



# CAMDEN COUNTY, NC

UNIFIED DEVELOPMENT ORDINANCE

**Adoption Draft**

**September 2018**



# ACKNOWLEDGEMENTS



## County Commissioners

Clayton D. Riggs, Chairman  
Tom White, Vice Chairman  
Gary Meiggs  
Randy Krainiak  
Ross Munro

## County Staff

Ken Bowman, County Manager  
Dan Porter, Planning Director  
Dave Parks, Zoning Administrator  
Ryan Lang, GIS Technician  
Amy Barnette, Permit Clerk  
Barbara Rhoads, Building Inspector



## Consultant

CodeWright Planners, LLC  
9 Blue Bottle Lane  
Durham, NC 27705  
919.593.2868  
[www.codewright.info](http://www.codewright.info)

# 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 Chapters 151 and 152 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.

Following adoption, this section of the UDO will be replaced with a series of specific questions and answers about how to obtain information, accomplish typical development tasks, or apply for a particular permit type. This is general information included for the sake of convenience for UDO users. These questions and their answers are not part of the UDO, and in the event of conflict between this section and the adopted UDO text, the UDO text will control.

**Question: What is the Unified Development Ordinance?**

*The Unified Development Ordinance (or “UDO”) is the set of laws used by the County to ensure land is subdivided and used in ways that promote the health, safety, and welfare of all County residents, visitors, and landowners. It describes the kinds of allowed uses, where they are allowed, and how they may be established or changed. The UDO also includes the rules for how development sites are configured, including items like parking, landscaping, signage, fencing, and building architecture. The text of the UDO is available in the offices of the Camden County Planning Department at 117 North NC 343. It is also available online from the County’s website at <http://www.camdencountync.gov/>.*

**Question: What is the Official Zoning Map?**

*The Official Zoning Map (or “OZM”) is a map depicting the locations and boundaries of the zoning districts adopted by Camden County. Zoning districts control where particular uses of land may or may not be located, and how lots must be configured (size, width, and required setbacks). The kinds of uses allowed or prohibited on a particular piece of land in the County are controlled by the land’s zoning district designation. The zoning district designation for a piece of land may be changed by following the requirements in the UDO. Copies of the Official Zoning Map are available in the offices of the Camden County Planning Department at 117 North NC 343. It is also available online from the County’s website at <http://www.camdencountync.gov/>.*

**Question: What can I do or place on my land?**

*The kinds of development that are allowed on land in Camden County are established based on the type of zoning district designation for the land as well the range of allowable uses in the particular zoning district from Chapter 151.4 of the UDO. Bona fide farm and forestry uses are allowed everywhere in the County. Anyone with questions about what is allowed on their land should contact the Camden County Planning Department at (252) 338-1919 for more information.*

**Question: What permits do I need to build a house?**

*All single-family detached dwellings require prior approval of a Zoning Compliance Permit and a Building Permit issued from Camden County. In cases where the home is on its own well or septic system, the dwelling also requires a prior approval from Albemarle Regional Health Services to ensure the lot has a potable water supply and a method for dealing with sewage. Dwellings located in a floodplain or flood prone area also require issuance of a Floodplain Development Permit. If significant amounts of grading or soil deposition is required before the house can be built, it may be necessary to obtain a Fill Permit before construction starts. During construction, the building must be inspected by County Building Inspectors as required by State law, and a Certificate of Occupancy must be issued before the home may be occupied. Applicants seeking to place a mobile or manufactured home may be required to obtain a Special Use Permit, and should contact the County’s Planning Department at (252) 338-1919 for more information.*

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

*Building a porch or a deck on or near a single-family detached dwelling requires approval of a Zoning Compliance Permit and a Building Permit. In cases where the home is on a small lot of less than an acre in area or the porch or deck is closer than ten feet to a lot line, it may be necessary to also obtain a Variance.*

**Question: Do I need permits to have a home business?**

*Yes, operating a home-based business (also called a “home occupation”) requires approval of a Zoning Compliance Permit issued by the County. The business may not exceed 1,000 square feet in floor area and employ no more than 2 people who do not already live in the home.*

**Question: How do I create a lot for a family member?**

*Lots may be transferred among family members using the Transfer Plat procedure in the UDO. A subdivision of land creating lots for family members must be signed by County personnel and recorded in the Office of the Camden County Register of Deeds at 117 North NC 343. Failure to record a transfer plat is a violation of the law and will interfere with the ability to obtain a building permit to build a structure on the lot.*

**Question: Do I need a permit for a sign?**

*Most forms of signage require approval of a Sign Permit by the County. Flags and political (election) signs do not require a sign permit, but are subject to the rules for signage in the UDO.*

**Question: What is the process for rezoning my land?**

*Changing the zoning district designation of your land requires a Zoning Map Amendment to be approved by the Camden County Board of Commissioners. The procedure for zoning map amendments is included in the UDO. Landowners considering a request to change their zoning should talk with the Camden County Planning Department staff at (252) 338-1919 before filing an application.*

**Question: Who makes decisions on applications?**

*Development applications are decided by the UDO Administrator, the Building Inspector, the Planning Board, the Board of Adjustment, or the Board of County Commissioners, based on the type of application. The UDO includes a summary table in Chapter 151.2 that identifies who decides which kinds of applications.*

**Question: How can I appeal a decision?**

*Yes. Any decision by a County staff member (like the UDO Administrator) may be appealed to the Board of Adjustment. Decisions from decision-making bodies like the Board of Adjustment may be appealed to the Superior Court for Camden County. There are specific deadlines from the date a decision is made within which an appeal may be filed.*

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

*Camden County Planning staff conducts free pre-application conferences with potential applicants. Some types of applications require a pre-application conference to be conducted. More information on pre-application conferences is in the UDO.*

**Question: How long does it take to get an approval?**

*The amount of time it takes to obtain an approval for a proposed development varies widely based on the complexity of the type of application. Building Permits, Zoning Compliance Permits, and Certificates of Occupancy can be processed quickly in a matter of a few days. Zoning Map Amendments and Preliminary Subdivision Plats can take a few months.*

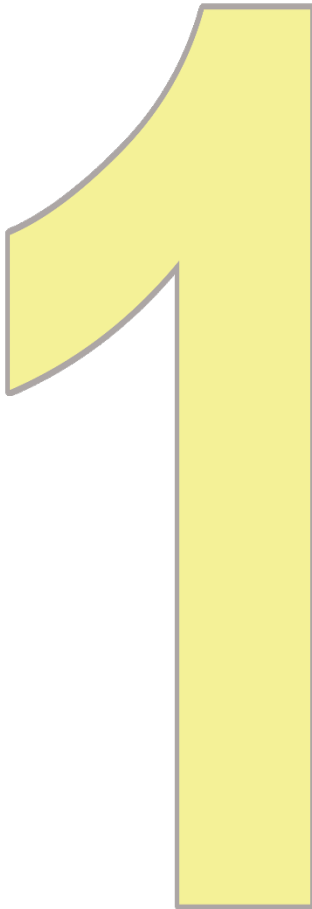
**Question: Who can I call about flooding or other nuisances?**

*Persons with questions about flooding, nuisances, or potential code violations should contact the Camden County Zoning Officer at (252) 338-1919.*

# CONTENTS

|                       |                                      |             |
|-----------------------|--------------------------------------|-------------|
| <b>ARTICLE 151.1</b>  | <b>GENERAL PROVISIONS</b>            | <b>1-1</b>  |
| <b>ARTICLE 151.2</b>  | <b>PROCEDURES</b>                    | <b>2-1</b>  |
| <b>ARTICLE 151.3</b>  | <b>ZONING DISTRICTS</b>              | <b>3-1</b>  |
| <b>ARTICLE 151.4</b>  | <b>USE REGULATIONS</b>               | <b>4-1</b>  |
| <b>ARTICLE 151.5</b>  | <b>DEVELOPMENT STANDARDS</b>         | <b>5-1</b>  |
| <b>ARTICLE 151.6</b>  | <b>SUBDIVISION REQUIREMENTS</b>      | <b>6-1</b>  |
| <b>ARTICLE 151.7</b>  | <b>ENVIRONMENTAL PROVISIONS</b>      | <b>7-1</b>  |
| <b>ARTICLE 151.8</b>  | <b>NONCONFORMITIES</b>               | <b>8-1</b>  |
| <b>ARTICLE 151.9</b>  | <b>ENFORCEMENT</b>                   | <b>9-1</b>  |
| <b>ARTICLE 151.10</b> | <b>DEFINITIONS &amp; MEASUREMENT</b> | <b>10-1</b> |
| <b>ARTICLE 151.11</b> | <b>AUTHORITIES</b>                   | <b>11-1</b> |

# 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.

|             |  |            |
|-------------|--|------------|
| <b>1.1</b>  | <b>Title.....</b>  | <b>1-1</b> |
| 1.1.1       | Unified Development Ordinance Text .....                 | 1-1        |
| 1.1.2       | Official Zoning Map.....                                 | 1-1        |
| <b>1.2</b>  | <b>Effective Date .....</b>                              | <b>1-1</b> |
| <b>1.3</b>  | <b>Authority .....</b>                                   | <b>1-1</b> |
| 1.3.1       | General Assembly .....                                   | 1-1        |
| 1.3.2       | North Carolina General Statutes .....                    | 1-1        |
| 1.3.3       | Other Relevant Laws .....                                | 1-1        |
| 1.3.4       | Unified Government.....                                  | 1-1        |
| <b>1.4</b>  | <b>General Purpose and Intent .....</b>                  | <b>1-1</b> |
| <b>1.5</b>  | <b>Applicability and Jurisdiction .....</b>              | <b>1-2</b> |
| 1.5.1       | Where Applied.....                                       | 1-2        |
| 1.5.2       | No Development Until Compliance with this Ordinance..... | 1-2        |
| 1.5.3       | Application to Governmental Units .....                  | 1-2        |
| 1.5.4       | Exemptions.....  | 1-3        |
| <b>1.6</b>  | <b>Conformance with Adopted Policy Guidance.....</b>     | <b>1-3</b> |
| 1.6.1       | Components .....   | 1-3        |
| 1.6.2       | Conformance .....  | 1-3        |
| 1.6.3       | Functional Plans and Documents.....                      | 1-4        |
| <b>1.7</b>  | <b>Regulatory Codes Adopted by Reference.....</b>        | <b>1-4</b> |
| <b>1.8</b>  | <b>Relationship to Other Agreements .....</b>            | <b>1-4</b> |
| 1.8.1       | Minimum Requirements .....                               | 1-4        |
| 1.8.2       | Review of Private Agreements .....                       | 1-4        |
| 1.8.3       | Existing Agreements or Vested Rights.....                | 1-4        |
| <b>1.9</b>  | <b>Conflicting Provisions .....</b>                      | <b>1-5</b> |
| 1.9.1       | Conflicts with Other Codes or Laws .....                 | 1-5        |
| 1.9.2       | Conflicts with State or Federal laws .....               | 1-5        |
| 1.9.3       | Conflicts between Standards in this Ordinance .....      | 1-5        |
| <b>1.10</b> | <b>Rules of Language Construction.....</b>               | <b>1-5</b> |
| 1.10.1      | Meanings and Intent .....                                | 1-5        |
| 1.10.2      | Headings, Illustrations, and Text.....                   | 1-5        |
| 1.10.3      | Lists and Examples .....                                 | 1-5        |
| 1.10.4      | Computation of Time .....                                | 1-6        |
| 1.10.5      | Time-Related Language.....                               | 1-6        |
| 1.10.6      | References to This Ordinance.....                        | 1-6        |
| 1.10.7      | References to Other Regulations/Publications .....       | 1-6        |
| 1.10.8      | References to North Carolina General Statutes.....       | 1-6        |
| 1.10.9      | Delegation of Authority .....                            | 1-6        |
| 1.10.10     | Joint Authority.....                                     | 1-6        |
| 1.10.11     | Technical and Non-Technical Terms.....                   | 1-6        |



|             |   |             |
|-------------|---|-------------|
| 1.10.12     | Public Officials and Agencies .....                 | 1-7         |
| 1.10.13     | Mandatory and Discretionary Terms .....             | 1-7         |
| 1.10.14     | Conjunctions .....                                  | 1-7         |
| 1.10.15     | Tenses, Plurals, and Gender of Words .....          | 1-7         |
| 1.10.16     | Oath .....  | 1-7         |
| 1.10.17     | Term Not Defined .....                              | 1-7         |
| <b>1.11</b> | <b>Transitional Provisions.....</b>                 | <b>1-7</b>  |
| 1.11.1      | Violations Continue.....                            | 1-7         |
| 1.11.2      | Existing Nonconformities.....                       | 1-7         |
| 1.11.3      | Approved Applications.....                          | 1-8         |
| 1.11.4      | Pending Applications.....                           | 1-8         |
| 1.11.5      | Prior Approved Planned Unit Development (PUD) ..... | 1-8         |
| 1.11.6      | Pre-Existing Conditional Use Permits .....          | 1-9         |
| 1.11.7      | Established Uses Without a Special Use Permit.....  | 1-9         |
| <b>1.12</b> | <b>Zoning District Translation.....</b>             | <b>1-9</b>  |
| <b>1.13</b> | <b>Vested Rights .....</b>                          | <b>1-10</b> |
| 1.13.1      | Building Permit .....                               | 1-10        |
| 1.13.2      | Vested Rights Determination.....                    | 1-10        |
| 1.13.3      | Development Agreement.....                          | 1-10        |
| 1.13.4      | Common Law Vesting .....                            | 1-10        |
| 1.13.5      | Prior Vesting .....                                 | 1-10        |
| <b>1.14</b> | <b>Severability .....</b>                           | <b>1-10</b> |

# 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, water supply watershed, 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 Jurisdiction4F

#### 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**  
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**  
Except for lots within an exempt subdivision, no lots in a subdivision may be sold or titles to land transferred as part of a transfer plat 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;
- 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

<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.

## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.6 Conformance with Adopted Policy Guidance<sup>6F</sup>

#### 1.5.4 Exemptions

- 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

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 <>, Special Flood Hazard Area Overlay (SFHA);
  - 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 zoning district dimensional standards, the provisions in Table <>, Allowable Encroachment into Setbacks, and the applicable standards in Article 151.5: Development Standards, of this Ordinance, to the maximum extent practicable.

## 1.6 CONFORMANCE WITH ADOPTED POLICY GUIDANCE<sup>7</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.

#### 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

<sup>7</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>7F</sup>

#### 1.6.3 Functional Plans and Documents

statement of consistency recognizing if the proposed decision is or is not consistent with the County's adopted policy guidance in accordance with Section 160A-383 and 153A-341 of the North Carolina General Statutes.

#### C. Amendment upon Inconsistency

1. 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, but such amendment is not legally required.
2. In cases where the County's adopted policy guidance is amended as part of an approval of a zoning map amendment, the approval shall indicate the simultaneous amendment of the applicable adopted policy guidance.
3. In the event the Board of Commissioners indicates it intent for approval of a zoning map amendment to automatically amend the Core CAMA Plan portion of the County's adopted policy guidance as authorized by Section 160A-383 of the North Carolina General Statutes, the amendment to the Core CAMA Plan shall not be effective until certified by the NC Division of Coastal Management.

### 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>8</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>9</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

<sup>8</sup> This section carries forward the standards in Section 151.430 of the current ordinance with no substantive changes.

<sup>9</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>9F</sup>

#### 1.9.1 Conflicts with Other Codes or Laws

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.

## 1.9 CONFLICTING PROVISIONS<sup>10</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>11</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 approved 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>12</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**, 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

<sup>10</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>11</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>12</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 Construction11F

#### 1.10.4 Computation of Time

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.

#### 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 or amendment 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](#).

## ARTICLE 151.1 GENERAL PROVISIONS

### Section 1.11 Transitional Provisions<sup>12F</sup>

#### 1.10.12 Public Officials and Agencies

### 1.10.12 PUBLIC OFFICIALS AND AGENCIES

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>13</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 that have not yet passed any applicable statutes of limitation 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

<sup>13</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>12F</sup>

#### 1.11.3 Approved Applications

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*.

#### 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>14</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 affect 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 affect 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 (PUD)

- 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.

<sup>14</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>14F</sup>**

1.11.6 Pre-Existing Conditional Use Permits

- 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.
- C. In the event a master plan or conditional use permit associated with a PUD approved prior to [insert the effective date of this Ordinance] is silent on a particular standard or requirement, that standard or requirement shall be in accordance with the development regulations in effect at the time the PUD was approved.

**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 “by-right” 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 now requires a special use permit 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>15</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”).

| TABLE <>: ZONING DISTRICT TRANSLATION |                                 |                       |                           |
|---------------------------------------|---------------------------------|-----------------------|---------------------------|
| DISTRICTS IN THE FORMER UDO           |                                 | DISTRICTS IN THIS UDO |                           |
| <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]           |

<sup>15</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>15F</sup>

#### 1.13.1 Building Permit

**TABLE <>: ZONING DISTRICT TRANSLATION**

| DISTRICTS IN THE FORMER UDO |                          | DISTRICTS IN THIS UDO |                           |
|-----------------------------|--------------------------|-----------------------|---------------------------|
| I-1                         | Light Industrial         | LI                    | Light Industrial          |
| I-2                         | Heavy Industrial         | HI                    | Heavy Industrial          |
| PLANNED DEVELOPMENT         |                          |                       |                           |
| PUD                         | Planned Unit Development |                       | [1]                       |
|                             |                          | PD                    | Planned Development [NEW] |

**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>16</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>17</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

<sup>16</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>17</sup> This section replaces 151.011.

---

## ARTICLE 151.1 GENERAL PROVISIONS

---

### Section 1.14 Severability<sup>16F</sup>

---

#### 1.13.5 Prior Vesting

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.

# 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 26 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 temporary use permits
- Several currently uncoded procedures (like building permits, certificates of occupancy, or fill 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

|            |   |             |
|------------|---|-------------|
| <b>2.1</b> | <b>How to use this Article.....</b>                 | <b>2-1</b>  |
| <b>2.2</b> | <b>Standard Review Procedures.....</b>              | <b>2-1</b>  |
| 2.2.1      | Purpose and Intent .....                            | 2-1         |
| 2.2.2      | Pre-Application Conference .....                    | 2-1         |
| 2.2.3      | Neighborhood Meeting .....                          | 2-2         |
| 2.2.4      | Application Submittal .....                         | 2-4         |
| 2.2.5      | Staff Review and Action .....                       | 2-5         |
| 2.2.6      | Public Notice.....                                  | 2-6         |
| 2.2.7      | Public Meetings and Hearings.....                   | 2-8         |
| 2.2.8      | Review by Planning Board .....                      | 2-9         |
| 2.2.9      | Action by Review Authority.....                     | 2-9         |
| 2.2.10     | Conditions of Approval .....                        | 2-10        |
| 2.2.11     | Notification of Decision .....                      | 2-10        |
| 2.2.12     | Effect .....  | 2-11        |
| 2.2.13     | Continuance .....                                   | 2-11        |
| 2.2.14     | Withdrawal.....                                     | 2-11        |
| 2.2.15     | Limitation on Subsequent Similar Applications ..... | 2-11        |
| 2.2.16     | Amendment .....                                     | 2-12        |
| 2.2.17     | Expiration.....                                     | 2-12        |
| <b>2.3</b> | <b>Specific Review Procedures .....</b>             | <b>2-14</b> |
| 2.3.1      | Purpose and Intent .....                            | 2-14        |
| 2.3.2      | Overview.....                                       | 2-14        |
| 2.3.3      | Specific Review Procedures Summary Table .....      | 2-14        |
| 2.3.4      | Administrative Adjustment.....                      | 2-16        |
| 2.3.5      | Appeal .....  | 2-18        |
| 2.3.6      | Building Permit .....                               | 2-20        |
| 2.3.7      | Certificate of Occupancy .....                      | 2-22        |
| 2.3.8      | Development Agreements.....                         | 2-24        |
| 2.3.9      | Exempt Subdivision .....                            | 2-27        |
| 2.3.10     | Expedited Subdivision .....                         | 2-29        |
| 2.3.11     | Fill Permit.....                                    | 2-31        |
| 2.3.12     | Final Plat.....                                     | 2-33        |
| 2.3.13     | Reserved .....                                      | 2-35        |
| 2.3.14     | Floodplain Development Permit .....                 | 2-35        |
| 2.3.15     | Interpretation .....                                | 2-37        |
| 2.3.16     | Major Site Plan .....                               | 2-40        |
| 2.3.17     | Minor Site Plan .....                               | 2-42        |
| 2.3.18     | Minor Subdivision .....                             | 2-44        |
| 2.3.19     | Planned Development .....                           | 2-47        |
| 2.3.20     | Preliminary Plat .....                              | 2-50        |
| 2.3.21     | Sign Permit .....                                   | 2-53        |
| 2.3.22     | Special Use Permit.....                             | 2-54        |
| 2.3.23     | Transfer Plat .....                                 | 2-56        |

|        |                                   |      |
|--------|-----------------------------------|------|
| 2.3.24 | Temporary Use Permit .....        | 2-58 |
| 2.3.25 | UDO Text Amendment .....          | 2-59 |
| 2.3.26 | Variance .....                    | 2-61 |
| 2.3.27 | Vested Rights Determination.....  | 2-66 |
| 2.3.28 | Watershed Protection Permit ..... | 2-68 |
| 2.3.29 | Zoning Compliance Permit .....    | 2-69 |
| 2.3.30 | Zoning Map Amendment.....         | 2-70 |
| 2.3.31 | Reserved .....                    | 2-71 |

# ARTICLE 151.2 PROCEDURES

## 2.1 HOW TO USE THIS ARTICLE<sup>18</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.

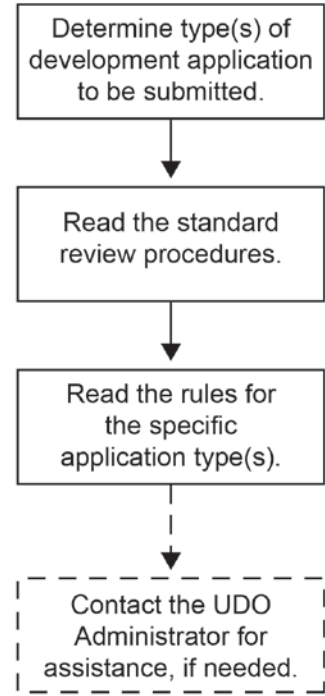
### B. Steps in Process

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 (see **Figure <>, Development Review Process**).
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.

### 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.

**FIGURE <>:  
DEVELOPMENT  
REVIEW PROCESS**



## 2.2 STANDARD REVIEW PROCEDURES<sup>19</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>20</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

<sup>18</sup> This is a new section that informs potential applicants how the procedures article is structured.

<sup>19</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>20</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>18F</sup>

#### 2.2.3 Neighborhood Meeting<sup>20F</sup>

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

- a. Administrative adjustments;
- b. Development agreements;
- 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 and watershed protection);
- 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. Fill permits;
- c. Final plats;
- d. Interpretations;
- e. Minor site plans;
- f. Minor subdivisions;
- g. Temporary use permits;
- h. Transfer plats;
- i. Watershed protection permits; and
- j. 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; and
- f. Sign permits.

#### 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>21</sup>

#### A. **Purpose**

<sup>21</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 Procedures18F

---

#### 2.2.3 Neighborhood Meeting20F

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. In addition, the neighborhood meeting provides the applicant an opportunity to hear comments and concerns about the development proposal from members of the public.

#### **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. Minor subdivisions;
  - b. Planned developments;
  - c. Preliminary plats;
  - d. Special use permits; and
  - e. Zoning map amendments seeking to establish a more intense zoning district designation.
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. Special Use Permits**

In cases where a neighborhood meeting is conducted as part of an application for a special use permit, the information exchanged during the neighborhood meeting is not admissible as evidence during the public hearing to consider the special use permit application.

##### **6. 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.

##### **7. 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;

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>18F</sup>

#### 2.2.4 Application Submittal<sup>21F</sup>

- 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.
  3. Nothing shall limit the ability of a meeting attendee to submit a signed statement documenting their understanding of the meeting events and outcome. Such signed statements shall be delivered to the UDO Administrator prior to the first public meeting or public hearing, if no public meeting is conducted, for inclusion with the application materials.

#### 2.2.4 APPLICATION SUBMITTAL<sup>22</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>23</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>24</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

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>22</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>23</sup> Staff has expressed its desire to assemble a procedures manual to include application forms, submittal requirements, and supporting information. Material from the following sections of the current UDO is NOT included in this draft, and is designated for placement in the new procedures manual by staff: 151.233 Required Major Subdivision Submission Documents and Information; 151.234 Certification Blocks Required for Major Subdivisions; 151.262 Contents [of a Minor Plat]; 151.277 Contents [of a Private Access Subdivision]; 151.298.B.3&4&10 Planned Unit Development Mandatory Elements & Application Materials; 151.311 Residential Site Plans; 151.312 Commercial Site Plan Requirements; 151.400 Drainage; Appendix A; and Appendix E.

<sup>24</sup> This section replaces Section 151.010 related to fees in the current code.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>18F</sup>

#### 2.2.5 Staff Review and Action<sup>24F</sup>

On receiving a development application, the UDO Administrator shall determine, within seven days, 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;
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

1. If the application is incomplete, the UDO Administrator shall notify the applicant of the deficiencies in writing.
2. The applicant may correct the deficiencies and resubmit the application for completeness determination.
3. Application processing shall stop following delivery of a notice of incomplete application until all deficiencies are addressed and the application is determined to be complete or the applicant declares the application to be complete in accordance with **Section <>, Declaration of Completeness by Applicant.**

#### 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.

#### J. Declaration of Completeness by Applicant

1. If, upon receipt of notice of application deficiencies by the UDO Administrator, an applicant wishes to have the application processed without further amendment or revision, the applicant shall provide written notice to the UDO Administrator that they desire the application to be processed without further amendment or revision.
2. Upon receipt of written notice to process the application without further amendment or revision, the UDO Administrator shall process the application in accordance with the standards in this Ordinance. In no instance shall additional materials or information be added to the application by the applicant. Nothing shall limit an applicant from withdrawing an application in accordance with **Section <>, Withdrawal.**

### 2.2.5 STAFF REVIEW AND ACTION<sup>25</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>26</sup>

1. 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.**

<sup>25</sup> This section builds on the standards in Section 151.500 of the current ordinance.

<sup>26</sup> This section builds on the standards in Section 151.505 and 151.506.B of the current ordinance.

**ARTICLE 151.2 PROCEDURES**

**Section 2.2 Standard Review Procedures18F**

2.2.6 Public Notice

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. In cases where the applicant has declared the application to be complete in accordance with **Section <>, Declaration of Completeness by Applicant**, the staff report shall indicate if the application materials are sufficient to determine compliance with the standards of this Ordinance.
6. 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**

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**

**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]             |
| 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]                                      | ·                 | ·                 |

**ARTICLE 151.2 PROCEDURES**

**Section 2.2 Standard Review Procedures18F**

2.2.6 Public Notice

| <b>TABLE &lt;&gt;: PUBLIC NOTICE TYPE AND TIMING</b> |                      |  |                   |                   |
|--|----------------------|--|-------------------|-------------------|
| APPLICATION TYPE                                     | REVIEW AUTHORITY [1] | TYPE OF PUBLIC NOTIFICATION "X" = REQUIRED |                   |                   |
|  |                      | PUBLISHED NOTICE [2]                       | MAILED NOTICE [3] | POSTED NOTICE [4] |
| 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 between 10 and 25 days before the public hearing.  
 [4] Posted notice shall be provided between 10 and 25 days before the public hearing.  
 [5] Mailed and posted notice shall only be required in cases where an appeal pertains to particular lot or site.  
 [6] Applications that would change the OZM, the range of allowable uses, changes to telecommunications towers or wind energy conversion facilities, 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.  
 [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.  
 [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 **Section <>, Mailed Notice Requirements.**

**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 by the North Carolina General Statutes (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.
- e. The County may choose, in some cases, and in its sole discretion, to provide mailed public notice to parties beyond that required by the North Carolina General Statutes. Failure of the County to provide mailed public notice beyond the minimum requirements specified in the North Carolina General Statutes shall not invalidate the proceedings or subject the County to claims of failure of due process.

**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

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures18F

#### 2.2.7 Public Meetings and Hearings26F

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.

### 2.2.7 PUBLIC MEETINGS AND HEARINGS<sup>27</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

Except for applications for special use permits, applications decided by the BOC 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 (e.g., special use permits, appeals, variances) 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, County staff, and the County 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 review authority deciding the application are prohibited. If it occurs, it shall be disclosed during the quasi-judicial public hearing. Nothing shall limit communication between the applicant and County staff regarding the application.

#### D. Other Public Hearings

<sup>27</sup> This section builds on Sections 151.550 and 151.552 of the current ordinance, and adds additional material related to quasi-judicial hearings.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>18F</sup>

#### 2.2.8 Review by Planning Board<sup>27F</sup>

Decisions by the Planning Board on a major site plan application shall be conducted as a public hearing following notification of the public in accordance with [Section <>, Public Notice](#).

#### E. 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 a zoning compliance permit 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.

#### F. 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 maintained by the County in accordance with its records retention policies.

### 2.2.8 REVIEW BY PLANNING BOARD<sup>28</sup>

If an application requires review and a recommendation by the Planning Board, it shall review the application in accordance with [Section <>, Public Meetings](#), and the following procedures:

#### A. General

The Planning Board 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 (see Section <>, Rules of Procedure, for details on the establishment of a quorum).
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 <>, 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>29</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>30</sup>

<sup>28</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.

<sup>29</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.



## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>18F</sup>

#### 2.2.10 Conditions of Approval

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 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. Written decisions by the Planning Board, BOA, or BOC shall be in writing.

#### E. **Application Revision**

The review authority may revise an application or request that an applicant 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. **Conflict of Interest**

##### 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 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>31</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**

<sup>30</sup> This section carries forward the relevant portions of Section 151.504 and Section 151.535 in the current Ordinance.

<sup>31</sup> This section builds on the standards in Section 151.495.C of the current ordinance.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>18F</sup>

#### 2.2.12 Effect<sup>31F</sup>

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>32</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.

#### 2.2.13 CONTINUANCE<sup>33</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 prior to a request for a continuance, 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 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>34</sup>

<sup>32</sup> This section builds on the standards in Section 151.514 of the current ordinance.

<sup>33</sup> This is a new section for the County's consideration.

<sup>34</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.

## ARTICLE 151.2 PROCEDURES

### Section 2.2 Standard Review Procedures<sup>18F</sup>

#### 2.2.16 Amendment<sup>34F</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>35</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>36</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.

<sup>35</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.

<sup>36</sup> This is a new section for the County's consideration.

## ARTICLE 151.2 PROCEDURES

---

### Section 2.2 Standard Review Procedures18F

---

#### 2.2.17 Expiration35F

- 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.

# 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 identify which procedures set forth in [Section <>, Standard Review Procedures](#) are applicable to the proposed application. 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. In the event of conflict between the text and the associated procedural flowchart, the text shall control.

### 2.3.3 SPECIFIC REVIEW PROCEDURES SUMMARY TABLE<sup>37</sup>

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

<sup>37</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, 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 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 (including temporary signs). 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.

During review of staff drafts, the decision was made to include the watershed protection permit from Chapter 152 of the County Code, as well as a newly-codified fill permit section.

**ARTICLE 151.2 PROCEDURES**

**Section 2.3 Specific Review Procedures**

2.3.3 Specific Review Procedures Summary Table36F

**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\                 |
| Certificate of Occupancy      | <>                | .               | .                  | D                  | .                  | .                      | /A\                 |
| Development Agreement         | <>                | M               | .                  | .                  | R                  | <D>                    | .                   |
| Exempt Subdivision            | <>                | .               | D                  | .                  | .                  | .                      | /A\                 |
| Expedited Subdivision         | <>                | .               | D                  | .                  | .                  | .                      | /A\                 |
| Fill Permit                   | <>                | O               | D                  | .                  | .                  | .                      | /A\                 |
| Final Plat                    | <>                | O               | D                  | .                  | .                  | .                      | /A\                 |
| Floodplain Development Permit | <>                | .               | D                  | .                  | .                  | .                      | /A\                 |
| Interpretation                | <>                | O               | D                  | .                  | .                  | .                      | /A\                 |
| Major Site Plan               | <>                | M               | .                  | .                  | <D>                | .                      | /A\                 |
| Minor Site Plan               | <>                | O               | D                  | .                  | .                  | .                      | /A\                 |
| Minor Subdivision             | <>                | O               | D                  | .                  | .                  | .                      | /A\                 |
| Planned Development           | <>                | M               | .                  | .                  | R                  | <D>                    | .                   |
| Preliminary Plat              | <>                | M               | [2]                | .                  | R                  | <D>                    | .                   |
| Sign Permit                   | <>                | O               | D                  | .                  | .                  | .                      | /A\                 |
| Special Use Permit            | <>                | M               | .                  | .                  | .                  | /D\                    | .                   |
| Transfer Plat                 | <>                | O               | D                  | .                  | .                  | .                      | /A\                 |
| Temporary Use Permit          | <>                | O               | D                  | .                  | .                  | .                      | /A\                 |
| UDO Text Amendment            | <>                | M               | .                  | .                  | R                  | <D>                    | .                   |
| Variance                      | <>                | M               | .                  | .                  | .                  | .                      | /D\ [3]             |
| Vested Rights Determination   | <>                | M               | .                  | .                  | .                  | <D>                    | .                   |
| Watershed Protection Permit   | <>                | O               | .                  | D                  | .                  | .                      | /A\                 |
| 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.

[3] Applications for a major variance to the watershed protection provisions are decided by the NC Environmental Management Commission following a recommendation by the Board of Adjustment.

# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

### 2.3.4 Administrative Adjustment<sup>37F</sup>

#### 2.3.4 ADMINISTRATIVE ADJUSTMENT<sup>38</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 15 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:

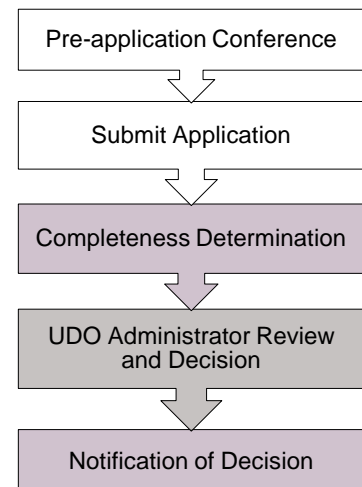
1. The administrative adjustment:
  - a. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or
  - b. Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or
  - 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>38</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 15 percent but establishes review standards.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.4 Administrative Adjustment<sup>37F</sup>

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 Appeal<sup>39</sup>

### 2.3.5 APPEAL<sup>39</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 or the Planning Board made pursuant to this Ordinance.
2. Appeals of decisions made by the BOC shall be to the Superior Court for Camden County as an action for declaratory judgement, in accordance with State law.
3. Appeals of decisions made by the BOA shall be to the Superior Court for Camden County as a petition for review in the nature of certiorari, in accordance with State law.
4. 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.

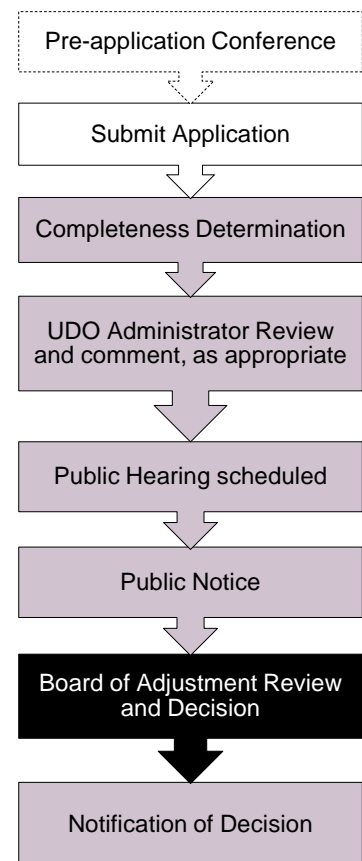
##### 4. Public Notice

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.

FIGURE <>  
APPEAL PROCEDURE



<sup>39</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 Appeal38F

- h. The decision of the BOA shall be effective upon the filing of the written decision in the office of the appropriate review authority.

#### 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 shall not stop work in cases where a fill permit or building permit has already been issued by the County.
- 2. An appeal shall not stay 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 failure to stay further proceedings would, in the County official's opinion, cause imminent peril to life or property.
- 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 by the BOA shall be to 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>39F</sup>

#### 2.3.6 BUILDING PERMIT<sup>40</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

The following forms of development are exempted from the requirement to obtain a building permit, but are subject to the standards in **Section <>, Zoning Compliance Permit:**

1. Storage and accessory buildings of 144 square feet in area, or less, and not used for habitable space;
2. Driveways;
3. Playground equipment, established as an accessory to a single-family residential use;
4. Fences;
5. Privacy walls (retaining walls require a building permit);
6. Home occupations;
7. Attached awnings of less than 12 square feet in area; or
8. Replacement of existing doors, windows, exterior siding, stair treads, and decking.

##### 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 (ARHS), 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. Effect

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

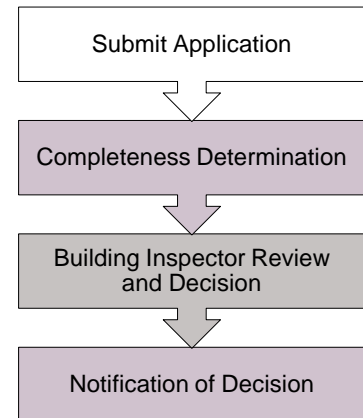
##### G. Amendment

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

##### H. Expiration

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.

**FIGURE <>  
BUILDING PERMIT  
PROCEDURE**



<sup>40</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.

## ARTICLE 151.2 PROCEDURES

---

### Section 2.3 Specific Review Procedures

---

#### 2.3.6 Building Permit39F

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.

- I. **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 Certificate of Occupancy<sup>40F</sup>

#### 2.3.7 CERTIFICATE OF OCCUPANCY<sup>41</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 of an approved development.

