	Agricultural activities as broadly defined by Section 106-581.1 of the North Carolina General Statutes.
<b>FARM-RELATED BUILDINGS</b>	Agricultural buildings or structures as broadly defined by Section 106-581.1 of the North Carolina General Statutes.
<b>FEE</b>	An amount charged in accordance with the regularly adopted fee schedule of the County.
<b>FENCE (OR WALL)</b>	A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection or confinement, but not including a hedge or vegetation.
<b>FENESTRATION</b>	The arrangement of windows and doors on a building's façade.
<b>FILL</b>	The act of depositing soil, sand, stone, or other inert debris customarily used for supplementing or augmenting land. The term "fill" also applies to the deposit soil, sand, stone, or other deposited material.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Final Plat

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>
<b>FINAL PLAT</b>	A plan or drawing recorded in the office of the register of deeds that identifies the metes and bounds as well as all applicable conditions applied to a lot or group of lots that have been subdivided.
<b>FINANCIAL GUARANTEE</b>	See "Performance Guarantee."
<b>FINE</b>	A sum of money imposed on a violator as punishment for violation of law.
<b>FIRE LANE</b>	A lane or designated area in a parking lot or on a street that is reserved for firefighting equipment or staging of people during a fire and is not intended for the parking of vehicles or storage.
<b>FLAG</b>	A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol, emblem, or decoration.
<b>FLOOD HAZARD AREA</b>	An area designated on the Flood Hazard Boundary Map as Zone A.
<b>FLOOD HAZARD BOUNDARY MAP (FHBM)</b>	An official map of the County, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
<b>FLOOD INSURANCE</b>	The insurance coverage provided under the National Flood Insurance Program.
<b>FLOOD INSURANCE RATE MAP</b>	An official map of a community issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the County are delineated.
<b>FLOOD INSURANCE STUDY</b>	An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMS) and Flood boundary and floodway maps (FBFMs), it publishes.
<b>FLOOD-RESISTANT MATERIAL</b>	Any building product capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant.
<b>FLOOD OR FLOODING</b>	For flood damage prevention purposes, a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.
<b>FLOOD ZONE</b>	A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
<b>FLOODPLAIN</b>	Any land area susceptible to being inundated by water from any source.
<b>FLOODPLAIN ADMINISTRATOR</b>	The individual appointed to administer and enforce the flood damage prevention provisions in this Ordinance. The Building Inspector is designated as the Floodplain Administrator.
<b>FLOODPLAIN MANAGEMENT</b>	For flood damage prevention purposes, the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
<b>FLOODPLAIN OR FLOOD PRONE AREA</b>	Any land area susceptible to being inundated by water from any source.
<b>FLOODPROOFING</b>	Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.
<b>FLOODWAY</b>	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
<b>FLOOR</b>	The top surface of an enclosed area in a building, including basement, such as, top of slab in concrete slab construction or top of wood flooring in frame construction.
<b>FOOTCANDLE</b>	A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot.



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Freeboard

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
Note: use types are defined in <a href="#">Table &lt;&gt;</a> , <a href="#">Table of Principal Uses</a>	
<b>FREEBOARD</b>	The additional amount of height added to the Base Flood Elevation (BFE) to account for uncertainties in the determination of flood elevations. The freeboard requirement plus the Base Flood Elevation equals the Regulatory Flood Protection Elevation.
<b>FREE-FLOWING DRAINAGE SYSTEM</b>	A stormwater conveyance system that allows stormwater runoff to collect and flow to another location without prior collection or containment.
<b>FRONTAGE</b>	A strip or extent of land abutting and extending along a street.
<b>FUNCTIONAL PLANS AND DOCUMENTS</b>	Plans, documents, and regulations relating to future development, provision of public infrastructure and services, economic development, and tourism.
<b>FUNCTIONALLY-DEPENDENT FACILITY</b>	A facility or structure that cannot be used for its intended purpose unless it is located within or in close proximity to water, such as a dock, port, or use type associated with the operation of boats.
<b>FUTURE DEVELOPMENT SITE</b>	A parcel or parcels designated for future land development as identified in a preliminary plat, site plan, PD master plan, or other plan of development.
<b>G</b>	
<b>GABLE</b>	A triangular area of an exterior wall formed by two sloping roofs
<b>GARAGE OR YARD SALE</b>	A sale conducted by an occupant of a residence alone or in cooperation with neighbors conducted for the purpose of selling surplus household items for profit or for charitable purposes. Such sales are usually conducted from a garage associated with the residence or from the yard of the residence. Garage or yard sales may be distinguished from flea markets by the number of days of sale.
<b>GENERAL ASSEMBLY</b>	The General Assembly for the State of North Carolina. Also referred to as the Legislature.
<b>GENERAL STATUTES</b>	A statute is a written law passed the General Assembly that sets forth general propositions of law that courts apply to specific situations.
<b>GENERAL ZONING DISTRICT</b>	A zoning district designation applied to an individual lot.
<b>GLARE</b>	The effect produced within the visual field by a high intensity or insufficiently shielded light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance or visibility of objects.
<b>GLAZING</b>	The portion of an exterior building surface occupied by glass or windows.
<b>GOOD CAUSE</b>	Legally adequate or substantial grounds or reason to take a certain action based upon the circumstances of each individual case.
<b>GRADING</b>	Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
<b>GREEN ROOF</b>	The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.
<b>GROUND COVER</b>	Low growing plants such as grasses, ivy, creeping bushes and similar decorative plantings as well as mulch, pinestraw, or other similar materials used to cover the ground within required landscaping areas.
<b>GROUND-BASED MECHANICAL EQUIPMENT</b>	Utility or other equipment of a mechanical nature that is mounted on or below grade on the site it serves.
<b>H</b>	
<b>HABITABLE SPACE</b>	A space in a building for living, sleeping, eating or cooking, or used as a home occupation.
<b>HARDSHIP</b>	Special or specified circumstances that place an unreasonable or disproportionate burden on one applicant or landowner over another.



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Historic Structure

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>	
<b>HISTORIC STRUCTURE</b>	Any structure that is: <ol style="list-style-type: none"> <li>(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;</li> <li>(2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;</li> <li>(3) Individually listed on a state inventory of historic places;</li> <li>(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:                             <ol style="list-style-type: none"> <li>(a) By an approved state program as determined by the Secretary of Interior, or</li> <li>(b) Directly by the Secretary of Interior in states without approved programs.</li> </ol> </li> </ol>
<b>HOLIDAY</b>	A holiday observed by the County.
<b>HOME OCCUPATION</b>	Any activity carried out for gain by a resident their principal residence.
<b>HOMEOWNERS' ASSOCIATION</b>	An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners' association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements such as recreation areas.
<b>I</b>	
<b>IMMEDIATE FAMILY</b>	Family members within two degrees of kinship (i.e., spouse, parent, sister, bother, child, grandparent).
<b>IMPERVIOUS SURFACE (OR COVER)</b>	Any structure, material or ground cover consisting of, but not limited to, asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.
<b>IMPROVEMENT</b>	The construction of buildings and the establishment of basic services and amenities associated with development, including, but not limited to streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreation facilities (i.e., lakes, swimming pools, tennis courts, golf courses, club houses, cabanas, marinas, docks and the like) and other similar construction or establishment.
<b>INGRESS</b>	Access or entry to a building or site.
<b>IN-LIEU FEE</b>	Monetary compensation offered by a landowner or applicant as an alternative to provision of some other required site or development feature.
<b>INTERPRETATION</b>	A determination, made in writing, by the UDO Administrator regarding the proper application of provisions in the UDO, the boundaries on the Official Zoning Map, or a prior-approved condition of approval.
<b>J</b>	
<b>JURISDICTION</b>	The official power to make legal decisions and judgements. The term can also be used to describe the geographic boundaries of a municipal corporation or the extent over which a particular agency has control.
<b>JURISDICTIONAL STREAM</b>	A stream or other waterbody that meets the definition of "waters of the United States" or "waters of the State," and is thus subject to the jurisdiction of the USD Army Corps of Engineers or the NC Department of Environmental Quality.
<b>JUST CAUSE</b>	Legitimate cause; legal or lawful ground for action.
<b>K</b>	
<b>L</b>	
<b>LAND DISTURBANCE</b>	Any movement of earth or substrate, manually or mechanically, including but not limited to any modification of existing grade by dredging, demolition, excavation or fill, grading, scraping, vegetation removal, landscaping, coring, well drilling, pile driving, undergrounding utility lines, trenching, bulldozing, sheeting, shoring and excavation for laying or removing foundations, pilings or other purposes.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Land Disturbing Activity

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>
<b>LAND DISTURBING ACTIVITY</b>	Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural grade and may cause or contribute to sedimentation, except activities that are exempt under Section 113A 52(6) of the North Carolina General Statutes. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.
<b>LANDOWNER</b>	As applied to the standards related to vested rights, an owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of the owner.
<b>LANDSCAPING</b>	The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and objects designed and arranged to produce an aesthetically pleasing effect.
<b>LEGISLATIVE DECISION</b>	A decision by an elected body that establishes policies and have broad-based application across the jurisdiction. Examples include adoption and amendment of plans and ordinances.
<b>LEGISLATIVE PUBLIC HEARING</b>	A hearing held for the purpose of soliciting public comments on a proposed change in the zoning text or zoning map. Reasonable time limits on speakers may be imposed and responsible decorum maintained. However, unlike quasi-judicial hearings, there is no requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing.
<b>LIGHT TRESPASS</b>	Unwanted light that shines from one lot to another.
<b>LOADING AREA (OR SPACE)</b>	Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
<b>LOT</b>	A legally described piece of contiguous land that has been or may be developed as a unit. This term is synonymous with “parcel.”
<b>LOT OF RECORD</b>	A lot which is a part of an approved subdivision, a plat of which has been recorded in the Office of the Camden County Register of Deeds or a lot described by metes and bounds the description of which has been so recorded and which at the time of recordation and the time it was originally subdivided met all applicable subdivision and zoning regulations then in effect. In addition, this definition shall include lots for which a plat and/or deed is recorded in the Office of the Register of Deeds and the lot was created prior to the adoption of the County's first subdivision regulations or a lot upon which an existing structure is located provided a valid building permit was obtained for the construction or a lot which at the time of creation met all subdivision and zoning requirements.
<b>LOWEST ADJACENT FLOOR</b>	The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building. For Flood Zone A, use the natural grade elevation prior to construction.
<b>LOWEST FLOOR</b>	For the purposes of flood damage prevention, the subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this subchapter.
<b>M</b>	
<b>MAIN ROADWAY CORRIDOR</b>	Key roadways that serve the County as defined in the 2035 Comprehensive Plan: US 17, US 158, NC 343, and NC 34.
<b>MAINTENANCE WARRANTY</b>	The set aside of funds or establishment of a written guarantee of funds by a subdivider or developer to ensure the proper performance of stormwater management facilities after the final approval of development, or to ensure that replacement trees remain alive through the required establishment period.
<b>MAJOR CHANGE</b>	A significant deviation in an application, proposed development, or portion of a development that impacts the operation, appearance, function, value, or compatibility of proposed development with its surroundings.
<b>MANSARD ROOF</b>	A sloped roof or roof-like facade architecturally comparable to a building wall.
<b>MARKET VALUE</b>	The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal, replacement cost depreciated for age of building and quality of construction (actual cash value), or adjusted tax assessed values.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Master Plan

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>
<b>MASTER PLAN</b>	For the purposes of developing in a Planned Development (PD) district, a master plan is the required document depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing.
<b>MATERIAL CHANGE</b>	A change in the meaning or language of a legal document, such as a contract, agreement, or approval that is made by one party to the document without the consent of the other after it has been signed or completed.
<b>MAXIMUM EXTENT PRACTICABLE</b>	No feasible or practical alternative exists, as determined by the County, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent practicable.”
<b>MEAN SEA LEVEL</b>	The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are references. Refer to each FIRM panel to determine datum used.
<b>MINISTERIAL DECISION</b>	A non-discretionary decision, often made by the UDO Administrator or staff. An example is a building permit for a structure that is an outright permitted use in the zone. An example is final plat review.
<b>MINOR CHANGE</b>	An insignificant deviation in an application, proposed development, or portion of a development that does not impact the operation, appearance, function, value, or compatibility of proposed development.
<b>MIXED USE DEVELOPMENT</b>	A tract of land or structure developed for two or more different uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.
<b>MOBILE HOME, CLASS A</b>	A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Class A mobile homes are more than 20 feet wide.
<b>MOBILE HOME, CLASS B</b>	A mobile home constructed after July 1, 1994, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but that is less than 20 feet wide.
<b>MOBILE HOME, CLASS C</b>	A mobile home constructed prior to July 1, 1994, that does not meet the definitional criteria of a Class A or Class B mobile home and is less than 18 feet wide.
<b>MONUMENT</b>	For the purposes of the subdivision regulations, a permanent marker, typically inserted into the ground, showing the location of a lot line, lot corner, or other demarcation associated with a lot or right-of-way.
<b>MUNICIPALITY</b>	An incorporated city, town, or village with powers as described in Section 160A of the North Carolina General Statutes.
<b>N</b>	
<b>NEIGHBORHOOD MEETING</b>	A meeting conducted by the applicant of a proposed development with those in the area around the proposed development.
<b>NEW CONSTRUCTION</b>	For flood damage prevention purposes, structures for which the start of construction commenced on or after the effective date of the original version of Ordinance 2004-09-01 and includes any subsequent improvements to such structures.
<b>NONCONFORMING LOT</b>	A lot of record that that was lawful at the date on which it was established, but does not conform to the current dimensional requirements of the zoning district in which it is located.
<b>NONCONFORMING SIGN</b>	Any sign that was lawfully established, but does not meet the standards of this Ordinance.
<b>NONCONFORMING SITE</b>	A site that was legally established, but that is not presently in full compliance with elements of this Ordinance pertaining to landscaping, lighting, access and on-site circulation, parking areas, and screening.
<b>NONCONFORMING STRUCTURE</b>	A structure that was lawful on the date on which it was established, but does not conform to current dimensional, elevation, location, or other requirements of this Ordinance.
<b>NONCONFORMING USE</b>	A use type which was lawful on the date on which it was established, but is now no longer a permitted use of that lot, building, or structure under this Ordinance. A use that when established did not require a special use permit, but now requires a special use permit shall be considered a nonconforming use until special use permit approval is obtained.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Nonconformity

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
Note: use types are defined in <a href="#">Table &lt;&gt;</a> , <a href="#">Table of Principal Uses</a>	
<b>NONCONFORMITY</b>	Any land use, development, structure, or site, including any lot of record, that was legally established, but that is not presently in full compliance with the provisions of this Ordinance.
<b>NON-ENCROACHMENT AREA</b>	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.
<b>NOTICE OF PUBLIC HEARING</b>	The formal legal notification of a public hearing on a proposed development application. A "published notice" is one required to be printed in a newspaper of general circulation. A "mailed notice" is one delivered to specified individuals by US Mail. A "posted notice" is a sign posted on or near the property subject to the application
<b>NOTICE OF VIOLATION</b>	A notice indicating a violation of this Ordinance.
<b>NUISANCE FLOODING</b>	Somewhat common or typical flooding that takes places in the same locations or with regular frequency.
<b>O</b>	
<b>OATH</b>	The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."
<b>OCCUPANCY</b>	The act, state, or condition of holding, possessing, residing, or otherwise using a premises, lot, site, building, or dwelling.
<b>OFFICIAL ZONING MAP</b>	The Official Zoning Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.
<b>OFF-STREET PARKING AREA</b>	The portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
<b>ON-CENTER PLANTING</b>	Placement of landscape material in a regularly-spaced pattern of equal distance between plants.
<b>OPAQUE</b>	The inability to see across or through a landscaping buffer or similar visual screen.
<b>OPACITY</b>	A measurement indicating the degree of obscuration of light or visibility.
<b>OPEN SPACE</b>	Areas of land free from buildings, structures, or encumbrances, as well as lands with buildings or structures devoted to active or passive recreational purposes.
<b>OPEN SPACE SET-ASIDE</b>	Land and/or water areas within the site designated for a particular development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, but not including any lands occupied by streets, street rights-of-way or off-street parking.
<b>OPEN SPACE SET-ASIDE, ACTIVE</b>	See "Active Open Space Set-Aside."
<b>OPEN SPACE SET-ASIDE, PASSIVE</b>	See "Passive Open Space Set-Aside."
<b>OPEN SPACE SET-ASIDE, URBAN</b>	See "Urban Open Space Set-Aside."
<b>ORDINANCE</b>	A legislative enactment of Camden County, North Carolina.
<b>ORDINARY REPAIRS AND MAINTENANCE</b>	Work done on a sign or structure to prevent deterioration or to replace any part thereof in order to correct any deterioration, decay or damage to any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage.
<b>OUTDOOR DISPLAY</b>	The keeping of any goods, merchandise, or vehicles, in an unroofed area for marketing or sales purposes.
<b>OUTDOOR STORAGE</b>	The keeping of any goods, junk, material or merchandise in an unroofed area, in the same place for a period of time exceeding 24 hours, but excluding temporary construction and related activities.
<b>OUTPARCEL</b>	A lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part of the larger development with respect to applicable yard and dimensional requirements.
<b>OVERLAY ZONING DISTRICT</b>	A zoning district that is superimposed over either all or a portion of one or more underlying general, or base, zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Owner