**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>42</sup>**

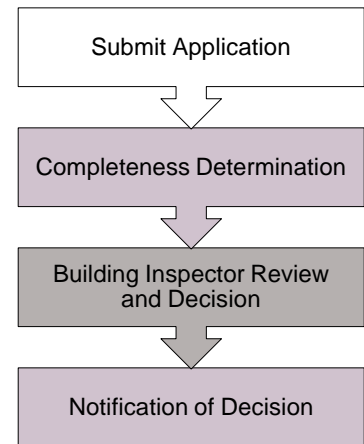
1. In cases where it would be unreasonable to require the applicant to comply with all the requirements of this procedure prior to commencement of the proposed use, transfer of lots in a subdivision, or occupancy of any buildings (due to weather conditions or other issues beyond the applicant's control, 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 required infrastructure or other required site features; and
  - c. The duration of the temporary certificate of occupancy is limited to a maximum period of 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. Watershed Occupancy Permit<sup>43</sup>**

No building or structure in the WPO which has been erected, moved, or structurally altered may be occupied until issuance of a watershed occupancy permit in accordance with the following:

1. The Watershed Administrator shall issue a watershed occupancy permit certifying that all requirements of this section, Section <>, Watershed Protection Permit, and Section <>, Watershed Protection Overlay (WPO), have been met prior to the occupancy or use of a building or prior to the change of use of any building or land in the WPO.

**FIGURE <>:  
CERTIFICATE OF  
OCCUPANCY PROCEDURE**



<sup>41</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>42</sup> This section is proposed to replace the temporary certificate of occupancy provisions in Sections 151.502 and 151.510 of the current ordinance.

<sup>43</sup> This section carries forward the watershed protection occupancy permit from Article 152 of the County Code of Ordinances.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.7 Certificate of Occupancy40F

2. A watershed occupancy permit, either for the whole or part of a building, shall be applied for coincident with the application for a watershed protection permit and shall be issued or denied in accordance with these standards within ten days after the erection or structural alterations of the building.
3. When only a change in use of land and existing building occurs, the Watershed Administrator shall issue a watershed protection occupancy permit certifying that all requirements of **Section <>, Watershed Protection Overlay (WPO)**, have been met coincident with the watershed protection permit.
4. If the watershed protection occupancy permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.

#### I. **Amendment**

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

#### J. **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.

# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

### 2.3.8 Development Agreements43F

### 2.3.8 DEVELOPMENT AGREEMENTS<sup>44</sup>

#### A. Purpose and Intent

The purpose for the development agreement procedure is to establish a voluntary 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 at the request of a developer for a development of any size and for any duration, provided the details of the development and 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

- a. Applicable (see Section <>, Application Submittal).
- b. Applications for a development agreement shall be approved prior to review of any applications for development that will be subject to the development agreement.

##### 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 will not make 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).

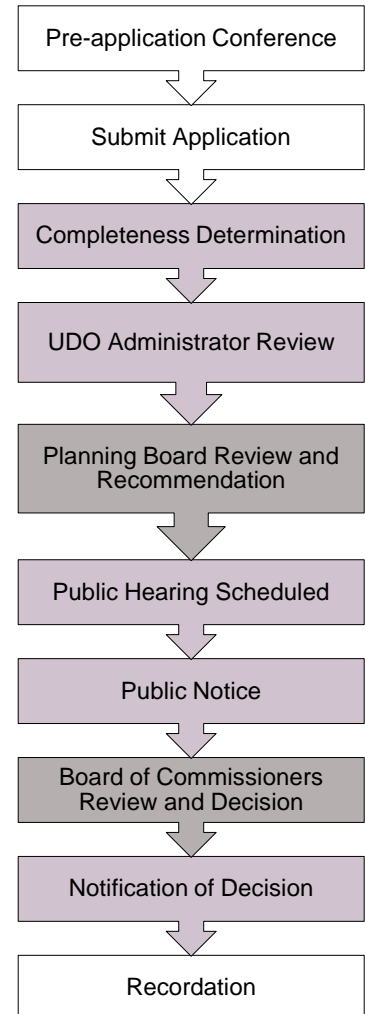
##### 6. Review and Decision by Board of Commissioners

- 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.

**FIGURE <>:  
DEVELOPMENT  
AGREEMENT PROCEDURE**



<sup>44</sup> 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

#### 2.3.8 Development Agreements43F

#### D. Development Agreement Review Standards

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

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



## ARTICLE 151.2 PROCEDURES

---

### Section 2.3 Specific Review Procedures

---

#### 2.3.8 Development Agreements43F

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

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

### 2.3.9 Exempt Subdivision<sup>44F</sup>

## 2.3.9 EXEMPT SUBDIVISION<sup>45</sup>

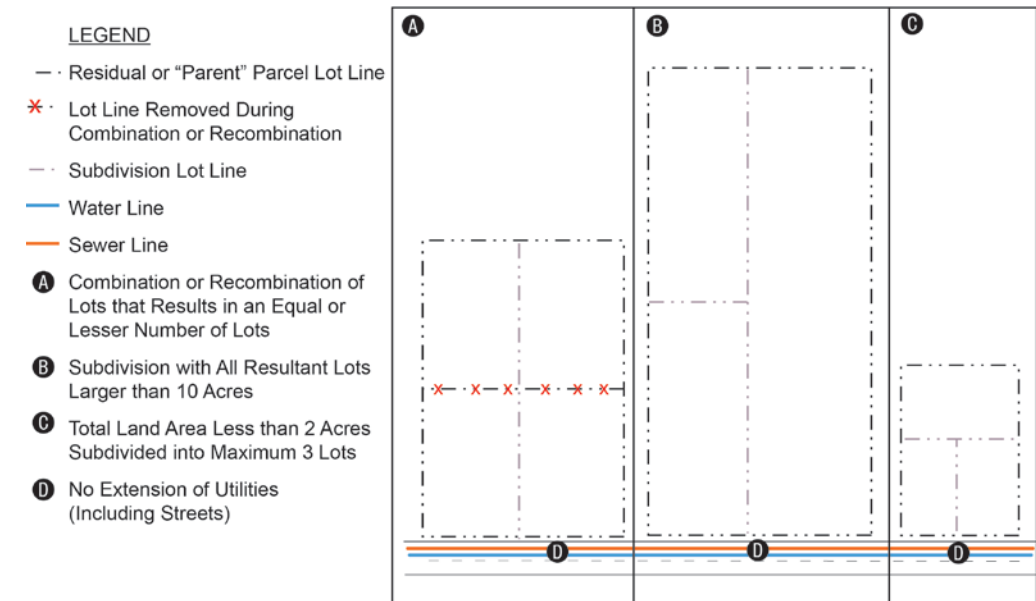
### A. Purpose and Intent

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 (see **Figure <>, Exempt Subdivision**) 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**



### 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.

<sup>45</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

#### 2.3.9 Exempt Subdivision44F

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

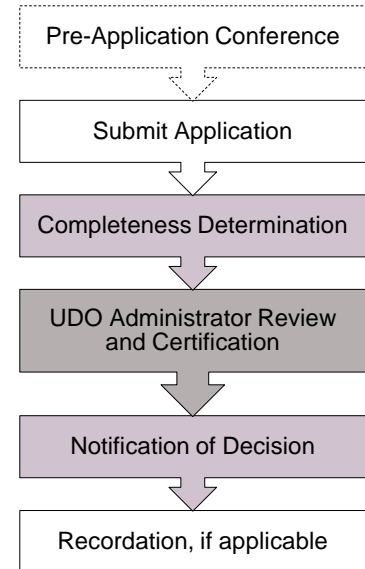
#### E. Effect

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.

#### 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.

FIGURE <>: EXEMPT SUBDIVISION PROCEDURE



# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

### 2.3.10 Expedited Subdivision<sup>46</sup>

#### 2.3.10 EXPEDITED SUBDIVISION<sup>46</sup>

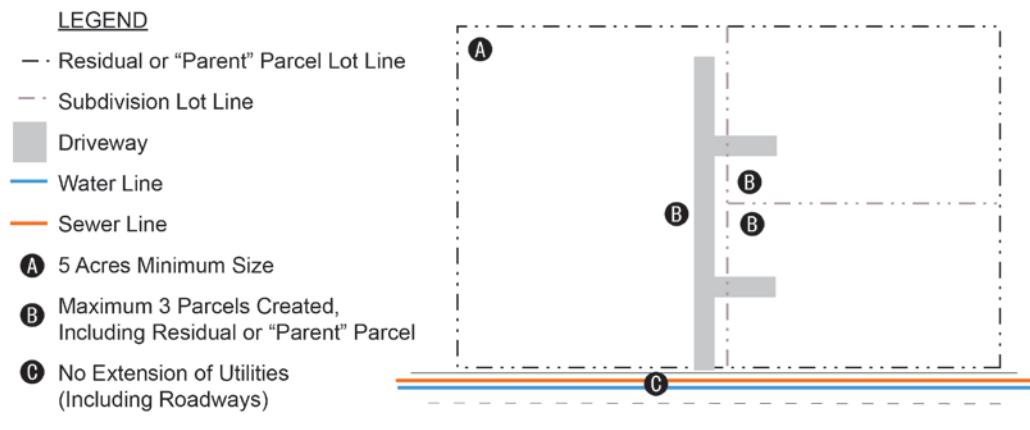
##### A. Purpose and Intent

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 (see Figure <>, Expedited Subdivision):
  - 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 shall be comprised of 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>47</sup>
2. Divisions of land not meeting all these standards shall be reviewed as minor subdivisions, preliminary plats, or transfer plats, as appropriate.
3. Expedited subdivisions are not exempted from applicable zoning district dimensional requirements.

**FIGURE <>: EXPEDITED SUBDIVISION**



##### 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.

<sup>46</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>47</sup> NOTE: 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

### 2.3.10 Expedited Subdivision<sup>45F</sup>

- 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 (ARHS) 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.

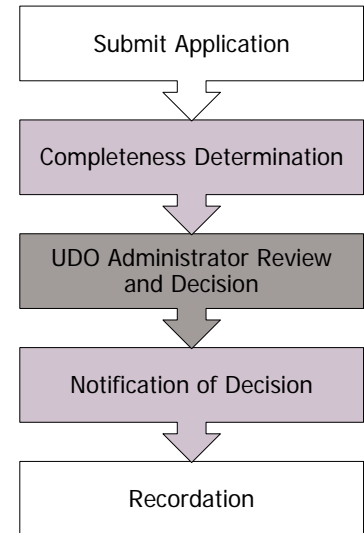
#### 3. Recordation

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. Land may not be conveyed or construction started until the expedited subdivision is recorded.

#### 4. Expedited Subdivision Review Standards

- a. An expedited subdivision shall be approved if the application complies with the following:
  - 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 (ARHS) 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 (SFHA), 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."*

FIGURE <> EXPEDITED SUBDIVISION PROCEDURE



#### 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

### 2.3.11 Fill Permit<sup>48</sup>

#### 2.3.11 FILL PERMIT<sup>48</sup>

##### A. Purpose and Intent

The purpose of this section is to establish a fill permit procedure intended to regulate the deposition or placement of earth or other forms of fill, as fill activity may cause adverse impacts to watersheds, drainage patterns, native habitats, air and water quality, and may create negative erosion and sedimentation concerns. These standards are also intended to help reduce the potential impact of a destructive storm on human life, private structures, and public facilities by ensuring the County's waterways and drainage infrastructure operate as intended.

##### B. Applicability

1. Except where exempted in accordance with Section <>, Exemptions, the standards in this section apply to any land disturbing activity, grading, deposition of fill, or removal of soil.
2. In addition to obtaining a fill permit in accordance with this section, development activities associated with filling any designated 401 wetlands shall also require a fill permit issued by the NC Department of Environmental Quality's Division of Water Resources.
3. In addition to obtaining a fill permit in accordance with this section, development activities associated with filling any designated 404 wetlands shall also require a fill permit issued by the U.S. Army Corps of Engineers.

##### C. Exemptions

The following activities shall be exempted from the requirement to obtain a fill permit:

1. Movement of soil associated with agricultural activity on a bona fide farm;
2. Grading and planting associated with gardening or planting of landscaping materials on a lot containing a single-family residential use;
3. The placement of underground utilities within a designated easement by a public utility service provider; and
4. Filling or grading by an authorized agency that is necessary to help protect the public's health, safety, and welfare during an emergency.

##### D. Fill 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 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.
- c. The UDO Administrator shall review and decide the application in accordance with Section <>, Fill Permit Review Standards.

##### E. Fill Permit Review Standards

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

1. The standards in Section <>, Standards for Land Disturbance;
2. Applicable adopted policy guidance;
3. Any applicable standards in Section <>, Tree Protection; and
4. Any applicable regulations in Section <>, Special Flood Hazard Area Overlay (SFHA).

##### F. Conditions of Approval

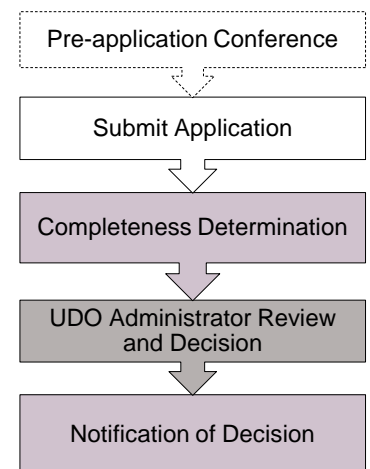
Applicable (see Section <>, Conditions of Approval).

##### G. Effect

1. Applicable (see Section <>, Effect).
2. In cases where a driveway is installed with a culvert, the applicant shall file a driveway culvert certification prepared by a land surveyor or professional engineer that certifies the driveway culvert maintains positive drainage flow. Failure to file a required driveway culvert certification shall be a violation of this Ordinance processed in accordance with Article 151:9: Enforcement.

##### H. Amendment

FIGURE <>: FILL PERMIT PROCEDURE



<sup>48</sup> This is a newly-codified permit procedure that addresses the permitting requirements for land disturbance and fill deposition.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.11 Fill Permit47F

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

**I. Expiration**

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

**J. Appeal**

Appeal of a decision on a fill 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

2.3.12 Final Plat48F

### 2.3.12 FINAL PLAT<sup>49</sup>

#### A. Purpose and Intent

The purpose for the final plat procedure is to ensure proposed subdivisions of land have been completed in substantial conformity with a preliminary plat 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, open space, 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 (see Section <>, 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

Applicable (see Section <>, Application Submittal).

##### 3. 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 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 final 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.

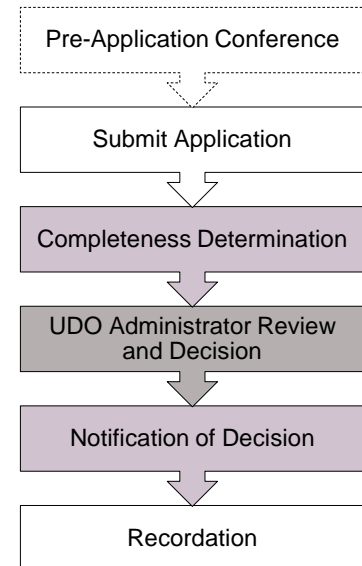
c. Failure to record the final plat in accordance with Section <>, Expiration, shall render the final plat null and void.

#### 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;
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;
5. All lots have been certified by Albemarle Regional Health Services (ARHS) 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;

FIGURE <> FINAL PLAT PROCEDURE



<sup>49</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.



## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.12 Final Plat48F

7. The final plat is in substantial conformance with the preliminary plat 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 <>, Special Flood Hazard Area Overlay (SFHA)**, and include the following statement:  
*"Use of land within a floodplain or a special flood hazard area is substantially restricted by Camden County."*

#### E. 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 of land or easements 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 proposed for dedication 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.

#### F. Amendment

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

#### G. Expiration

1. A final plat shall be null and void unless it is recorded in the office of the Camden County Register of Deeds within 90 days of approval.
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.

#### H. Appeal

Appeal of a decision on a final 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

2.3.13 Reserved

2.3.13 RESERVED

2.3.14 FLOODPLAIN DEVELOPMENT PERMIT

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 (see Section <>, Special Flood Hazard Area Overlay (SFHA)) 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 Section <>, Special Flood Hazard Area Overlay (SFHA), 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 (ARHS) 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 <>, Special Flood Hazard Area Overlay (SFHA).

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.

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.

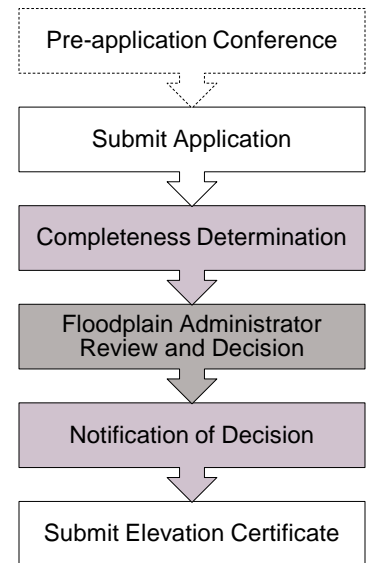
H. Expiration

- 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.

FIGURE <> : FLOODPLAIN DEVELOPMENT PERMIT PROCEDURE



## ARTICLE 151.2 PROCEDURES

---

### Section 2.3 Specific Review Procedures

---

#### 2.3.14 Floodplain Development Permit

**J. Elevation Certificates**

Following issuance of a floodplain development permit an applicant shall file an elevation certificate in accordance with the appropriate standards in **Section <>, Special Flood Hazard Area Overlay (SFHA)**.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.15 Interpretation<sup>49F</sup>

2.3.15 INTERPRETATION<sup>50</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 a prior development application 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 formal interpretations 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 from an applicant 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

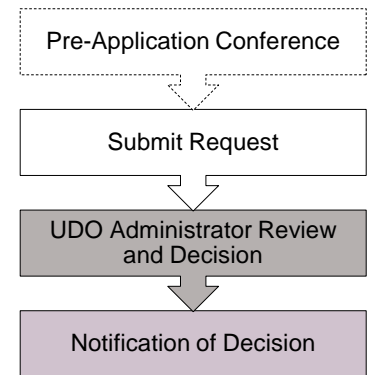
Interpretation of district boundaries on the OZM shall be in accordance with the standards in Section <>, Interpretation of Official Map Boundaries, and consistent with the County's adopted policy guidance.

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>50</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

#### 2.3.15 Interpretation49F

- 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
- d. Consistency with the County's adopted policy guidance.

### F. Effect

#### 1. General

- a. 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.
- b. 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.

#### 2. Approval of Unlisted Use

- a. 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.
- b. 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.
- c. 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.

### G. Appeal

## ARTICLE 151.2 PROCEDURES

---

### Section 2.3 Specific Review Procedures

---

#### 2.3.15 Interpretation49F

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

### 2.3.16 Major Site Plan<sup>51</sup>

#### 2.3.16 MAJOR SITE PLAN<sup>51</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. New multi-family development;
  - c. New single-family attached development;
  - d. New triplex or quadraplex development;
  - e. Expansions to existing non-residential, mixed-use, or multi-family development that exceed 20 percent of existing floor or outdoor use area, that require additional off-street parking or landscaping, or that adds 10,000 or more square feet of impervious surface area to a lot or site; and
  - f. Any form of development not exempted from major site plan review.

##### C. Exemptions from Major Site Plan Review

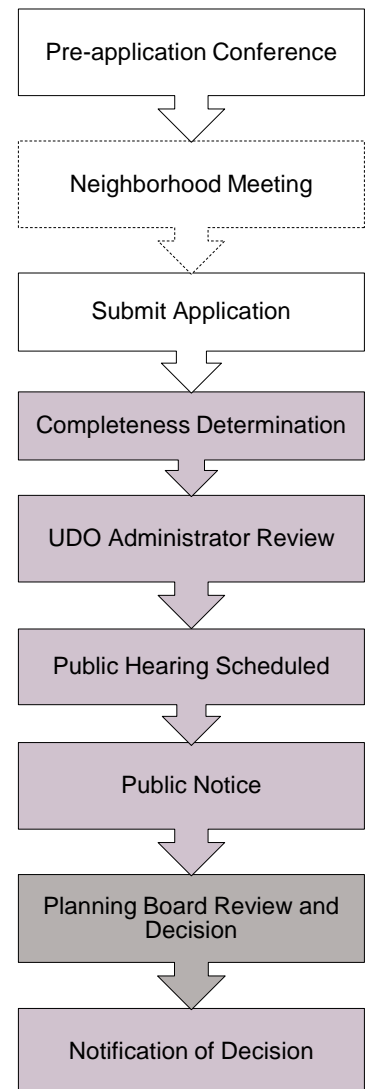
The following forms of development are not required to obtain major site plan approval but are subject to the requirements for a zoning compliance permit (see **Section <>, Zoning Compliance Permit**), or building permit (see **Section <> Building Permit**), as appropriate:

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 or exceed an additional 10,000 square feet of impervious surface; 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>51</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

#### 2.3.16 Major Site Plan50F

##### 5. 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 public meeting, 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.

##### 6. When Associated with a Special Use Permit

In cases where a proposed major site plan also requires approval of a special use permit by the BOC, the BOC shall also review and decide the application for the major site plan in accordance with the standards in this section and Section <>, Special Use Permit.

#### 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 (ARHS) 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. Conditions of Approval

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

#### G. 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-built plans for any public improvements shall be submitted to the UDO Administrator in accordance with Section <>, As-Built Plans Required.

#### H. Amendment

Applicable (see Section <>, Amendment).

#### I. 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.

#### J. Appeal

Appeal of a decision on a major 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

### 2.3.17 Minor Site Plan<sup>51F</sup>

#### 2.3.17 MINOR SITE PLAN<sup>52</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. 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

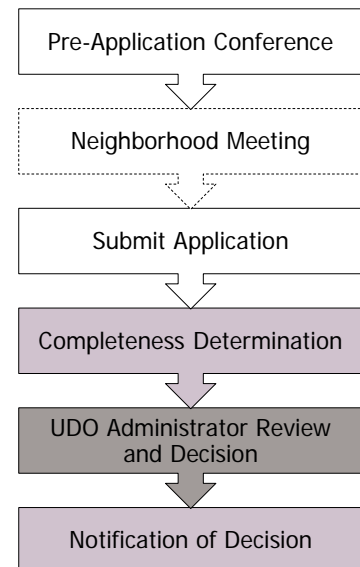
- a. Applicable (see Section <>, Staff Review and Action).
- b. The UDO Administrator shall review and decide the application in accordance with Section <>, Minor Site Plan Review Standards.

##### E. 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 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.

FIGURE <>: MINOR SITE PLAN PROCEDURE



<sup>52</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

---

#### 2.3.17 Minor Site Plan51F

**F. Conditions of Approval**

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

**G. 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-built plans for any public improvements shall be submitted to the UDO Administrator in accordance with Section <>, As-Built Plans Required.

**H. Amendment**

Applicable (see Section <>, Amendment).

**I. 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.

**J. 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

### 2.3.18 Minor Subdivision<sup>52F</sup>

## 2.3.18 MINOR SUBDIVISION<sup>53</sup>

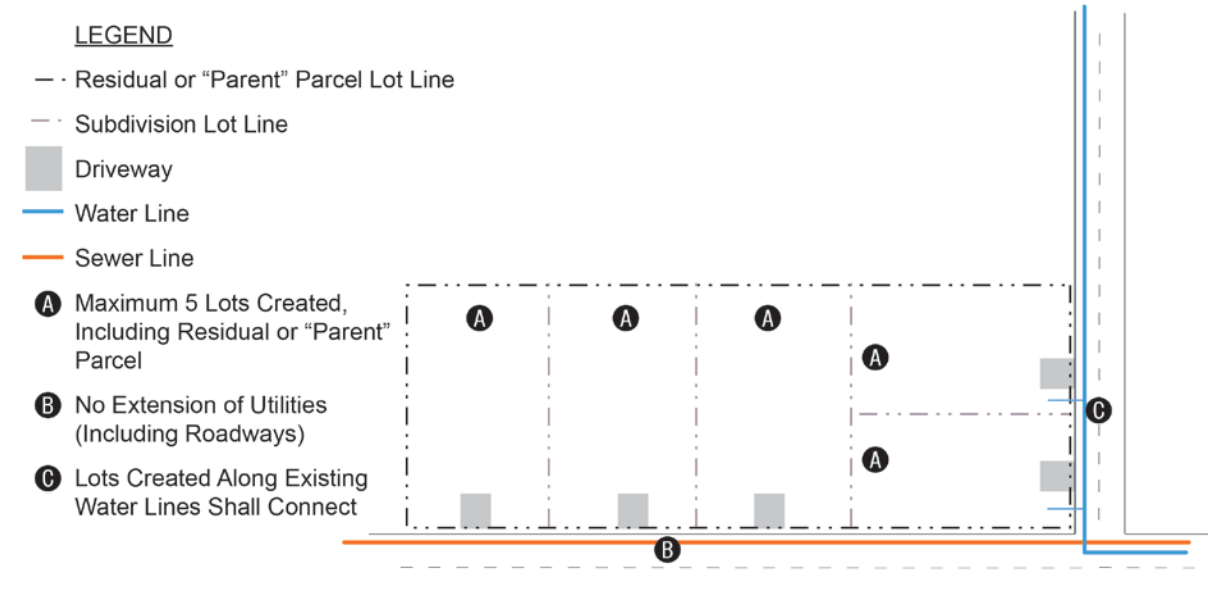
### A. Purpose and Intent

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) (see **Figure <>**, **Minor Subdivision**) with no extension of public streets, public sewer, or other public utility are minor subdivisions and shall be reviewed in accordance with the standards in this section.
2. All lots that are adjacent to an existing public water supply line prior to approval of a minor subdivision shall connect to the public water system as part of the establishment of the minor subdivision. However, connection to the public water system for one or more lots shall not require the subdivision to be reviewed as a preliminary plat.
3. No lot within a minor subdivision (including the residual parcel) shall be the subject of another minor subdivision application for a period of five years from the date the minor subdivision is approved. Nothing shall limit the timing of a subsequent application for a major subdivision, expedited subdivision, or transfer plat.

**FIGURE <>: MINOR SUBDIVISION**



### 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**

<sup>53</sup> NOTE: 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.

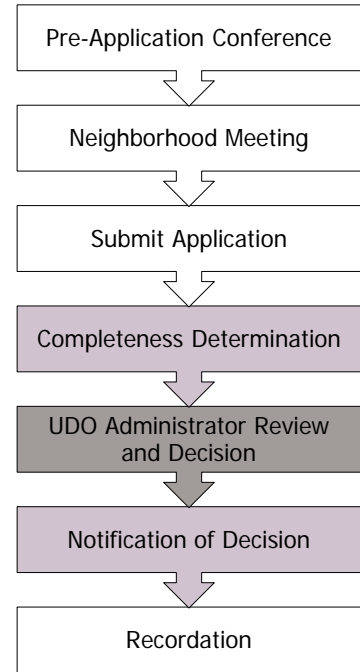
# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

### 2.3.18 Minor Subdivision52F

- 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 (ARHS) indicating that an on-site wastewater system may be used on each lot included in the subdivision.
  - 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**
- 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;
    - 5. All lots have been certified by Albemarle Regional Health Services (ARHS) 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 (including the parent parcel) bordering an existing public water supply system water line shall connect to the public water supply system as part of the minor subdivision;
    - 10. All lots in the minor subdivision shall maintain minimum lot widths on state-maintained roadways or improved subdivision streets;
    - 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**);

**FIGURE <>: MINOR SUBDIVISION PROCEDURE**



## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.18 Minor Subdivision52F

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 (SFHA)**, 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 NC Division of Coastal Management certifying compliance with all AEC requirements.

#### D. Effect

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.

#### E. 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.

#### F. 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.

#### G. 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

2.3.19 Planned Development53F

2.3.19 PLANNED DEVELOPMENT<sup>54</sup>

A. Purpose and Intent

The purpose for the 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 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.

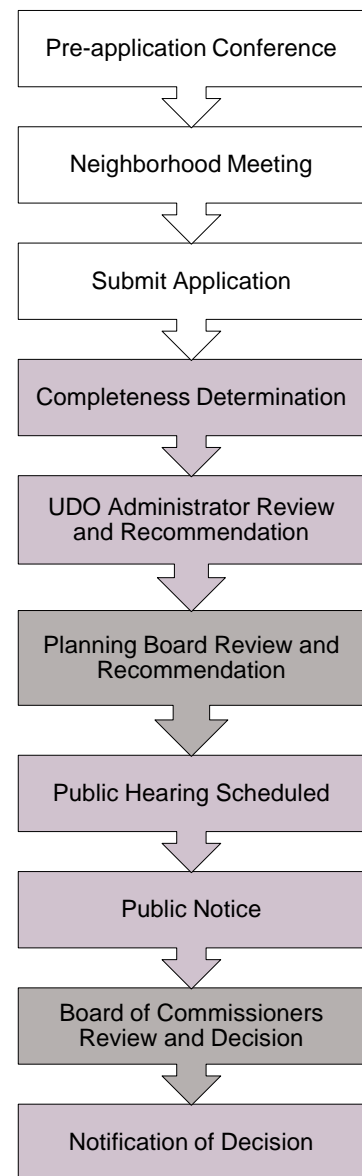
B. Applicability

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 or a contract purchaser with written approval to submit the application by the landowner(s).
  - 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, 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.
  - f. An applicant may file an application for a preliminary plat and/or a major or minor site plan concurrently with a planned development master plan and statement terms of conditions.
4. **Staff Review and Action**
  - a. Applicable (see Section <>, Staff Review and Action).

FIGURE <>: PLANNED DEVELOPMENT PROCEDURE



<sup>54</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.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.19 Planned Development53F

- 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

- 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**.
- c. In cases where a planned development application includes a major site plan, the Planning Board shall review the site plan portion of the application and make a recommendation on the major site plan for consideration by the Board of Commissioners, who shall decide the major site plan portion with the other application materials.

#### 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.
- e. In cases where the BOC determines that Core CAMA Land Use Plan is modified in accordance with the approval of a planned development application, the County shall transmit the Core CAMA Land Use Plan to the NC Division of Coastal Management for re-certification.

#### D. Planned Development Review Standards

1. 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**.
2. In the event an applicant files an application for a preliminary plat concurrently with a planned development application, the Board of Commissioners shall review and decide the preliminary plat portion of the application in accordance with the standards in **Section <>, Preliminary Plat Review Standards**.
3. In the event an applicant files an application for a major or minor site plan concurrently with the planned development application, the Board of Commissioners shall review and decide the major or minor site plan portion of the application in accordance with the standards in **Section <>, Major Site Plan Review Standards**, or **Section <>, Minor Site Plan Review Standards**, as appropriate.

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

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.19 Planned Development53F

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 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

2.3.20 Preliminary Plat<sup>55</sup>

### 2.3.20 PRELIMINARY PLAT<sup>55</sup>

#### A. Purpose and Intent

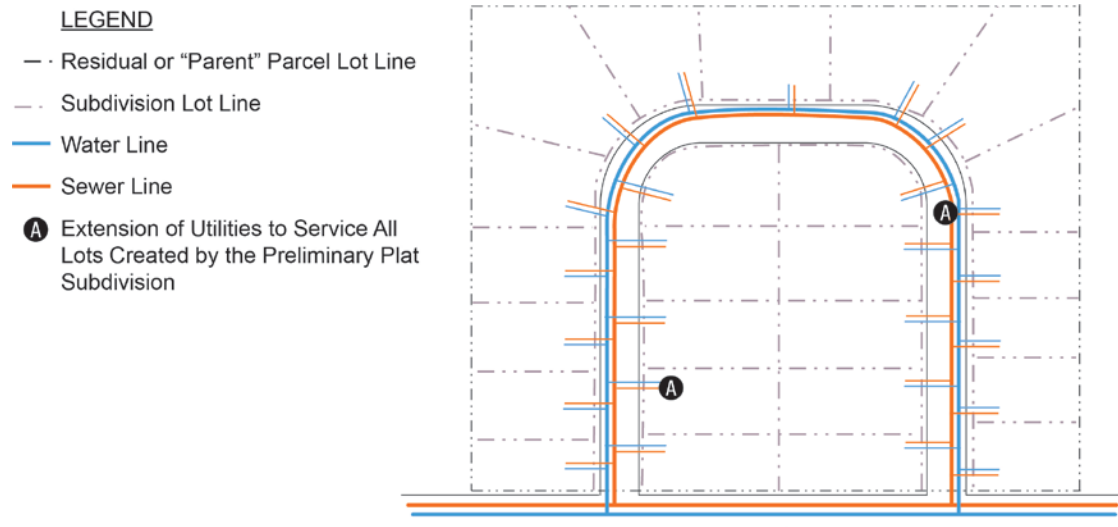
The purpose for the preliminary plat procedure is to establish a fair, consistent, and predictable procedure for the review of requests to divide land into a series of lots for development or sale in ways that promote the health, safety, and welfare of the citizens of Camden County. The intent of these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

1. Orderly growth and development;
2. Coordination of transportation and utility networks;
3. Coordination between capital improvement expenditures and the location of development;
4. Preservation of open space for purposes of recreation or natural resource protection;
5. Protection from flooding, damaging sedimentation, and decreased surface water quality; and
6. 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. Figure <>, Preliminary Plat, shows a typical hypothetical preliminary plat.

FIGURE <>: PRELIMINARY PLAT



#### C. Preliminary Plat Review Procedure

##### 1. Pre-Application Conference

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

<sup>55</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

2.3.20 Preliminary Plat54F

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

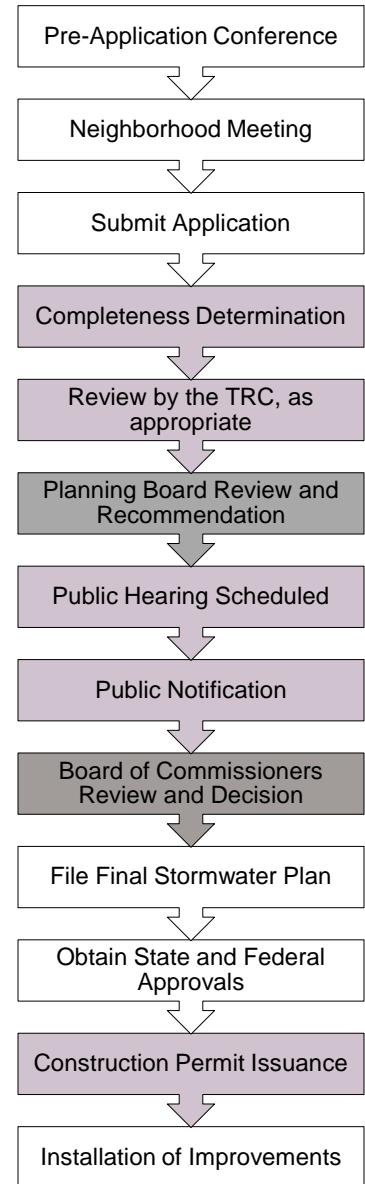
7. Review and Decision by Board of Commissioners

- 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 applicant may proceed with an application for a fill permit to undertake land disturbing activities, or for a building permit to install public utilities in cases where no fill permit is required. Final plats shall be reviewed and decided by the UDO Administrator in accordance with Section <>, Final Plat.

FIGURE <>: PRELIMINARY PLAT PROCEDURE



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;

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.20 Preliminary Plat54F

- 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;
  - 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 preliminary plat 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 NC Division of Coastal Management 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 (SFHA)**, 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 preliminary plat 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."

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

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

#### F. **Effect**

1. Approval of a preliminary plat authorizes an applicant to file for all required State and federal permits as well as submittal of final stormwater plans, construction drawings, a fill permit, 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.

#### G. **Amendment**

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

#### H. **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.

#### I. **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.

**2.3.21 SIGN PERMIT**

**A. Purpose and Intent**

The purpose of sign permit procedure is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section <>, Signage.

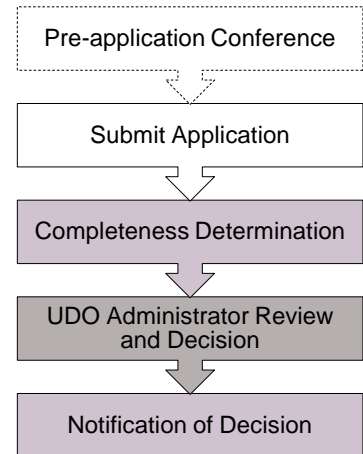
**B. Applicability**

1. All signs, 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.
2. Temporary signs shall obtain a temporary use permit in accordance with Section <>, Temporary Use Permit.

**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.

**FIGURE <>: SIGN PERMIT PROCEDURE**



**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.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.22 Special Use Permit

2.3.22 SPECIAL USE PERMIT

A. Purpose and Intent

The purpose for the special use permit procedure is to establish a fair, predictable, and consistent process for the establishment of special uses. 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. 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.

C. Special Use Procedure

1. Pre-Application Conference

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

2. Neighborhood Meeting

a. Applicable (see Section <>, Neighborhood Meeting).

b. Discussions occurring at a neighborhood meeting are not part of the body of evidence considered during a hearing on a special use permit application.

3. Application Submittal

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

b. An application shall be submitted only by the landowner(s), or a contract purchaser with written approval to submit the application 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.

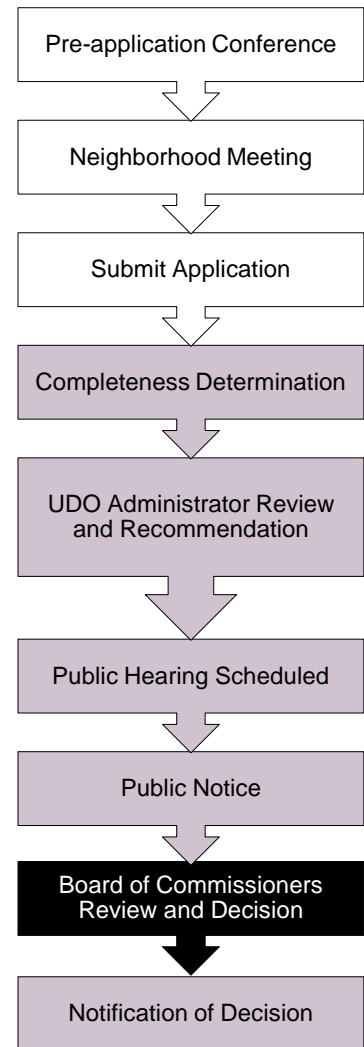
d. In cases where an applicant proposes a site plan along with an application for a special use permit, the BOC shall concurrently review and decide the application for the site plan in accordance with Section <>, Major Site Plan Review Standards, and this section.

D. 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

FIGURE <> SPECIAL USE PERMIT PROCEDURE



## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.22 Special Use Permit

6. Will not exceed the County's ability to provide adequate public facilities (e.g., schools, fire protection, rescue, and law enforcement).

#### E. 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.

#### F. Effect

1. Applicable (see Section <>, Effect).
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 as well as the site plan approval null and void.

#### G. Amendment

Applicable (see Section <>, Amendment).

#### H. State and Federal Requirements

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

#### I. 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, but the site plan approval is unaffected, provided there are no physical changes to the building or the site.

##### 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 after two years 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.

#### J. 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

2.3.23 Transfer Plat55F

### 2.3.23 TRANSFER PLAT<sup>56</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. Pre-Application Conference

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

##### 2. 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.

##### 3. 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.

##### 4. 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

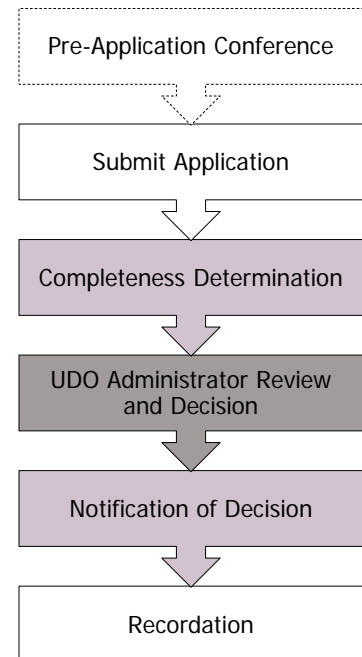
A transfer plat shall be approved if the application complies with the following:

1. All lots created from the original parent tract shall be at least one acre in area and shall comply with the minimum dimensional standards for the district where located, to the maximum extent practicable;
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 for each member of the immediate family;
4. The lots 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 or accessway 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 (ARHS) 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;
9. The transfer plat complies with all other applicable requirements in this Ordinance and the County Code of Ordinances; and
10. The subdivision complies with all the applicable standards in Section <>, Special Flood Hazard Area Overlay (SFHA), 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).

FIGURE <>: TRANSFER PLAT PROCEDURE



<sup>56</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).

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.23 Transfer Plat55F

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

2.3.24 Temporary Use Permit

2.3.24 TEMPORARY USE PERMIT

A. Purpose and Intent

The purpose of this section is to establish a uniform mechanism for reviewing temporary uses, structures, special events, and temporary signage 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, special events, and temporary signage set forth in Section <>, Temporary Use Standards.

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. Any applicable standards in Section <>, Temporary Signage;
3. The State Building Code;
4. The applicable requirements of Albemarle Regional Health Services (ARHS), including all improvement permit requirements;
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.

E. Effect

Applicable (see Section <>, Effect).

F. Amendment

Applicable (see Section <>, Amendment).

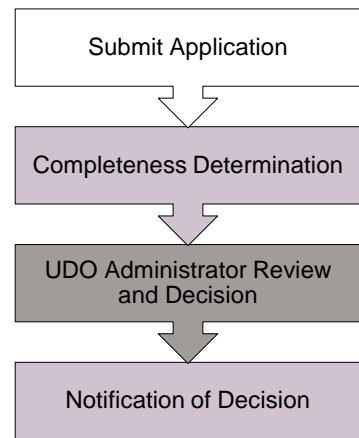
G. Expiration

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

2.3.25 UDO Text Amendment56F

2.3.25 UDO TEXT AMENDMENT<sup>57</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

1. The standards and requirements of this section shall apply to applications to revise the text of this Ordinance.
2. The requirements in this section shall not apply to amendments of the Procedures Manual or other functional plans and documents (see Section <>, Functional Plans and Documents).

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.

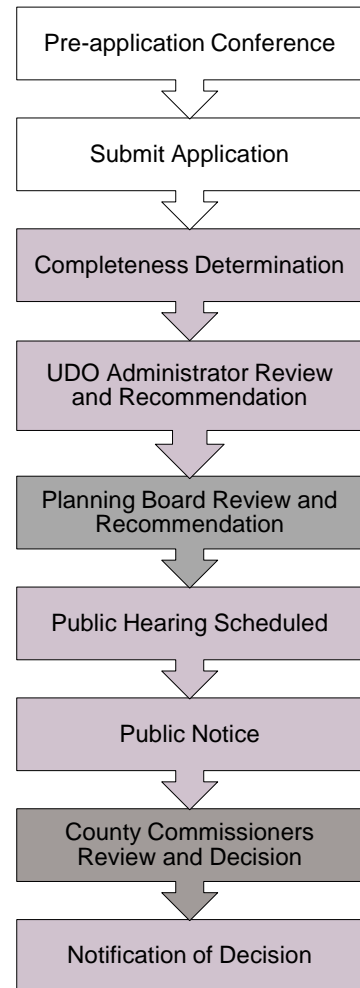
5. Public Notice

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

FIGURE <>: UDO TEXT AMENDMENT PROCEDURE



<sup>57</sup> 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

#### 2.3.25 UDO Text Amendment56F

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
  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.
- e. In cases where the BOC determines that adopted policy guidance is modified in accordance with the approval of a UDO text amendment, the County shall transmit the revised policy guidance to the NC Division of Coastal Management for re-certification.

#### 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 UDO 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 or use of land 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

2.3.26 Variance57F

2.3.26 VARIANCE<sup>58</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 watershed protection standards in Section <>, Watershed Protection Overlay (WPO).

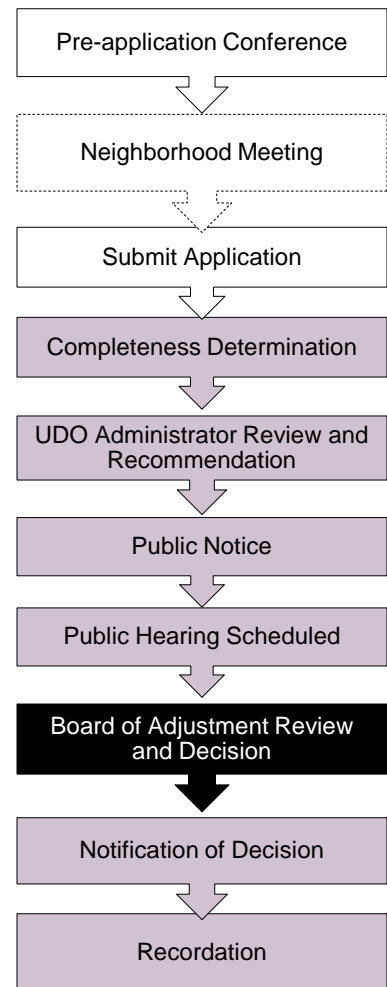
B. Applicability

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.
3. In addition to the standards for variance from the basic zoning-related provisions of this Ordinance, this section also includes provisions for the consideration of variances to the watershed protection standards in Section <>, Watershed Protection Overlay (WPO).
4. Variances to the special flood hazard area provisions in Section <>, Special Flood Hazard Area Overlay (SFHA), are processed in accordance with the procedure described in this section and the standards in Section <>, Special Flood Hazard Area Overlay (SFHA).

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 appropriate 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.

FIGURE <>: VARIANCE PROCEDURE



<sup>58</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. The section also includes the provisions for variance from the watershed protection standards in Chapter 152 of the County Code of Ordinances.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.26 Variance57F

- 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. Procedure for Consideration of a Variances to the Watershed Protection Standards**
- a. **Variances Distinguished**
    - 1. **Minor Variance**

The BOA shall review and decide applications for a minor variance from the standards in **Section <>, Watershed Protection Overlay (WPO)**, in accordance with the procedure in this section. A minor variance application addresses requests for the following:

      - A. A reduction of up to five percent of a buffer width;
      - B. A reduction to the minimum lot area requirements of five percent or less;
      - C. An increase of up to five percent of the maximum allowable density or built-upon area requirement under the high-density option; or
      - D. A reduction of up to 10 percent of any management requirement under the low density option.
    - 2. **Major Variance**
      - A. The BOA shall review and make a recommendation on an application for a major variance from the standards in **Section <>, Watershed Protection Overlay (WPO)**, in accordance with **Section <>, Procedure**.
      - B. A major variance application includes requests for the following:
        - 1. The relaxation, by a factor greater than 10 percent, of any management requirement under the low density option;
        - 2. The relaxation, by a factor of greater than 5 percent, of any management requirement under the low density option; or
        - 3. Any variation in design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.
  - b. **Procedure**
    - 1. **Minor Variance**

Applications for a minor variance to the watershed protection standards shall be processed in accordance with the standards and requirements in **Section <>, Variance Procedure**.
    - 2. **Major Variance**

Applications for a major variance to the watershed protection standards shall be processed in accordance with the standards and requirements in **Section <>, Variance Procedure**, except for the following:

      - A. The Board of Adjustment shall make a recommendation on major water-related variance applications pertaining to water supply watershed standards based on the competent, material, and subsequent evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the standards in **Section <>, Watershed Protection Variance Standards**. The recommendation shall be one of the following:
        - 1. Approval of the variance as proposed;
        - 2. Approval of the variance application with revisions; or
        - 3. Denial of the variance.
      - B. Each recommendation shall be made in writing and reflect the BOA's determination of facts and their application to the standards in this Ordinance.
      - C. The written recommendation shall be signed by the Chair or other duly authorized member of the BOA.
      - D. The application materials, along with the recommendation of the BOA shall be forwarded to the North Carolina Environmental Management Commission.
      - E. The final decision regarding a major water-related variance shall be made within 90 days of receipt by the North Carolina Environmental Management Commission in accordance with all applicable State law.
      - F. Any decision by the EMC shall be subject to review by the Superior Court of the county where located.
      - G. Denials of a major water-related variance application shall not be forwarded to the North Carolina Environmental Management Commission by the BOA.
- 8. 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

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.26 Variance57F

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

#### 9. Recordation

If a variance application is approved, the notice of decision shall be recorded by the County in the office of the Camden County Register of Deeds.

### D. Variance Review Standards

#### 1. Zoning Variance Review 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 Review Standards

The standards for variance to the special flood hazard area provisions is in [Section <>, Variance Procedures](#).

#### 3. Watershed Protection Variance Review Standards

Decisions or recommendations on applications to the watershed protection standards shall be based on the following three findings (subsections a-c), which shall be supported by written findings of fact and conclusions of law:

- a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the BOA must find that all of the five following conditions exist.
  1. If he or she complies with the provisions of this Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit to be made from the property will not be considered adequate to justify the BOA in granting a variance. Moreover, the BOA shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that will make possible the reasonable use of his or her property.
  2. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.
  3. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.26 Variance57F

4. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates this Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the BOA for relief.
  5. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
- b. The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
  - c. In granting the variance, the public safety and welfare have been assured and substantial justice has been done. The BOA shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

#### 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 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.

#### 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 major or minor watershed protection variance shall expire if a building permit or watershed occupancy permit for such use is not obtained by the applicant within six months from the date of the decision.
3. 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.

## ARTICLE 151.2 PROCEDURES

### Section 2.3 Specific Review Procedures

#### 2.3.26 Variance57F

#### 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

### 2.3.27 Vested Rights Determination<sup>58F</sup>

## 2.3.27 VESTED RIGHTS DETERMINATION<sup>59</sup>

### A. Purpose and Intent

The purpose for the vested rights determination procedure 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 in accordance with State law.

### 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.
4. Nothing shall limit an applicant from filing an application for a vested rights determination on a particular development application after construction has commenced.

### 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.

### D. Vested Rights Determination Review Standards

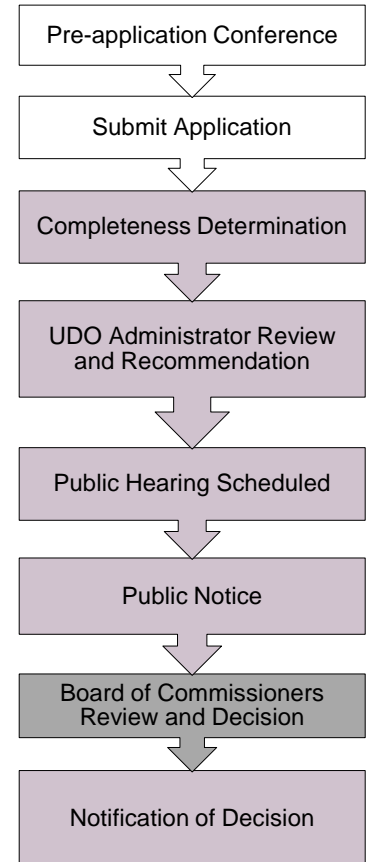
A vested rights determination shall be approved if:

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.

FIGURE <>: VESTED RIGHTS DETERMINATION PROCEDURE



<sup>59</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

---

#### 2.3.27 Vested Rights Determination58F

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 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 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

2.3.28 Watershed Protection Permit59F

2.3.28 WATERSHED PROTECTION PERMIT<sup>60</sup>

A. Purpose

This section sets out a procedure for the review of development (including any land disturbing activity) that is located within a designated water supply watershed area for the purpose of ensuring that potable water quality is not negatively impacted.

B. Applicability

The standards in this section shall apply to all development located within the WPO as indicated on the Watershed Map. The Watershed Map shall be maintained on file in the offices of the Planning Department, and is available for inspection during normal business hours.

C. Watershed Protection Permit Procedure

1. Application Submittal

Applicable (see Section <>, Application Submittal).

2. Staff Review and Action

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

b. Prior to issuance of a watershed protection permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

D. Watershed Protection Permit Review Standards

A watershed protection permit shall be approved provided the application complies with the standards in Section <>, Watershed Protection Overlay (WPO).

E. Effect

Approval of a watershed protection permit authorizes an applicant to apply for a building permit.

F. Amendment

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

G. Expiration

If the work authorized by a watershed protection permit is not commenced within one year from the date of issuance, the permit shall become null and void.

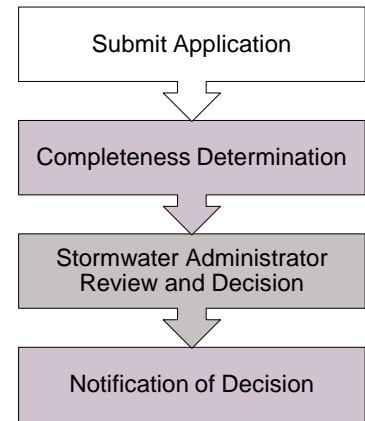
H. Appeal

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

I. Watershed Occupancy Permit Required

Following construction, but prior to occupancy of the site or building, development subject to a watershed protection permit shall obtain a watershed occupancy permit in accordance with Section <>, Certificate of Occupancy.

FIGURE <>  
WATERSHED PROTECTION PERMIT PROCEDURE



<sup>60</sup> This is a new permit procedure relocated from Article 152, Watershed Protection, in the County Code of Ordinances.

# ARTICLE 151.2 PROCEDURES

## Section 2.3 Specific Review Procedures

### 2.3.29 Zoning Compliance Permit<sup>61</sup>

#### 2.3.29 ZONING COMPLIANCE PERMIT<sup>61</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 development 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 <>, 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 (ARHS); 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**

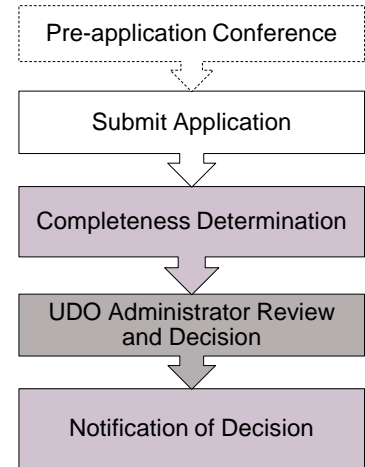
A zoning compliance permit shall expire and become null and void one year after the date of issuance if:

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>61</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 Amendment61F

2.3.30 ZONING MAP AMENDMENT<sup>62</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) only when an OZM amendment proposes to establish a more-intense zoning district designation, otherwise optional..

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.

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).

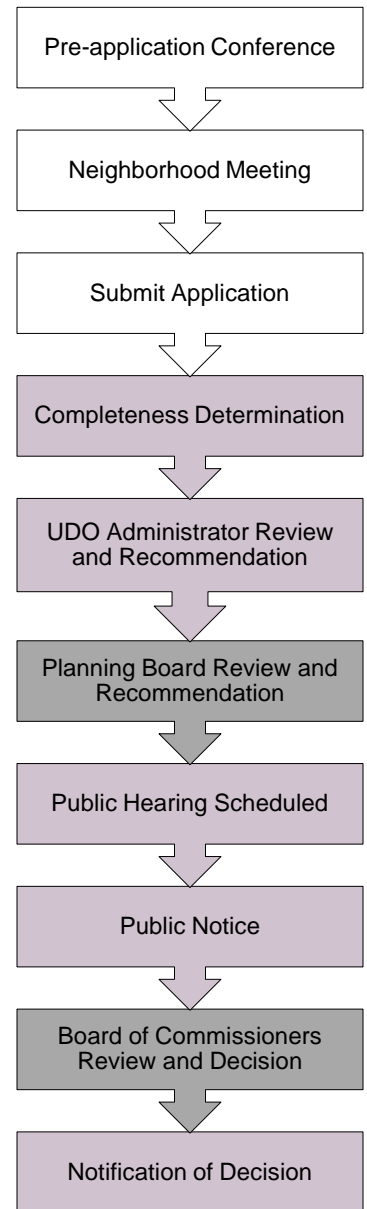
6. Review by Planning Board

- 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.

7. 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 <>, 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. 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

FIGURE <> ZONING MAP AMENDMENT PROCEDURE



62 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

#### 2.3.31 Reserved

- 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.
- e. In cases where the BOC determines that adopted policy guidance is modified in accordance with the approval of a planned development application, the County shall transmit the revised policy guidance to the NC Division of Coastal Management for re-certification.

#### 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**

Not applicable.

#### 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.
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.

### 2.3.31 RESERVED

[placeholder for future use]

# ZONING DISTRICTS



## Key Changes in Article 151.3:

- Consolidates all zoning-district related information (including density and dimensional standards) into a single article
- Includes more intuitive district names
- Relies on an increased use of graphics and example illustrations
- New purpose statements that better describe the intent and configuration of each zoning district
- Introduces 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 mixed-use district available within designated village center areas
- Converts the marine commercial overlay into a base district
- Establishes a consolidated set of generally applicable dimensional requirements
- No more application of most restrictive district standard to bifurcated lots
- Clarifies that maximum residential density may be increased through use of a sustainable development incentive (see Article 151.7: Environmental Provisions)
- Designates the UDO Administrator as the County official who may interpret the zoning map
- Establishes a placeholder for a local historic district
- Integrates the watershed protection standards from Chapter 152 of the County Code as an overlay district

|            |  |             |
|------------|--|-------------|
| <b>3.1</b> | <b>General Provisions .....</b>                              | <b>3-1</b>  |
| 3.1.1      | Compliance with District Standards.....                      | 3-1         |
| 3.1.2      | Types of Zoning Districts.....                               | 3-1         |
| 3.1.3      | Maximum Density may be Increased .....                       | 3-1         |
| 3.1.4      | Generally Applicable Dimensional Standards .....             | 3-1         |
| <b>3.2</b> | <b>General Zoning Districts Established .....</b>            | <b>3-2</b>  |
| 3.2.1      | Organization of District Standards.....                      | 3-2         |
| <b>3.3</b> | <b>Official Zoning Map.....</b>                              | <b>3-3</b>  |
| 3.3.1      | General.....   | 3-3         |
| 3.3.2      | Incorporated by Reference.....                               | 3-3         |
| 3.3.3      | Interpretation of Boundaries .....                           | 3-3         |
| 3.3.4      | Changes to Official Map .....                                | 3-4         |
| <b>3.4</b> | <b>Special Districts .....</b>                               | <b>3-5</b>  |
| 3.4.1      | Conservation and Protection (CP) District .....              | 3-5         |
| 3.4.2      | Reserved .....   | 3-8         |
| <b>3.5</b> | <b>Residential Districts.....</b>                            | <b>3-9</b>  |
| 3.5.1      | General Purpose and Intent .....                             | 3-9         |
| 3.5.2      | Working Lands (WL) District.....                             | 3-10        |
| 3.5.3      | Rural Residential (RR) District .....                        | 3-13        |
| 3.5.4      | Suburban Residential (SR) District.....                      | 3-16        |
| 3.5.5      | Neighborhood Residential (NR) District .....                 | 3-19        |
| 3.5.6      | Village Residential (VR) .....                               | 3-22        |
| 3.5.7      | Reserved .....   | 3-25        |
| <b>3.6</b> | <b>Commercial Districts .....</b>                            | <b>3-26</b> |
| 3.6.1      | General Purpose and Intent .....                             | 3-26        |
| 3.6.2      | Crossroads Commercial (CC) District .....                    | 3-27        |
| 3.6.3      | Village Commercial (VC) District.....                        | 3-30        |
| 3.6.4      | Mixed Use (MX) District.....                                 | 3-33        |
| 3.6.5      | Highway Commercial (HC) District.....                        | 3-36        |
| 3.6.6      | Maritime Commercial (MC)District .....                       | 3-39        |
| 3.6.7      | Light Industrial (LI) District.....                          | 3-42        |
| 3.6.8      | Heavy Industrial (HI) District.....                          | 3-45        |
| <b>3.7</b> | <b>Planned Development (PD) District.....</b>                | <b>3-48</b> |
| 3.7.1      | Purpose and Intent .....                                     | 3-48        |
| 3.7.2      | General Standards for All Planned Development Districts..... | 3-48        |
| <b>3.8</b> | <b>Overlay Districts.....</b>                                | <b>3-51</b> |
| 3.8.1      | General Purpose and Intent .....                             | 3-51        |
| 3.8.2      | Commercial Fishing Overlay (CFO) .....                       | 3-51        |
| 3.8.3      | Special Flood Hazard Area Overlay (SFHA).....                | 3-52        |
| 3.8.4      | Local Historic Overlay (LHO).....                            | 3-64        |
| 3.8.5      | Watershed Protection Overlay (WPO) .....                     | 3-64        |



# ARTICLE 151.3 ZONING DISTRICTS

## 3.1 GENERAL PROVISIONS

### 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 procedures in Section <>, Sustainability Incentives.

### 3.1.4 GENERALLY APPLICABLE DIMENSIONAL STANDARDS

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.
- 3. Where land acquisition for a public purpose reduces a yard of a developed lot such that the minimum standards of this Ordinance cannot be met, the lot may be used in accordance with Section <>, Governmental Acquisition of Land.

#### 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.
- 5. All development shall be setback at least 30 feet from the landward edge of the normal water level of a coastal shoreline in accordance with 15A NCAC 07H.0209(d)(10).

#### D. Average Street Setbacks

Where a lot is within 500 feet of developed properties on the same side of the road that contain two or more legally nonconforming principal structures in terms of street setbacks, the street setback for that lot may be the average setback of all conforming and legally nonconforming principal structures on the same side of the road within 500

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.2 General Zoning Districts Established<sup>62F</sup>**

3.2.1 Organization of District Standards

feet of the lot in question. However, under no circumstance may the street setback be less than the furthest setback on the adjoining lot or be reduced more than 25 percent of the minimum required.

**3.2 GENERAL ZONING DISTRICTS ESTABLISHED<sup>63</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. Buildings depicted in yellow on the district dimensional standards and development configuration example diagrams associated with each zoning district are intended to show structures used for residential purposes. Buildings shown in red are intended to show nonresidential uses. Buildings with both yellow and red depict mixed-use structures.
- E. The range of allowable uses for each general zoning district are identified in **Table <>, Principal Use Table**.
- F. Some zoning districts include district-specific standards that apply to all lands in the particular zoning district classification.

<sup>63</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 Map

#### 3.3.1 General63F

## 3.3 OFFICIAL ZONING MAP

### 3.3.1 GENERAL<sup>64</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.
- C. The County of Camden, North Carolina, Watershed Protection Map, (the Watershed Map) is hereby incorporated by reference and made a part of this Ordinance.

### 3.3.3 INTERPRETATION OF BOUNDARIES<sup>65</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 a watershed area boundary lies at a scaled distance more than 25 feet from any parallel lot line, the location of a watershed area boundary shall be determined by use of the scale appearing on the Watershed Map.
- I. Where a watershed area boundary lies at a scaled distance of 25 feet or less from any parallel lot line, the location of a watershed area boundary shall be construed to be the lot line.
- J. 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**).
- K. 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 (SFHA)**.

<sup>64</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>65</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 Map

---

#### 3.3.4 Changes to Official Map<sup>66</sup>

- L. 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>66</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>66</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) District241F

**3.4 SPECIAL DISTRICTS**

**3.4.1 CONSERVATION AND PROTECTION (CP) DISTRICT<sup>i</sup>**

| <p style="font-size: 48pt; margin: 0;">CP</p> <p style="font-size: 36pt; margin: 0;">Conservation<br/>&amp; Protection</p>   |  | <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 Distance Between Buildings, Front-to-Back (feet) [2] | 40  |
| <b>G</b>   | Minimum Distance Between Buildings, 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></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 the same lot.</p> |  |   |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.4 Special Districts

3.4.1 Conservation and Protection (CP) District 241F

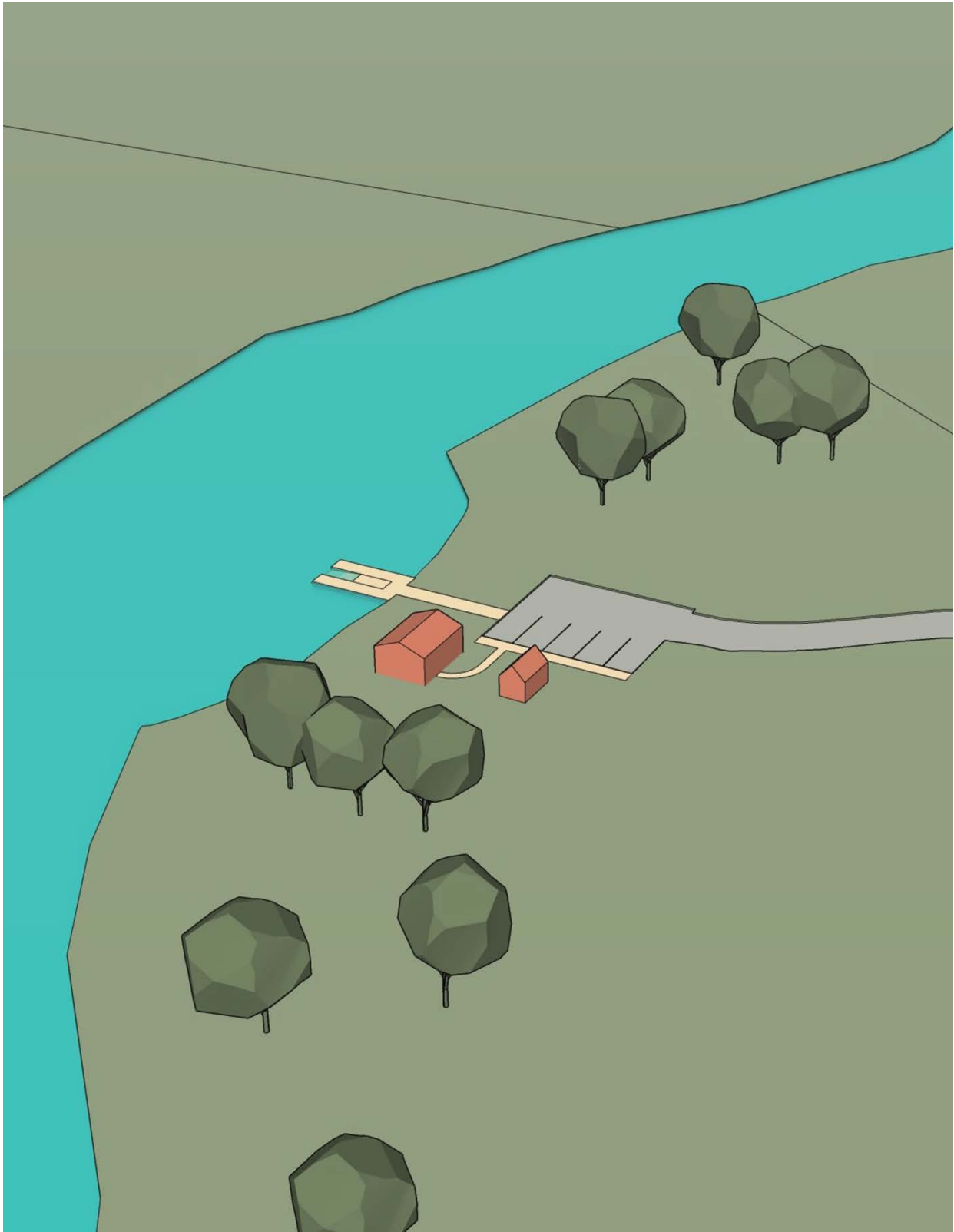
| C. Lot Pattern Example   | D. District Dimensional Standards   |
|--|---|
|   |  |
| E. Preferred Development Examples  |   |
|  |   |

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.4 Special Districts**

3.4.1 Conservation and Protection (CP) District 241F

**F. Development Configuration Example**



**ARTICLE 151.3 ZONING DISTRICTS**

---

**Section 3.4 Special Districts**

---

3.4.2 Reserved

**3.4.2 RESERVED**

---

[placeholder for future use]



---

## ARTICLE 151.3 ZONING DISTRICTS

---

### Section 3.5 Residential Districts<sup>66F</sup>

---

#### 3.5.1 General Purpose and Intent

## 3.5 RESIDENTIAL DISTRICTS<sup>67</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>67</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 Districts66F**

3.5.2 Working Lands (WL) District242F

**3.5.2 WORKING LANDS (WL) DISTRICT<sup>ii</sup>**

|                        |   |
|------------------------|---|
| WL<br>Working<br>Lands | <b>A. Purpose Statement</b>   |
|                        | 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 more than five lots as conservation subdivisions. 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] |
|---|--|--|--|
| A | Minimum Development Size (acres)                             | N/A                                      | 10   |
|   | Maximum Residential Density (units/acre)                     | 0.2                                      | 1  |
| C | Minimum Lot Area (acres)                                     | 5  | 1  |
| D | Minimum Lot Width (feet) [2]                                 | 300                                      | 60   |
| E | Maximum Lot Coverage (% of lot area) [3]                     | 24                                       | 72   |
| F | Minimum Open Space (% of development size) [4]               | 5  | 50   |
| G | Minimum Front Setback (feet)                                 | 50                                       | 20   |
| H | Minimum Corner Side Setback (feet)                           | 50                                       | 20   |
| I | Minimum Interior Side Setback (feet)                         | 25                                       | 10   |
| J | Minimum Rear Setback (feet)                                  | 25                                       | 15   |
| K | Minimum Distance Between Buildings, Front-to-Back (feet) [5] | 20                                       | 10   |
| L | Minimum Distance Between Buildings, Side-to-Side (feet) [5]  | 15                                       | 5  |
| M | Minimum Accessory Building Setback (feet)                    | 10                                       | 3  |
| N | Minimum Setback from Agricultural Activity (feet) [6]        | 50                                       | 50   |
|   | 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 subdivisions 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 Districts66F**

**3.5.2 Working Lands (WL) District242F**

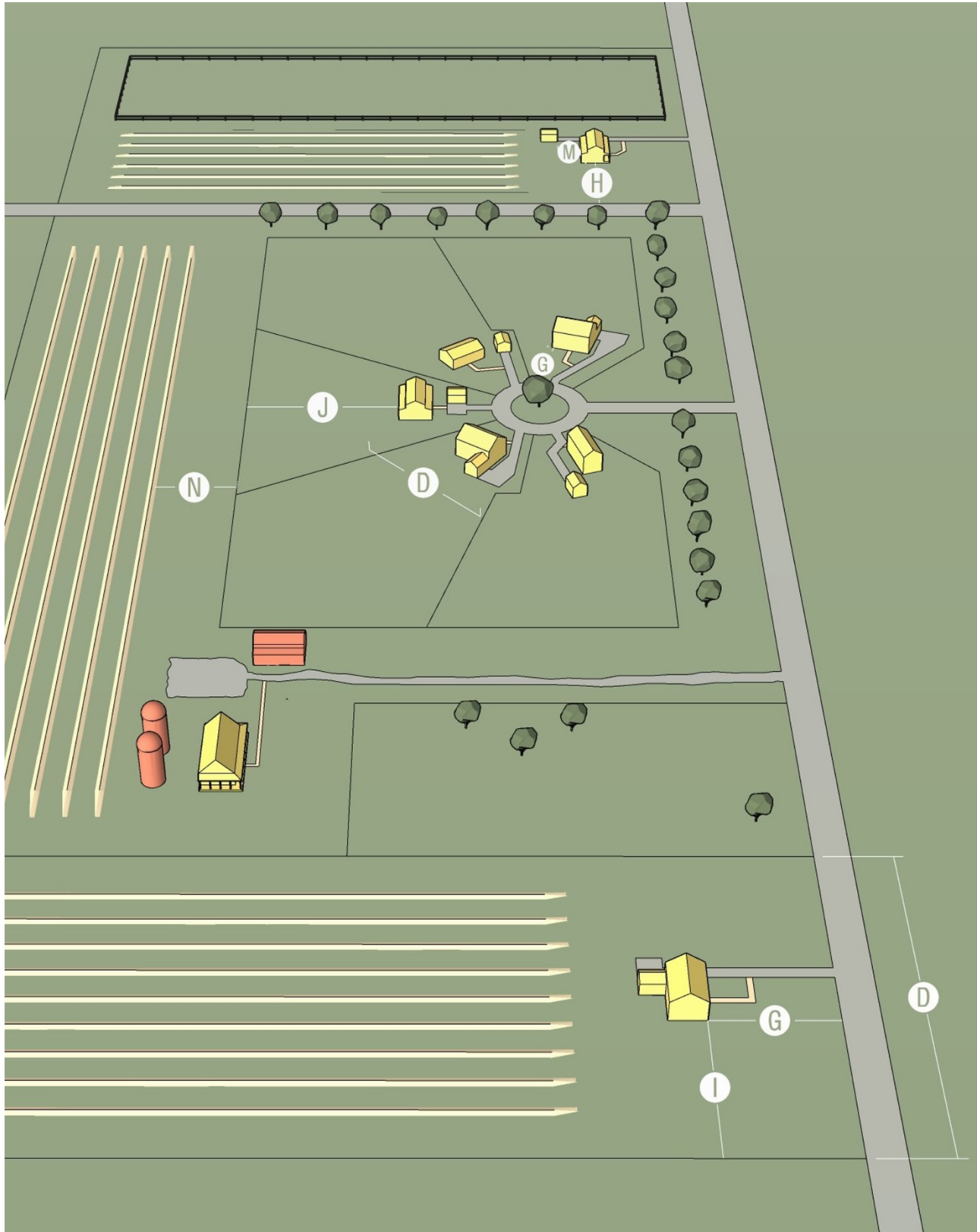
| C. Lot Pattern Examples (traditional)   | D. District Dimensional Standards   |
|---|---|
|    |   |
| (conservation)  |  |
|   |   |
| E. Preferred Development Examples   |   |
|  |   |
|  |   |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts66F

3.5.2 Working Lands (WL) District242F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts66F**

3.5.3 Rural Residential (RR) District243F

**3.5.3 RURAL RESIDENTIAL (RR) DISTRICT<sup>iii</sup>**

|  |  |
|--|--|
| <h1 style="margin: 0;">RR</h1> <h2 style="margin: 0;">Rural Residential</h2> | <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 more than five lots as conservation subdivisions. 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] |
|---|--|--|--|
| A | Minimum Development Size (acres)                             | N/A                                      | 10   |
|   | Maximum Residential Density (units/acre)                     | 0.5                                      | 1  |
| C | Minimum Lot Area (acres)                                     | 2  | 1  |
| D | Minimum Lot Width (feet) [2]                                 | 125                                      | 60   |
| E | Maximum Lot Coverage (% of lot area) [3]                     | 24                                       | 72   |
| F | Minimum Open Space (% of development size) [4]               | 5  | 50   |
| G | Minimum Front Setback (feet)                                 | 50                                       | 20   |
| H | Minimum Corner Side Setback (feet)                           | 50                                       | 20   |
| I | Minimum Interior Side Setback (feet)                         | 25                                       | 10   |
| J | Minimum Rear Setback (feet)                                  | 25                                       | 15   |
| K | Minimum Distance Between Buildings, Front-to-Back (feet) [5] | 20                                       | 10   |
| L | Minimum Distance Between Buildings, Side-to-Side (feet) [5]  | 15                                       | 5  |
| M | Minimum Accessory Building Setback (feet)                    | 10                                       | 3  |
| N | Minimum Setback from Agricultural Activity (feet) [6]        | 50                                       | 50   |
|   | 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 subdivisions 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 Districts66F

3.5.3 Rural Residential (RR) District243F

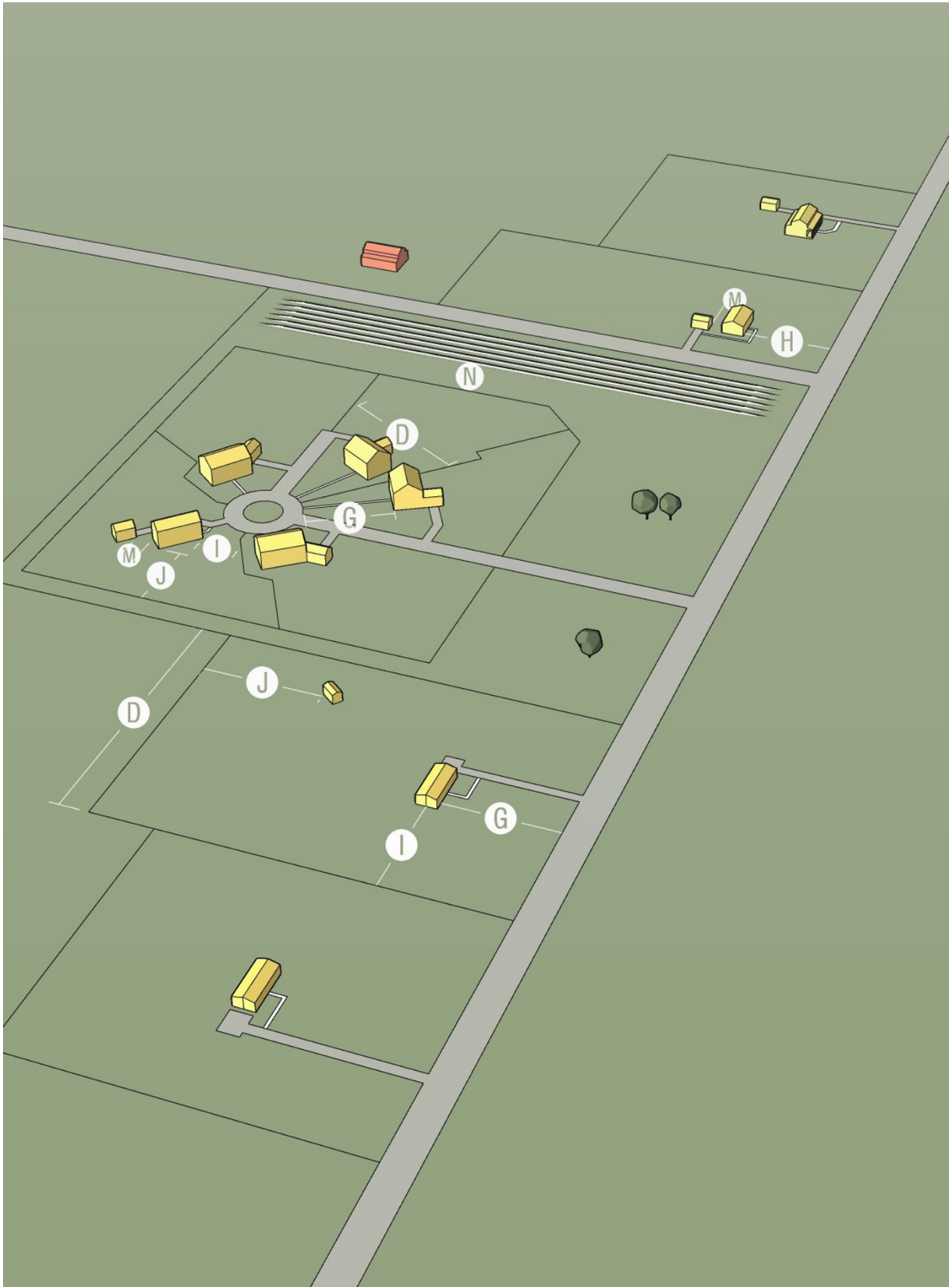
| C. Lot Pattern Examples (traditional)   | D. District Dimensional Standards   |
|---|---|
|    |  |
| <p>(conservation)</p>   |   |
|   |   |
| E. Preferred Development Examples   |   |
|  |   |
|  |   |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts66F

3.5.3 Rural Residential (RR) District243F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts66F**

3.5.4 Suburban Residential (SR) District244F

**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 more than five lots. 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 |
|---|--|--|--|
| A | Minimum Development Size (acres)                             | N/A                                      | 10   |
|   | Maximum Residential Density (units/acre)                     | 1  | 1  |
| C | Minimum Lot Area (acres)                                     | 2  | 1  |
| D | Minimum Lot Width (feet) [2]                                 | 125                                      | 60   |
| E | Maximum Lot Coverage (% of lot area) [3]                     | 24                                       | 72   |
| F | Minimum Open Space (% of development size) [4]               | 5  | 50   |
| G | Minimum Front Setback (feet)                                 | 25                                       | 20   |
| H | Minimum Corner Side Setback (feet)                           | 25                                       | 20   |
| I | Minimum Interior Side Setback (feet)                         | 10                                       | 10   |
| J | Minimum Rear Setback (feet)                                  | 10                                       | 10   |
| K | Minimum Distance Between Buildings, Front-to-Back (feet) [5] | 15                                       | 10   |
| L | Minimum Distance Between Buildings, Side-to-Side (feet) [5]  | 10                                       | 5  |
| M | Minimum Accessory Building Setback (feet)                    | 10                                       | 3  |
| N | Minimum Setback from Agricultural Activity (feet) [6]        | 50                                       | 50   |
|   | 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 subdivisions and nonresidential developments.