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>
<b>OWNER</b>	The person firm or organization in whom is vested the ownership, dominion or title of property. The person firm or organization who is recognized and held responsible by the law as the owner of property.
<b>P</b>	
<b>PACKAGE TREATMENT PLANT</b>	A privately- or publicly-owned facility, other than a conventional residential septic tank system, that is constructed for the purpose of treating sewage and discharging treated effluent.
<b>PARAPET</b>	A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
<b>PARCEL</b>	See “Lot.”
<b>PARKING SPACE, ACCESSIBLE</b>	A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.
<b>PARTY WALL</b>	A wall separating and common to two or more buildings on individual lots that consists of noncombustible material as specified by the State Building Code.
<b>PASSIVE OPEN SPACE SET-ASIDE</b>	Open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains, and similar areas. Such areas may also include undisturbed natural vegetation.
<b>PATIO</b>	An area, usually paved, adjoining a building - used as an area for outdoor lounging, dining, or gathering.
<b>PEDESTRIAN PATHWAY</b>	Interconnected paved walkway that provides a pedestrian passage through blocks running from street to street, vehicular use areas, through sites, or other locations.
<b>PENALTY</b>	Punishment for violation of a law or rule.
<b>PERFORMANCE GUARANTEE</b>	Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or installation of required private site features prior to issuance of a building permit or other development approval.
<b>PERGOLA</b>	An accessory structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.
<b>PERIMETER BUFFER</b>	A specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm, fence or wall, or combination thereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities.
<b>PERMANENT RESIDENCE</b>	The place where a person has his or her true, fixed, and permanent home and principal establishment to which, whenever absent, he or she has the intention of returning. A person has only one permanent residence at a time.
<b>PERSON</b>	An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit.
<b>PERSONAL PROPERTY</b>	All forms of property, except real property.
<b>PERVIOUS SURFACE</b>	Any land surface not effectively covered by impervious surface, in which rainfall and stormwater runoff can naturally infiltrate.
<b>PHASE</b>	The discrete portion of a proposed development.
<b>PILASTER</b>	A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
<b>PITCHED ROOF</b>	A roof that is configured at an angle to the ground.
<b>PLANNED DEVELOPMENT</b>	An area of land under unified ownership or control to be developed and improved as a single entity under a planned development master plan in accordance with this Ordinance.
<b>PLANNING BOARD</b>	An advisory or decision-making body responsible for decisions on preliminary plat applications, review and recommendations on UDO text and Official Zoning Map amendments and development agreements. The Planning Board also makes special studies of land use and assists in the preparation and revision of the Land Use Plan.
<b>PLANTING SEASON</b>	The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.
<b>PLAZA</b>	An open space at the intersection of important streets or adjacent to important structures, set aside for civic purposes and commercial activity, which may include parking, consisting of durable pavement, and formal landscaping or tree plantings.



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Porch

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>	
<b>PORCH</b>	A covered projection (can be glazed or screened) from the main wall of a building, with a separate roof, that is not used for livable space.
<b>PORTICO</b>	A large porch usually with a pediment usually associated with an entrance, supported by columns.
<b>POST-FIRM</b>	Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the other area.
<b>PRE-APPLICATION CONFERENCE</b>	A meeting or conference conducted by a potential applicant for a permit or development approval and County staff for the purposes of discussing a potential application or County rules regarding development.
<b>PRE-FIRM</b>	Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the other area.
<b>PRELIMINARY PLAT</b>	A drawing or plan showing the proposed organization of lot boundaries, streets, public infrastructure, open space, and other site configuration features associated with a proposed development including two or more lots.
<b>PRIMARY ENTRANCE</b>	The place of ingress and egress to a building, parcel, or development used most frequently by the public.
<b>PRINCIPAL BUILDING OR STRUCTURE</b>	A structure in which is conducted the principal use(s) of the lot on which it is located.
<b>PRINCIPAL USE</b>	A primary or predominate use of a lot or parcel.
<b>PRIVATE SITE IMPROVEMENT</b>	Required site features or elements of a development located on a development site, including but not limited to: landscaping, off-street parking, screening, exterior lighting, and similar elements.
<b>PRIVATE STREET OR ROAD</b>	A road or way for the use of private individuals that is not dedicated to the State or other public agency.
<b>PROTECTED TREE</b>	A tree that is present prior to the commencement of development or land disturbance that is required or intended to remain after completion of development or land disturbing activities.
<b>PUBLIC HEARING, LEGISLATIVE</b>	A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official county business which require public participation and input.
<b>PUBLIC HEARING, QUASI-JUDICIAL</b>	A formal public hearing involving the legal rights of specific parties conducted by the Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by the decision-making body.
<b>PUBLIC INFRASTRUCTURE</b>	Infrastructure or facilities (such as water lines, streets, storm drainage, sidewalks, trails, etc.) owned by the public and intended for use by the public.
<b>Q</b>	
<b>QUASI-JUDICIAL DECISION</b>	A decision by an elected or appointed body that applies previously-established policies. Examples include decisions on subdivision plats, site plan review, and special exceptions.
<b>QUASI-JUDICIAL PUBLIC HEARING</b>	A formal public hearing involving the legal rights of specific parties conducted by the Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by the decision-making body.
<b>QUORUM</b>	The minimum number of council, board, or commission members that must be present in order to conduct official business or take official action.
<b>R</b>	
<b>REAL PROPERTY</b>	All land, all buildings, all structures, and other fixtures firmly attached thereto.
<b>RECREATIONAL VEHICLE</b>	A wheeled vehicular portable structure, built on a chassis, designed to be used as a temporary dwelling for travel and/or recreational purposes, having a body width not exceeding ten feet. A recreational vehicle may be self-propelled.
<b>REDEVELOPMENT</b>	Installation of any improvements, new construction, or reconstruction on a lot or site that has pre-existing uses.



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Reference Level

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;</a> , <a href="#">Table of Principal Uses</a>
<b>REFERENCE LEVEL</b>	The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of this subchapter. For structures within special flood hazard areas designated as zones AE or A, the reference level is the top of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower.
<b>REGULATORY FLOOD PROTECTION ELEVATION</b>	The elevation, in relation to mean sea level, to which the reference level of all structures and other development located within special flood hazard areas must be protected. Residential construction within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot of freeboard. Commercial construction required to meet or exceed BFE.
<b>REMEDY</b>	The manner in which a right or law is enforced or satisfied when a violation of the UDO or related law has occurred.
<b>REQUIRED YARD</b>	The land area located between a lot line and the boundary of a required setback.
<b>RESERVE FUND</b>	A bank account containing reserve funds for the purpose of maintaining commonly-held land, infrastructure, or facilities.
<b>RESOLUTION</b>	The official written expression of the opinion or the will of the Board of County Commissioners, Board of Adjustment, or Planning Commission.
<b>RETAINING WALL</b>	A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.
<b>REVERSE FRONTAGE</b>	A lot with two or more street frontages that includes a building or structure that is oriented in a manner that differs from other existing structures or from the development patterns indicated by adopted policy guidance or good planning practice.
<b>RIGHT-OF-WAY</b>	Property located within and adjoining the streets, roads and highways within the County, which rights-of-way are owned or otherwise maintained by the state.
<b>RIPARIAN BUFFER</b>	A vegetated area near a stream, usually forested, which helps shade and partially protect a stream from the impact of adjacent land uses.
<b>ROAD</b>	See "Street."
<b>ROAD, PUBLIC</b>	See Street, Public."
<b>ROOF-MOUNTED EQUIPMENT</b>	Equipment, appurtenances, utilities, infrastructure, or similar objects mounted on or near the roof of a building.
<b>ROOT ZONE</b>	The area inside the dripline of a tree that contains its roots.
<b>ROUTINE MAINTENANCE</b>	Small-scale, ongoing activities (usually requiring only minimal skills or training) associated with regular (daily, weekly, monthly, etc.) and general upkeep of a building, equipment, machine, plant, or system to mitigate the negative impacts of normal wear and tear.
<b>S</b>	
<b>SCREENING</b>	Fences, walls, vegetation, building features, or other constructed devices intended to shield a site feature from view.
<b>SEDIMENT</b>	Solid particulate matter, both mineral and organic, that is transported by water, air, gravity, or ice from its site of origin.
<b>SEDIMENTATION</b>	The process by which sediment resulting from accelerated erosion is transported off-site by land-disturbing activity.
<b>SHARED PARKING</b>	The joint use of off-street parking facilities by two or more uses whether located on the same or different lot as the parking facilities.
<b>SHIELDING</b>	The portion of a light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.
<b>SHOPPING CENTER</b>	A group of commercial establishments planned, developed and/or managed as a unit with off-street parking provided on the property that is located on a tract of land at least four acres in area. A group of commercial establishments that are located on a tract of land less than four acres in area shall be subject to the standards established for the district in which they are located and the combination use requirements of this chapter.
<b>SHORELINE</b>	The location where the mean high-water mark meets the land or bulkhead along any canal, waterway, or boat basin.
<b>SHORELINE ARMORING</b>	The use of groins, jetties, offshore breakwaters, sea walls, tombolos or other hardened beach structures designed to protect the land from erosion particularly during storms and usually made of metal, wood, or rock.
<b>SHRUB</b>	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Sidewalk