[5] Applied in cases where there are two or more principal buildings on the same lot.


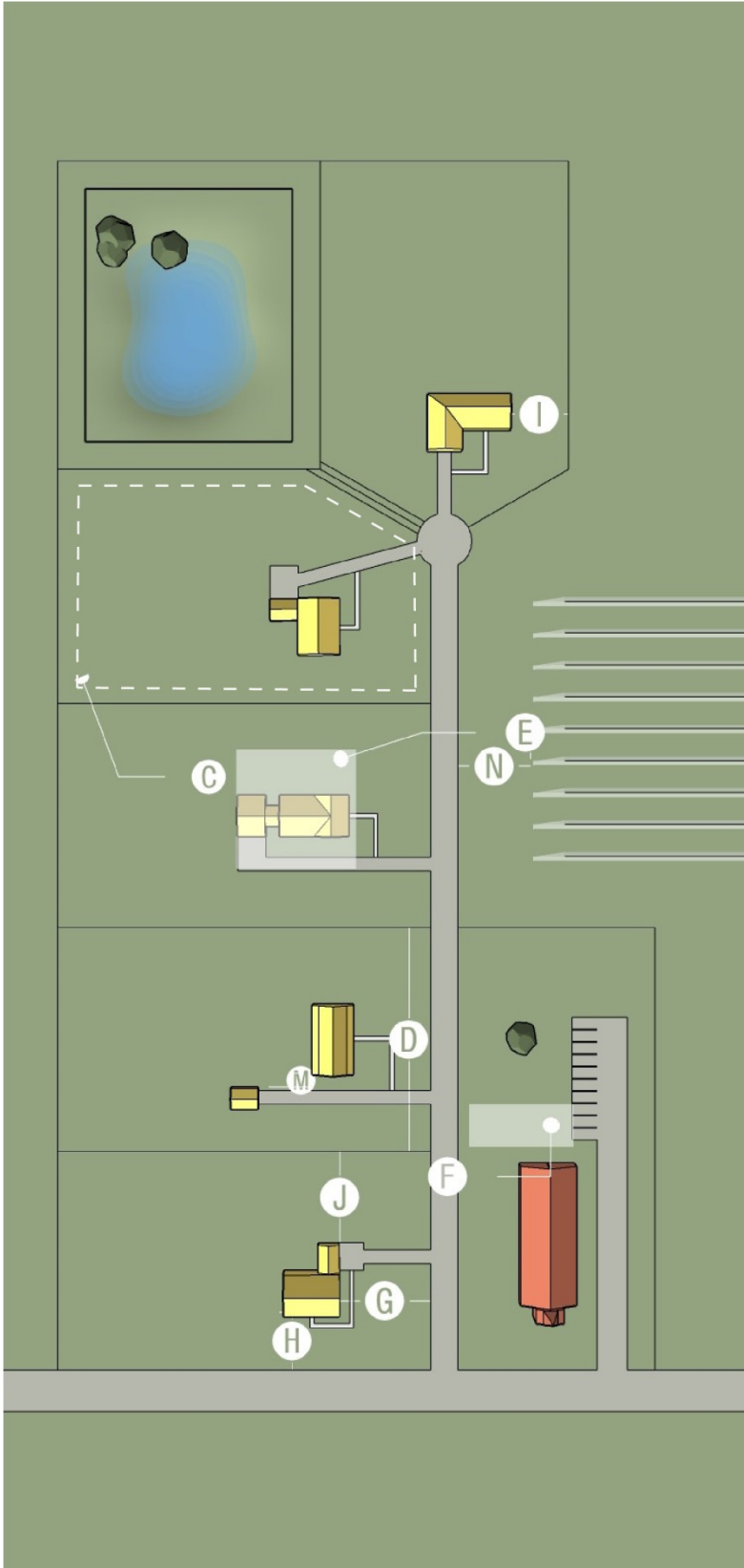


[6] Setback is applied from the perimeter of agricultural activity occurring on the same or an adjacent lot.



ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts66F

3.5.4 Suburban Residential (SR) District244F

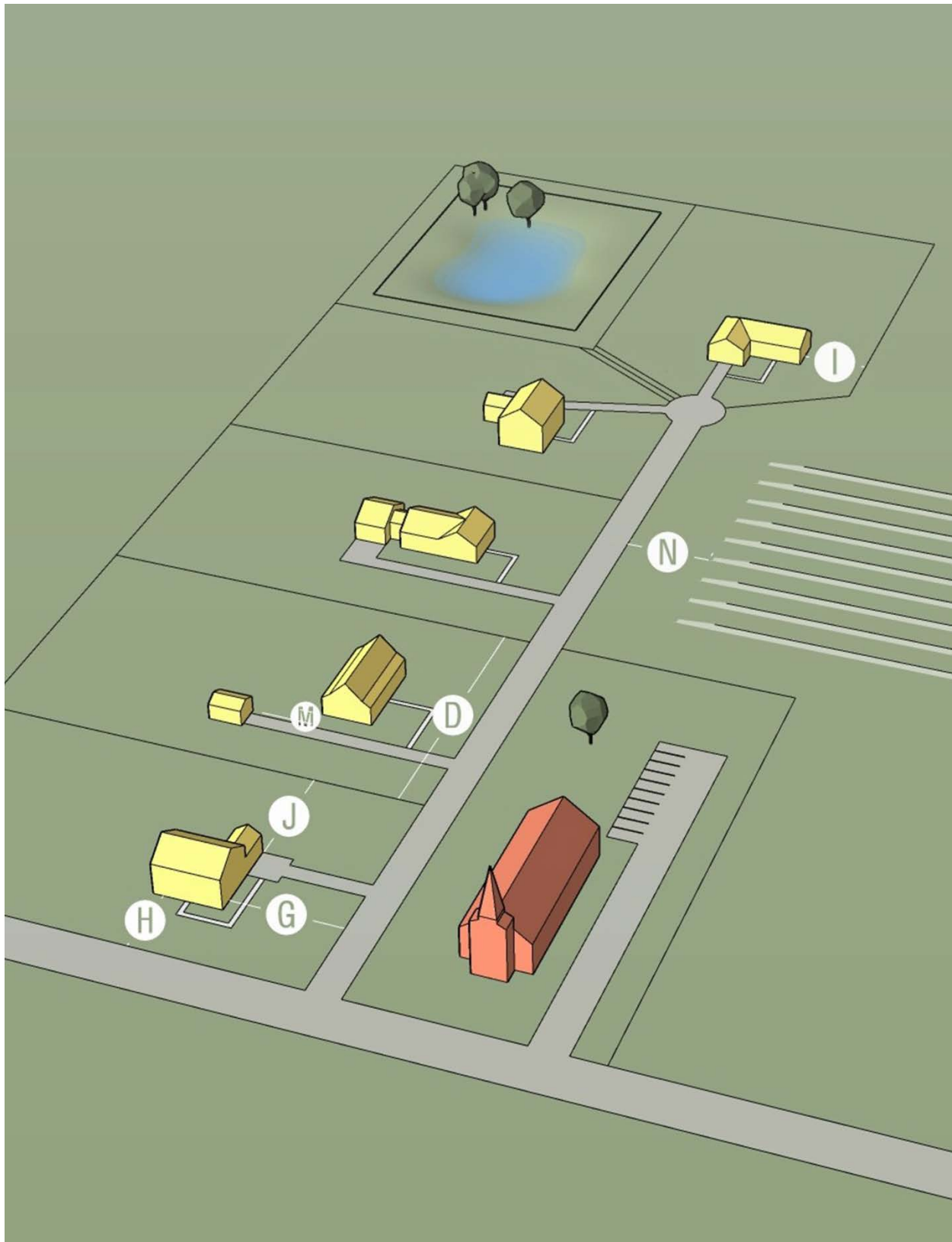
| C. Lot Pattern Example  | D. District Dimensional Standards   |
|---|---|
|    |  |
| E. Preferred Development Examples   |   |
|   |   |
|  |   |
|  |   |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts66F

3.5.4 Suburban Residential (SR) District244F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts66F**

3.5.5 Neighborhood Residential (NR) District245F

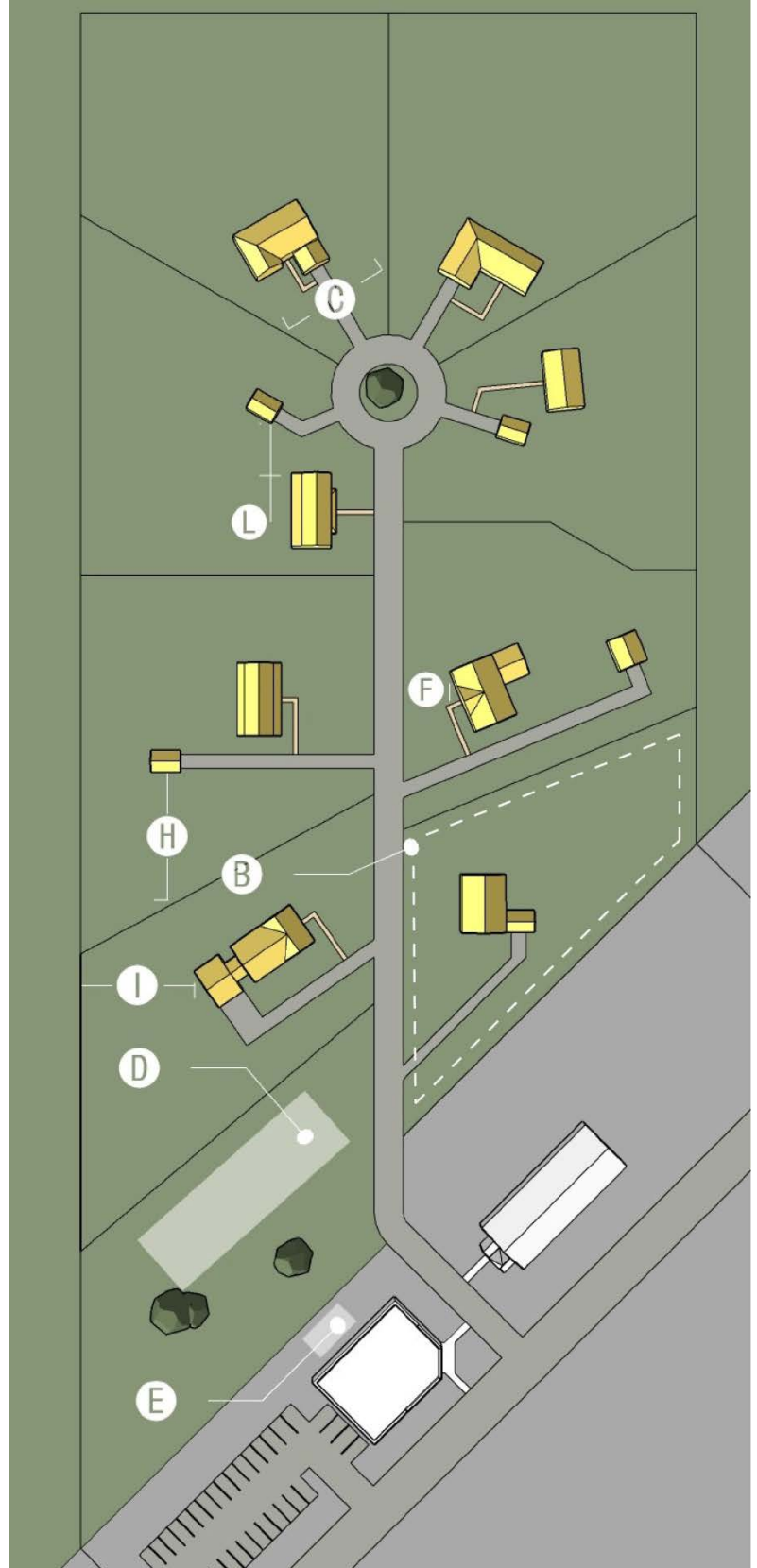

**3.5.5 NEIGHBORHOOD RESIDENTIAL (NR) DISTRICT<sup>v</sup>**

| <h1 style="margin: 0;">NR</h1> <h2 style="margin: 0;">Neighborhood Residential</h2>   |  | <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: 65%;">STANDARD TYPE</th> <th style="width: 30%;">REQUIREMENT</th> </tr> </thead> <tbody> <tr> <td></td> <td>Maximum Residential Density (units/acre)</td> <td>1.08 [1]</td> </tr> <tr> <td style="text-align: center;"><b>B</b></td> <td>Minimum Lot Area (square feet)</td> <td>40,000 [2]</td> </tr> <tr> <td style="text-align: center;"><b>C</b></td> <td>Minimum Lot Width (feet) [3]</td> <td>125 [4]</td> </tr> <tr> <td style="text-align: center;"><b>D</b></td> <td>Maximum Lot Coverage (% of lot area)</td> <td>24 [5]</td> </tr> <tr> <td style="text-align: center;"><b>E</b></td> <td>Minimum Open Space (% of development area)</td> <td>5</td> </tr> <tr> <td style="text-align: center;"><b>F</b></td> <td>Minimum Front Setback (feet)</td> <td>25 [6]</td> </tr> <tr> <td style="text-align: center;"><b>G</b></td> <td>Minimum Corner Side Setback (feet)</td> <td>25 [6]</td> </tr> <tr> <td style="text-align: center;"><b>H</b></td> <td>Minimum Interior Side Setback (feet)</td> <td>10</td> </tr> <tr> <td style="text-align: center;"><b>I</b></td> <td>Minimum Rear Setback (feet)</td> <td>10</td> </tr> <tr> <td style="text-align: center;"><b>J</b></td> <td>Minimum Distance Between Buildings, Front-to-Back (feet) [7]</td> <td>15</td> </tr> <tr> <td style="text-align: center;"><b>K</b></td> <td>Minimum Distance Between Buildings, Side-to-Side (feet) [7]</td> <td>10</td> </tr> <tr> <td style="text-align: center;"><b>L</b></td> <td>Minimum Accessory Building Setback (feet)</td> <td>10</td> </tr> <tr> <td></td> <td>Maximum Building Height (feet)</td> <td>35</td> </tr> </tbody> </table> | # | STANDARD TYPE | REQUIREMENT |  | Maximum Residential Density (units/acre) | 1.08 [1] | <b>B</b> | Minimum Lot Area (square feet) | 40,000 [2] | <b>C</b> | Minimum Lot Width (feet) [3] | 125 [4] | <b>D</b> | Maximum Lot Coverage (% of lot area) | 24 [5] | <b>E</b> | Minimum Open Space (% of development area) | 5 | <b>F</b> | Minimum Front Setback (feet) | 25 [6] | <b>G</b> | Minimum Corner Side Setback (feet) | 25 [6] | <b>H</b> | Minimum Interior Side Setback (feet) | 10 | <b>I</b> | Minimum Rear Setback (feet) | 10 | <b>J</b> | Minimum Distance Between Buildings, Front-to-Back (feet) [7] | 15 | <b>K</b> | Minimum Distance Between Buildings, Side-to-Side (feet) [7] | 10 | <b>L</b> | Minimum Accessory Building Setback (feet) | 10 |  |
| #   | STANDARD TYPE  | REQUIREMENT  |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
|   | Maximum Residential Density (units/acre)                     | 1.08 [1]   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>B</b>  | Minimum Lot Area (square feet)                               | 40,000 [2]   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>C</b>  | Minimum Lot Width (feet) [3]                                 | 125 [4]  |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>D</b>  | Maximum Lot Coverage (% of lot area)                         | 24 [5]   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>E</b>  | Minimum Open Space (% of development area)                   | 5  |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>F</b>  | Minimum Front Setback (feet)                                 | 25 [6]   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>G</b>  | Minimum Corner Side Setback (feet)                           | 25 [6]   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>H</b>  | Minimum Interior Side Setback (feet)                         | 10   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>I</b>  | Minimum Rear Setback (feet)                                  | 10   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>J</b>  | Minimum Distance Between Buildings, Front-to-Back (feet) [7] | 15   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>K</b>  | Minimum Distance Between Buildings, Side-to-Side (feet) [7]  | 10   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
| <b>L</b>  | Minimum Accessory Building Setback (feet)                    | 10   |   |               |             |  |  |          |          |                                |            |          |                              |         |          |                                      |        |          |  |   |          |                              |        |          |                                    |        |          |                                      |    |          |                             |    |          |  |    |          |   |    |          |   |    |  |
|   | 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 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, NC 34, NC 343, Old Swamp Road, Sandy Hook Road, and the portion of US 158 east of the railroad tracks).</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 Districts66F**

**3.5.5 Neighborhood Residential (NR) District245F**

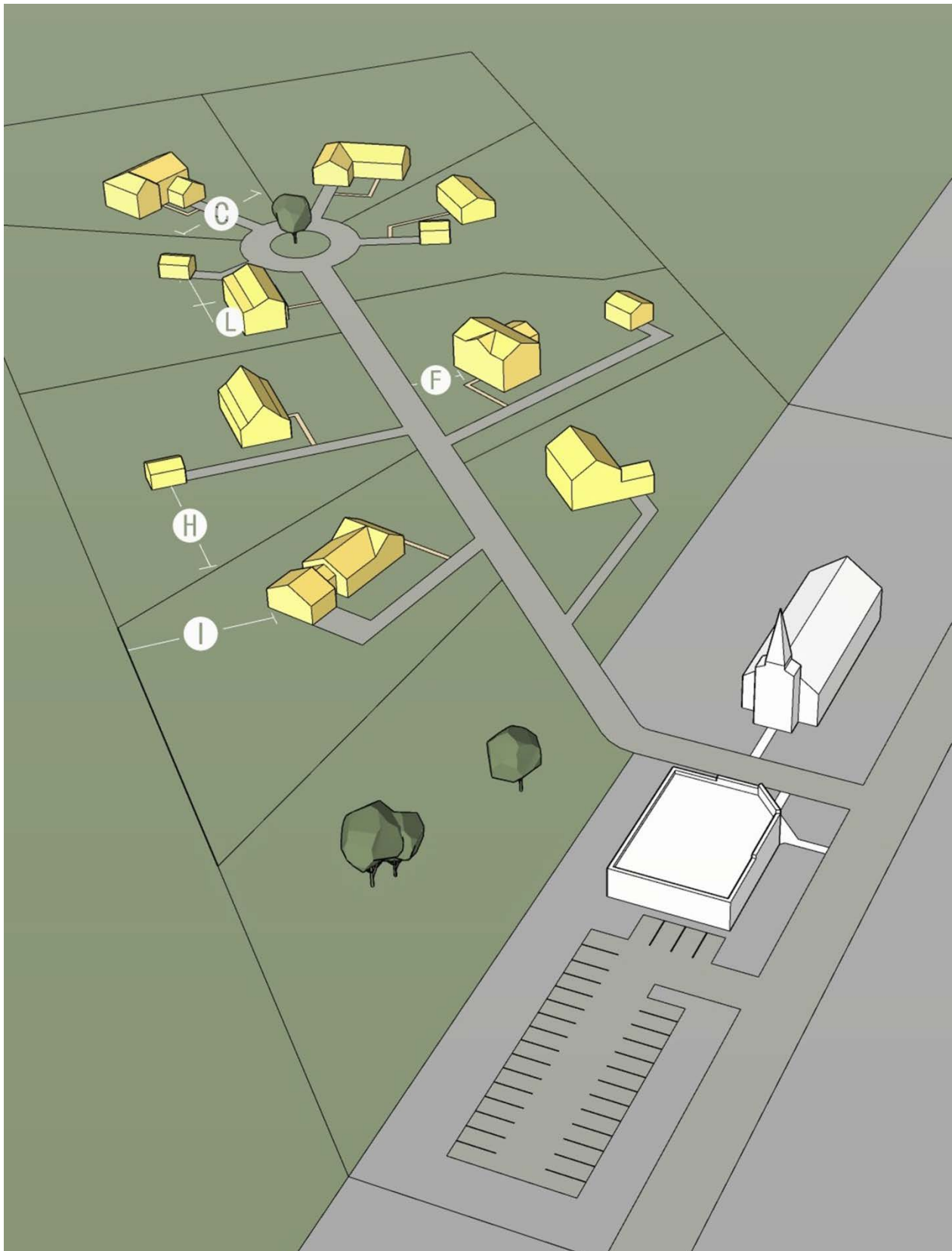
|   |   |
|---|---|
| <p><b>C. Lot Pattern Example</b></p>  | <p><b>D. District Dimensional Standards</b></p>                                     |
|    |  |
| <p><b>E. Preferred Development Examples</b></p>                                     |   |
|   |   |
|  |   |
|  |   |

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts66F**

3.5.5 Neighborhood Residential (NR) District245F

**F. Development Configuration Example**



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts66F**

3.5.6 Village Residential (VR)246F




**3.5.6 VILLAGE RESIDENTIAL (VR)<sup>vi</sup>**

| <h1 style="margin: 0;">VR</h1> <h2 style="margin: 0;">Village Residential</h2>  |   | <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 |
|   | 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)                    | 5  |                       | 3               |
| <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 Distance Between Buildings, Front-to-Back (feet) [11] | N/A  | 30                    |                 |
| <b>K</b>  | Minimum Distance Between Buildings, Side-to-Side (feet) [11]  | N/A  | 15                    |                 |
| <b>L</b>  | Minimum Accessory Building Setback (feet)                     | 8  |                       | 10              |
|   | Maximum Building Height (feet)                                | 35 [12]  |                       |                 |
| <b>NOTES:</b>   |   |  |                       |                 |
| [1] Maximum residential density may be increased to 4.35 units per acre on lots served by public sewer.   |   |  |                       |                 |
| [2] Minimum lot area may be reduced to 10,000 square feet on lots served by public sewer.   |   |  |                       |                 |
| [3] Minimum lot area may be reduced to 8,000 square feet on lots served by public sewer.  |   |  |                       |                 |
| [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.        |   |  |                       |                 |
| [5] May be reduced to 75 feet on lots on lots served by public sewer and located within 5,280 feet from a designated village center boundary.   |   |  |                       |                 |
| [6] Applied to the entire development or parent parcel. In no instance shall an individual lot have a width of less than 25 feet.   |   |  |                       |                 |
| [7] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.   |   |  |                       |                 |
| [8] Setbacks are increased by an additional 25 feet from lot lines adjacent to an arterial street (US 17, NC 34, NC 343, Old Swamp Road, Sandy Hook Road, and the portion of US 158 east of the railroad tracks). |   |  |                       |                 |
| [9] Setbacks are measured from the perimeter of the development to an individual structure.   |   |  |                       |                 |
| [10] Setbacks are 0 feet from lot lines occupied by party walls.  |   |  |                       |                 |
| [11] Applied in cases where there are two or more principal buildings on the same lot.  |   |  |                       |                 |
| [12] Height is measured from base flood elevation (BFE).  |   |  |                       |                 |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.5 Residential Districts66F

3.5.6 Village Residential (VR)246F

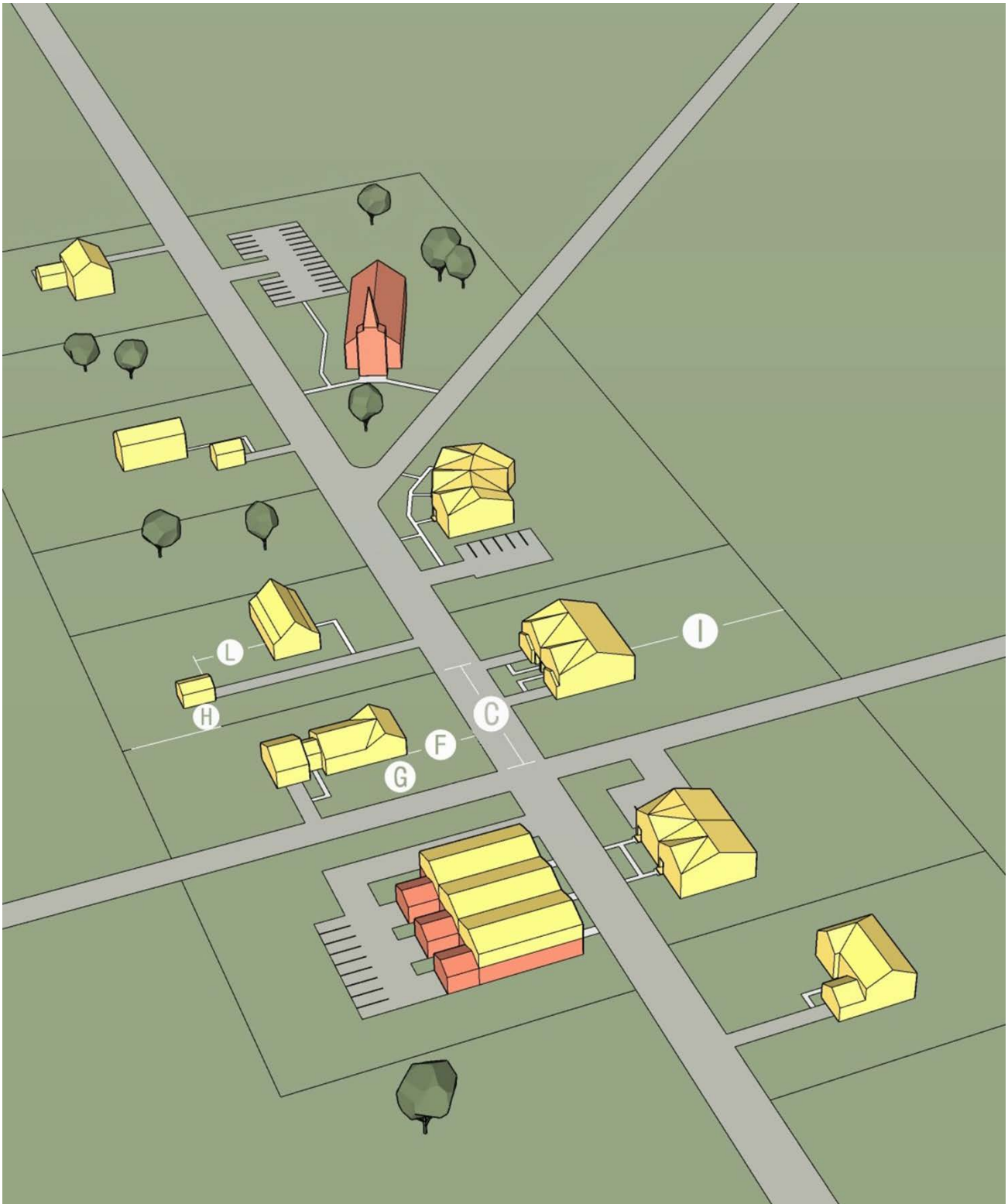
| C. Lot Pattern Example  | D. District Dimensional Standards   |
|---|---|
|    |  |
| <b>E. Preferred Development Examples</b>  |   |
|   |   |
|  |   |
|  |   |

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.5 Residential Districts66F**

**3.5.6 Village Residential (VR)246F**

**F. Development Configuration Example**





**ARTICLE 151.3 ZONING DISTRICTS**

---

**Section 3.5 Residential Districts66F**

---

3.5.7 Reserved

**3.5.7 RESERVED**

---

[placeholder for future use]

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.6 Commercial Districts<sup>67F</sup>

#### 3.6.1 General Purpose and Intent

## 3.6 COMMERCIAL DISTRICTS<sup>68</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 and pedestrian options; and
- J.** Minimize the impact of commercial development on residential uses, agriculture, sensitive natural environments, and the County's community character.

<sup>68</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 Districts67F**

3.6.2 Crossroads Commercial (CC) District247F

**3.6.2 CROSSROADS COMMERCIAL (CC) DISTRICT<sup>vii</sup>**

| <h1 style="font-size: 4em; margin: 0;">CC</h1> <h1 style="font-size: 3em; margin: 0;">Crossroads</h1> <h1 style="font-size: 3em; 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   |                                       |
|   | 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)                  | 3   | 5                                     |
| <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>  | Min. Distance Between Buildings, Front-to-Back (feet) [4]   | 0 [5]   | 10                                    |
| <b>L</b>  | Minimum Distance Between Buildings, Side-to-Side (feet) [4] | 0 [5]   | 10                                    |
| <b>M</b>  | Minimum Accessory Building Setback (feet)                   | 3   | 5                                     |
|   | Maximum Building Height (feet)                              | 35 [6] [7]  |                                       |
| <p><b>NOTES:</b></p> <p>[1] Maximum 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] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.</p> <p>[4] Applied in cases where there are two or more principal buildings on a single lot.</p> <p>[5] If a building setback is provided, it shall be at least five feet or in accordance with applicable fire codes.</p> <p>[6] Height is measured from base flood elevation (BFE).</p> <p>[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 Districts67F

3.6.2 Crossroads Commercial (CC) District247F

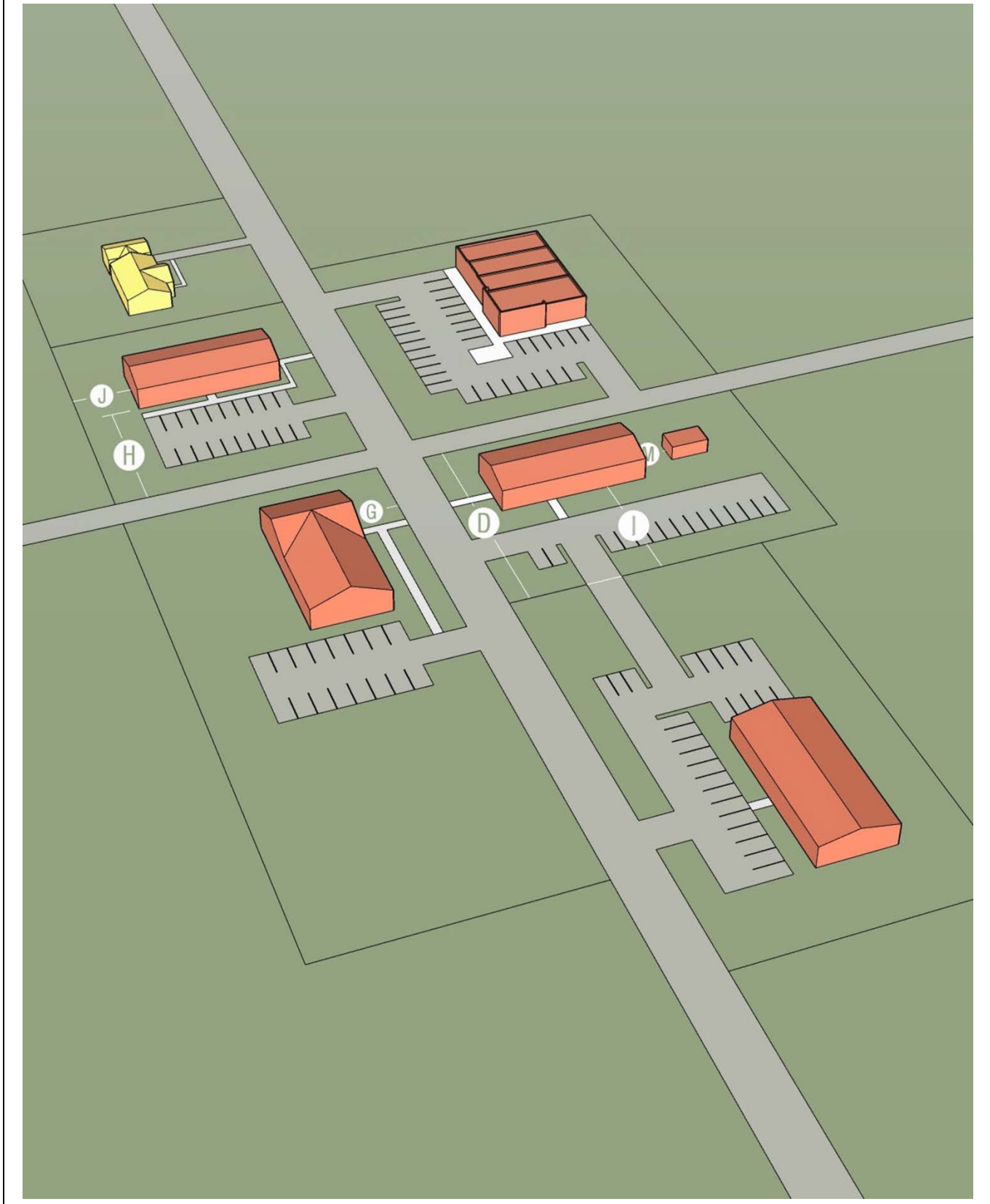
| C. Lot Pattern Example   | D. District Dimensional Standards   |
|--|---|
|   |  |
| <p>E. Preferred Development Examples</p>   |   |
|  |   |

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

**3.6.2 Crossroads Commercial (CC) District247F**

**F. Development Configuration Example**



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

3.6.3 Village Commercial (VC) District248F

**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 <a href="#">Article 151.5: Development Standards</a>.</p> |                         |                                    |                            |
| <b>B. Dimensional Requirements</b>  |  |                         |                                    |                            |
| #   | STANDARD TYPE  | REQUIREMENT             |                                    |                            |
|   |  | RESIDENTIAL DEVELOPMENT | MIXED-USE DEVELOPMENT              | NONRESIDENTIAL DEVELOPMENT |
|   | 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)   | 5                       | 3                                  |                            |
| <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. Distance Between Buildings, Front-to-Back (feet) [13]   | 20                      |                                    |                            |
| <b>L</b>  | Min. Distance Between Buildings, Side-to-Side (feet) [13]  | 10                      |                                    |                            |
| <b>M</b>  | Minimum Accessory Building Setback (feet)  | 10                      | 5                                  |                            |
|   | 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, NC 34, NC 343, Old Swamp Road, Sandy Hook Road, and the portion of US 158 east of the railroad tracks).</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 Districts67F

3.6.3 Village Commercial (VC) District248F

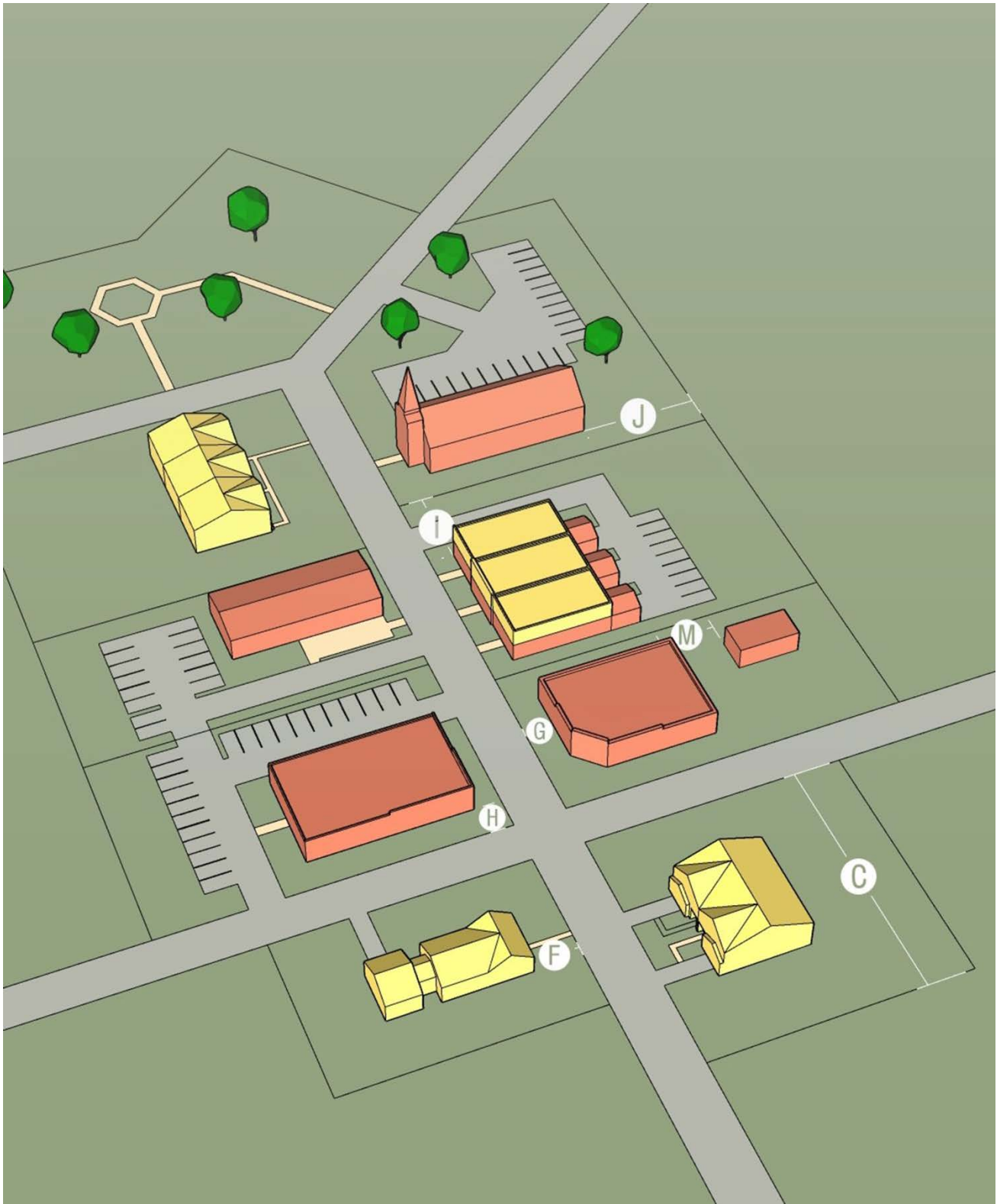
| C. Lot Pattern Example   | D. District Dimensional Standards   |
|--|---|
|   |  |
| <p data-bbox="151 751 646 808"><b>E. Preferred Development Examples</b></p>        |   |
|  |   |