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>	
<b>SIDEWALK</b>	A paved area public right-of-way running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
<b>SIGHT DISTANCE TRIANGLE</b>	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.
<b>SIGN</b>	An object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, trade names, insignias, numerals, figures, design, symbols, fixtures, colors, illumination, or projected images or any other attention directing device.
<b>SIGN FACE AREA</b>	The portion of sign that contains the message being conveyed.
<b>SIGN, AWNING</b>	A sign placed on a canvas or metal awning affixed to a building.
<b>SIGN, BANNER</b>	A strip of cloth, paper, plastic, or metal bearing a message and intended to be affixed to a building wall or strung between vertical projections.
<b>SIGN, EXTERNALLY ILLUMINATED</b>	A sign lighted by an external source that casts light on the face of the sign.
<b>SIGN, FENCE WRAP</b>	A temporary sign affixed to fencing surrounding an active construction site.
<b>SIGN, FLAG</b>	See "Flag."
<b>SIGN, FLASHING</b>	A sign that uses an intermittent scrolled or flashing light or message to attract attention, or is otherwise designed or constructed to have intermittent, flashing or scrolled light emitted from it.
<b>SIGN, FREESTANDING</b>	Any sign permanently attached to the ground and not attached to any building which is located on a single parcel occupying an entire structure or building.
<b>SIGN, GOVERNMENT</b>	Any temporary or permanent sign erected and maintained for any government purposes.
<b>SIGN, ILLUMINATED OR LIGHTED</b>	A sign either internally or externally illuminated.
<b>SIGN, INCIDENTAL</b>	A small sign affixed to a wall, post, or similar mounting device intended to provide directional or location information to a viewer on or passing by a site.
<b>SIGN, INTERNALLY ILLUMINATED</b>	Sign where the source of the light is inside the sign and light emanates through the message of the sign, rather than being reflected off of the face of the sign.
<b>SIGN, MONUMENT</b>	Any sign permanently attached to the ground and not attached to any building or pole.
<b>SIGN, OBSOLETE</b>	Nonconforming signs or parts of signs which pertain to a use that no longer exists, or that has been discontinued for 180 days or more.
<b>SIGN, OFF-PREMISE</b>	Any sign that directs one's attention to a service, commodity, entertainment or business that is offered elsewhere than on the premise where the sign is displayed.
<b>SIGN, ON-PREMISE</b>	Any sign that directs one's attention to a service, commodity, entertainment or business offered on the premise where the sign is located.
<b>SIGN, POLITICAL</b>	Any sign that advocates for political action.
<b>SIGN, PORTABLE</b>	A reusable and removable sign, which by its construction or nature, may be or is intended to be freely moved from on location to another. A portable sign is not permanently affixed to the ground, structure, or building.
<b>SIGN, PROJECTING</b>	Any sign, other than a wall, awning, canopy or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.
<b>SIGN, SAFETY</b>	A sign intended to provide basic safety or directional information for the site where its located, including signage related to: private parking, unofficial traffic signs indicating on-site directions, entrances, exits, or traffic hazards, signs pertaining to above or below ground utilities, equipment, or potentially hazardous conditions, or signs warning the public against trespassing, against danger from animals, or other dangerous conditions.
<b>SIGN, TEMPORARY</b>	A sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
<b>SIGN, VEHICLE OR MOBILE</b>	A permanent or temporary sign affixed to, painted or drawn on, or placed or mounted in or upon any parked vehicle, parked trailer, or other parked towable device which is displayed in public view.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Sign, Wall

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>
<b>SIGN, WALL</b>	Any sign which is placed against a building or other structure, which is attached to the exterior front, rear, or side wall of such building or structure and which does not project above the highest part of the structure. A sign or mural painted on the surface of a structure shall be considered a wall sign.
<b>SIGN, WINDOW</b>	Any sign appearing in, on, or through a window of a structure and visible from outside. The term window sign shall not be used to define a window display.
<b>SIGNIFICANT TREE</b>	An existing canopy or understory tree required to be retained on-site during and after development.
<b>SITE FEATURES</b>	Structures or elements (not including principal or accessory structures) required or authorized to accompany a development, such as off-street parking, landscaping, exterior lighting, or signage.
<b>SITE PLAN, MAJOR</b>	The review procedure for larger or more complex proposed development projects, as described in <a href="#">Section &lt;&gt;, Major Site Plan</a> .
<b>SITE PLAN, MINOR</b>	The review procedure for small-scale or low intensity proposed development projects, as described in <a href="#">Section &lt;&gt;, Minor Site Plan</a> .
<b>SITE SPECIFIC DEVELOPMENT PLAN</b>	A development plan prepared in accordance with Section 160A-385.1 of the North Carolina General Statutes.
<b>SPECIAL FLOOD HAZARD AREA</b>	The land area anticipated to be covered by the floodwaters associated with the base flood event.
<b>SPECIAL LEGISLATION</b>	Acts of the North Carolina General Assembly that apply specifically and uniquely to one county or municipality and empower that county or municipality with special powers not broadly available.
<b>SPECIAL PURPOSE LOT</b>	Lots that are exempted from the typical lot dimensional requirements in this Ordinance due to their special purpose or history of establishment.
<b>SPIRE</b>	A tapering, conical, or pyramidal structure on top of a building, typically a religious building.
<b>STACKING SPACE</b>	A portion of the vehicular use area on a site that is dedicated to the temporary storage or “standing” of vehicles engaged in drive-through use of the site or development.
<b>STANDARD REVIEW PROCEDURE</b>	Actions undertaken by County staff or requirements of applicants that are uniformly applied to all types of development applications reviewed and decided under this UDO.
<b>START OF CONSTRUCTION</b>	<p>For other than new construction or substantial improvements under the Coastal Barrier Resources Act, the same being PL. 97-348, USC 3501 et seq., includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date.</p> <p>The actual start means the first placement of permanent construction of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.</p> <p>For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.</p>
<b>STATE</b>	The state of North Carolina.
<b>STATE BUILDING CODE</b>	A series of ordinances enacted by the General Assembly and State Building Code Council that establish the minimum requirements that must be met in the construction and maintenance of buildings and structures.
<b>STEALTH WIRELESS TELECOMMUNICATIONS FACILITY</b>	A wireless facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennae or towers so the purpose of the facility or support structure is not readily apparent to a casual observer.
<b>STOP WORK ORDER</b>	An order issued by the County to a landowner or developer to cease and desist all land-disturbing or development activity on a site pending resolution of a problem or conflict.
<b>STORMWATER CONVEYANCE</b>	Stormwater management facilities or features designed to facilitate the movement of stormwater runoff.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Stormwater Management Device

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
Note: use types are defined in <a href="#">Table &lt;&gt;, Table of Principal Uses</a>	
<b>STORMWATER MANAGEMENT DEVICE</b>	A structure or facility intended to control stormwater runoff on an individual lot or development site.
<b>STORMWATER RUNOFF</b>	The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.
<b>STREET</b>	A paved or unpaved travelway intended for use by automobiles and bicycles.
<b>STREET SETBACK</b>	The minimum required distance between a street right-of-way and the nearest portion of a building.
<b>STREET STUB</b>	A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.
<b>STREET, ARTERIAL</b>	A street whose principal function is to carry large volumes of traffic at higher speeds through the county or from one part of the County to another.
<b>STREET, ARTERIAL ACCESS</b>	A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
<b>STREET, COLLECTOR</b>	A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.
<b>STREET, CUL-DE-SAC</b>	A street that terminates in a vehicular turnaround.
<b>STREET, LOCAL</b>	A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.
<b>STREET, LOOP</b>	A street that has its beginning and points on the same road.
<b>STREET, MAJOR ARTERIAL</b>	Arterial streets that are part of the state's primary road system, including US 158, US 168 and NC 343.
<b>STREET, MINOR ARTERIAL</b>	All arterials other than major arterials.
<b>STREET, PRIVATE</b>	A vehicular travelway not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.
<b>STREET, PUBLIC</b>	A pre-existing public street as well as a new street created by a subdivider that meets the public street standards of this Ordinance and all applicable state requirements.
<b>STREET, PUBLIC</b>	A dedicated public right-of-way in which the roadway has been accepted or constructed to public standards for vehicular traffic, but not an alley.
<b>STRUCTURE</b>	See "Building."
<b>SUBDIVISION</b>	<p>As used in this ordinance means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition provided, however, that any subdivision document or plat to be recorded pursuant to such exclusions shall have the notation of "No Approval Required" and the signature of the UDO Administrator or his designated agent before filing in the office of the Camden County Register of Deeds.</p> <p>A "Subdivision" shall not include the following:</p> <ol style="list-style-type: none"> <li>1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.</li> <li>2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.</li> <li>3. The public acquisition by purchase of strips of land for the widening or opening of streets.</li> <li>4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way or easement dedication is involved and where the resultant lots equal or exceed the standards set forth in this Ordinance.</li> <li>5. The trading or exchanging of portions of previously platted and recorded properties that are contiguous and that necessitate the creation of parcels not conforming to the requirements of this chapter provided that a statement is placed on the plat to be recorded to the effect that such parcels are not created as individual building lots and are not approved as such and that no building permit shall be issued for construction on such parcels.</li> </ol>

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Subdivision, Court Ordered

<b>TABLE 10.&lt;&gt;: DEFINITIONS</b>	
TERM	DEFINITION
Note: use types are defined in <span style="background-color: yellow;">Table &lt;&gt;, Table of Principal Uses</span>	
<b>SUBDIVISION, COURT ORDERED</b>	The division of land between two or more parties as ordered as part of a settlement imposed by the judicial system.
<b>SUBDIVISION, EXEMPT</b>	A division of land that is exempted from review and approval by the County in accordance with the North Carolina General Statutes.
<b>SUBDIVISION, EXPEDITED</b>	A subdivision of land reviewed and approved administratively that is exempted from most of the public infrastructure requirements.
<b>SUBDIVISION, FAMILY</b>	See “Transfer Plat.”
<b>SUBDIVISION, MAJOR</b>	A subdivision of land that includes five or more lots (including the residual parcel) or that involves extension of public streets, public water, public sewer, or other public utility.
<b>SUBDIVISION, MINOR</b>	A subdivision of land that includes up to five lots (including the residual parcel) with no extension of public streets, public water, public sewer, or other public utility.
<b>SUBMERGED LANDS</b>	Lands within a jurisdictional boundary and which are covered by water on a temporary or permanent basis. Submerged lands include, but are not limited to, tidal lands, islands, sandbars, shallow banks and lands waterward of the ordinary or mean high water line.
<b>SUBSTANTIAL CLEARING</b>	Removal of the majority of exiting vegetation on a lot, tract, or site prior to or concurrent with development activity.
<b>SUBSTANTIAL IMPROVEMENT</b>	Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a historic structure, provided that the alteration will not preclude the structure=s continued designation as a historic structure.
<b>SURETY BOND</b>	See “Performance Guarantee.”
<b>SUSTAINABLE DEVELOPMENT PRACTICE</b>	One or more development features voluntarily provided by an applicant or developer as a means of promoting sustainable development and/or taking advantage of available sustainable development practice incentives.
<b>SWALE</b>	A depression in the land that collects stormwater runoff and conveys it to another location.
<b>T</b>	
<b>TECHNICAL REVIEW COMMITTEE</b>	A group of County staff members and others associated with development review in the County.
<b>TEMPORARY HEALTH CARE STRUCTURE</b>	A transportable residential structure, providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person on the same lot as a single-family detached dwelling.
<b>TEMPORARY USE PERMIT</b>	A permit authorizing the operation of a temporary use or special event.
<b>TENANT</b>	A person who alone or jointly or severally with others occupies a building under a lease or holds a legal tenancy.
<b>TEN-YEAR STORM EVENT</b>	A storm event that has a 10 percent probability of being equaled or exceeded (in terms of rainfall production) during any single year.
<b>TEXT AMENDMENT</b>	An amendment to the language of this Ordinance.
<b>TRACT</b>	A separate tract of land under common or unified ownership in existence on the effective date of this Ordinance.
<b>TRANSFER PLAT</b>	The conveyance of a single lot from one family member to another immediate family member.
<b>TRAVEL TRAILER</b>	A structure that is: <ol style="list-style-type: none"> <li>1. Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and</li> <li>2. Is for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a manufactured home.</li> </ol>
<b>TREE, SIGNIFICANT</b>	See “Significant Tree.”
<b>U</b>	



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

UDO Administrator

**TABLE 10.<>: DEFINITIONS**

TERM	DEFINITION
	Note: use types are defined in <a href="#">Table &lt;&gt;</a> , <a href="#">Table of Principal Uses</a>
<b>UDO ADMINISTRATOR</b>	The County official responsible for interpretation and enforcement of the UDO text and the Official Zoning Map.
<b>UNDERSTORY TREE</b>	A species of tree which normally grows to a mature height of 15 to 35 feet.
<b>UNIFIED GOVERNMENT</b>	A local governance structure in which the county and its municipalities and/or townships have merged into one governance unit.
<b>URBAN OPEN SPACE SET-ASIDE</b>	A private common open space area located within a village center or mixed-use district that is intended to facilitate gathering of people, such as an outdoor dining area, plaza, or atrium.
<b>USE</b>	The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased.
<b>USE OR OCCUPANCY OF A BUILDING OR LAND</b>	Anything and everything that is done to, on or in that building or land.
<b>UTILITY EASEMENT</b>	An easement which grants the right to install and maintain utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.
<b>V</b>	
<b>VEGETATION, NATIVE</b>	Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.
<b>VERTICAL MIXED-USE</b>	A two or more story development that includes residential and non-residential development. It is typical for vertically-oriented mixed-use development to include residential development on the upper floors and nonresidential development on the ground or street level.
<b>VESTED RIGHT</b>	A right pursuant to North Carolina General Statutes Section 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.
<b>VILLAGE CENTER</b>	The area that forms the core of each township area. A village center should be compact and walkable and should provide opportunities for residents to gather, shop, recreate, and receive government services.
<b>VIOLATION</b>	A breach, infringement, or transgression of a law or requirement in this Ordinance or a permit or development approval.
<b>VISUALLY PERMEABLE</b>	A condition where a person may see through a building material, fence, or screening device. A material does not need to be transparent to be visually permeable, but it may not be opaque.
<b>W</b>	
<b>WALL (OR FENCE)</b>	See "Fence (or Wall)."
<b>WALL PACK</b>	An exterior lighting device that is flush-mounted on a vertical wall surface.
<b>WALL, BUILDING</b>	The entire surface area, including windows and doors, of an exterior wall of a building.
<b>WATER SURFACE ELEVATION</b>	The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
<b>WATERCOURSE</b>	A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
<b>WETLANDS, 404</b>	Wetlands either with or without a surface or subsurface connection to a larger body of water under the permitting jurisdiction of the US Army Corps of Engineers.
<b>WETLANDS, CAMA</b>	Those areas of land, marsh or swamp which are frequently saturated or covered with water designated by various state agencies as CAMA Wetlands.
<b>WORKING LANDS</b>	A term used to describe agricultural, horticultural, and forestry land uses.
<b>WRIT OF CERTIORARI</b>	A writ of superior court to call up the records of an inferior court or a body acting in a quasi-judicial capacity.
<b>X</b>	
<b>Y</b>	
<b>YARD</b>	An open space on the same lot with a building or group of buildings which open space lies between the building or group of buildings and the nearest lot line and is occupied and unobstructed from the ground upward by buildings or structures except by permitted accessory buildings or uses.