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

**3.6.3 Village Commercial (VC) District248F**

**F. Development Configuration Example**





**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

3.6.4 Mixed Use (MX) District249F

**3.6.4 MIXED USE (MX) DISTRICT<sup>ix</sup>**

| <h1 style="font-size: 4em; margin: 0;">MX</h1> <h2 style="font-size: 2em; 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 one another 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 |
|   | Maximum Residential Density (units/acre)  | 4.35                    | 5.44                               | N/A                        |
| <b>B</b>  | Minimum Lot Area (square feet)  | 10,000 per unit         | 40,000                             |                            |
| <b>C</b>  | Minimum Lot Width (feet)  | 60 [1]                  | 50                                 | 75                         |
| <b>D</b>  | Maximum Lot Coverage (% of lot area) [2]  | 24                      | 40                                 | 24                         |
|   | Minimum Open Space (% of development area)  | None                    |                                    |                            |
| <b>E</b>  | Minimum Front Setback (feet) [3]  | 10 [4]                  | None                               | None                       |
| <b>F</b>  | Maximum Front Setback (feet) [3]  | 20                      | 10                                 | 20                         |
| <b>G</b>  | Minimum Corner Side Setback (feet) [3]  | 15                      | 10                                 | 10                         |
| <b>H</b>  | Minimum Interior Side Setback (feet) [5]  | 10                      | 5; 10 from residential development |                            |
| <b>I</b>  | Minimum Rear Setback (feet)   | 10                      |                                    |                            |
| <b>J</b>  | Min. Distance Between Buildings, Front-to-Back (feet) [6]   | 10                      |                                    |                            |
| <b>K</b>  | Min. Distance Between Buildings, Side-to-Side (feet) [6]  | 5                       |                                    |                            |
| <b>L</b>  | Minimum Accessory Building Setback (feet)   | 5                       | 3                                  |                            |
|   | Maximum Building Height (feet) [7]  | 35                      | 45                                 | 35                         |
| <b>NOTES:</b>   |   |                         |                                    |                            |
| [1] Single-family attached dwelling lots shall maintain a minimum width of 16 feet.   |   |                         |                                    |                            |
| [2] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.   |   |                         |                                    |                            |
| [3] Minimum setbacks are increased by an additional 25 feet from lot lines adjacent to an arterial street (US 17, NC 34, NC 343, Old Swamp Road, Sandy Hook Road, and the portion of US 158 east of the railroad tracks). |   |                         |                                    |                            |
| [4] Setbacks are measured from the perimeter of the development to an individual structure.   |   |                         |                                    |                            |
| [5] Setbacks are 0 feet from lot lines occupied by party walls.   |   |                         |                                    |                            |
| [6] Applied in cases where there are two or more principal buildings on a single lot.   |   |                         |                                    |                            |
| [7] Height is measured from base flood elevation (BFE).   |   |                         |                                    |                            |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts67F

3.6.4 Mixed Use (MX) District249F

| C. Lot Pattern Example   | D. District Dimensional Standards  |
|--|--|
| <p>[placeholder]</p>   | <p>The diagram shows three distinct lot patterns and building configurations. The top pattern features a large rectangular lot with a building footprint labeled 'I' and a taller building footprint labeled 'F'. Dimensions 'D' and 'H' are indicated. The middle pattern shows a lot with a building footprint labeled 'J' and another labeled 'E', with a dashed line indicating a lot boundary. Dimensions 'C' and 'G' are shown. The bottom pattern shows a lot with a parking area labeled 'B' and a building footprint labeled 'L'. Dimensions 'C' and 'G' are also present. The diagram uses various colors (green, yellow, red, grey) to represent different lot areas, building footprints, and streets.</p> |
| E. Preferred Development Examples  |  |
| <p>A photograph of a multi-story, light-colored commercial building with a ground-floor storefront. The building has multiple windows and a classic architectural style.</p> |  |
| <p>A photograph of a brick commercial building with large windows and a sign for "SUNSHINE FITNESS". The building has a modern, urban feel.</p>                              |  |
| <p>A photograph of a large, multi-story commercial building with a prominent tower and outdoor seating area. The building has a mix of brick and wood siding.</p>            |  |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts67F

3.6.4 Mixed Use (MX) District249F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

3.6.5 Highway Commercial (HC) District250F

**3.6.5 HIGHWAY COMMERCIAL (HC) DISTRICT<sup>x</sup>**

| <h1 style="margin: 0;">HC</h1> <h2 style="margin: 0;">Highway Commercial</h2>   |   | <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 <a href="#">Article 151.5: Development Standards</a>.</p> |  |
| <b>B. Dimensional Requirements</b>  |   |  |  |
| #   | STANDARD TYPE   | REQUIREMENT  |  |
|   |   | RESIDENTIAL DEVELOPMENT  | NONRESIDENTIAL AND MIXED-USE DEVELOPMENT |
|   | 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)                | 5  | 3  |
| <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>  | Min. Distance Between Buildings, Front-to-Back (feet) [7] | 20   |  |
| <b>K</b>  | Min. Distance Between Buildings, Side-to-Side (feet) [7]  | 10   |  |
| <b>L</b>  | Minimum Accessory Building Setback (feet)                 | 10   | 5  |
|   | Maximum Building Height (feet)                            | 35 [8]   |  |
| <b>NOTES:</b>   |   |  |  |
| [1] Maximum residential density may be increased to 1.45 units per acre on lots served by public sewer.   |   |  |  |
| [2] Minimum lot area per unit may be reduced to 30,000 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] Minimum setbacks are increased by an additional 25 feet from lot lines adjacent to an arterial street (US 17, NC 34, NC 343, Old Swamp Road, Sandy Hook Road, and the portion of US 158 east of the railroad tracks). |   |  |  |
| [5] Setbacks are measured from the perimeter of the development to an individual structure.   |   |  |  |
| [6] Setbacks are 0 feet from lot lines occupied by party walls.   |   |  |  |
| [7] Applied in cases where there are two or more principal buildings on a single lot.   |   |  |  |
| [8] Maximum building height may be increased to 50 feet for agricultural or agricultural-related uses.  |   |  |  |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts67F

3.6.5 Highway Commercial (HC) District250F

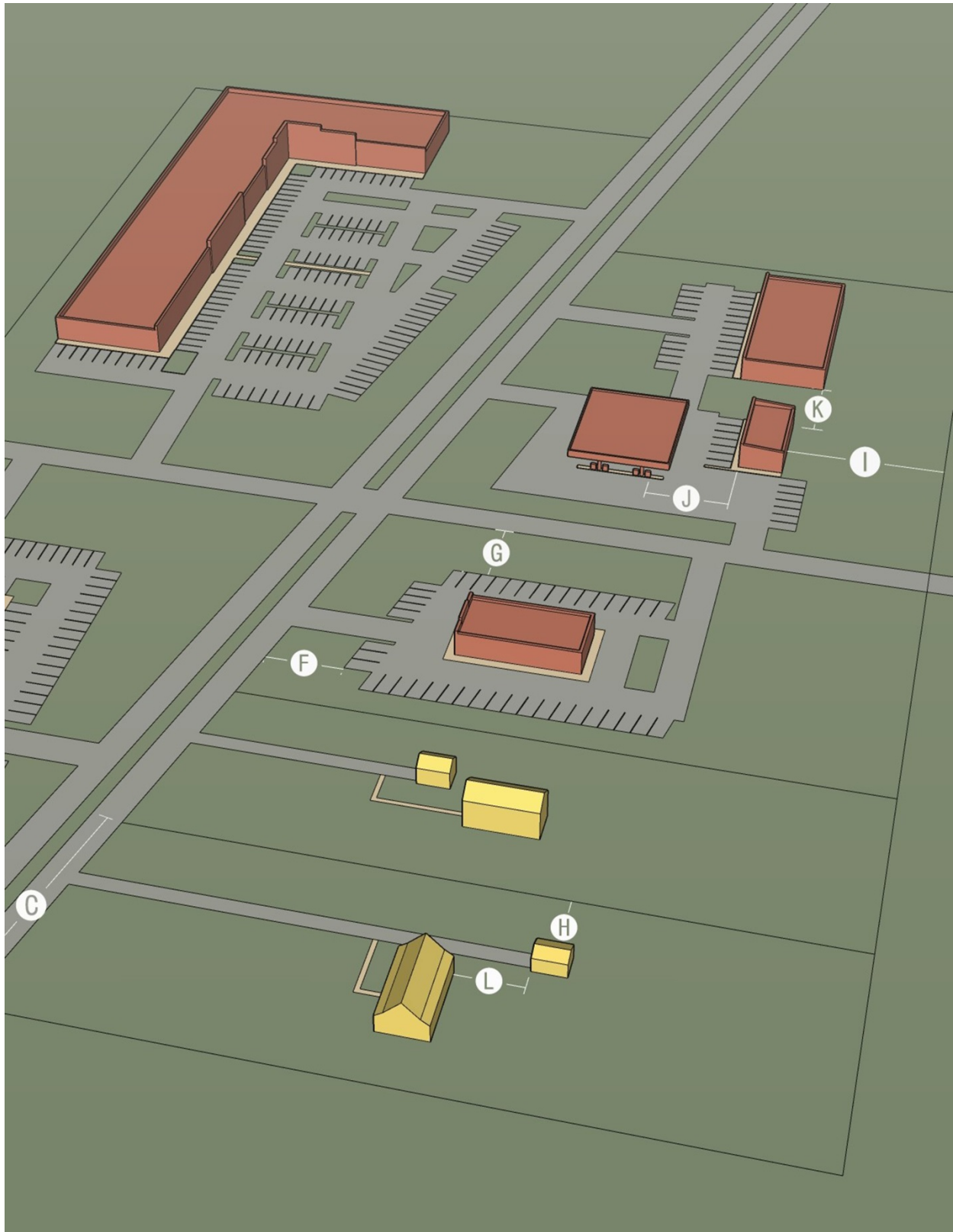
|   |   |
|---|---|
| <p><b>C. Lot Pattern Example</b></p>  | <p><b>D. District Dimensional Standards</b></p>                                     |
|    |  |
| <p><b>E. Preferred Development Examples</b></p>                                     |   |
|   |   |
|  |   |
|  |   |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts67F

3.6.5 Highway Commercial (HC) District250F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

3.6.6 Maritime Commercial (MC) District251F

**3.6.6 MARITIME COMMERCIAL (MC) DISTRICT<sup>xi</sup>**

| <h1 style="margin: 0;">MC</h1> <h2 style="margin: 0;">Maritime</h2> <h3 style="margin: 0;">Commercial</h3>  |   | <b>A. Purpose Statement</b>  |  |
|---|---|--|--|
|   |   | <p>The Maritime Commercial district accommodates commercial operations which depend on a waterfront location or that use 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 <a href="#">Article 151.5: Development Standards</a>.</p> |  |
| <b>B. Dimensional Requirements</b>  |   |  |  |
| #   | STANDARD TYPE   | REQUIREMENT  |  |
|   |   | RESIDENTIAL DEVELOPMENT  | NONRESIDENTIAL AND MIXED-USE DEVELOPMENT |
|   | 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)                | 5  | 3  |
| <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. Distance Between Buildings, Front-to-Back (feet) [8] | 15   | 0  |
| <b>K</b>  | Min. Distance Between Buildings, Side-to-Side (feet) [8]  | 10   | 0  |
| <b>L</b>  | Minimum Accessory Building Setback (feet)                 | 10   | 5 [9]                                    |
|   | 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, NC 34, NC 343, Old Swamp Road, Sandy Hook Road, and the portion of US 158 east of the railroad tracks).</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 or in accordance with applicable fire codes.</p> <p>[10] Height is measured from base flood elevation (BFE).</p> |   |  |  |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts67F

3.6.6 Maritime Commercial (MC) District251F

| C. Lot Pattern Example  | D. District Dimensional Standards   |
|---|---|
|    |  |
| <p data-bbox="151 804 540 867">E. Preferred Development Examples</p>                  |   |
|   |   |

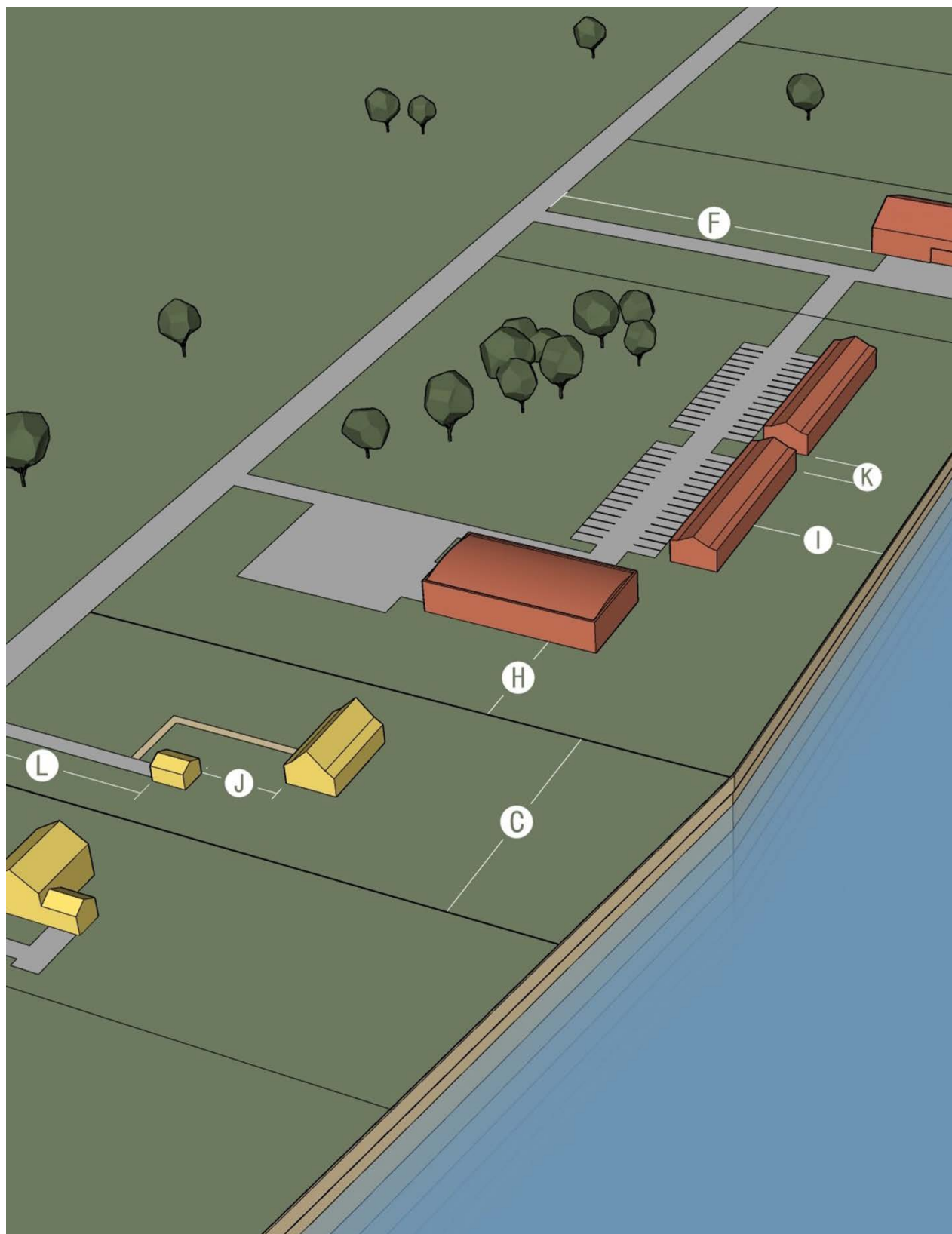


ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts67F

3.6.6 Maritime Commercial (MC) District251F

F. Development Configuration Example



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

3.6.7 Light Industrial (LI) District252F

**3.6.7 LIGHT INDUSTRIAL (LI) DISTRICT<sup>xii</sup>**

| <p style="font-size: 48px; margin: 0;">LI</p> <p style="font-size: 36px; margin: 0;">Light<br/>Industrial</p>   | <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>  | Min. Distance Between Buildings, Front-to-Back (feet)  | 20  |
| <b>I</b>  | Min. Distance Between Buildings, Side-to-Side (feet)   | 20  |
| <b>J</b>  | Minimum Accessory Building Setback (feet)  | 10  |
|   | Maximum Building Height (feet)   | 35  |
| <p><b>NOTES:</b><br/>                 [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 Districts67F

3.6.7 Light Industrial (LI) District252F

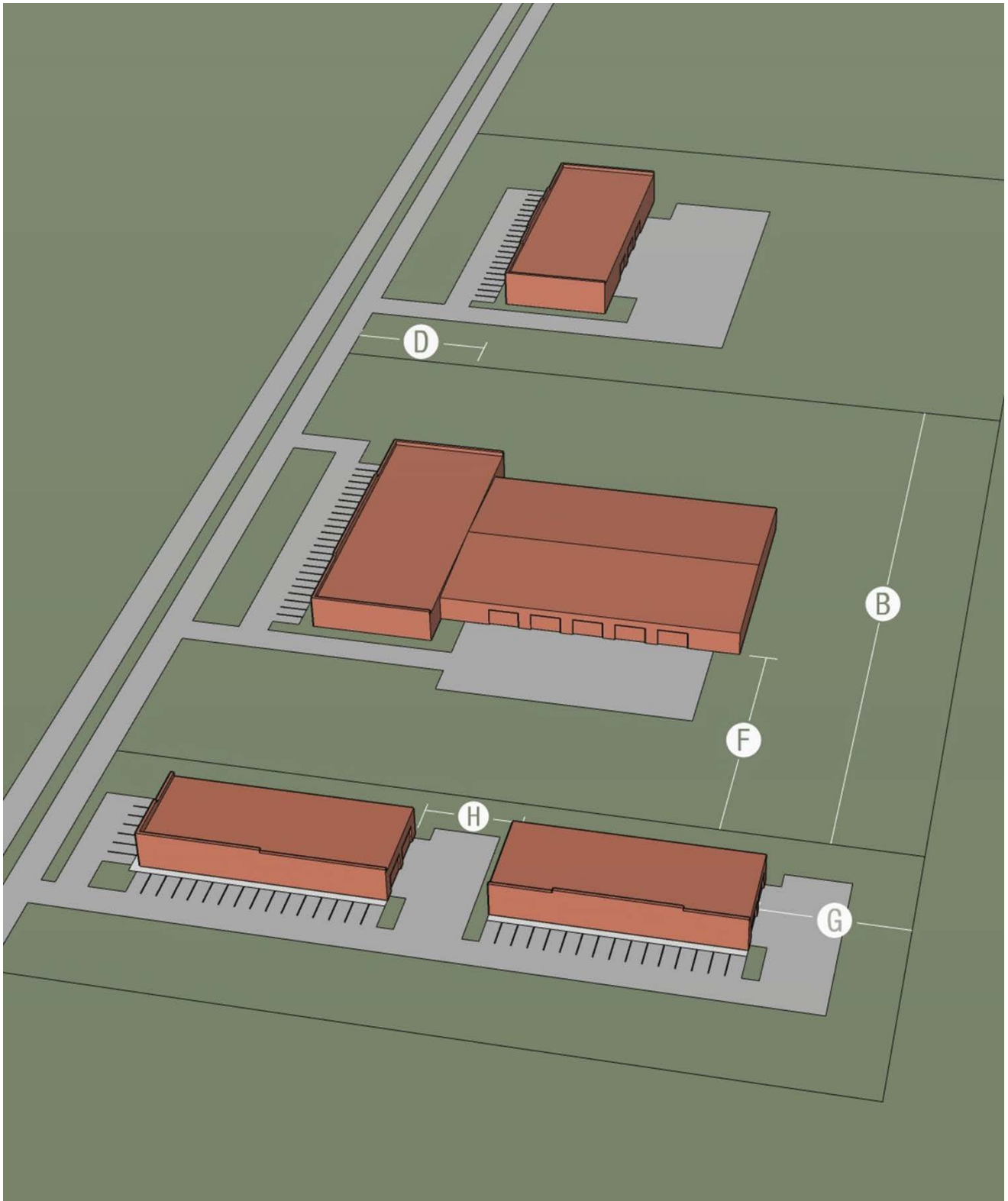
| C. Lot Pattern Example   | D. District Dimensional Standards   |
|--|---|
|   |  |
| <p>E. Preferred Development Examples</p>   |   |
|  |   |

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

**3.6.7 Light Industrial (LI) District252F**

**F. Development Configuration Example**



**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

3.6.8 Heavy Industrial (HI) District253F


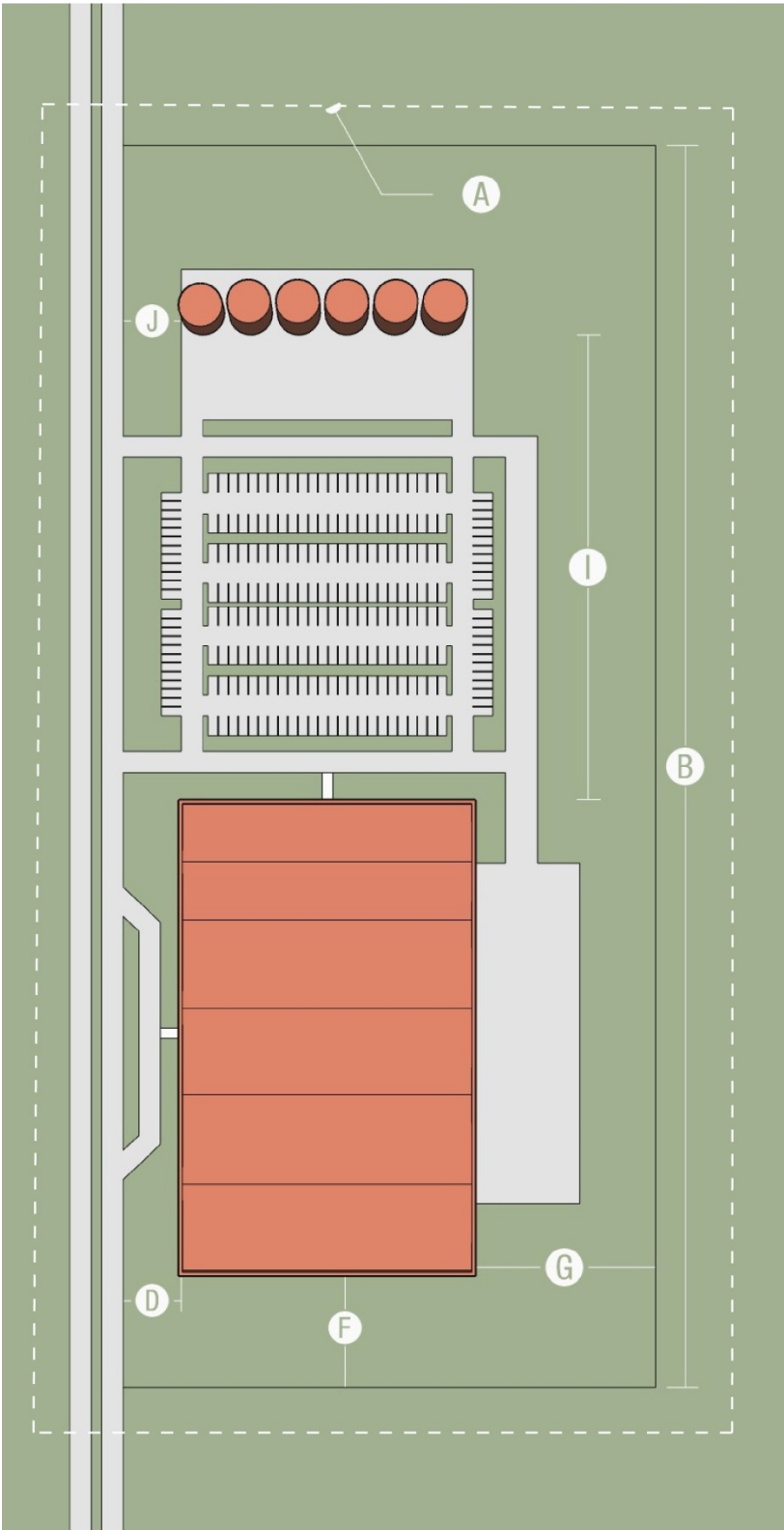

**3.6.8 HEAVY INDUSTRIAL (HI) DISTRICT<sup>xiii</sup>**

| <h1 style="margin: 0;">HI</h1> <h1 style="margin: 0;">Heavy</h1> <h1 style="margin: 0;">Industrial</h1>  |  | <b>A. Purpose Statement</b>   |
|--|--|---|
|  |  | <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> |
| <b>B. Dimensional Requirements</b>   |  |   |
| #  | STANDARD TYPE  | REQUIREMENT   |
| Ⓐ  | Minimum Lot Area (square feet)                               | 87,120  |
| Ⓑ  | Minimum Lot Width (feet)                                     | 125   |
| Ⓒ  | Maximum Lot Coverage (% of lot area)                         | 24 [1]  |
| Ⓓ  | Minimum Front Setback (feet)                                 | 25; 50 for an extractive use  |
| Ⓔ  | Minimum Corner Side Setback (feet)                           | 25; 50 for an extractive use  |
| Ⓕ  | Minimum Interior Side Setback (feet)                         | 10; 50 from a residential zoning district or for an extractive use  |
| Ⓖ  | Minimum Rear Setback (feet)                                  |   |
| Ⓗ  | Minimum Distance Between Buildings, Front-to-Back (feet) [2] | 20  |
| Ⓘ  | Minimum Distance Between Buildings, Side-to-Side (feet) [2]  | 20  |
| Ⓝ  | Minimum Accessory Building Setback (feet)                    | 10  |
|  | Maximum Building Height (feet)                               | 50  |
| <b>NOTES:</b><br>[1] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.<br>[2] Applied in cases where there are two or more principal buildings on a lot. |  |   |

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.6 Commercial Districts67F**

**3.6.8 Heavy Industrial (HI) District253F**

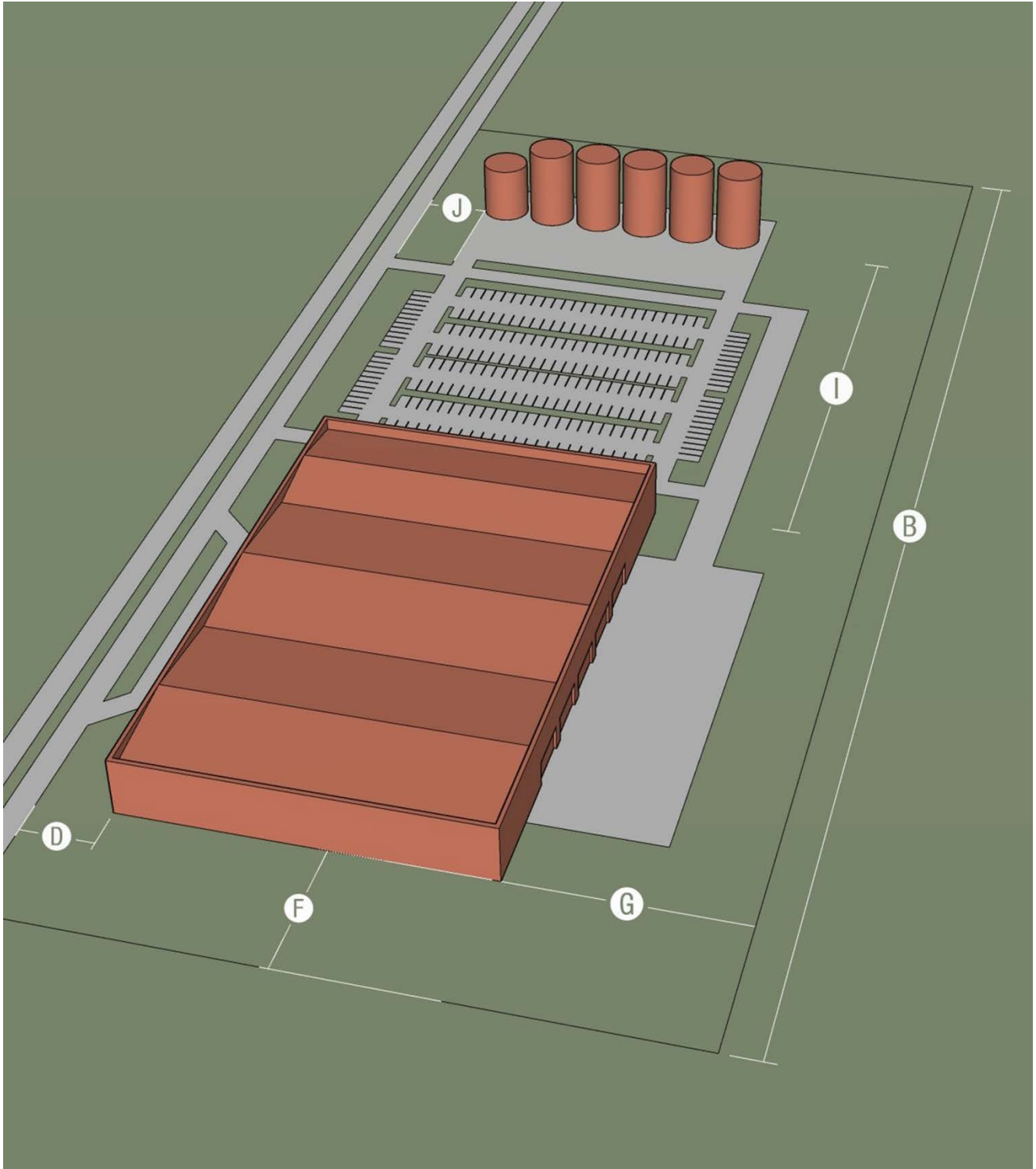
| C. Lot Pattern Example   | D. District Dimensional Standards   |
|--|---|
|   |  |
| <p><b>E. Preferred Development Examples</b></p>                                    |   |
|  |   |

ARTICLE 151.3 ZONING DISTRICTS

Section 3.6 Commercial Districts67F

3.6.8 Heavy Industrial (HI) District253F

F. Development Configuration Example



## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.7 Planned Development (PD) District68F

#### 3.7.1 Purpose and Intent

## 3.7 PLANNED DEVELOPMENT (PD) DISTRICT<sup>69</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 inflexibility or uniform design that sometimes results from the 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, passive, or urban 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 interface with and impact incoming stormwater flows and natural or constructed outfalls; 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>69</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) District68F

#### 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 (SFHA);
  - 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, between development areas, and between development phases, 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

Revisions to public street standards shall be subject to NCDOT approval.

#### J. Planned Development Terms and Conditions

The terms and conditions document shall incorporate by reference or include, but not be limited to the following:

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;

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.7 Planned Development (PD) District68F

#### 3.7.2 General Standards for All Planned Development Districts

4. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development as well as maintained over the life of the 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 identified in the master plan or terms and conditions document and are subject to any use regulations applicable to the PD district. Allowed uses shall be consistent with County plans, the purpose of the PD district, and subject to any additional limitations or requirements set forth in **Section <>, Use-Specific Standards**.

#### 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>69F</sup>

## 3.8 OVERLAY DISTRICTS

### 3.8.1 GENERAL PURPOSE AND INTENT<sup>70</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 Fishing Overlay                     | CFO          |
| Special Flood Hazard Area Overlay              | SFHA         |
| Local Historic District Overlay                | LHO          |
| Watershed Protection Overlay                   | WPO          |

#### 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 FISHING OVERLAY (CFO)<sup>71</sup>

#### A. Purpose and Intent

The intent of the 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 to 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 subject to the standards in **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.

<sup>70</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>71</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 Special Flood Hazard Area Overlay (SFHA)71F

##### 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 (SFHA)**.

##### 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.

###### 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.

### 3.8.3 SPECIAL FLOOD HAZARD AREA OVERLAY (SFHA)<sup>72</sup>

<sup>72</sup> NOTE: These standards are taken from a document provided by staff. Note that the numbering system in the document provided by County staff has been revised for consistency with the balance of the UDO, and there have been some changes (shown in redline) to cross references or section headings. These revisions are NOT substantive, but made solely for clarity or consistency with the structure used in the balance of the UDO.

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

#### A. Flood Damage Prevention

##### 1. Findings of Fact

- a. The flood prone areas within the jurisdiction of 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.
- b. 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. Statement of Purpose

It is the purpose of this subchapter to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- a. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- d. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- e. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

##### 3. Objectives

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business losses and interruptions;
- e. To 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. To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- g. To insure that potential buyers are aware that property is in a Special Flood Hazard Area.

#### B. General Provisions

##### 1. Lands to which this Subchapter Applies

This subchapter shall apply to all special flood hazard areas within the county.

##### 2. Special Flood Hazard Area Identified

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) Agreement between the State of North Carolina and FEMA in its FIS dated December 21, 2018 for Camden County and associated DFIRM panels, including any digital data developed as part of the Flood Insurance Study, which are adopted by reference and declared a part of this section. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Camden County are also adopted by reference and declared a part of this section.

##### 3. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this subchapter prior to the commencement of any development activities within special flood hazard areas as determined in **Section <>, Special Flood Hazard Area Identified.**

##### 4. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

##### 5. Abrogation and Greater Restrictions

This subchapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this subchapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

##### 6. Interpretation

In the interpretation and application of this chapter, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### 7. **Warning and Disclaimer of Liability**

The degree of flood protection required by this subchapter 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 man-made or natural causes. This subchapter 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 subchapter 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 subchapter or any administrative decision lawfully made hereunder.

#### 8. **Penalties for Violation**

Violation of the provisions of this subchapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this subchapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Camden County from taking such other lawful action as is necessary to prevent or remedy any violation.

### C. **Administration**

#### 1. **Designation of Floodplain Administrator**

The County Building Inspector or his or her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this subchapter.

#### 2. **Floodplain Development Application, Permit and Certification Requirements**

a. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items/information shall be presented to the Floodplain Administrator to apply for a floodplain development permit.

b. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development.

1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

2. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section <>, Special Flood Hazard Area Identified, or a statement that the entire lot is within the special flood hazard area;

3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section <>, Special Flood Hazard Area Identified;

4. The boundary of the floodway(s) or non-encroachment area(s) as determined in § 151.382(B);

5. The Base Flood Elevation (BFE) where provided as set forth in Section <>, General Provisions, Section <>, Administration, or Section <>, General Standards4;

6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

7. Certification of the plot plan by a registered land surveyor or professional engineer.

c. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:

1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

2. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

d. If floodproofing, a floodproofing certificate along with detailed back-up computations and operational plans that specify the location on a FIRM panel, and entity responsible for maintenance and operation of such plans. Floodproofing certificate and back-up computations and operational plans shall be certified by a registered professional engineer or architect to ensure that the non-residential floodproofed development will meet the floodproofing criteria in Section <>, General Provisions.

e. A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this subchapter are met. These details include but are not limited to:

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);
  2. Openings to facilitate the unimpeded movements of floodwaters, in accordance with **Section <>, General Provisions**, when solid foundation perimeter walls are used;
  - f. Usage details of any enclosed space below the regulatory flood protection elevation.
  - g. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
  - h. Copies of all other local, state and federal permits required prior to floodplain development permit issuance (i.e. wetlands, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.)
  - i. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure the standards in **Section <>, General Provisions** of this subchapter are met.
  - j. A description of proposed watercourse alteration or relocation, when applicable, including 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 (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- 3. Permit Requirements**  
The Floodplain Development Permit shall include, but not be limited to:
- a. A description of the development to be permitted under the floodplain development permit issuance.
  - b. The special flood hazard area determination for the proposed development per available data specified in **Section <>, General Provisions**.
  - c. The regulatory flood protection elevation required for the reference level and all attendant utilities.
  - d. The regulatory flood protection elevation required for the protection of all public utilities.
  - e. All certification submittal requirements with timelines.
  - f. A statement that no fill material shall encroach into the floodway or nonencroachment area of any watercourse, if applicable.
  - g. The minimum foundation opening requirements, when applicable.
- 4. Certification Requirements**
- a. An Elevation Certificate (FEMA Form 81-31, as amended) or Floodproofing Certificate (FEMA Form 81-65, as amended) is required prior to the actual start of any new construction. 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. Elevation certification shall be prepared by, or under direct supervision of, a registered land surveyor or professional engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.
  - b. An Elevation Certificate (FEMA Form 81-31, as amended) or Floodproofing Certificate (FEMA Form 81-65, as amended) is required after the reference level is completed. 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. Elevation certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the ten-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
  - c. A Final As-Built Elevation Certificate (FEMA Form 81-31, as amended) or Floodproofing Certificate (FEMA Form 81-65, as amended) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- d. If a manufactured home is placed within an A, AE, or AI-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per **Section <>, Specific Standards.**
- e. 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.
- f. **Certification Exemptions**  
The following structures, if located within A, AE or AI-30 zones, are exempt from the elevation/floodproofing certification requirements specified in divisions (1) and (2) below:
  - 1. Recreational vehicles meeting requirements of **Section <>, Specific Standards;**
  - 2. Temporary structures meeting requirements of **Section <>, Specific Standards;** and
  - 3. Accessory structures less than 150 square feet meeting requirements of **Section <>, Specific Standards.**

#### 5. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform the following duties, including but not be limited to:

- a. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this subchapter have been satisfied.
- b. 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.
- c. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- e. Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions are met.
- f. 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, in accordance with **Section <>, Floodplain Development Application, Permit and Certification Requirements.**
- g. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with **Section <>, Floodplain Development Application, Permit and Certification Requirements.**
- h. Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with **Section <>, Floodplain Development Application, Permit and Certification Requirements.**
- i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with **Section <>, Floodplain Development Application, Permit and Certification Requirements** and **Section <>, Specific Standards.**
- j. Where interpretation is 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), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this subchapter.
- k. When Base Flood Elevation (BFE) data has not been provided in accordance with **Section <>, Special Flood Hazard Area Identified**, 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, including data developed pursuant to **Section <>, Standards for Riverine Floodplains with BFE but Without Established Floodways or Non-encroachment Areas**, in order to administer the provisions of this subchapter.
- l. 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 Identified**, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this subchapter.



# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

- m. When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. Maintain a copy of the Letter of Map Amendment issued from FEMA in the floodplain development permit file.
  - n. Permanently maintain all records that pertain to the administration of this subchapter and make these records available for public inspection.
  - o. Make on-site inspections of work in progress. 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. In exercising this power, the Floodplain Administrator has 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.
  - p. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this subchapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
  - q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
  - r. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
  - s. Follow through with corrective procedures of **Section <>, Certification Requirements**.
- 6. Corrective Procedures**
- a. **Violations to be Corrected**

When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.
  - b. **Actions in Event of Failure to take Corrective Action**

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

    1. That the building or property is in violation of the Flood Damage Prevention Ordinance;
    2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
    3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
  - c. **Order to take corrective Action**

If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not to exceed 60 days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
  - d. **Appeal**

Any owner who has received an order to take corrective action may appeal the order to the BOA by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The BOA shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
  - e. **Failure to comply with Order**

---

## ARTICLE 151.3 ZONING DISTRICTS

---

### Section 3.8 Overlay Districts

---

#### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

#### 7. Variance Procedures

- a. The Board of Adjustment as established by Camden County, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this subchapter.
- b. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- c. Variances may be issued for:
  1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
  2. Functionally dependent facilities if determined to meet the definition as stated in **Section <>, Definitions** of this chapter.
  3. Any other type of development, provided it meets the requirements stated in this section.
- d. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this subchapter, and:
  1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location as a functionally dependent facility, where applicable;
  6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions in including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- e. A written report addressing each of the above factors shall be submitted with the application for a variance.
- f. Upon consideration of the factors listed above and the purposes of this subchapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this subchapter.
- g. Variances shall not be issued within any designated floodway or nonencroachment area if any increase in flood levels during the base flood discharge would result.
- h. **Conditions for Variances**
  1. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
  2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  3. Variances shall only be issued upon:
    - A. A showing of good and sufficient cause;
    - B. A determination that failure to grant the variance would result in exceptional hardship; and
    - C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

- commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.
5. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
  - i. A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
    1. The use serves a critical need in the community.
    2. No feasible location exists for the use outside the Special Flood Hazard Area.
    3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level.
    4. The use complies with all other applicable federal, state and local laws.
    5. The County of Camden 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.

#### D. General Standards

##### 1. Standards for All Areas and Uses

In all Special Flood Hazard Areas the following provisions are required:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- c. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
- d. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities 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. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- f. 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. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- h. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this subchapter, shall meet the requirements of "new construction" as contained in this subchapter.
- i. Nothing in this subchapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this subchapter 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 subchapter.
- j. 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 <>, (3.8.4.C.5.i)**. 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 <>, (3.8.4.C.2.c)** of this subchapter.
- k. All development proposals shall be consistent with the need to minimize flood damage.
- l. 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. All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- n. 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.
- o. Excavation and filling in the floodplain areas, areas noted as AE in the FIRM maps, may be allowed at the approval of the county. Cut and fill for new development in the floodplain will only

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

be acceptable if the net volume available within the floodplain remains the same (<https://msc.fema.gov/portal/advanceSearch>). The volumes will be judged from one foot contour to the next. No credit will be provided for excavation below the normal water elevation of the creek or below the ground water table, whichever is higher. The Engineer will provide the areas and volumes at one foot contour intervals for the existing conditions and demonstrate through volume calculations that the proposed condition equals or provides more storage volume for the development. The calculation and demonstration shall begin at the normal elevation, or invert elevation, and proceed by even one foot increments to the FIRM reported base flood elevation for the immediate area. The cut and fill within the floodplain area must take place within the general confines of the development or within 500 feet of the river station shown on the FEMA maps.

- p. A parcel which lies within the AE Flood Zone and is within a portion of a creek or river which has riverine hydraulic characteristics may fill one time only up to 5% of the flood zone area within the parcel's boundary. This is a onetime only occurrence and supersedes [Section <>, Lot Grading](#). This exception is provided to allow a reasonable engineering design of a property and a connection or roadway from one area to another. This exception should not be construed to include floodways and non-encroachment zones. Filling over 5% will require a balance of cut and fill as dictated by [Section <>, Lot Grading](#).

#### 2. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in [Section <>, Special Flood Hazard Area Identified](#), or [Section <>, Administration](#), the following provisions are required:

##### a. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in [Section <>, Definitions](#).

##### b. Non-residential Construction

New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. 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 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 [Section <>, \(3.8.4.C.2.c\)](#).

##### 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 [Section <>, Definitions](#).
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 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 <>, \(3.8.4.C.2.d\)](#).
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, of new construction or substantially improved structures, which are below the regulatory flood protection.

1. Shall not be designed or used for human habitation, but shall only 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

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.8 Overlay Districts

#### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

2. Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. 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/Improvements**

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 non-conforming 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. 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.
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 load-bearing 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 a Special Flood Hazard Area 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 Section <>, (3.8.4.C.2.c), Section <>, Standards for All Areas and Uses, and Section <>, Manufactured Homes.

#### g. **Temporary Non-residential 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:

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.8 Overlay Districts

#### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

1. A specified time period for which the temporary use will be permitted. Time specified should be minimal with total time on site not to exceed one year;
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 (i. e. 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 documentation of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

#### h. **Accessory Structures**

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas) and shall not be temperature controlled;
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 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 equipment shall be installed in accordance with **Section <>, (3.8.4.D.1.d)**; and
6. Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with **Section <>, 3.8.4.D.2.d.1)**.
7. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate.
8. Accessory structures over 150 square feet and up to 1,000 square feet or less with a value of less than \$15,000 may be permitted below the base flood elevation as defined in **Section <>, Definitions**, provided they satisfy the criteria outlined above.
9. Accessory structures greater than 1,000 square feet shall meet the elevation requirements as defined in **Section <>, Definitions**, or flood proofing requirements set forth in **Section <>, (3.8.4.C.2.c)**.

#### 3. **Standards for Floodplains without Established Base Flood Elevations**

- a. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. The base flood elevation shall be determined based on one of the following criteria set in priority order:
  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 and shall be elevated or floodproofed in accordance with elevations established in accordance with **Section <>, Administration**.
  2. All subdivision, manufactured home park and other development proposals located within Special Flood Hazard Areas shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per **Section <>, Special Flood Hazard Area Identified**, to be utilized in implementing this subchapter.
  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 Non-encroachment Areas**

Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway nor non-encroachment 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

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.3 Special Flood Hazard Area Overlay (SFHA)71F

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.

#### 5. Floodways and Non-encroachment Areas

Located within the special flood hazard areas established in **Section <>, Special Flood Hazard Area Identified**, are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such 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 floodplain development permit.
- b. If **Section <>, General Standards**, is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this subchapter.
- c. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:
  1. The anchoring and the elevation standards of **Section <>, Manufactured Homes**; and
  2. The no encroachment standards of **Section <>, General Standards**, are met.

#### E. Legal Provisions

##### a. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance

This subchapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted December 4, 1985 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this subchapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Camden County enacted on December 4, 1985, as amended, which are not reenacted herein are repealed.

##### b. Effect Upon Outstanding Building Permits

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this subchapter; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to passage of this subchapter or any revision thereto, construction or use shall be in conformity with the provisions of this subchapter.

#### F. Special Provisions for Subdivisions

1. An applicant for a special use permit authorizing a major subdivision and an applicant for minor subdivision final plat approval shall be informed by the Administrator of the use and construction restrictions contained in **Section <>, General Provisions**, and **Section <>, Administration**, 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 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; and
  - c. It reasonably appears that one or more lots described in divisions (2.a and b) above could not practicably be used as a residential building site because of the restrictions set forth in **Section <>, General Provisions**, and **Section <>, Administration**. 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.

#### G. Water Supply and Sanitary Sewer Systems in Floodways and Floodplains

1. Whenever any portion of a proposed development is located within a floodway or floodplain, the agency or agencies responsible for certifying to the county the adequacy of the water supply and sewage disposal systems for the development shall be informed by the developer that a specified area within the development lies within a floodplain.
2. Thereafter, approval of the proposed system by that agency shall constitute a certification that:

## ARTICLE 151.3 ZONING DISTRICTS

### Section 3.8 Overlay Districts

#### 3.8.4 Local Historic Overlay (LHO)72F

- 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 on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

#### 3.8.4 LOCAL HISTORIC OVERLAY (LHO)<sup>73</sup>

(Placeholder)

#### 3.8.5 WATERSHED PROTECTION OVERLAY (WPO)<sup>74</sup>

##### A. Authority

Authority to adopt and enforce these standards is granted to the County by the General Assembly in accordance with the Watershed Protection Rules in Section 143-211 et seq., of the North Carolina General Statutes, as well as the General Ordinance Authority provisions in Section 153A-121 of the North Carolina General Statutes.

##### B. Purpose

The purpose of the Watershed Protection Overlay (WPO) district is to ensure the availability of public water supplies at a safe and acceptable level of water quality. More specifically, these standards are intended to:

1. Ensure compliance with all applicable State and federal laws governing the protection of water supply watersheds;
2. Protect those portions of designated water supply watersheds which lie closest to existing and proposed water supply reservoirs from activities which could degrade water quality in the reservoirs;
3. Minimize pollution entering drinking water sources to assure the public health; and
4. Encourage a low intensity of land development in the most sensitive portions of the water supply watershed.

##### C. Applicability

1. The provisions of this section shall apply within the WPO as established by the North Carolina Environmental Management Commission and shall be defined and established on the map entitled, County of Camden, North Carolina Watershed Protection Map, (the Watershed Map).
2. No subdivision within the WPO shall be filed or recorded until it has been approved in accordance with the provisions of this section. The Clerk of Superior Court shall not order or direct the recording of a plat if recording it would be in conflict with these standards.
3. These regulations are not intended to interfere with any easement, covenants, or other agreements between parties. However, if these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

##### D. Exemptions

1. Existing development in place as of *(insert the effective date of this Ordinance)* is not subject to the requirements of this section; however, expansions to existing development within the WPO must meet the requirements of this section. The built-upon area of existing development is not required to be included in the density calculations.
2. If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this section if it is developed for single-family residential purposes.

<sup>73</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.

<sup>74</sup> While not included in the Code Evaluation, the decision to incorporate these standards was made during the drafting process given their relationship to development potential in the County. This section consolidates the watershed protection standards in Chapter 152 of the County Code of Ordinances with the balance of the UDO provisions. Chapter 152 is drafted as a stand-alone ordinance, so it repeats a lot of other provisions such as those pertaining to subdivision, map boundary interpretation, administration, and enforcement. The following revisions have been made to the current text: a new Watershed Development Permit has been added to Article 151.2: Procedures. The watershed occupancy permit has not been carried forward since the UDO does not have a certificate of occupancy. The UDO Administrator has been designated as the Watershed Administrator, and the duties of the Watershed Administrator have been relocated to Article 151.11: Authorities. The material on the Watershed Review Board has not been carried forward since the board does not exist. The language in the current provisions pertaining to the subdivision of land is replaced by the other subdivision procedural material in Article 151.2. The language on Watershed Map boundary interpretation has been consolidated with other map interpretation provisions in Article 151.3: Zoning Districts. The material on enforcement is replaced by the standards in Article 151.9: Enforcement. The definitions are relocated Article 151.10: Definitions and Rules of Measurement.



# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.5 Watershed Protection Overlay (WPO)73F

3. Any lot or parcel created as part of a transfer plat after *(insert the effective date of this Ordinance)* shall be exempt from these rules if it is developed for one single-family detached residence and it is exempt from other subdivision regulations.
4. Any lot or parcel created as part of any other type of subdivision that is exempt from the subdivision provisions in this Ordinance shall be subject to the land use and impervious surface requirements of this section and shall meet the minimum buffer requirements in this section, to the maximum extent practicable.

#### E. Watershed Areas Distinguished

Land located within the WPO shall be divided up into one of the following two classifications as shown on the Watershed Map:

1. The WS-IV CA Watershed Critical Area; and
2. The WS-IV PA Watershed Protected Area.

#### F. Procedures for Development

1. Any development proposed inside the WPO shall require a Water Supply Watershed Protection Permit as described in *Section <>, Water Supply Watershed Protection Permit*.
2. Applicants for development inside the WPO may request to reduce or deviate from the standards described in *Section <>, Water Supply Watershed Protection Regulations*, by following the procedure described in *Section <>, Variance*.

#### G. Principal Use Provisions

All land within the WPO shall comply with the following use requirements.

##### 1. Watershed Critical Area

###### a. Agricultural Uses

1. Agricultural uses shall be permitted, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990.
2. All agricultural activities conducted after January 1, 1993 shall maintain a ten-foot vegetative buffer (or equivalent as determined by the Soil and Water Conservation Commission) along the banks of all perennial streams located within the WPO as indicated on the most recent versions of United States Geological Survey (U.S.G.S.) 1:24,000 (7.5 minute) scale topographic maps or as determined by County studies.
3. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.
4. Silviculture is subject to the provisions of the Forest Practices Guidelines Related to Water Quality in Section 15 NCAC 11.6101-.0209 of the North Carolina Administrative Code.

###### b. Residential Uses

All residential uses listed in *Table <>, Principal Use Table*, shall be permitted within the Watershed Critical Area of WPO, subject to the standards in *Section <>, Density and Lot Coverage Limitations*.

###### c. Nonresidential Uses

Except for the uses listed in *Section <>, Prohibited Uses*, landfills, and new uses proposed for the application of sludge to the land, all nonresidential uses in *Table <>, Principal Use Table*, shall be permitted within the Watershed Critical Area portion of the WPO, subject to the standards in *Section <>, Density and Lot Coverage Limitations*.

###### d. Roadways

1. Where possible, roads should be located outside of critical areas and watershed buffer areas.
2. Roads constructed within these areas shall be designed and constructed so to minimize their impact on water quality.

##### 2. Watershed Protected Area

###### a. Agricultural Uses

1. Agricultural uses shall be permitted, subject to provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation, and Trade Act of 1990.
2. Silviculture is subject to the provisions of the Forest Practices Guidelines Related to Water Quality in Section 15 NCAC 11.6101-.0209 of the North Carolina Administrative Code.

###### b. Residential Uses

**ARTICLE 151.3 ZONING DISTRICTS**

**Section 3.8 Overlay Districts**

3.8.5 Watershed Protection Overlay (WPO)73F

All residential uses listed in **Table <>, Principal Use Table**, shall be permitted within the Watershed Protected Area of WPO, subject to the standards in **Section <>, Density and Lot Coverage Limitations**.

**c. Nonresidential Uses**

1. Except for the uses listed in **Section <>, Prohibited Uses**, all nonresidential uses in **Table <>, Principal Use Table**, shall be permitted within the Watershed Protected Area portion of the WPO, subject to the standards in **Section <>, Density and Lot Coverage Limitations**.
2. The storage of toxic and hazardous materials is prohibited unless a spill containment plan is implemented.

**d. Roadways**

Roads constructed within these areas shall be designed and constructed so to minimize their impact on water quality.

**H. Development Standards**

The standards in this section shall apply to all new development in the WPO established after **(insert the effective date of this Ordinance)**.

**1. Public Health, Generally**

No activity, situation, structure, or land use shall be allowed within the WPO which poses a threat to water quality or the public health, safety, and welfare. Such conditions may arise from any of the following:

- a. Inadequate on-site sewage systems which utilize ground absorption;
- b. Inadequate sedimentation and erosion control measures;
- c. The improper storage or disposal of junk, trash, or other refuse within a buffer area;
- d. The absence or improper implementation of a spill containment plan for toxic and hazardous materials;
- e. The improper management of stormwater runoff; or
- f. Any other situation found to pose a threat to water quality.

**2. Density and Lot Coverage Limitations**

All new development on land within the WPO shall be configured in accordance with the standards in **Table <>, Development Configuration in the WPO**:

| <b>TABLE &lt;&gt;: DEVELOPMENT CONFIGURATION IN THE WPO</b>  |   |  |                              |   |
|--|---|--|------------------------------|---|
| <b>PORTION OF THE WPO</b>  | <b>TYPE OF DEVELOPMENT</b>                      | <b>MAX. # OF DWELLING UNITS PER ACRE (#)</b> | <b>MINIMUM LOT AREA (SF)</b> | <b>MAX. BUILT-UPON AREA (% OF TOTAL ACREAGE IN TRACT)</b> |
| Critical Area  | Single-Family Residential                       | 2  | 21,780 [1]                   | No Limit  |
|  | All Other Development                           | No Limit                                     | No Limit                     | 24%   |
| Protected Area   | Single-Family Residential                       | 2  | 21,780 [1]                   | No Limit  |
|  | Single-Family Residential with no Curb & Gutter | 3  | 14,550 [1]                   | No Limit  |
|  | All Other Development                           | No Limit                                     | No Limit                     | 24% [2]   |
| <p>NOTES:</p> <p>[1] May be reduced in a cluster development, but in no instance shall the minimum lot area be less than what is required for a conservation subdivision.</p> <p>[2] May be increased to 36% in cases where curb and gutter is not provided.</p> |   |  |                              |   |

**3. Buffers Required**

- a. A minimum 30-foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by County studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- b. No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These

# ARTICLE 151.3 ZONING DISTRICTS

## Section 3.8 Overlay Districts

### 3.8.5 Watershed Protection Overlay (WPO)73F

activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of stormwater best management practices.

#### 4. **Stormwater Drainage Required**

The application for development in a WPO shall be accompanied by a description of the proposed method of providing stormwater drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates best management practices to minimize water quality impacts.

#### 5. **Erosion and Sedimentation Control**

The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the NC Department of Environmental Quality.

#### 6. **Standards for Existing Development**

##### a. **Continuance**

Any existing development as defined in this section may be continued and maintained subject to these provisions.

Expansions to structures classified as existing development must meet the requirements of this section. However, the built-upon area of the existing development is not required to be included in the density calculations in **Table <>, Development Configuration in the WPO.**

##### b. **Vacant Lots**

Vacant lots depicted on recorded plats or deeds may be used for any of the uses allowed in the watershed area in which it is located, provided:

1. Where the lot area is below the minimum specified in this Ordinance, the Watershed Administrator shall issue a watershed protection permit prior the establishment of the use.
2. Whenever two or more contiguous residential vacant lots of record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, the lots shall be combined to create one or more lots that meet the standards of this section, or if this is impossible, reduced to the extent possible the nonconformity of the lots.

##### c. **Occupied Lots**

Lots occupied for residential purposes on **(insert the effective date of this Ordinance)** may continue to be used, provided that whenever two or more adjoining lots of record, one of which is occupied, are in single ownership at any time after the adoption of this section, and such lots individually or together have less area than the minimum requirements for residential purposes for the watershed area in which they are located, the lots shall be combined to create lots which meet the minimum size requirements or which minimize the degree of nonconformity.

##### d. **Nonconforming Uses**

Lawfully-established nonconforming uses established prior to **(insert the effective date of this Ordinance)** shall be considered nonconforming uses, and may be continued in accordance with the following:

1. When a nonconforming use of land has been changed to any allowed use, it shall not thereafter revert to any prohibited or nonconforming use;
2. A nonconforming or prohibited use of land shall be changed only to an allowed use; and
3. When a nonconforming use ceases for a period of at least one year, it shall not be reestablished.

##### e. **Reconstruction of Nonconformity**

Any existing building or built-upon area not in conformance with the restrictions of this section that has been damaged or removed may be repaired and/or reconstructed only in accordance with the standards in **Article 151.8: Nonconformities**, except that there are no restrictions on single-family residential development, provided:

1. Repair or reconstruction is initiated within 12 months and completed within two years of such damage; and
2. The total amount of space devoted to a built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

**ARTICLE 151.3 ZONING DISTRICTS**

---

**Section 3.8 Overlay Districts**

---

3.8.5 Watershed Protection Overlay (WPO)73F

Blank page for formatting purposes

# USE REGULATIONS



## Key Changes in Article 151.4:

- Establishes a new use classification system with use categories and use types instead of SIC codes
- Removes conditional uses
- Adds the planned development district to the consolidated use table
- Establishes a new set of prohibited uses
- Includes a new section on addressing unlisted uses
- Embeds the use classification, use category, and use type definitions into the principal use table
- Proposes a new approach to addressing manufactured and mobile homes by locating these dwelling types in rural areas instead of urban areas
- Wider range of new housing use types including live/work dwellings, bungalow courts, pocket neighborhoods, etc.
- Establishes a system of “major” and “minor” use type distinctions for uses that were needlessly distinguished from one another like offices, restaurants, and personal services use types
- Includes a comprehensive set of new wireless telecommunications use types and standards consistent with changing state law
- Consolidates the use-specific standards into a single section
- Includes a new section on accessory uses, supplemented by a summary table and set of specific standards for common accessory uses
- Includes a new section on temporary use types

|            |  |             |
|------------|--|-------------|
| <b>4.1</b> | <b>Article Organization .....</b>                    | <b>4-1</b>  |
| <b>4.2</b> | <b>Use Classifications .....</b>                     | <b>4-1</b>  |
| 4.2.1      | Purpose .....  | 4-1         |
| 4.2.2      | Organization Of Uses .....                           | 4-1         |
| <b>4.3</b> | <b>Principal Uses .....</b>                          | <b>4-2</b>  |
| 4.3.1      | Table Structure .....                                | 4-2         |
| 4.3.2      | Uses Permitted By-Right .....                        | 4-2         |
| 4.3.3      | Uses Permitted by Special Use Permit .....           | 4-2         |
| 4.3.4      | Uses Allowed in a Planned Development District ..... | 4-2         |
| 4.3.5      | Additional Standards .....                           | 4-2         |
| 4.3.6      | Uses in a Special Flood Hazard Area Overlay .....    | 4-2         |
| 4.3.7      | Prohibited Uses .....                                | 4-2         |
| 4.3.8      | Unlisted Uses .....                                  | 4-3         |
| 4.3.9      | Changes in Use .....                                 | 4-3         |
| 4.3.10     | Principal Use Table .....                            | 4-4         |
| <b>4.4</b> | <b>Use-Specific Standards .....</b>                  | <b>4-27</b> |
| 4.4.1      | Agriculture Uses .....                               | 4-27        |
| 4.4.2      | Residential Uses.....                                | 4-29        |
| 4.4.3      | Institutional Uses .....                             | 4-34        |
| 4.4.4      | Commercial Uses .....                                | 4-39        |
| 4.4.5      | Industrial Uses.....                                 | 4-51        |
| <b>4.5</b> | <b>Accessory Uses .....</b>                          | <b>4-60</b> |
| 4.5.1      | Purpose .....  | 4-60        |
| 4.5.2      | Procedures for Establishment .....                   | 4-60        |
| 4.5.3      | General Standards for Accessory Structures .....     | 4-60        |
| 4.5.4      | Table of Allowable Locations.....                    | 4-61        |
| 4.5.5      | Standards for Specific Accessory Uses .....          | 4-62        |
| <b>4.6</b> | <b>Temporary Uses .....</b>                          | <b>4-69</b> |
| 4.6.1      | Purpose .....  | 4-69        |
| 4.6.2      | Applicability.....                                   | 4-69        |
| 4.6.3      | General Standards for Temporary Uses .....           | 4-69        |
| 4.6.4      | Standards for Specific Temporary Uses.....           | 4-69        |

# ARTICLE 151.4 USE REGULATIONS

## 4.1 ARTICLE ORGANIZATION<sup>75</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 4.3 and 4.4** 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 a set of use-specific standards that are applied to various use types regardless of the zoning district where they are proposed. The principal use table also includes the definitions of use categories and use types.
- C. **Section 4.5** 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 4.6** sets out the standards for temporary uses, including the districts where allowed, the maximum duration, and any additional standards.

## 4.2 USE CLASSIFICATIONS

### 4.2.1 PURPOSE

This section is intended to provide a systematic framework for identifying 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.

### 4.2.2 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.
- 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**.

<sup>75</sup> NOTE: 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.

# ARTICLE 151.4 USE REGULATIONS

## Section 4.3 Principal Uses

### 4.3.1 Table Structure<sup>75F</sup>

## 4.3 PRINCIPAL USES

### 4.3.1 TABLE STRUCTURE<sup>76</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 use-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.

### 4.3.2 USES PERMITTED BY-RIGHT<sup>77</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.

### 4.3.3 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.

### 4.3.4 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. Uses not listed in an approved planned development master plan or terms and conditions statement shall not be permitted in a particular planned development even if they are shown as allowable in **Table <>, Principal Use Table**.

### 4.3.5 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**.

### 4.3.6 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 (SFHA)**. Standards in these sections may include use prohibitions not indicated in **Table <>, Principal Use Table**. In the event of a conflict, the standards pertaining to the special flood hazard area shall control.

### 4.3.7 PROHIBITED USES<sup>78</sup>

- A. A “.” in the principal use table indicates that the specific use type is prohibited in the corresponding zoning district.

<sup>76</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 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>77</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>78</sup> NOTE: 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.



## ARTICLE 151.4 USE REGULATIONS

### Section 4.3 Principal Uses

#### 4.3.8 Unlisted Uses

- B.** The following use types are not listed in **Table <>, Principal Use Table**, but 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. Package treatment plant wastewater disposal systems that discharge to surface waters;
  4. 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);
  5. Use of a travel trailer as a permanent residence;
  6. Maintenance of a travel trailer in the same location for more than 90 days per every 115-day period; and
  7. 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 ARHS 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**.
- C.** Outdoor storage of a motor vehicle without a current license plate is prohibited on any lot in a residential district unless the vehicle is on blocks or stands configured to keep the vehicle at least one foot above the ground and provided the vehicle is completely covered by a waterproof covering material.

#### 4.3.8 UNLISTED USES

- A.** 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**.
- B.** Nothing shall limit the UDO Administrator from seeking input from the County Attorney, Planning Board, or Board of Commissioners in making a determination of how to categorize an unlisted use.
- C.** 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**.

#### 4.3.9 CHANGES IN USE<sup>79</sup>

A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

- A.** The change involves a change from one principal use category to another;
- B.** The relative proportion of space devoted to the individual principal changes to an extent that the parking requirements for the overall use are altered;
- C.** The mixture of types of individual principal uses that comprise a combination use changes;
- D.** The relative proportions of different types of dwelling units change; or
- E.** If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), and that business or enterprise moves out and a different type of enterprise may be classified under the same principal use or combination use category as the previous type of business ). For example:
1. If there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants are retail uses.
  2. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed.
  3. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.
  4. Reuse of an existing pier by a non-recreational type of boat to another non-recreational type boat shall not constitute a change of use.
- F.** A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use.

<sup>79</sup> NOTE: This section carries forward the standards in Section 151.331 of the current ordinance. It may be that this material might be better suited in the rules of measurement section.

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

- G. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.
- H. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

**4.3.10 PRINCIPAL USE TABLE<sup>80</sup>**

| <b>TABLE &lt;&gt;: PRINCIPAL USE TABLE</b>   |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |
|--|--|-------------|---------|------------|------------|----------|------------|----------|----------|----------|----|------|----------|------------------------------------|----------|
| "P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited  |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |
| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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) |
| <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 <a href="#">Section 151.1.&lt;&gt;, Exemptions</a> . 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><br>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        |
| <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><br>See use category definition.  |  | .           | P       | .          | .          | .        | .          | .        | .        | .        | S  | P    | P        | .                                  | <>       |
| Agricultural Operations; Farming, Not Exempt as Bona-Fide Farms; including livestock   |  | .           | Z       | .          | .          | .        | .          | .        | .        | x        | .  | .    | Z        | Z                                  | x        |
| <b>Stockyard/Slaughterhouse</b><br>A site where livestock is stored and butchered for food or products.  |  | .           | .       | .          | .          | .        | .          | .        | .        | .        | S  | S    | S        | .                                  | <>       |
| Stockyards, slaughterhouses, rendering plants  |  | .           | .       | .          | .          | .        | .          | S        | .        | x        | S  | Z    | S        | S                                  | x        |
| <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.  |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |

<sup>80</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 4.3 Principal Uses**

4.3.10 Principal Use Table79F

| <b>TABLE &lt;&gt;: PRINCIPAL USE TABLE</b>  |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |          |
|---|--|-------------|---------|------------|------------|----------|------------|----------|----------|----------|----|------|----------|------------------------------------|----------|----------|
| "P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited   |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |          |
| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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>Agricultural Research Facility</b><br>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><br>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><br>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><br>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        |          |
| <b>Farm Machinery Sales, Rental, or Service</b><br>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><br>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><br>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        |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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)              |
| <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><br>A series of between two and 12 single-family detached homes configured as a cohesive development that incorporates smaller lot sizes, reduced setbacks, shared accessways, and where each home complies with the residential design guidelines in this Ordinance.  | .  | .           | .       | .          | .          | P        | .          | P        | P        | .        | .  | .    | .        | A                                  | <b>&lt;4.402.&gt;</b> |
| <b>Duplex</b><br>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                                  | <b>&lt;4.402.&gt;</b> |
| Two-family conversion   | .  | .           | .       | .          | .          | S        | .          | .        | x        | .        | .  | .    | .        | x                                  |                       |
| Duplex  | .  | .           | .       | .          | .          | S        | .          | .        | x        | .        | .  | .    | .        | x                                  |                       |
| Two-family apartment  | .  | .           | .       | .          | .          | S        | .          | .        | x        | .        | .  | .    | .        | x                                  |                       |
| <b>Live/Work Dwelling</b><br>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                                  | <b>&lt;4.402.&gt;</b> |
| <b>Manufactured Home</b><br>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                                  | <b>&lt;4.402.&gt;</b> |
| <b>Manufactured Home or Mobile Home Park</b><br>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><br>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       | .          | .          | .        | .          | .        | .        | .        | .  | .    | .        | .                                  | <b>&lt;4.402.&gt;</b> |
| Class A mobile home   | .  | .           | .       | .          | Z          | Z        | .          | .        | x        | .        | .  | .    | .        | x                                  |                       |
| Class B mobile home   | .  | .           | .       | .          | .          | Z        | .          | .        | x        | .        | .  | .    | .        | x                                  |                       |
| Class C mobile home, subject to §151.210 et seq.  | Existing mobile homes and mobile home subdivisions, subject to 151.210 et seq.                     |             |         |            |            |          |            |          |          |          |    |      |          |                                    |                       |
| Class B mobile home, subject to §151.347(J)   | .  | .           | .       | .          | .          | S        | .          | .        | x        | .        | .  | .    | .        | x                                  |                       |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

| <b>TABLE &lt;&gt;: PRINCIPAL USE TABLE</b>  |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |                                |
|---|--|-------------|---------|------------|------------|----------|------------|----------|----------|----------|----|------|----------|------------------------------------|--------------------------------|
| "P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited   |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |                                |
| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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)                       |
| <b>Multi-Family</b><br>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                                  | <a href="#">&lt;4.402.&gt;</a> |
|   | Multi-family conversion  | .           | .       | .          | .          | .        | .          | S        | x        | S        | S  | .    | .        | x                                  |                                |
|   | Multi-family apartments  | .           | .       | .          | .          | .        | .          | S        | x        | S        | S  | .    | .        | x                                  |                                |
| <b>Pocket Neighborhood</b><br>A cohesive development of at least four but no more than 12 single-family detached dwellings, each on their own lot, located around a common open space and served by either on-street, on-site, or shared off-street parking. Each home fronts the common open space, and is configured with a front porch and windows on the front facade.  |  | .           | .       | .          | .          | P        | P          | .        | P        | P        | .  | .    | .        | A                                  | <a href="#">&lt;4.402.&gt;</a> |
| <b>Quadplex</b><br>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                                  | <a href="#">&lt;4.402.&gt;</a> |
| <b>Single-Family Attached</b><br>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                                  | <a href="#">&lt;4.402.&gt;</a> |
|   | Multi-family townhomes   | .           | .       | .          | .          | .        | .          | S        | x        | S        | S  | .    | .        | x                                  |                                |
|   | Condominiums   | .           | .       | .          | .          | .        | .          | S        | x        | S        | S  | .    | .        | x                                  |                                |
| <b>Single-Family Detached</b><br>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                                  | <a href="#">&lt;4.402.&gt;</a> |
|   | Site built   | .           | Z       | Z          | Z          | Z        | Z          | .        | .        | x        | .  | .    | .        | x                                  |                                |
|   | Modular  | .           | Z       | Z          | Z          | Z        | Z          | .        | .        | x        | .  | .    | .        | x                                  |                                |
| <b>Triplex</b><br>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                                  | <a href="#">&lt;4.402.&gt;</a> |
| <b>Upper Story Residential</b><br>A dwelling unit located on a floor above a nonresidential use.  |  | .           | .       | .          | .          | .        | .          | P        | P        | P        | P  | .    | S        | A                                  | <a href="#">&lt;4.402.&gt;</a> |
| <b>GROUP LIVING</b><br>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. |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |                                |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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)              |
| <b>Dormitory</b><br>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                                  | <b>&lt;4.402.&gt;</b> |
| <b>Family Care Home</b><br>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        | .        | .  | .    | .        | A                                  | <b>&lt;4.402.&gt;</b> |
| <b>Group Home</b><br>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        | S        | S  | .    | .        | A                                  | <b>&lt;4.402.&gt;</b> |
|   | Family care home   | .           | .       | .          | .          | .        | S          | S        | x        | S        | S  | .    | .        | x                                  |                       |
|   | Family care homes for the aged   | .           | .       | .          | .          | .        | .          | .        | x        | .        | .  | .    | .        | x                                  |                       |
| <b>Rooming House</b><br>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       | .          | .          | .        | S          | S        | S        | S        | S  | .    | .        | A                                  | <b>&lt;4.402.&gt;</b> |
|   | Rooming houses and boarding houses   | .           | S       | .          | .          | .        | S          | S        | x        | S        | S  | .    | .        | x                                  |                       |
| <b>INSTITUTIONAL USE CLASSIFICATION</b>   |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |                       |
| <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><br>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>&lt;&gt;</b>       |
| <b>Cultural Facility</b><br>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                                  | <b>&lt;&gt;</b>       |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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) |
| 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        | x        | S        | S  | .    | .        | x                                  |          |
| Located within any permissible structure   |  | .           | .       | .          | .          | .        | S          | S        | x        | S        | S  | .    | .        | x                                  |          |
| <b>Library</b><br>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><br>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><br>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><br>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><br>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. |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |
| <b>Adult Day Care Center</b><br>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        | S  | .    | .        | A                                  | ↕        |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted "S"= Permitted with Special Use Permit "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption)                                | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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>Child Care Center</b><br>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        | .                                  | 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><br>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        | .                                  | 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><br>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        |          |
| <b>Minor</b><br>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.   |   |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |          |