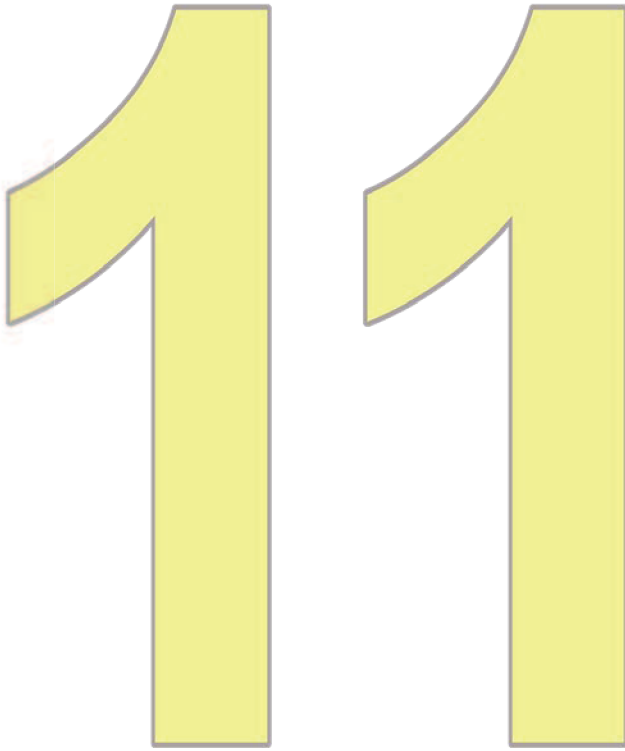
ARTICLE 151.10 DEFINITIONS & MEASUREMENT

Zoning Map

TABLE 10.<>: DEFINITIONS

TERM	DEFINITION
Note: use types are defined in <a href="#">Table &lt;&gt;</a> , <a href="#">Table of Principal Uses</a>	
<b>Z</b>	
<b>ZONING MAP</b>	See "Official Zoning Map."

# AUTHORITIES



## Key Changes in Article 151.11:

- [text]

<b>11.2</b>	<b>UDO Administrator</b> .....	<b>11-1</b>
11.2.1	Powers and Duties .....	11-1
<b>11.3</b>	<b>Building Inspector</b> .....	<b>11-2</b>
11.3.1	Powers and Duties .....	11-2
11.3.2	Inspection Procedure .....	11-2
11.3.3	Floodplain Administrator.....	11-2
<b>11.4</b>	<b>Planning Board</b> .....	<b>11-5</b>
11.4.1	Powers and Duties .....	11-5
11.4.2	Composition.....	11-6
11.4.3	Rules of Procedure.....	11-6
<b>11.5</b>	<b>Board of Commissioners</b> .....	<b>11-8</b>
11.5.1	Powers and Duties .....	11-8
11.5.2	Conflict of Interest.....	11-8
<b>11.6</b>	<b>Board of Adjustment</b> .....	<b>11-8</b>
11.6.1	Powers and Duties .....	11-8
11.6.2	Composition.....	11-8
11.6.3	Rules of Procedure.....	11-9
<b>11.7</b>	<b>RESERVED</b> .....	<b>11-10</b>

# ARTICLE 151.11 AUTHORITIES<sup>246</sup>

## 11.1 OVERVIEW

This article sets out the powers, duties, and rules of composition for review authorities identified in this Ordinance. The following review authorities have powers and duties under this Ordinance:

- A. UDO Administrator;
- B. Building Inspector;
- ~~B-C.~~ **Technical Review Committee;**
- ~~C-D.~~ Planning Board;
- ~~D-E.~~ Board of Commissioners; and
- ~~E-F.~~ Board of Adjustment.

## 11.2 UDO ADMINISTRATOR<sup>247</sup>

### 11.2.1 POWERS AND DUTIES

The UDO Administrator shall have the following powers and duties:

#### A. Application Review and Decision

To review and decide applications for:

1. Administrative Adjustments;
2. CAMA Minor Permits;
3. Exempt Subdivisions;
4. Expedited Subdivisions;
5. Final Plats;
6. Interpretations;
7. Minor Site Plans;
8. Minor Subdivisions;
9. Sign Permits;
10. Transfer Plats; and
11. Zoning Compliance Permits.

#### B. Other Powers and Duties<sup>248</sup>

The UDO Administrator shall also have the following other powers and duties:

1. To investigate violations and enforce this Ordinance in accordance with Article 151.9: Enforcement;
2. To conduct inspections of premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it;
3. To establish application content requirements and a submission schedule for review of applications and appeals;
4. To ensure proper public notification regarding pending development applications is provided in accordance with State law;
5. To review development applications for compliance with this Ordinance and submit staff reports to review authorities;
6. To conduct meetings with applicants for development approval, as necessary or appropriate;
7. To maintain the Official Zoning Map and related materials;
8. To provide expertise and technical assistance to County staff and review authorities, upon request;
9. To maintain all records pertaining to the provisions of this Ordinance and make records available for public inspection;
10. To provide technical support for the implementation of adopted policy guidance;
11. To perform any other related duties that the County Manager may direct; and
12. To exercise other powers and authority provided by the Board of Commissioners, this Ordinance, or State law.

<sup>246</sup> This is a new consolidated Article that brings together information on the various review and decision-making bodies mentioned in the current code between Sections 151.430 and 151.485. It is our experience that provisions such as these help to establish clear lines of authority in the County's decision-making procedures.

<sup>247</sup> This Section replaces and expands on current Section 151.475 to more fully describe the role of the UDO Administrator.

<sup>248</sup> This subsection is new and names some of the powers and responsibilities of the Administrator that are not explicitly named in current Chapter 151.

## 11.3 BUILDING INSPECTOR<sup>249</sup>

### 11.3.1 POWERS AND DUTIES

The Building Inspector shall have the following powers and duties:

**A. Application Review and Decision**

To review and decide applications for:

1. Building Permits;
2. Certificates of Occupancy; and
3. Floodplain Development Permits.

**B. Other Powers and Duties**

The Building Inspector shall also have the following other powers and duties:

1. To act as the Floodplain Administrator;
2. To administer the State Building Code;
3. To conduct inspections of construction and development sites to ensure health, safety, and compliance with applicable laws; and
4. To assist the UDO Administrator in the enforcement and administration of this Ordinance.

### 11.3.2 INSPECTION PROCEDURE<sup>250</sup>

The Building Inspector shall oversee the inspection procedure for development in accordance with the following:

**A. Step One: Excavation for Footing**

Applicants may only request this inspection after the footing has been excavated, grade stakes have been installed, and the inspection must occur before the foundation is poured or installed.

**B. Step Two: Foundation**

The foundation or piers must be visible and free from all dirt and debris prior to the inspection.

**C. Step Three: Floor Joist**

1. Applicants must call for the inspection prior to concealment; and
2. An elevation certificate is required within ten days of inspection, if the development is in the FPO.

**D. Step Four: Nailing/Sheathing**

The nailing pattern shall be consistent with the following requirements:

1. Six-inch vertical seams, three-inch horizontal, blocking and gable seams; and
2. Twelve-inch field, three-inch stitch pattern, if wall sheathing is used as structural tie.

**E. Step Five: Rough-In**

1. This group of inspections includes: framing, electrical, plumbing, and mechanical.
2. Applicants must request this inspection before concealment (the air/water tests must be active for this inspection).

**F. Step Six: Insulation**

After all rough-ins have been inspected and approved, insulate, and request inspection before concealment;

**G. Step Seven: Pre-Final**

1. Applicants shall call for this inspection after all work is complete and the building is ready for permanent power.
2. An elevation certificate is required within ten days of inspection if the development is in the FPO.

**H. Step Eight: Final**

The Building Inspector will test all electrical circuits and issue certificate of occupancy if the development complies with the provisions in [Section <>](#), [Certificate of Occupancy](#).

### 11.3.3 FLOODPLAIN ADMINISTRATOR<sup>251</sup>

The Building Inspector shall serve as the Floodplain Administrator and shall have the following powers and duties:

**A. Application Review and Decision**

<sup>249</sup> NOTE TO STAFF: This is a new section that lays out the powers and duties of the Building Inspector. The current code contains information on the procedure for applying for a building permit (Section 151.431 – 151.432) but does not describe the responsibilities of the Building Inspector. Section 150.12 does include powers and duties of the Building Inspector but these have not been included here. Please advise if 150.12 should be incorporated here.

<sup>250</sup> This section carries forward Section 151.431 of the current ordinance.

<sup>251</sup> This section carries forward the standards in 151.383.E of the current ordinance without substantive change.

The Floodplain Administrator shall review all floodplain development permit applications to ensure that the requirements of [Section <>, Floodplain Development Permit](#), and [Section <>, Special Flood Hazard Area Overlay](#), have been satisfied. In this capacity, the Floodplain Administrator shall:

1. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures;
2. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed;
3. Obtain actual elevation (in relation to mean sea level) of all public utilities;
4. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect;
5. When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with [Section <>, Special Flood Hazard Area Overlay](#), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source;
6. When base flood elevation (BFE) data has not been provided in accordance with [Section <>, Special Flood Hazard Area Overlay](#), obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source; and
7. Advise permittee that additional federal or state permits (i.e., wetlands, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.) may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

#### B. Interpretation

The Floodplain Administrator shall have the power to make interpretations as needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

#### C. Recordkeeping

1. The Floodplain Administrator shall permanently maintain all records that pertain to the administration of [Section <>, Special Flood Hazard Area Overlay](#), and make these records available for public inspection.
- ~~4-2.~~ [The Floodplain Administrator shall maintain records of all appeals and special flood hazard area variances, and shall report them to FEMA and the State, upon request.](#)
- ~~2-3.~~ In cases where the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, and the property owner has applied and been approved for a Letter of Map Amendment (LOMA) by FEMA, the Floodplain Administrator shall maintain a copy of the LOMA issued from FEMA in the floodplain development permit file.

#### D. Notification

1. Prior to any alteration or relocation of a watercourse, the Floodplain Administrator shall provide notification of the intended alteration or relocation to:
  - a. Adjacent communities;
  - b. The North Carolina Department of Crime Control and Public Safety;
  - c. The North Carolina Division of Emergency Management; and
  - d. The State Coordinator for the National Flood Insurance Program.
2. The Floodplain Administrator shall submit evidence of such notification to the Federal Emergency Management Agency.

#### E. Enforcement<sup>252</sup>

##### 1. Inspections

- a. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit.
- b. The Floodplain Administrator shall have the power to make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community to ensure that conditions of development, including required maintenance and certification and flood hazard reduction provisions, are met, and shall have this power regardless of whether or not a floodplain development permit is in progress for a particular site.<sup>253</sup>

<sup>252</sup> The stop-work order and permit revocation procedures are relocated to Article 151.9: Enforcement.

<sup>253</sup> This provision has been written to include the duty of the Floodplain Administrator in current Section 151.383(E)5, to ensure that no encroachments occur unless flood hazard reduction provisions are met, and current Section 151.383.(E)4, concerning maintenance of watercourses.



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- c. The Floodplain Administrator shall have a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

**11.4 TECHNICAL REVIEW COMMITTEE<sup>254</sup>**

The Technical Review Committee (TRC) is hereby established and charged with review of preliminary plat applications prior to consideration by the Planning Board.

**11.4.1 COMPOSITION**

- A.** The UDO Administrator shall serve as the Chair of the TRC.
- B.** The TRC shall be comprised of the following members:
1. A representative from the County Water Department or water authority which is to service the proposed subdivision;
  2. A representative from ARHS;
  3. A representative from the local Volunteer Fire Department;
  4. A representative from the Postal Service;
  5. A representative from the Soil Conservation Service;
  6. A representative from the Division of Coastal Management;
  7. A representative from the U.S. Army Corps of Engineers;
  8. The Superintendent of Schools;
  9. A representative from the Department of Environmental Quality;
  10. A representative from the NC Division of Health Services (DHS);
  11. A representative from the NC Department of Transportation;
  12. A representative from Emergency Management Services (911);
  13. A representative from Eastern North Carolina Natural Gas;
  14. A representative from the local power company, local telephone company, and the local cable television company; and
  15. Representatives from other agencies, as needed or necessary.
- C.** The UDO Administrator may permit one or more of these representatives to forgo attendance at a meeting of the TRC.

**11.4.11.5 PLANNING BOARD<sup>255</sup>**

The Planning Board is hereby established in accordance with Section 153A-321, Section 160A-361, and Section 160A-387 of the North Carolina General Statutes.

**11.4.11.5.1 POWERS AND DUTIES**

- A. Application Review and Decision**  
To review and decide applications for major site plans.
- B. Recommendation Authority**  
To comment or make recommendations on the following applications:
1. Comprehensive Plan Amendments;
  2. Development Agreements;
  3. Planned Developments;
  4. Preliminary Plats;
  5. UDO Text Amendments; and
  6. Zoning Map Amendments.
- C. Other Powers and Duties<sup>256</sup>**  
The Planning Board shall also have the following other powers and duties:
1. To make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the County;
  2. Prepare and amend a comprehensive and coordinated plan for the physical development within the County (CAMA Land Use Plan);
  3. Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner consistent with the Land Use Plan;

<sup>254</sup> This section has been included to recognize the County's current preliminary plat review process in accordance with Section 151.237(E), Preliminary Plat Procedures, in the current ordinance.

<sup>255</sup> This section carries forward the standards in Section 151.445 in the current ordinance.

<sup>256</sup> This section carries forward current Section 151.449 and adds language to reflect current best practices in terms of empowering the Planning Board to gather information, report to the Board of Commissioners on specific topics, and specifically reference the CAMA Land Use Plan in addition to the existing general language referring to "plans, goals, and objectives."

## ARTICLE 151.11 AUTHORITIES<sup>245F</sup>

### Section 11.5 Planning Board<sup>254F</sup>

4. To gather maps and aerial photographs of manmade and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected;
5. To report its recommendations to the Board of Commissioners upon the extent, location, and design of all public structures and facilities; on the acquisition and disposal of public properties; on the establishment of building lines, mapped street lines, and proposals to change existing street lines;
6. To establish principles and policies for guiding action in the development within the County; and
7. To perform any other duties which may lawfully be assigned to it by this Ordinance, the Board of Commissioners, and State law.

#### D. **Advisory Committees**<sup>257</sup>

1. The Board of Commissioners may appoint one or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area such as thoroughfare plans, housing plans, economic development plans and similar studies.
2. Members of an advisory committee shall sit as nonvoting members of the Planning Board when the issues are being considered and lend their talents, energies and expertise to the Planning Board. However, all formal recommendations to the Board of Commissioners shall be made by the Planning Board.

## ~~11.4.2~~**11.5.2** COMPOSITION

#### A. **Membership**<sup>258</sup>

1. The Planning Board shall consist of seven members who reside within the County limits and shall be appointed by the Board of Commissioners.
2. The seven members of the Planning Board shall have three-year staggered terms of office, with three members being appointed in successive years and four members in the following year.
3. Unless removed, Planning Board members serve until their replacements are appointed.
4. Terms shall be on a yearly basis (July 1 through June 30).
5. The Board of Commissioners will make every attempt to appoint at least two members from each of the County's three townships (South Mills, Courthouse and Shiloh), and the remaining member shall be designated as an at-large appointee and shall reside within the County.
6. Vacancies shall be filled by the Board of Commissioners for the unexpired terms only.
7. Planning Board members may be removed by the Board of Commissioners, at any time, for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12 month period or for any other cause. Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal before it becomes effective.
8. If a Planning Board member changes his or her residence to a location outside the County, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the Board of Commissioners.
9. Regular attendance at meetings of the Planning Board is to be considered a prerequisite to continued membership, and upon certification by the Chair of the Planning Board that any member has missed four meetings within a calendar year, then the appointment to the Planning Board shall be declared open and the appointing body may replace the member.

#### B. **Officers**<sup>259</sup>

1. The Planning Board shall elect a Chairperson and a Vice-Chairperson annually at its July meeting and may create and fill such other offices as it may determine.
2. The term of the Chairperson and other officers shall be one year, with eligibility for reelection.
3. Vacancies in these offices may be filled for the unexpired terms only.
4. The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.

## ~~11.4.3~~**11.5.3** RULES OF PROCEDURE

#### A. **Rules of Conduct**<sup>260</sup>

<sup>257</sup> Current Section 151.450 is carried forward here.

<sup>258</sup> This section carries forward current Section 151.445 with only minor formatting changes to increase ease of reading.

<sup>259</sup> This section carries forward current Section 151.448 with minor changes for ease of reading: the previous text read "At its July meeting of each year, the Planning Board shall elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only."

<sup>260</sup> This section carries forward current Section 151.447 (now in subsections b., c., and d.) and adds subsection a. to reflect current best practices.