**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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>Government Office</b><br>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><br>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><br>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><br>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><br>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        |          |
| <b>Medical Treatment Facility</b><br>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><br>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.   |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

| <b>TABLE &lt;&gt;: PRINCIPAL USE TABLE</b>   |  |                |  |                 |            |          |            |          |          |          |    |      |          |                                    |          |          |
|--|--|----------------|--|-----------------|------------|----------|------------|----------|----------|----------|----|------|----------|------------------------------------|----------|----------|
|  |  | "P"= Permitted | "S"= Permitted with Special Use Permit | "."= Prohibited |            |          |            |          |          |          |    |      |          |                                    |          |          |
| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL    |  |                 |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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>Assisted Living Facility</b><br>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  | S    | .        | .                                  | A        | ⚠        |
|  | Nursing care, intermediate care, handicapped, infirm or child care institutions                    | .              | .                                      | .               | .          | .        | S          | S        | x        | S        | S  | .    | .        | .                                  | x        |          |
| <b>Club or Lodge</b><br>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><br>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        |          |
| <b>Nursing Home</b><br>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        | 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><br>Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.  |  | .              | .                                      | .               | .          | .        | .          | .        | .        | .        | S  | .    | .        | .                                  | .        | ⚠        |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

| <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) |
|   | 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>   | Institutional or for profit 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                            | ◊        |
| <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.   |  |  |             |         |  |            |          |          |            |                 |          |    |    |          |          |                              |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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>Police, Fire, or EMS Facility</b><br>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><br>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>Security Training Facility</b><br>A facility located on at least 3,500 contiguous acres which provides the following services; explosives training, driver training (including vehicle maintenance facility to support driver training activities), training operations utilizing fixed and rotary wing aircraft (including parachute operations and training, airstrip and supporting aviation structures, and parachute landing zones), towers that are 100' tall or less that are used in connection with security training, dining facilities, commercial retail and lodging areas, and office, clerical, research and services related to security training operations and services. |  | .           | .       | .          | .          | .        | .          | .        | .        | .        | .  | .    | S        | S                                  | .        | ⚠        |
| <b>TRANSPORTATION</b><br>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><br>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        |          |
| <b>Helicopter Landing Facility</b><br>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        | ⚠        |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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>Passenger Terminal, Surface Transportation</b><br>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><br>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>Utility, Major</b><br>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        | P                                  | A        | ⚡        |
|   | Community or regional utility facilities   | .           | Z       | S          | S          | S        | S          | S        | S        | x        | Z  | Z    | Z        | Z                                  | x        |          |
|   | County-owned or operated utility facilities  | .           | Z       | Z          | Z          | Z        | Z          | Z        | Z        | x        | Z  | Z    | Z        | Z                                  | x        |          |
| <b>Utility, Minor</b><br>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       | P          | P          | P        | P          | P        | P        | P        | P  | P    | P        | P                                  | A        | ⚡        |
|   | Neighborhood utility facilities  | .           | Z       | S          | S          | S        | S          | Z        | Z        | x        | Z  | Z    | Z        | Z                                  | x        |          |
| <b>COMMERCIAL USE CLASSIFICATION</b>  |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |          |
| <b>ADULT AND SEXUALLY-ORIENTED BUSINESSES</b><br>(See Chapter 154 of the Camden County Code of Ordinances for definitions).   |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |          |
| <b>All Adult and Sexually-Oriented Businesses</b><br>(See Chapter 154 of the Camden County Code of Ordinances for definitions.)   |  | .           | .       | .          | .          | .        | .          | .        | .        | .        | .  | .    | .        | S                                  | .        | ⚡        |
|   | Adult and sexually-oriented businesses   | .           | .       | .          | .          | .        | .          | .        | .        | x        | .  | .    | .        | S                                  | x        |          |
| <b>ANIMAL CARE</b><br>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><br>Animal care uses that include outdoor kennels, runs, or exercise areas.   |  | .           | S       | .          | .          | .        | .          | .        | .        | .        | P  | .    | S        | .                                  | A        | ⚡        |
|   | Kennels  | .           | Z       | .          | .          | .        | .          | S        | .        | x        | Z  | .    | .        | .                                  | x        |          |
| <b>Minor</b><br>Animal care uses that do not include outdoor kennels, runs, or exercise areas.  |  | .           | P       | .          | .          | .        | .          | P        | P        | .        | P  | .    | .        | .                                  | A        | ⚡        |
|   | Veterinarians  | .           | Z       | .          | .          | .        | .          | Z        | Z        | x        | Z  | .    | .        | .                                  | x        |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption)                               | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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>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><br>An eating establishment that sells alcohol for on-site consumption or includes a drive-through.  |  | .           | .       | .          | .          | .        | .          | S        | P        | P        | P  | P    | S        | .                                  | A        | ⚠        |
|  | Carry-out and delivery service, consumption outside a fully enclosed structure allowed, but no drive-in service                  | .           | .       | .          | .          | .        | .          | Z        | Z        | x        | Z  | Z    | Z        | .                                  | x        |          |
|  | 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><br>An eating establishment that does not sell alcohol or includes a drive-through.  |  | .           | .       | .          | .          | .        | .          | P        | P        | P        | P  | P    | P        | S                                  | A        |          |
|  | 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><br>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.  |  | .           | .       | .          | .          | .        | .          | S        | P        | P        | S  | S    | .        | .                                  | A        | ⚠        |
|  | Dance halls, bars and nightclubs   | .           | .       | .          | .          | .        | .          | Z        | Z        | x        | Z  | Z    | .        | .                                  | x        |          |
| <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><br>An office use of 3,000 square feet of floor area or more, or where clients or patrons regularly receive services on-site.  |  | .           | .       | .          | .          | .        | .          | P        | P        | P        | S  | S    | S        | S                                  | A        | ⚠        |
|  | Operations designed to attract and serve customers or clients on the premises; operation conducted within or outside building    | .           | .       | .          | .          | .        | .          | Z        | Z        | x        | Z  | S    | S        | S                                  | x        |          |
|  | 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        |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption)   | RESIDENTIAL |         |            |            |          |          | COMMERCIAL |          |          |    |    | IND.     |          | ADDITIONAL<br>STANDARDS<br>(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) |
|   | 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><br>An office use of less than 3,000 square feet of floor area or where clients or patrons do not receive services on-site.   |  | .           | .       | .          | .          | .        | .        | 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><br>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><br>A personal services establishment with 1,500 square feet of floor area or more.   |  | .           | .       | .          | .          | .        | .        | S          | S        | P        | P  | P  | .        | .        | A                                  |          |
|   | Dry cleaner  | .           | .       | .          | .          | .        | .        | S          | S        | x        | Z  | Z  | .        | .        | x                                  |          |
|   | Laundromat   | .           | .       | .          | .          | .        | .        | Z          | Z        | x        | Z  | Z  | .        | .        | x                                  |          |
| <b>Minor</b><br>A personal services establishment with less than 1,500 square feet of floor area.   |  | .           | .       | .          | .          | .        | .        | P          | P        | P        | P  | P  | .        | .        | A                                  |          |
| <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><br>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                                  |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption)   | RESIDENTIAL |         |            |            |          |          | COMMERCIAL |          |          |    |    | IND.     |          | ADDITIONAL<br>STANDARDS<br>(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>Minor</b><br>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<br>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><br>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><br>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                                  |          |
|   | 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                                  |          |



**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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) |
| <b>Firing Range</b><br>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    | S        | .                                  | ⚠        |
|  | Outdoor firing range facilities, subject to 151.347  | .           | S       | .          | .          | .        | .          | .        | x        | .        | .  | S    | S        | x                                  |          |
| <b>Water-Related Uses</b><br>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        | 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>Flea Market</b><br>A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer's market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items. |  | .           | .       | .          | .          | .        | S          | S        | .        | S        | S  | S    | .        | A                                  | ⚠        |
| <b>Grocery Store</b><br>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><br>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                                  |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

| <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) |
|   | Sales and rentals, high traffic volume generation, outdoor display/storage allowed  | .  | .                                      | .                | .          | .          | .        | S          | S        | x        | Z        | S  | Z    | Z        | x                            |          |
|   | 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>TELECOMMUNICATIONS</b>   |   |  |  |                  |            |            |          |            |          |          |          |    |      |          |                              |          |
| The Telecommunications Use Category involves use types engaged in the provision of wireless communications services, including transmission, reception, or broadcasting. Example uses include wireless telecommunication facilities, antennas (including dish antennas), radio and television broadcasting studios and equipment, and similar uses. Accessory uses include offices, repair areas, employee parking, equipment storage, and mobile broadcasting equipment. |   |  |  |                  |            |            |          |            |          |          |          |    |      |          |                              |          |
| <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    | 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          | Z        | x        | Z        | Z  | Z    | Z        | x                            |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption)          | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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>Antenna Collocation (on a Tower)</b><br>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        | P                                  | A        |          |    |
| <b>Small Wireless Facility</b><br>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        | P                                  | A        |          |    |
| <b>Telecommunications Tower, Freestanding</b><br>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><br>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>VEHICLE ESTABLISHMENT</b><br>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><br>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        |          |    |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption)  | RESIDENTIAL |         |            |            |          |          | COMMERCIAL |          |          |    |    | IND.     |          | ADDITIONAL<br>STANDARDS<br>(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) |
|   | 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                                  | ↕        |
|   | 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.   | .           | P       | .          | .          | .        | S        | P          | P        | P        | .  | .  | .        | .        | A                                  | ↕        |
|   | Bed and breakfast establishments  | .           | Z       | .          | .          | .        | .        | Z          | Z        | x        | Z  | Z  | .        | .        | x                                  |          |
|   | Tourist homes, rented by day or week  | .           | .       | .          | .          | .        | .        | S          | S        | x        | .  | S  | .        | .        | x                                  |          |
| <b>Campground</b>   | Any area, place, parcel or tract of land on which two or more campsites are occupied or intended for occupancy or facilities established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of campsites and facilities is granted gratuitously, or by rental fee, lease or conditional sale, or by covenants, restrictions and easements. Campground includes but not limited to, a travel camp, recreational camp, family campground, camping resort, recreational vehicles park and camping community. A campground does not include a summer camp, migrant labor camp or park for manufactured homes, or a construction camp, or storage area for unoccupied camping units. | .           | S       | S          | .          | .        | .        | S          | .        | .        | S  | .  | .        | .        | A                                  | ↕        |
|   | 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.  | .           | .       | .          | .          | .        | .        | .          | S        | P        | S  | S  | .        | .        | A                                  |          |
|   | Hotels, motels and similar businesses   | .           | .       | .          | .          | .        | .        | .          | S        | x        | S  | S  | .        | .        | x                                  |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

| <b>TABLE &lt;&gt;: PRINCIPAL USE TABLE</b>   |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |
|--|--|-------------|---------|------------|------------|----------|------------|----------|----------|----------|----|------|----------|------------------------------------|----------|
| "P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited  |  |             |         |            |            |          |            |          |          |          |    |      |          |                                    |          |
| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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) |
| <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><br>See use category definition.   | .  | 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><br>Offices for building, heating, plumbing, or electrical contractors, and related storage facilities.   | .  | .           | .       | .          | .          | .        | .          | .        | P        | P        | P  | P    | A        | ↕                                  |          |
| <b>Crabshedding</b><br>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><br>An establishment that distributes fuel oil or bottled gases such as propane or liquid petroleum for compensation.  | .  | .           | .       | .          | .          | .        | .          | S        | .        | .        | P  | P    | .        | ↕                                  |          |
| <b>General Industrial Service and Repair</b><br>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><br>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        | ↕                                  |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption)        | RESIDENTIAL |         |            |            |          |          | COMMERCIAL |          |          |    |    | IND.     |          | ADDITIONAL<br>STANDARDS<br>(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>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.   |   |             |         |            |            |          |          |            |          |          |    |    |          |          |                                    |          |
|   |   | .           | .       | .          | .          | .        | .        | .          | P        | 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                                  |          |
| <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>POWER GENERATION</b>   |   |             |         |            |            |          |          |            |          |          |    |    |          |          |                                    |          |
| The Power Generation Use Category includes use types, whether institutional in nature or for profit, engaged in the production and short term storage of electrical power for use by other forms of development in different locations. Accessory uses include offices, equipment buildings, maintenance and repair facilities, and fencing or other security measures.   |   |             |         |            |            |          |          |            |          |          |    |    |          |          |                                    |          |
| <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  | S  | S        | S        | A                                  | <>       |
|   | Solar farms   | .           | S       | S          | S          | S        | S        | S          | S        | x        | S  | S  | S        | S        | x                                  |          |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description  | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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) |
| <b>Wind Energy Conversion Facility</b><br>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        | .  | S    | S        | A                                  | ◊        |
| 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    | S        | 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><br>See use category definition.   |  | .           | .       | .          | .          | .        | .          | .        | 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><br>A facility that burns refuse at high temperatures to reduce the volume of waste.   |  | .           | .       | .          | .          | .        | .          | .        | .        | .        | .  | .    | S        | .                                  | ◊        |
| Incinerators   |  | .           | .       | .          | .          | .        | .          | .        | x        | .        | .  | .    | S        | x                                  |          |
| <b>Land Application of Sludge/Septage</b><br>The deposition of industrial processes or treated waste on land intended expressly for that purpose.  |  | .           | .       | .          | .          | .        | .          | .        | .        | .        | .  | S    | S        | .                                  | ◊        |
| <b>Landfill</b><br>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        | 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><br>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><br>A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.   |  | .           | S       | .          | .          | .        | .          | .        | .        | P        | P  | P    | P        | A                                  | ◊        |

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.3 Principal Uses**

4.3.10 Principal Use Table79F

**TABLE <>: PRINCIPAL USE TABLE**

"P"= Permitted      "S"= Permitted with Special Use Permit      "."= Prohibited

| USE CATEGORY<br>Use Type<br>Description   | Current Use<br>(provided for<br>comparative<br>purposes<br>only- rows<br>removed upon<br>adoption) | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | ADDITIONAL<br>STANDARDS<br>(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) |
| <b>Salvage or Junkyard</b><br>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><br>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><br>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><br>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><br>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 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.1 Agriculture Uses

## 4.4 USE-SPECIFIC STANDARDS<sup>81</sup>

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 identified in the “Additional Standards” Column. 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<sup>82</sup>

Agri-education and agri-entertainment uses shall comply with the following standards:

- a. **Minimum Size**  
The use shall be at least two acres in area;
- b. **Location**

<sup>81</sup> This section is proposed to supplement Sections 151.346 and 151.347 of the current ordinance. Use-specific standards for “recreation grounds”, adaptive re-use of historic property, shopping centers, and internet sweepstakes cafes are not carried forward. In addition, the conditional and special use standards for LI zoned districts in Section 151.347.E are not carried forward since there are district-specific standards.

<sup>82</sup> This section is proposed to replace the standards in Section 151.347.L of the current ordinance, but the sign size limitation is not carried forward due to inconsistency with the Reed decision.

---

## ARTICLE 151.4 USE REGULATIONS

---

### Section 4.4 Use-Specific Standards80F

---

#### 4.4.1 Agriculture Uses

No building or structure shall be located within 500 feet of a residential dwelling unit other than the residence of the applicant.

**c. Obtain Building Permits**

The use shall obtain any required building permits and comply with the State Building Code for all structures intended for occupancy by members of the public.

**d. Provide Adequate Facilities**

The use shall provide public restrooms, adequate parking, and pedestrian circulation features to ensure the safety of the public.

**e. Maintain Compatibility**

1. The proposed use will not substantially injure the value of adjoining or neighboring properties, and the burden of proof on this issue lies with the applicant.

2. If the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant hereto, and stating that the property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the Board may make the required finding.

**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.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards80F

#### 4.4.2 Residential Uses

### 4.4.2 RESIDENTIAL USES

#### A. Bungalow Court

A bungalow court is a voluntary single-family detached dwelling alternative that allows lot access via a shared driveway configured as a central motor court (see Figure <>, Bungalow Court). A bungalow court shall:

1. Comply with the requirements in Section <>, Design Guidelines;
2. Be located on a site of at least one acre, but not more than ten acres in area;
3. Be limited to single-family detached dwellings as the principal use;
4. Be configured so that each dwelling unit obtains vehicular access via a common shared driveway that is:
  - a. Located on common area maintained by a homeowner's association;
  - b. Comprised of concrete, brick, or pavers; and
  - c. Located central to the development.
5. Be limited to no more than five dwelling units sharing the same common shared driveway (see Figure <>, Bungalow Court Development);
6. Comply with the dimensional requirements applied to a single-family attached development; and
7. Not exceed the maximum allowable density in the district where located.

FIGURE <>: BUNGALOW COURT



#### B. 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.

#### C. 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.

#### D. Manufactured Homes

##### 1. Standards Applied to All Manufactured Homes

New manufactured homes shall comply with the following standards:

- a. It shall be located on an individual lot;
- b. It shall be occupied only as a single family dwelling;

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.2 Residential Uses

- c. 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;
- d. It shall comply with the latest wind loading requirements for Camden County;
- e. It shall maintain a minimum width of 16 feet;
- f. It shall be oriented with the longest axis parallel to the lot frontage, to the maximum extent practicable;
- g. Towing apparatus, wheels, axles, and transporting lights shall be removed;
- h. 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;
- i. It shall include stairs, entrance platforms, ramps, or 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;
- j. 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:
  - 1. Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
  - 2. Cedar or other wood siding;
  - 3. Stucco siding;
  - 4. Brick or stone siding;
- k. It shall maintain a roof pitch with a minimum vertical rise of 3 feet for each 12 feet of horizontal run;
- l. It shall include a roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
- m. It shall provide an eave projection of no less than 6 inches, which may include a gutter; and
- n. It shall comply with all applicable standards in **Section <>, Special Flood Hazard Area Overlay (SFHA)** when located in a floodplain or other area subject to the flood damage protection standards in this Ordinance.

#### 2. Standards for Pre-existing Manufactured Homes

- a. Nothing shall limit the replacement of a single-wide manufactured home with a double-wide manufactured home of 16 feet in width or more.
- b. Manufactured homes established prior to **(insert the effective date of this Ordinance)** that do not meet the County's most recent wind loading standard may remain as a nonconforming use, but may only be replaced by another manufactured home meeting the County's most current wind loading requirements.

### E. Mobile Homes<sup>83</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. 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:

<sup>83</sup> NOTE: These standards carry forward the standards for mobile homes in Section 151.215 of the current ordinance. Section 151.069 of the current ordinance includes additional design standards for mobile homes in the R-1 (new VR) and R-2 (new NR) districts. The draft of the new UDO prohibits mobile homes in these two districts, so the current standards are not included in this draft.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.2 Residential Uses

- 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.

#### F. 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. A single-family attached residential building shall contain at least three but no more than six side-by-side dwelling units.

#### G. Pocket Neighborhood<sup>84</sup>

##### 1. Purpose and Intent

A pocket neighborhood is a group of smaller single-family detached dwellings built in close proximity to one another around a small green or commonly-owned open space with off-street parking areas to the rear or in common areas (see [Figure <>](#), [Pocket Neighborhood](#)). These standards are intended to provide greater housing options as well as providing a means for accommodating infill in established portions of the County.

<sup>84</sup> This is a new use type.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards80F

#### 4.4.2 Residential Uses

FIGURE <>: POCKET NEIGHBORHOOD



#### 2. Site Configuration

##### a. Development size

It shall be located on a parcel of land at least one-third (1/3) of an acre and no greater than four acres in area.

##### b. Allowable Uses

1. Pocket neighborhoods shall be limited to single-family detached dwellings and accessory uses.
2. Accessory uses may include common open space, a common building for the purposes of storage or recreation, outdoor recreational features, and garages.

##### c. Number of Dwellings

A pocket neighborhood shall include at least four, but no more than 12 dwellings. In no instance shall the gross density of the development exceed a 10 percent increase in the density of the underlying base zoning district.

##### d. Common Open Space

1. The pocket neighborhood shall include common open space that comprises at least 40 percent of the total site and includes improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas, common buildings, and the public sidewalk network (if one exists adjacent to the pocket neighborhood development). The common open space shall include a central green, lawn, or garden area fronting the dwellings, a shared off-street parking area, and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the pocket neighborhood from adjacent development. No buffer is necessary next to vacant land.
2. The central green or lawn area shall include at least 300 square feet of area for each dwelling in the development.
3. A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building exceed 1,500 square feet or serve as a permanent dwelling unit.

##### e. Lot Frontage

1. At least 60 percent of the individual building lots shall front the common open space area, not a street or alley.
2. Up to 40 percent of the lots may front a street. Homes on street-facing lots shall include a front porch and shall not include an attached garage that faces the street.

##### f. Surface Parking

1. Pocket neighborhoods are exempt from the parking standards in [Table <>, Minimum Off-Street Parking Standards Required](#).

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.2 Residential Uses

2. The pocket neighborhood may include a shared parking area that accommodates resident and guest parking.
  3. Surface parking areas shall include at least one parking space for each dwelling unit.
  4. Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways or by parking spaces along alleys.
- g. Detached Shared Garages**  
If provided, detached garages serving more than one dwelling shall be accessed via a private drive or alley. A garage shall not exceed five car bays or include individual garage doors wider than 12 feet each.
- h. Storage Space**  
Each individual dwelling shall have at least 40 square feet of covered storage space outside the heated floor area. Storage space may be located on an individual lot or on common land adjacent to a common building.
- i. Perimeter Buffer**  
A pocket neighborhood shall incorporate a Type B perimeter buffer along all lot lines shared with existing single-family detached dwellings.
- j. Private Drives**  
Vehicular entryways into pocket neighborhoods and accessways serving off-street parking areas and individual dwelling lots shall be configured as private drives.
- 3. Individual Lot Configuration**  
**Table <>, Pocket Neighborhood Lots**, sets out the dimensional requirements for individual lots.

| TABLE <>: POCKET NEIGHBORHOOD LOTS  |   |
|---|---|
| FEATURE   | REQUIREMENT   |
| Minimum lot size (sq ft)  | None  |
| Maximum lot coverage (%)  | 75  |
| Minimum lot width (ft)  | 20  |
| Minimum front setback (ft)  | 10 from open space; zoning district requirement from street [1] |
| Minimum side setback (ft)   | 3 one side; 15 other side [1]                                   |
| Minimum rear setback (ft)   | None [2]  |
| NOTES:<br>[1] Porch steps, ramps, fences, and walkways may encroach into the front setback in accordance with <b>Section &lt;&gt;, Rules of Measurement</b> , but no other structures shall be permitted to encroach into the required setback.<br>[2] When an individual lot includes a driveway, the minimum rear setback shall be 20 feet. |   |

- 4. Dwelling Unit Configuration**
- a. Maximum Height**  
A dwelling unit shall not exceed 1½ stories, or 24 feet, above grade.
- b. Dwelling Size**
1. A dwelling unit shall be at least 600 square feet in floor area, but not more than 2,000 square feet in floor area.
  2. At least 2 dwellings in a pocket neighborhood shall maintain a total square footage that differs by at least 200 square feet in floor area from the average square footage of all other dwellings. Nothing shall prohibit a configuration where all dwellings are different sizes.
- c. Fences**  
Pocket neighborhoods are exempted from the standards in **Section <>, Fences and Walls**, but shall comply with the following:
1. Fences within front yards or side yards forward of the front façade plane shall not exceed three feet in height.
  2. Fences in rear yards or side yards behind the front facade plane shall not exceed six feet in height.
  3. In no instance shall a fence be placed within a use or access easement.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.3 Institutional Uses

##### 5. Homeowner's Association

A pocket neighborhood shall include a homeowner(s) or property owner(s) association that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood established and configured in accordance with Section <> Homeowners' or Property Owner's Association.

##### H. Single-Family Detached

###### 1. Design

Single-family detached development may comply with the applicable single-family detached design guidelines in Section <>, Design Guidelines.

###### 2. Home Determined Unfit for Occupancy<sup>85</sup>

- a. In the event that a Building Inspector has found a site-built home as being unfit for human habitation, the dwelling unit shall be removed or rendered habitable again.
- b. During construction to make the home habitable again, the site may temporarily accommodate a temporary dwelling, subject to the standards in Section <>, Temporary Buildings.

##### I. 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.

##### J. 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.

##### K. 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.

##### L. 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.

##### M. 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

##### 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.

<sup>85</sup> This section carries forward the standards in Section 151.347.K of the current ordinance except that the special use permit requirement is not carried forward.



## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.3 Institutional Uses

##### 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 six 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

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.

##### 8. Capacity Information

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

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:

1. Be at least 100 feet from any building line in an adjacent residential district;
2. Provide a Type A buffer at least 25 feet in depth; and
3. 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:

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.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.3 Institutional Uses

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 A 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:

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 A buffer along the property line to ensure the facility does not adversely impact surrounding uses.

#### L. Security Training Facility<sup>86</sup>

##### 1. Minimum Size

A minimum lot size for a security training facility shall be 3,500 contiguous acres. All areas within the proposed Security Training Facility, including but not limited to firing area(s), backstops, downrange safety zones, parking and accessory areas, parachute landing zone(s), driver training area(s), etc. shall be under uniform control or ownership. The security training facility shall also comply with the following standards:

##### 2. Firearms and Explosive Training

Firearms and explosive training facilities shall comply with the following standards:

- a. The design criteria for all firearms ranges cited in the Military Handbook – Range Facilities and Miscellaneous Training Facilities other Than Buildings (MIL-HDBK-1027/3B), as amended.
- b. No firing or explosive training activities shall occur prior to 7 a.m. or after 10 p.m. EST, daily, Monday through Saturday, and on Sundays prior to 9 a.m. or after 10 p.m. EST. No firing or explosive training activities shall occur on Christmas Day.
- c. The immediately adjacent areas to the proposed training areas and ranges shall be predominately undeveloped and shall be at least 5,280 feet (one mile) from any property line located in Currituck County regardless of the direction of fire.

<sup>86</sup> This is a new set of standards applied to the Academy site. These standards are very similar used in Currituck County for this same use.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.3 Institutional Uses

- d. The maximum downrange safety area for each range and shooting area shall meet the requirements MIL-HDBK-1027/3B. The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner.
- e. Weapon types are restricted to pistol, rifle, shotgun, or similar firearms. No automatic assault type weapon shall be used by the general public but is allowed by any law enforcement, military or federal agency group duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the MIL-HDBK-1027/3B, subject to the physical constraints of the property.
- f. Concussion type explosives will be permitted for use by law enforcement, military or federal agency group duly authorized to use these types of explosives.
- g. Military, para-military or militia type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. is permitted for use by law enforcement, military or federal agency groups only.
- h. All actual firing activities shall be directed toward either moving or stationary targets only.
- i. Any overnight or temporary storage of weapons, ammunition, and explosives shall meet the Department of Defense storage and stand-off safety standards.
- j. In no case shall any explosive material be stored, either inside or outside a "magazine," closer than 1,250 feet to a property line or dwelling unit and 300 feet to any roadway.
- k. The maximum amount of explosives on-site at any one time shall not exceed 100 pounds stored and 10 pounds utilized during any one evolution.
- l. A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant to the county upon request.
- m. The facility and all individuals working with explosives within the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (AT and F) to conduct such operations in compliance with its permits.

#### 3. Driver Training and Vehicle Maintenance

- a. The immediately adjacent areas to the driver training area shall be predominately undeveloped and shall be at least 5,280 feet (one mile) from any property line located in Camden County.
- b. Burning of non-vegetative matter and disposal of toxic/hazardous matter is prohibited.
- c. Stockpiling of tires and vehicles is prohibited.
- d. No driver training is permitted on any public road and all driver training shall only be conducted in clearly marked designated driving areas.

#### 4. Rotary and Fixed-Wing Aircraft Operations and Parachute Operations

- a. Any training or operations involving rotary or fixed wing aircraft shall comply with FAA Part 91 and any and all other applicable FAA regulations.
- b. Any and all parachute operations shall comply with FAA Part 105 and any and all other applicable FAA regulations.

#### 5. Dining Facility and Lodging

- a. Construction of dormitory type structures to house not more than 120 persons at any one time shall be permitted to provide overnight accommodations to those people training at the security training facility; provided that all state, county and relevant agency permits, approvals and licenses are obtained in connection with the construction and operation of such structure.
- b. Sleeping and dining accommodations to persons not utilizing or otherwise associated with the security training facility shall not be permitted.

#### 6. Miscellaneous Standards

- a. The site or area used as a security training facility shall be enclosed by a six foot fence or otherwise restricted by natural physical features (i.e. swamps, bodies of water, canals, and large expanses of densely vegetated areas, etc.) 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 access points.
- b. The operators of a security training facility shall provide proof of coverage by adequate accident and liability insurance companies. A minimum coverage of \$2,000,000 shall be established.
- c. Any activity not specifically mentioned within the foregoing shall be prohibited.

### M. Utilities<sup>87</sup>

#### 1. Setbacks

- a. Utility facilities of 16 square feet or less may be set back five feet from all side and rear lot lines.
- b. Utility facilities of between 16 and 100 square feet may be located as close as ten feet from all side and rear lot lines.

<sup>87</sup> These standards include the provisions in Section 151.347.G pertaining to utility buildings

---

## ARTICLE 151.4 USE REGULATIONS

---

### Section 4.4 Use-Specific Standards80F

---

#### 4.4.3 Institutional Uses

- c. All others utility buildings shall meet the minimum setback requirements for the district where they are located.
  - d. An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all lot lines.
- 2. **Screening**

The storage of vehicles or equipment associated with a utility use type 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 height standard within three years after planting.
- 3. **Access and Circulation**

Driveways and parking areas shall be provided as required in this Ordinance, including the installation of concrete aprons where driveways abut public streets.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.4 Commercial Uses

#### 4.4.4 COMMERCIAL USES

Unless exempted, all commercial uses shall comply with the nonresidential design standards in **Section <>, Commercial Design Standards**, or **Section <>, Mixed-Use Design Standards**, as applicable.

**A. Adult and Sexually-Oriented Businesses**

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. 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.
2. Runs and training areas shall be enclosed with fencing at least six feet in height.
3. 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 3,500 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 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. General Requirements Applied to All Recreation/Outdoor Use Types**

All recreation/outdoor use types shall:

- a. Be located at least 500 feet from existing child care centers and residential zoning districts;
- b. Be located on a site or parcel with an area of at least five acres;
- c. Be located on a site or parcel that, at the primary point of access, has at least 200 feet of frontage on a collector street;
- d. Locate access points to minimize traffic to and through local streets in residential neighborhoods; and
- e. Provide safety fences, up to eight feet high, as necessary to protect the general health, safety, and welfare.

**2. Commercial Firing Ranges<sup>88</sup>**

<sup>88</sup> This section carries forward the commercial shooting range standards in Section 151.347.S of the current ordinance, as modified by Ordinance 2015-08-01.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.4 Commercial Uses

Outdoor firing ranges shall be configured and operated in accordance with the following:

**a. Configuration**

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 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. 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.
3. 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.
4. 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.
5. All parking areas, vehicle accommodation areas, driveways and the like shall meet standards for parking as stated in this Ordinance.

**b. Operation**

1. Hours of firing activities and number of ranges shall be set as conditions of the special use permit.
2. Alcohol consumption shall be prohibited before and during range operations, but shall be allowed after the range is closed, provided proper permits are obtained.
3. 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.
4. Weapon types will be restricted to pistol, rifle, and shotgun. 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.
5. No concussion type of explosives shall be permitted.
6. 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.
7. All actual firing activities will be directed toward either moving or stationary targets only.
8. 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.
9. Each firing range shall be posted indicating the allowable caliber of weapon allowed and any other applicable rules.

**c. Review by Law Enforcement Required**

The proposed firing range application shall be reviewed by and comments received from the County Sheriff's Department.

**3. Law Enforcement Firing Range<sup>89</sup>**

**a. Minimum Area**

Outdoor law enforcement shooting ranges shall be located on a site or parcel with an area of at least ten acres.

<sup>89</sup> This use carries forward the law enforcement firing range in Text Amendment 2016-03-01

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.4 Commercial Uses

**b. Separation**

No part of a shooting range shall be located within 200 feet of any property line and less than 2,000 feet from any residential dwelling or school, as measured from the firing line in the direction of the line of fire.

**c. Configuration**

1. Shooting range facilities shall be constructed, at a minimum to include the following protective barriers:
  - A. Backstops with a minimum height of twenty feet;
  - B. Side berms or walls with a minimum height of eight feet; and
  - C. Firing line covers of overhead safety baffles for rifle fire only.
2. The range shall be enclosed by a six-foot chain link fence with a lockable gate at the entrance.
3. No trespassing signs shall be posted along range fence lines every 150 feet.

**d. Operation**

1. Weapons types are restricted to pistol, rifle, or shotgun.
2. The use of explosives or any target that detonates is prohibited.
3. Hours of operation shall be between 9:00AM to 8:00 PM, Monday through Thursday.
4. The discharge of weapons or shooting activities shall not occur on Friday through Sunday.
5. The range shall be utilized by duly sworn law enforcement personnel only, except as provided in standard (6) below.
6. No individuals under the age of 18 are permitted on the range during any practice or qualification of firearms unless such individual is participating in an organized, Camden County-approved function, properly supervised onsite by Camden County law enforcement personnel.
7. All activities shall adhere to the Sheriff's Policy and Procedure Manual for the site.
8. The operators of the shooting range shall provide proof of accident and liability insurance coverage. A minimum coverage of \$1,000,000 per individual and \$2,000,000 in the aggregate shall be maintained.

**e. Annual Recertification**

The Sheriff shall provide an annual Affidavit of Compliance to the Board of Commissioners stating the shooting range meets all Camden County Code standards for the use and all conditions of the special use permit.

**G. Retail Sales**

**1. Flea Market**

Flea market uses shall comply with the following standards:

- a. Off-street parking shall be provided with a minimum of three spaces per stand or rented space.
- b. Sanitary facilities shall be provided with facilities for both the male and female gender.
- c. There shall be provisions for garbage or trash removal for each day the flea market is open to the public.
- d. All rental spaces and buildings shall maintain a 50 foot setback from all residentially used property lines and meet the setbacks for principle uses along all other lot lines.

**H. Telecommunications<sup>90</sup>**

**1. Purpose and Intent**

This section establishes general standards for the siting of wireless telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the County have reliable access to wireless telecommunications services. More specifically, the provisions of this section are intended to:

- a. Ensure adequate protection of residential areas and uses from potential adverse impacts of wireless telecommunications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;
- b. Encourage the placement of wireless telecommunications facilities in non-residential areas;
- c. Create conditions where wireless telecommunications service providers are able to provide wireless telecommunications services effectively and efficiently in accordance with State and federal law;

<sup>90</sup> These standards are proposed to replace the telecommunications facility standards in Section 151.065.B of the current ordinance. There have been several recent changes to state law regarding these facilities, in particular, distinctions between collocations that are "eligible facilities" versus those that are "structural modifications". There are also new standards for small wireless facilities that need to be addressed. As a result, we suggest the current provisions be replaced by these standards.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.4 Commercial Uses

- d. Strongly encourage the joint use or collocation of new and existing wireless telecommunications facilities;
- e. Establish collocation and concealed towers as the preferred options for the accommodation of wireless telecommunications equipment; and
- f. Ensure that wireless telecommunications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

#### 2. **Applicability**

The standards in this section shall apply to all wireless telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

- a. Removal of antennas, antenna support structures, or wireless telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;
- b. The operation of a small wireless facility solely within the interior of a structure, stadium, or athletic facility;
- c. Routine maintenance on an existing wireless telecommunication facility;
- d. Installation, modification, or operation of a receive-only television antenna, or receive-only radio antenna for noncommercial use;
- e. Installation, modification, or operation of FCC-licensed amateur (“ham”) radio equipment; and
- f. Dish antenna or earth stations.

#### 3. **General Standards Applicable to All Types of Wireless Telecommunications Facilities**

The following requirements shall apply to all new wireless telecommunications facilities and any modifications to an existing wireless telecommunications facility that exceeds the scope of routine maintenance.

##### a. **Building Permit Required**

Prior to installation or modification exceeding the scope of routine maintenance, all wireless telecommunications facilities shall receive a building permit in accordance with the requirements in this Ordinance.

##### b. **Sight Distance at Intersections**

All elements of a wireless telecommunication facility shall be located outside of, and shall in no way obstruct, required sight distances at street intersections. This requirement shall apply to existing streets as well as to future street intersections that have been designed or where right-of-way is currently being protected.

##### c. **Lighting**

Lighting of a wireless telecommunications facility shall be limited to that required for compliance with FAA minimum standards.

##### d. **Signage**

Signage shall be limited to safety or informational signage identifying the party responsible for the operation and maintenance of the facility and any additional security or safety signs, as necessary in the opinion of the County.

#### 4. **Standards for Specific Types of Wireless Telecommunication Facilities**

The following standards shall apply to the identified type of wireless telecommunications facility, and shall apply in addition to the standards in **Section <>, General Standards Applicable to All Types of Wireless Telecommunications Facilities**.

##### a. **Telecommunications Tower, Major**

New or replacement major telecommunications towers with a height of 35 feet or more shall comply with the following standards:

##### 1. **Setbacks**

- A. Towers and their associated antennas shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height.
- B. In cases where an existing telecommunication tower’s height is increased or where an existing telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement tower shall comply with the setback requirements in subsection (A) above, to the maximum extent practicable.
- C. Accessory structures, including equipment cabinets, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.



# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards80F

### 4.4.4 Commercial Uses

#### 2. Collocation Required

A. Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards:

1. Towers of 35 to 80 feet in height shall be configured to accommodate the collocation of at least two wireless telecommunications service provider's equipment.
2. Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three wireless telecommunications service provider's equipment.
3. Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four wireless telecommunications service provider's equipment.

B. In no instance shall an existing telecommunications tower be permitted to remain in place for a period of more than 14 days following installation of a replacement telecommunications tower constructed to accommodate a collocation.

#### 3. Screening

A. All ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements.

B. Screening is not required in cases where ground-based equipment is not visible from off-site areas.

C. Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting.

#### b. Telecommunications Tower, Concealed and Minor

Concealed and minor telecommunications towers shall comply with the following standards:

##### 1. Towers Distinguished

A. A concealed telecommunications tower is a telecommunications tower and associated equipment that is designed to appear as something other than a traditional wireless telecommunications facility.

B. A minor wireless telecommunications tower is a use that is designed to appear as a traditional wireless telecommunications facility except that the maximum height of the tower portion of the facility is less than 35 feet above grade.

##### 2. Appearance of a Concealed Telecommunications Tower

A. A concealed telecommunications tower shall be configured to conceal the presence of the tower, antennas, antenna-support structures, and related wireless telecommunications equipment in order to obscure its purpose as a wireless telecommunications facility, to the maximum extent practicable (see **Figure <>: Concealed Telecommunications Towers**).

**FIGURE <>: CONCEALED TELECOMMUNICATIONS TOWERS**



---

## ARTICLE 151.4 USE REGULATIONS

---

### Section 4.4 Use-Specific Standards80F

---

#### 4.4.4 Commercial Uses

- B. Allowable configurations include, but are not limited to: bell towers, clock towers, water towers, silos, chimneys, steeples, light standards, flag poles, or evergreen trees.
  - C. Antennae, antenna support structures, cabling, and related appurtenances shall be enclosed, camouflaged, screened, or otherwise obscured so that they are not readily identifiable as wireless telecommunications equipment to the casual observer.
  - D. Equipment cabinets and related structures shall be designed, located, and camouflaged in a manner that is compatible with the tower portion of the facility.
3. **Setbacks**
- A. Concealed and minor telecommunications towers and associated accessory structures, including equipment cabinets, shall comply with the applicable dimensional requirements for nonresidential uses in the zoning district where located.
  - B. In no instance shall a concealed or minor telecommunications tower be exempted from the minimum applicable setback requirements for nonresidential uses.
  - C. In cases where an existing concealed telecommunication tower's height is increased or where an existing concealed telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements in subsection (A) above, to the maximum extent practicable.
4. **Collocation**
- A. Concealed and minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae, whenever technically and economically feasible.
  - B. Any collocated equipment on a concealed telecommunications tower must maintain the appearance of the facility as a concealed telecommunications tower.
  - C. Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower height by more than 10 feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower.
  - D. In no instance shall a concealed telecommunications tower be replaced with a telecommunications tower that is not concealed in order to accommodate a collocation.
5. **Screening**
- A. All ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements.
  - B. Screening is not required in cases where ground-based equipment is not visible from off-site areas.
  - C. Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting.
- c. **Collocation**
- Collocations, whether on a building wall or roof, a telecommunications tower, or on another vertical projection such as a water tank or electrical transmission tower, shall comply with the following standards:
- 1. **Collocations Distinguished**

All collocations shall be classified as either a major collocation or a minor collocation in accordance with **Section <>, Definitions**, and the following:

    - A. A major collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on any of the following:
      - 1. A building's roof;

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards80F

#### 4.4.4 Commercial Uses

2. A building's wall;
      3. A vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing wireless telecommunications services; or
      4. An existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and Section 160A-400.51 of the North Carolina General Statutes.
    - B. A minor collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and Section 160A-400.51 in the North Carolina General Statutes, is required. A minor collocation may also be referred to as an "eligible facility," as defined in these standards and Section 160A-400.51 of the North Carolina General Statutes.
    - C. In addition to the placement of antennas and antenna-support structures, collocations may also include the placement of wireless telecommunications equipment on a telecommunications tower, on a vertical projection, on the ground in close proximity to a telecommunications tower or vertical project, within an equipment compound, within an equipment cabinet, within a building, or on a building's roof.
    - D. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation.
2. **Substantial Modification**

Collocations on an existing or replacement telecommunications tower that require or result in any of the following shall be considered a substantial modification:

  - A. Increasing the existing overall height of the telecommunications tower by the greater of:
    1. 20 feet; or
    2. More than ten percent; or
  - B. Adding an appurtenance (excluding cabling supports) to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of:
    1. More than the width of the telecommunications tower at the height of the appurtenance; or
    2. More than 20 feet from the edge of the tower; or
  - C. Increasing the square footage of an existing equipment compound by more than 2,500 square feet.
  - D. Substantial modifications that require an increase in the overall height of an existing telecommunications tower or require a replacement tower that exceeds the height of the existing telecommunications tower by more than 40 feet shall require review as a new telecommunication tower subject to the standards in **Section <>, Telecommunications Towers, Major**.
  - E. In no instance shall an existing telecommunications tower be permitted to remain in place for a period of more than 14 days following installation of a replacement telecommunications tower constructed to accommodate a collocation.
3. **Collocation Prohibited**

In no instance shall a collocation take place on or in a single-family detached, duplex, or attached residential structure.
4. **Method of Attachment**

Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment and that meet's the County's minimum wind loading standards.
5. **Setbacks**
  - A. In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a collocation, the existing or replacement tower shall be set back

---

## ARTICLE 151.4 USE REGULATIONS

---

### Section 4.4 Use-Specific Standards80F

---

#### 4.4.4 Commercial Uses

at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height.