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Section 11.5 Planning Board254F

1. The Planning Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be of public record.
2. A quorum for the Planning Board shall consist of four members. A quorum is necessary for the Board to take official action.
3. All actions of the Planning Board shall be taken by majority vote, a quorum being present.
4. A roll call vote shall be taken upon the request of any member.

**B. Meetings<sup>261</sup>**

1. All Planning Board meetings shall be open to the public. Whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.
2. The dates of the regularly scheduled Planning Board meetings shall be adopted by the Board of Commissioners.<sup>262</sup>

<sup>261</sup> NOTE: This section carries forward much of current section 151.446 with revisions as noted below. We suggest deleting current section 151.446(B) which reads: "a. Since the Planning Board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth for the Board of Adjustment. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas," as the requirement to conduct open meetings and gather the necessary information is captured in other sections of the updated UDO as drafted.

<sup>262</sup> NOTE TO STAFF: We suggest this language replace the current Section 151.446(A), which reads: "The Planning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with § 151.516." Is it current practice for the BOC to adopt the Planning Board meeting schedule, or should we re-word this subsection?

**11.5.11.6 BOARD OF COMMISSIONERS<sup>263</sup>****11.5.11.6.1 POWERS AND DUTIES**

The Board of Commissioners shall have the following powers and duties:

1. **Application Review and Decision<sup>264</sup>**  
To review and decide applications for:
  - a. Comprehensive Plan Amendment;
  - b. Development Agreement;
  - c. Planned Development;
  - d. Preliminary Plat; and
  - e. Special Use Permit.
2. **Other Powers and Duties**
  - a. To approve, by resolution, a schedule of fees governing:
    1. Applications for permits and other development approvals reviewed under this Ordinance; and
    2. Civil penalties for violations of this Ordinance.
  - b. To adopt temporary, strategic moratoria on development in accordance with Section 153A-340.h of the North Carolina General Statutes.
  - c. To take any other action not delegated to the Planning Board, BOA, UDO Administrator, or Building Inspector, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

**11.5.211.6.2 CONFLICT OF INTEREST**

1. A Board member shall not participate in or vote on any matter that has a direct, substantial, and readily identifiable financial impact on them or an immediate family member.
2. If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall by majority vote rule on the objection.

**11.6.11.7 BOARD OF ADJUSTMENT<sup>265</sup>**

The Board of Adjustment (BOA) is hereby established in accordance with Section 153A-345.1 and Section 160A-388 of the North Carolina General Statutes.

**11.6.11.7.1 POWERS AND DUTIES**

The Board of Adjustment shall have the following powers and duties:

- A. **Application Review and Decision<sup>266</sup>**  
To review and decide applications for:
  1. Appeals of decisions of the UDO Administrator or Building Inspector under this Ordinance; and
  2. Variances.
- B. **Other Powers and Duties**
  1. To hear and decide appeals from and review any order, requirement, decision, or determination made by the UDO Administrator with regard to Chapter 150 of the County Code of Ordinances (the Housing Code).
  2. To exercise other powers and authority provided to it by the Board of Commissioners, this Ordinance, or State law.

**11.6.211.7.2 COMPOSITION**

- A. **Membership**  
The BOA shall consist of five regular members and two alternate members.

<sup>263</sup> This is a new suggested section that describes the role of the Board of Commissioners with regards to the UDO, and includes new language on conflicts of interest.

<sup>264</sup> This list reflects the Board of Commissioners column in Table 2.100, Development Review Procedures.

<sup>265</sup> This section carries forward the provisions in current Sections 151.460 through 151.465 and updates them to comply with recent state laws on BOA voting.

<sup>266</sup> This list reflects the Board of Adjustment column in Table 2.100, Development Review Procedures.

**B. Residence Location and Appointment**

1. Members shall be residents of Camden County and shall be appointed by the Board of Commissioners.
2. One regular member shall reside in each of the county's three townships (South Mills, Courthouse and Shiloh).
3. The remaining regular member shall be designated as an at-large appointee. The at-large appointee and both alternates shall reside within the County.
4. If a regular or alternate member moves outside the County or outside the township represented by that member, that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.

**C. Alternate Members**

1. The BOA Chair may appoint alternate members to serve in the absence or temporary disqualification of regular members.
2. Each alternate member attending a meeting and serving in the absence of a regular member has and may exercise all the powers and duties of a regular member.
3. In no case shall more than five regular members or combination of regular members and the alternate members be empowered to vote on any matter that comes before the Board.

**D. Member Terms**

1. Members may serve a three-year term and shall continue to serve until their successors are appointed, provided that upon initial appointment the terms of office may be staggered.
2. The terms of all members shall not expire at the same time.
3. Regular members shall not serve more than two full consecutive terms.
4. Vacancies shall be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term.

**E. Officers**

1. The BOA shall elect from its members a Chair and Vice Chair for a one-year term of office commencing on July 1.
2. The Chair shall preside over all meetings.
3. In the absence of the Chair, the Vice Chair shall preside over meetings.
4. If both the Chair and Vice Chair are absent, the BOA membership shall vote to determine who shall serve as acting Chair for the meeting.

**F. Staff**

The UDO Administrator shall:

1. Provide administrative support to the BOA;
2. Record the minutes of all meetings;
3. Conduct all correspondence of the BOA;
4. Supervise all clerical work; and
5. Provide other technical support, as needed.

**11.6.3 11.7.3 RULES OF PROCEDURE****A. Schedule**

The BOA shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

**B. Publication of Notice**

Notice of all meetings shall be provided in accordance with State law.

**C. Open Meetings**

All meetings and hearings shall be open to the public. Whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.

**D. Official Record**

1. The BOA shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.
2. The BOA shall keep records of its examinations and other official actions.
3. All records and minutes shall be public record.

**E. Quorum**

1. No official business of the BOA may be conducted without a quorum present.
2. ~~A quorum is the majority of the BOA membership, excluding vacancies~~ Four members of the BOA are required for a quorum.

**F. Voting****F.1. Variance Applications**



~~1.a.~~ The concurring vote of 4/5 of the total number of BOA members shall be necessary to grant a variance.

~~b.~~ Vacant positions on the BOA and members who are disqualified from voting due to a conflict of interest shall not be considered members of the BOA for the calculation of the required majority to decide a variance, if there are no alternate members available to fill the vacancy or replace the disqualified member.

~~c.~~ In cases where there are no vacant seats and no members are disqualified due to a conflict of interest, but there are fewer than five members present due to illness or absence, the BOA lacks the number of members necessary to hear or decide an application for a variance in accordance with Section 153A-345.1 and Section 160A-388 of the North Carolina General Statutes.

## 2. Appeals

~~2.~~ A simple majority vote of the BOA members present and constituting a quorum shall be required to ~~approve~~ consider an appeal reversing or modifying a decision.

~~3.~~ Vacant positions on the BOA and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the BOA for the calculation of the required majority if there are no qualified alternate members available to take the place of such members.

## 3. BOA Chairperson

~~4.~~ The Chair shall vote as any other member.

### G. Oaths

When required, the Chair or the County Clerk shall administer required oaths to witnesses in any matter coming before the BOA.

### H. Continuance

The BOA may continue a public hearing or delay voting on any matter to a subsequent meeting, upon a showing of good cause, in accordance with Section <>, Continuance.

### I. Absence

1. Members shall inform the UDO Administrator of any anticipated absence immediately after receipt of the agenda.
2. A regular member who misses three consecutive regular meetings or 30 percent or more of the regular meetings in a calendar year loses their status as a voting member until reinstated.
3. Absences due to sickness, death in the family, or other emergencies of a similar nature shall be regarded as approved absences and shall not affect the member's status on the BOA; except that in the event of a long illness or other such case resulting in a prolonged absence, the member may be replaced.

### J. Violation of Due Process

1. A member shall not participate in or vote on any quasi-judicial matter that would violate an affected persons' constitutional rights to an impartial decision-maker. Impermissible violations of due process include, but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter.
2. If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall by majority vote rule on the objection.

### K. Rules of Procedure

1. The BOA shall adopt rules necessary to conduct its affairs and establish its organization, committees, procedures, meeting notice, and meeting conduct.
2. The BOA's rules of procedure shall be made available for public inspection in the Planning Department.

## 11.711.8 RESERVED

[placeholder for future use]

# INDEX

General Commentary: The new UDO will contain a comprehensive index of terms in this final, unnumbered section. For easy reference, key terms will be listed alongside each occurrence in the UDO text. These will be hyperlinked so that users of the digital code can simply click on a term to be automatically navigated to its location in the UDO.