- B. Accessory structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.

6. **Screening**

- A. All ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements.
- B. Screening is not required in cases where ground-based equipment is not visible from off-site areas.
- C. Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting.

d. **Small Wireless Facility**

Small wireless facilities may be located within a public right-of-way, other right-of-way, or on an individual lot only in accordance with the following standards:

1. **Consolidated Application**

An applicant may file a single consolidated application for up to 25 separate small wireless facilities at one time, but the County may choose to issue separate decisions on one or more of the facilities included within a consolidated application.

2. **Timeframe for Review**

Applications for establishment of a small wireless facility shall be processed and decided within 45 days from the date the application is determined to be complete. Nothing shall prohibit the County and the applicant from mutually agreeing to a longer review period.

3. **Timing for Operation**

Construction of a small wireless facility shall commence within six months of its approval and the small wireless facility shall be activated for use within one year from the permit issuance date, unless delayed by a lack of commercial power at the site.

4. **Maximum Equipment Size**

- A. In no instance shall a small wireless facility exceed the following maximum size limitations:
1. Each antenna, and any exposed elements, shall be capable of fitting within an enclosure of six cubic feet, or less.
  2. All other wireless equipment associated with the small wireless facility shall maintain a maximum cumulative volume of 28 cubic feet, or less. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or the support structure.
- B. A small wireless facility that exceeds these maximum size limitations shall be reviewed in accordance with the standards for a collocation.

5. **Placement**

- A. A small wireless facility, including the support structure and all other equipment, shall not obstruct the safe passage of vehicles, pedestrians, or bicycles.
- B. Where an applicant proposes to install a new wireless support structure in the right-of-way, the County may impose separation requirements between it and any existing wireless support structure or other facilities in or within ten feet of the right-of-way, to ensure safe operation and maintenance of all features within the public right-of-way.

6. **Method of Attachment**

Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a small wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment and that meet's the County's minimum wind loading standards.

7. **Right-of-Way Restored**

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.4 Commercial Uses

The applicant shall restore the right-of-way to pre-construction conditions following installation or maintenance of a small wireless facility.

#### I. Vehicle Establishment, Major

##### 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;

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.4 Commercial Uses

- c. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level;
- d. 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;
- 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<sup>91</sup>

#### 1. Bed and Breakfast Inns<sup>92</sup>

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 for 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 guests.
- 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. Campgrounds<sup>93</sup>

##### a. Camping, Generally

Camping is a permitted use of land only in camper subdivisions and recreational campgrounds.

##### b. Campgrounds

###### 1. Allowable Uses

The following uses are permitted within campgrounds:

- A. Use of transportable recreational housing, other than for long term occupancy or dwelling units; and
- B. Establishments for the sale or rental of supplies or for provisions or services, for the satisfaction of daily or frequent needs of campers.

###### 2. Dimensional Requirements

- A. The minimum site area for a recreational campground shall be ten acres under single ownership or control.
- B. The minimum size for a single camper space shall be 300 square feet.
- C. Establishments providing goods or services to campers (including any associated parking areas) shall not occupy more than two percent of the campground.
- D. Each campground shall include a recreation area of at least eight percent of the site.

###### 3. Configuration

- A. At the opening of a recreational campground for occupancy, all required facilities and improvements shall have been completed and there shall be at least 20 camping spaces available and ready for occupancy.

<sup>91</sup> NOTE: Questions arose during review of the draft UDO regarding regulation of Airbnb uses. These are accessory uses to single family homes, not principal uses. Considerable discussion is necessary regarding standards for these uses – for example: Is this accessory use available to any residential use type or just single-family detached homes? Will the County seek to limit the number of times a home may be rented during a year? If so, how will it track and enforce? Will enforcement staff be available to address violation complaints on nights and weekends?

<sup>92</sup> These standards proposed to replace the provisions in Section 151.347.H of the current ordinance.

<sup>93</sup> These standards carry forward the provisions in Section 151.213 of the current ordinance with no substantive changes except that the recreational campground standards in Section 151.347.D are consolidated here as well.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards80F

#### 4.4.4 Commercial Uses

- B. The recreation area may include space for common walkways and related landscaping in block patterns (passive recreational area), provided that the common open space is at least 20 feet in width.
- C. At least half of the total required recreational area shall be improved with facilities for active recreation such as swimming pools, beaches, ballfields, shuffleboard courts, play lots.
- D. Recreation areas shall be located for easy access to all camping spaces and configured to avoid the creation of traffic hazards or unsafe conditions for pedestrians.

#### c. Campers

- 1. 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.
- 2. Additions to campers shall be prohibited.
- 3. It shall be prohibited for a camper to be used as an addition to any structure.
- 4. Campers shall not have wheels removed and be blocked so as to make it a permanent structure, and shall not be underpinned.
- 5. An approved sewage disposal system shall be provided in all campgrounds that are designed for campers or that allow use by campers.
- 6. No camper larger than eight feet by 40 feet, including the tongue shall be located on a designated camper lot.

#### d. Camper Lots

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

Platted lots approved for the location of up to one recreational vehicle or camper shall comply with the following standards:

##### A. Allowable Uses

Allowable uses are subject to the applicable dimensional requirements for the zoning district where located, and include:

- 1. Up to one camper, sited in the center of the lot;
- 2. A raised walkway of up to five feet;
- 3. Open air decks of up to 100 square feet;
- 4. Up to one accessory building, not to exceed 100 square feet; and
- 5. Temporary additions, such as roll-up canvas awnings.

##### B. Configuration

- 1. No permanent additions shall be allowed.
- 2. CAMA permits must be obtained, if necessary.
- 3. Accessory buildings shall be located to the rear of the primary structure or camper.

##### 2. Two Camper Lots

The following standards shall apply in cases where two abutting camper lots are under common ownership:

##### A. Allowable Uses

- 1. In cases where each lot is used individually, the range of allowable uses shall be identical to one camper lot in subsection (1.A) above.
- 2. In cases where the two lots are used jointly, as a single lot, the following uses are permitted:
- 3. Up to one camper;
- 4. One site-built or modular home;
- 5. One Class "A" mobile home of up to two-bedrooms;
- 6. Accessory buildings in accordance with **Section <>, Accessory Uses**;
- 7. Screened or unscreened porches; and
- 8. Walkways and decks, subject to all applicable dimensional requirements.

##### B. Configuration

- 1. Lot coverage shall not exceed 24 percent and CAMA permits shall be obtained, if necessary.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.5 Industrial Uses

2. Additions to site built homes, modular, and mobile homes shall be permitted provided they do not increase the number of bedrooms or bathrooms.
3. Accessory buildings shall be located to the rear of the primary structure or camper.

#### 3. Three Camper Lots

In cases where three or more camper lots abut one another and are under common ownership, development on the three lots shall be in accordance with the standards for two camper lots above except that site built, modular, or mobile homes are allowed to have up to three bedrooms.

#### 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 the existing structure and any additions.

#### 5. Nonconforming Uses or Structures on Camper Lots

All permanent structures located on a camper lot prior to the *(insert the effective date of this Ordinance)* may continue and be maintained in good condition.

Any damage equaling 25 percent or more of the total structure's replacement cost shall require that the existing structure 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.**

#### 3. Recreational Vehicles

Recreational vehicles located within the SFHA shall comply with the standards for these uses in **Section <>, Special Flood Hazard Area Overlay (SFHA).**

#### 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 Uses**, 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.

### L. Water-Related Uses

#### 1. Marinas<sup>94</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.

<sup>94</sup> This section carries forward Section 151.214 of the current UDO.



## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.5 Industrial Uses

- i. Proposals for marina development shall be accompanied by a modeling study indicating expected flushing, where applicable.

### 4.4.5 INDUSTRIAL USES

#### A. Extractive Industry (Mining)<sup>95</sup>

1. The applicant shall receive an approved State mining permit and approval of an erosion and sedimentation control plan by NC DEQ prior to issuance of a zoning compliance permit. All State permits, applications for State permits, and requests for permit modifications shall be filed in Planning Department prior to commencement of any mining activity.
2. Extractive industry uses located within the SFHA 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.
4. If, at any time, a State agency suspends or revokes any permits it has issued for an extractive industry, the revocation or suspension shall cause the zoning compliance permit issued by the County to become void.
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 operation thereafter, they shall apply for a new zoning compliance permit.
6. Where two or more accesses to the 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 subsection, 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.
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.
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.
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 is being conducted on the property.
14. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation.
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;

<sup>95</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.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.5 Industrial Uses

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
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 A 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. **Power Generation**

#### 1. **Solar Array<sup>96</sup>**

The following standards shall apply to all solar arrays located in Camden County:

- a. **Minimum Area**  
The minimum lot size for a solar array use type shall be five acres.
- b. **Setbacks**  
All structures shall meet a minimum 100-foot setback from all lot lines.
- c. **Required Buffers**
  1. The solar array shall be surrounded by a lockable fence with a minimum height of six feet (see **Figure <>, Solar Array Configuration**).
  2. There shall be 50-foot buffer around the outside of the perimeter fence that obstructs view of the solar array from view from public rights-of-way or adjacent residentially-zoned property.
  3. The buffer shall consist of two canopy trees, four understory trees and 25 shrubs for every 100 feet.
  4. The maintenance of the buffer shall conform to the standards in **Section <>, Required Maintenance**.

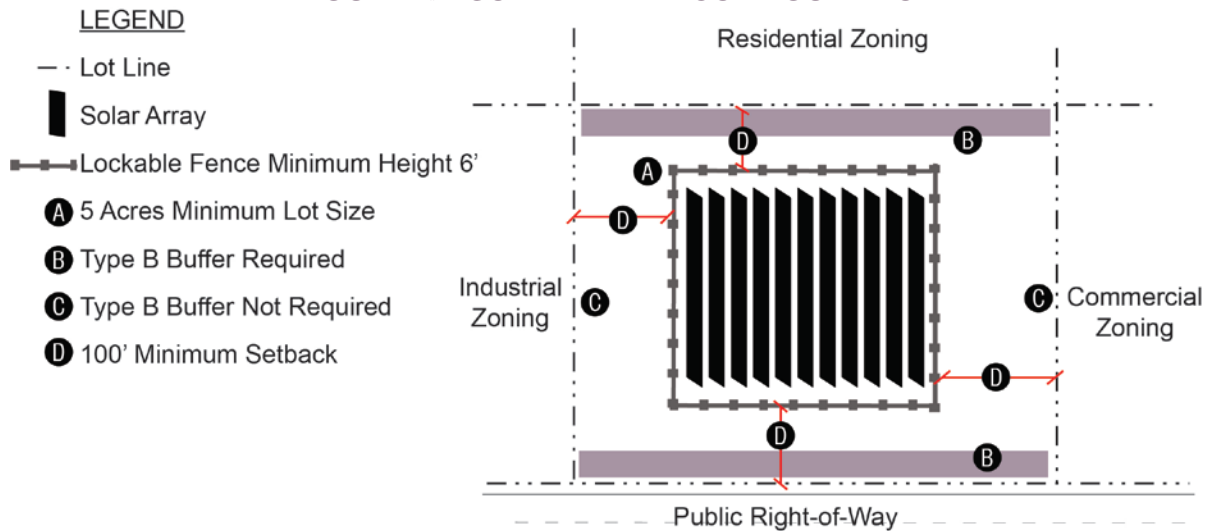
<sup>96</sup> These standards carry forward the County's current standards for solar farms from Ordinance 2017-05-01.

# ARTICLE 151.4 USE REGULATIONS

## Section 4.4 Use-Specific Standards80F

### 4.4.5 Industrial Uses

FIGURE <>: SOLAR ARRAY CONFIGURATION



**d. Maximum Height**

1. No structure associated with a solar array shall exceed a height of 15 feet.
2. Solar arrays within the SFHA or the 100-year floodplain shall elevate all electrical connections at least one foot above the base flood elevation (BFE).

**e. Additional Standards**

The solar array shall conform to the NAICS 22119 description of a ground mounted solar powered energy system, as amended.

**f. Decommissioning Plan Required**

1. All applications for the establishment of a solar array shall include a decommissioning plan to be signed by party responsible for decommissioning and the landowner (if different). The decommissioning plan shall include all of the following:
  - A. A description of any agreement (e.g. lease) with landowner regarding decommissioning.
  - B. A list the type of panels and material specifications of equipment being utilized at the site.
  - C. The identification of the party currently responsible for decommissioning.
  - D. An estimated cost of removal prepared by a third party engineer.
  - E. Provisions for removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.
  - F. 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.
2. Prior to issuance of a Building Permit the decommissioning plan shall be recorded in the Camden County Registry of Deeds.
3. The decommissioning plan and estimated cost of removal shall be updated and re-recorded in the County's Registry of Deeds every five years or upon change of ownership.

**g. Financial Guarantee Required**

1. Prior to the approval of a building permit for a solar array, 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.
2. 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.

---

## ARTICLE 151.4 USE REGULATIONS

---

### Section 4.4 Use-Specific Standards<sup>80F</sup>

---

#### 4.4.5 Industrial Uses

3. The County shall periodically request proof of the continuous operation of the solar array from the applicant/owner.
  4. 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.
2. **Wind Energy Conversion Facilities**<sup>97</sup>
- a. **Facilities Distinguished**

The standards in this section shall apply to the following types of wind energy conversion facilities:

    1. **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.
    2. **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.
    3. **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.
  - b. **Permit Required**

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.
  - c. **Permit Application**
    1. An application for a wind energy conversion facility permit shall contain the following:
      - A. A narrative describing the proposed wind energy facility, including an overview of the project.
      - B. The proposed total rated capacity of the wind energy facility.
      - C. 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.
      - D. Identification and location of the property or properties on which the proposed wind energy facility will be located.
      - E. 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.
      - F. If the facility will transfer power back to a power service provider, include the following:
        1. The electrical cabling from the wind energy facility to the substation indicated on the site plan.
        2. Documentation of an approved interconnection feasibility study.
      - G. 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.
      - H. Documentation of agreement between participating landowner(s) and the applicant, facility owner, or operator.
      - I. Signature of the applicant.

---

<sup>97</sup> This section carries forward the standards in Section 151.347(T) in the current ordinance.

ARTICLE 151.4 USE REGULATIONS

Section 4.4 Use-Specific Standards80F

4.4.5 Industrial Uses

- J. Any relevant studies reports, certifications and approvals as may be reasonably requested by the County to ensure compliance with this section.
  - 2. 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.
  - 3. Changes to the approved application that do not materially alter the initial site plan may be adopted administratively by the UDO Administrator.
  - 4. 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 compliance permit and must be setback from all property lines at a distance equal to one linear foot for every foot of height. Zoning compliance 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.
- d. **Standards for Small Wind Energy Conversion Facilities**  
Small wind energy conversion facilities shall be considered an accessory use subject to the applicable standards this section, Section <>, Accessory Uses, and Section <>, Wind Energy Conversion Facility, Small.
- e. **Minimum Setbacks**
- 1. 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.

| TABLE <>: MINIMUM SETBACK CALCULATION FOR WIND ENERGY CONVERSION FACILITIES |                             |                  |  |              |
|---|-----------------------------|------------------|--|--------------|
| WIND ENERGY CONVERSION FACILITY TYPE  | SETBACK DISTANCE MULTIPLIER |                  |  |              |
|   | OCCUPIED BUILDINGS          | RESIDENTIAL USES | PROPERTY LINE OF NON-PARTICIPATING LANDOWNER | PUBLIC ROADS |
| 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          |

- 2. Setback requirements may be waived if the following conditions are met:
    - A. 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.
    - B. 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.
- f. **Sound and Shadow Flicker**
- 1. 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.
  - 2. 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.
  - 3. 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.
  - 4. Sound and/or shadow flicker provisions may be waived if the following conditions are met:
    - A. 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.
    - B. 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.
- g. **Installation and Design**
- 1. 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

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards<sup>80F</sup>

#### 4.4.5 Industrial Uses

reports if required, from all applicable State and federal agencies, including, but not limited to the N.C. Department of Environmental Quality, the Coastal Resources Commission, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the N.C. Wildlife Resources Commission.

2. 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.
3. All structural, electrical, and mechanical components of the wind energy facility shall conform to relevant and applicable local, State, and national codes.
4. Any on-site collector system shall, to the extent commercially reasonable, be placed underground.
5. The visual appearance of a wind turbine shall at a minimum:
  - A. Be a non-obtrusive color such as white, off-white or gray;
  - B. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and
  - C. Not display advertising (including flags, streamers or decorative items), except for identification of the wind turbine manufacturer, facility owner, and operator.

#### h. Decommissioning

1. 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.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.
3. 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.
4. 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.

#### E. 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.
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.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.4 Use-Specific Standards80F

#### 4.4.5 Industrial Uses

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 not be visible from adjacent streets or shall be screened by vegetation.
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. Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.
4. 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.
5. 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.

#### F. **Waste-Related Services**

##### 1. **Within the SFHA**

Waste-related services shall not be located within the SFHA, 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 SFHA;
- 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.

##### 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.

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.4 Use-Specific Standards<sup>80F</sup>**

4.4.5 Industrial Uses

- 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.
3. **Land Application of Sludge/Septage<sup>98</sup>**  
 Uses engaged in the land application of sludge or septage shall comply with the following standards:
- a. **General Requirements**
    - 1. A permit must be obtained by the applicant from the appropriate County or State agency which has authority to issue required permits prior to land application of sludge or septage.
    - 2. All conditions stated in the appropriate County or State permit shall be strictly adhered to.
    - 3. Upon issuance of the special use permit, the property owner shall record the special use permit in the offices of the County Register of Deeds and have it indexed under the record owner's name as grantor.
    - 4. The special use permit will be non-transferable.
    - 5. Failure to properly abide by the aforementioned conditions will result in the immediate revocation of the special use permit.
    - 6. A no trespassing sign shall be posted at access roads or paths crossing or leading to the disposal area and a legible sign of at least two feet by two feet stating, "A Septage or A Sludge Disposal Area" shall be posted at the entrance to the disposal area.
  - b. **Operation**
    - 1. The site shall be inspected by ARHS every two months.
    - 2. Septage operations shall have soil tested annually; soil shall be tested semi-annually if lime is used for stabilization.
    - 3. Land application of sludge shall occur only during daylight hours.
    - 4. Septage shall be applied so as to have no standing surface collection of liquid within 24 hours after application.
    - 5. The applicant must notify ARHS at least ten days prior to beginning land application of sludge and at least ten days prior to beginning further sludge operations if operations are conducted on an intermittent basis and have ceased for more than 30 days.
    - 6. The applicant shall submit copies of all reports submitted to the appropriate State permitting agency concerning land application operations to ARHS.
  - c. **Setbacks**  
 In addition to the setbacks required by the appropriate State agency, land application of sludge and septage uses shall comply with the setback standards in **Table <>: Land Application Setbacks**:

| <b>TABLE &lt;&gt;: LAND APPLICATION SETBACKS</b> |  |                                |
|--|--|--------------------------------|
| <b>TYPE OF LAND APPLICATION USE</b>              | <b>ADJACENT USE TYPE AND PROXIMITY</b>   | <b>SETBACK DISTANCE (FEET)</b> |
| Sludge Operations                                | Within 1,000 feet to 1,500 feet of an existing residential or commercial structure | 1,000 [1]                      |
|  | Within 1,500 feet to 2,000 feet of an existing residential or commercial structure | None [1]                       |
|  | Greater than 2,000 feet to an existing residential or commercial structure         | None [2]                       |
|  | From a private or public water well  | 1,000                          |
|  | From a lot line  | 100                            |
| Septage Operations                               | An adjacent existing residential or commercial structure                           | 500 [3]                        |
|  | From a public right-of-way or lot line under separate ownership                    | 100                            |
|  | Potable water well or spring   | 500                            |
|  | Monitoring well  | 200                            |
|  | Abandoned well   | 50                             |
|  | Surface waters   | [4]                            |
|  | Ground water lowering devices and ditches  | 100                            |

<sup>98</sup> These standards carry forward the provisions in Section 151.347.Q of the current ordinance



**ARTICLE 151.4 USE REGULATIONS**

**Section 4.4 Use-Specific Standards<sup>80F</sup>**

4.4.5 Industrial Uses

| <b>TABLE &lt;=&gt;: LAND APPLICATION SETBACKS</b>  |  |                                |
|--|--|--------------------------------|
| <b>TYPE OF LAND APPLICATION USE</b>  | <b>ADJACENT USE TYPE AND PROXIMITY</b> | <b>SETBACK DISTANCE (FEET)</b> |
| <p>NOTES:<br/>                     [1] Requires a buffer of a width determined by the BOC.<br/>                     [2] No buffer required.<br/>                     [3] Lime stabilization may be required by the BOC.<br/>                     [4] Setbacks shall be in accordance with 15A NCAC 13B.0815 through 13B.0827, Septage Management Rules of the State.</p> |  |                                |

**d. Additional Standards for Septage Uses**

1. Septage disposal sites shall not be located on a slope greater than 12 percent.
2. Soil texture, soil wetness, and depth to rock standards shall be in accordance with 15A NCAC 13B.08105 through 13B.0827, Septage Management Rules of the State.
3. No hazardous wastes shall be disposed of on-site; industrial or solid wastes shall not be disposed of on-site without prior approval by the State.
4. Soil pH shall be maintained at 6.5 or greater at all times.
5. Soil erosion and runoff for the site shall be in accordance with 15A NCAC 13B.0815 through 13B.0827, Septage Management Rules of the State.

**4. Privately-Owned Landfills, Convenience Sites, and Similar Facilities<sup>99</sup>**

A privately-owned landfill, convenience site, or similar facility shall comply with the following standards:

- a. The applicant must show written evidence of having received all required state and federal permits prior to operation.
- b. The applicant must execute a waste-related franchise issued by the County pursuant to Section 153A-136 of the North Carolina General Statutes.
- 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 or other technical advisers appointed by the UDO Administrator.
- d. The applicant shall reimburse the County for all expenses incurred in reviewing the application, including administrative costs, advisory fees, legal fees, and engineering or other professional fees incurred by the County.

**5. Salvage or Junkyard<sup>100</sup>**

A salvage or junkyard use shall comply with the following standards:

- a. **Location**  
A junkyard may not be placed within 1,000 feet of a primary highway right-of-way.
- b. **Screening**  
Junkyards shall be screened so as not to be visible from:
  1. Any state-maintained road using a minimum six-foot privacy fence; and
  2. Adjacent residential or non-residential properties.
- c. **Additional Requirements**
  1. Burning of non-vegetative matter shall not be permitted.
  2. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained.
  3. Open dumping of garbage shall be prohibited.
  4. Disposal of toxic/hazardous matter is prohibited without a special use permit and a State permit.
  5. Stock piling of tires and batteries is prohibited.
  6. Drainage of junkyards shall be adequate to assure that no standing water shall exist.
  7. Weeds and vegetation shall be kept at a height not to exceed 12 inches.
  8. Storage of vehicles shall be so arranged as to permit easy access to all junk for fire-fighting purposes.
  9. A soil erosion and sedimentation control plan shall be submitted and shall be kept on file in the UDO Administrator's office.

<sup>99</sup> This section 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.

<sup>100</sup> These standards carry forward the provisions in Section 151.347.O of the current ordinance.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses<sup>100F</sup>

#### 4.5.1 Purpose

## 4.5 ACCESSORY USES<sup>101</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 following exceptions, no accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance:
  - 1. Agricultural uses;
  - 2. Docks, piers, and boat ramps; and
  - 3. Storage and maintenance sheds of up to 200 square feet in area.
- 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<sup>102</sup>

- 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; and
  - 3. 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<sup>103</sup>**

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**

Except for accessory dwelling units or where expressly stated in this Ordinance, there are no limitations on the size of an accessory structure.
- F. **Where Located on the Lot**
  - 1. On lots of two acres in area or smaller, an accessory structure shall not be located between the principal structure and a street bounding the lot (see [Figure <>, Accessory Structure Location](#)).
  - 2. Accessory structures may be located between a principal structure and a street bounding the lot or site on lots or sites greater than two acres in area.

<sup>101</sup> This section builds on the standards in Section 151.329 of the current ordinance

<sup>102</sup> This section replaces the standards in Section 151.329 of the current ordinance.

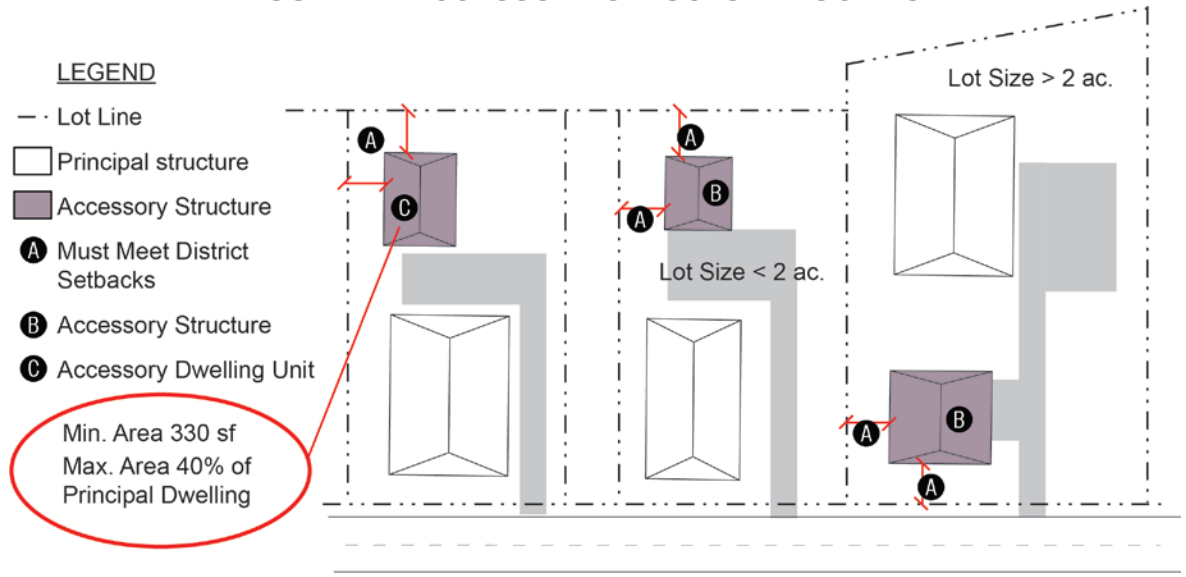
<sup>103</sup> This section is proposed to replace the standards in Section 151.064 of the current ordinance.

# ARTICLE 151.4 USE REGULATIONS

## Section 4.5 Accessory Uses100F

### 4.5.4 Table of Allowable Locations

FIGURE <>: ACCESSORY STRUCTURE LOCATION



#### G. Easements

Accessory structures may not be located in an easement unless the easement or easement holder expressly states the allowance in writing.

#### H. 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.

#### I. Location in the SFHA

Accessory uses or structures located in the SFHA shall comply with the standards in [Section <>, Accessory Uses](#), in addition to these standards.

## 4.5.4 TABLE OF ALLOWABLE LOCATIONS

#### A. Table as Guide

[Table <>, Common Accessory Use Table](#), is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

#### B. Listed Accessory Uses

[Table <>, Common Accessory Use Table](#), lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts.

1. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. If the accessory use or structure is not allowed in a zoning district, the cell is blank ".".
4. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be set out in the approved master plan or terms and condition statement.
5. If there is a reference contained in the column entitled "Acc. Use-Specific Standard," see [Section <>, Standards for Specific Accessory Uses](#), for the additional standards that apply to the specific accessory use.

**ARTICLE 151.4 USE REGULATIONS**

**Section 4.5 Accessory Uses<sup>100F</sup>**

4.5.5 Standards for Specific Accessory Uses

| <b>TABLE &lt;&gt;: COMMON ACCESSORY USE TABLE</b>                     |             |         |            |            |          |            |          |          |          |    |      |          |          |                            |          |
|---|-------------|---------|------------|------------|----------|------------|----------|----------|----------|----|------|----------|----------|----------------------------|----------|
| "P"= Permitted "S"= Permitted with Special Use Permit "."= Prohibited |             |         |            |            |          |            |          |          |          |    |      |          |          |                            |          |
| ACCESSORY USE   | RESIDENTIAL |         |            |            |          | COMMERCIAL |          |          |          |    | IND. |          | PD (NEW) | ACC. USE-SPECIFIC STANDARD |          |
|   | 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) |
| Accessory Dwelling Unit   | .           | P       | P          | P          | P        | P          | P        | P        | P        | P  | P    | .        | .        | A                          | ◇        |
| Amateur Ham Radio   | .           | P       | P          | P          | P        | P          | P        | P        | P        | P  | P    | P        | P        | A                          | ◇        |
| Boat Lifts  | P           | P       | P          | P          | P        | P          | P        | P        | P        | P  | P    | P        | P        | A                          | ◇        |
| Boat Ramps  | P           | P       | P          | P          | P        | P          | P        | P        | P        | P  | P    | P        | P        | A                          | ◇        |
| Cemetery, Family or Religious Institution                             | .           | P       | P          | P          | S        | .          | P        | .        | .        | P  | .    | .        | .        | A                          | ◇        |
| Child Care, Incidental  | .           | P       | P          | P          | P        | P          | P        | P        | P        | .  | .    | .        | .        | A                          | ◇        |
| Community Agriculture   | S           | P       | P          | P          | P        | P          | P        | P        | .        | .  | .    | .        | .        | A                          | ◇        |
| Docks, Piers  | P           | P       | P          | P          | P        | P          | P        | P        | P        | P  | P    | P        | P        | A                          | ◇        |
| Drive-Through   | .           | .       | .          | .          | .        | .          | P        | P        | .        | P  | .    | P        | .        | A                          | ◇        |
| Excavation  | .           | P       | .          | .          | .        | .          | .        | .        | .        | P  | P    | P        | P        | A                          | ◇        |
| Gasoline Sales  | .           | .       | .          | .          | .        | .          | P        | P        | S        | P  | P    | P        | .        | A                          | ◇        |
| Home Occupation   | .           | P       | P          | P          | P        | P          | P        | P        | P        | P  | P    | .        | .        | A                          | ◇        |
| Horse Stable  | .           | P       | P          | P          | P        | P          | .        | .        | .        | .  | .    | .        | .        | A                          | ◇        |
| Housing for Poultry   | .           | P       | P          | P          | P        | .          | P        | .        | .        | P  | .    | .        | .        | A                          | ◇        |
| Ice House   | .           | .       | .          | .          | .        | .          | P        | P        | P        | P  | P    | P        | .        | A                          | ◇        |
| Outdoor Display and Sales   | .           | .       | .          | .          | .        | .          | P        | P        | P        | P  | .    | P        | .        | A                          | ◇        |
| Outdoor Storage (Nonresidential)                                      | .           | .       | .          | .          | .        | .          | P        | P        | P        | P  | P    | P        | P        | A                          | ◇        |
| Parking of Boats or Watercraft  | .           | P       | P          | P          | P        | P          | P        | P        | P        | P  | P    | P        | P        | A                          | ◇        |
| Parking of Heavy Trucks, Trailers in Residential Districts            | .           | P       | P          | S          | S        | .          | .        | .        | .        | .  | .    | .        | .        | A                          | ◇        |
| Produce Stands  | .           | P       | P          | P          | .        | .          | P        | P        | P        | P  | .    | P        | .        | A                          | ◇        |
| Recreational Vehicles   | .           | P       | P          | P          | .        | .          | .        | .        | .        | P  | .    | .        | .        | A                          | ◇        |
| Retail Sales from a Vehicle   | .           | S       | .          | .          | .        | .          | P        | P        | P        | P  | P    | P        | P        | A                          | ◇        |
| Solar Energy Equipment  | .           | P       | P          | P          | P        | P          | P        | P        | P        | P  | P    | P        | P        | A                          | ◇        |
| Underground Storage Tanks   | .           | S       | .          | .          | .        | .          | P        | S        | .        | P  | P    | P        | P        | A                          | ◇        |
| Wind Energy Conversion Facility, Small                                | .           | P       | S          | S          | S        | S          | P        | P        | S        | P  | P    | P        | P        | A                          | ◇        |

**4.5.5 STANDARDS FOR SPECIFIC ACCESSORY USES**

**A. Accessory Dwelling Units<sup>104</sup>**

Accessory dwelling units shall comply with the following standards:

**1. General Requirements**

- a. Accessory dwelling units may be located within a principal structure (e.g., a downstairs apartment), as a freestanding building, or above a detached outbuilding.
- b. The use of manufactured homes, travel trailers, campers, tractor trailers, or similar vehicles as an accessory dwelling unit is prohibited.
- c. Not more than one accessory dwelling unit per lot is permitted.

<sup>104</sup> These standards are proposed to replace the standards in Section 151.347.J of the current ordinance.

# ARTICLE 151.4 USE REGULATIONS

## Section 4.5 Accessory Uses100F

### 4.5.5 Standards for Specific Accessory Uses

- d. Where there is no public sanitary sewer service available to the accessory apartment, the applicant shall provide an approval from the Albemarle Regional Health Department for the accessory dwelling unit.

#### 2. Maximum Size

- a. An accessory dwelling unit shall have a floor area of at least 300 square feet, but shall not exceed 40 percent of the floor area associated with the principal structure..
- b. An accessory dwelling unit shall have a maximum of two bedrooms and at least one full bathroom.

#### 3. Configuration

- a. 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).
- b. The accessory dwelling unit shall be served by the same driveway serving the principal use.
- c. Accessory dwelling units shall not be sold apart from the principal structure.
- d. 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 general permit issued by the NC Division of Coastal Management.

#### D. Boat Ramps

Boat ramps shall comply with the following standards:

- 1. Boat ramps (excluding sidewalls) of up to 15 feet in width require issuance of a CAMA general permit by the NC Division of Coastal Management.
- 2. Boat ramps with a width exceeding 15 feet (excluding sidewalls) require issuance of a CAMA major permit by the NC Division of Coastal Management.
- 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. The grounds of the cemetery shall be properly maintained, including: removal of trash and debris, maintaining ground cover, and ensure public safety is maintained.
- 3. **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         |

- 4. The property owner shall provide a road or path for the purpose of access to and from the cemetery.
- 5. The cemetery shall not be owned or operated as a business for profit.
- 6. The applicant requesting to establish or enlarge a cemetery shall submit the following minimum information on the site plan:

## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses100F

#### 4.5.5 Standards for Specific Accessory Uses

- 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.
7. A site plan 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; and
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 commercial 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

1. Docks and piers shall be allowed in accordance with State and federal regulatory and permitting requirements.
2. Docks and piers shall be treated as an accessory use to the property to which they are connected.
3. 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.
5. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure

#### J. Excavation

## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses<sup>100F</sup>

#### 4.5.5 Standards for Specific Accessory Uses

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<sup>105</sup>

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 two persons 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. 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.
8. The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
9. 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. Horse Stable

A horse stable may be operated on a lot in a residential district regardless of whether or not a dwelling is located on the lot, and a horse stable shall comply with the following requirements:

1. All horses boarded on that premises shall belong to or be leased by the individual who owns and/or leases the land on which the stable is located. Mares under breeding contract are exempt.
2. The land on which the stable is located is at least two acres in size.
3. No stable shall be located within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining water source (well) being used for human consumption.
4. Fencing associated with a stable shall be maintained in good repair.

#### N. 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;

<sup>105</sup> This section is proposed to replace the standards in Section 151.347.B and Section 151.329.C.1 of the current ordinance.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses100F

#### 4.5.5 Standards for Specific Accessory Uses

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.

#### 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 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 <>, Major 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 <>, 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 distance 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 Uses100F

4.5.5 Standards for Specific Accessory Uses

| TABLE <->: OUTDOOR STORAGE SCREENING  |  |  |
|---|--|--|
| ADJACENT FEATURE OR ZONING DISTRICT TO BE SCREENED  | MINIMUM OPAQUE SCREENING FENCE OR WALL HEIGHT (FEET) | STORED OBJECT/MATERIAL MAXIMUM HEIGHT WITHIN 50 FEET OF FENCE OR WALL (FEET) [2] |
| 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  |
| NOTES:<br>[1] Or use type if in a planned development district<br>[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 strictures on different lots.

S. Parking of Heavy Trucks or Trailers 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.
- 3. **Standards**
  - a. Heavy trucks and trailers with a rated capacity exceeding two-and-one-half tons 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 or trailer 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.

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.

U. Recreational Vehicles

Recreational vehicles located within the SFHA shall comply with the applicable standards in Section <->, Special Flood Hazard Area Overlay (SFHA).

V. 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;

## ARTICLE 151.4 USE REGULATIONS

### Section 4.5 Accessory Uses100F

#### 4.5.5 Standards for Specific Accessory Uses

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 stand-alone or separate 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 (ARHS) certification.

#### W. 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 **Article 151.3: Zoning Districts**).
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. If ground mounted, the area of the system shall not exceed one-half the footprint of the principal structure.
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. 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. Wind Energy Conversion Facility, Small

A small wind energy conversion facility shall comply with the applicable standards in **Section <>, Wind Energy Conversion Facilities**, and the following standards:

1. **Where Permitted**  
Small wind energy facilities may be permitted as an accessory use in the WL, CC, HC, LI, and HI districts.
2. **Amount**  
Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.
3. **Location and Setback**  
Small wind energy conversion facilities shall not be located between a principal building and any streets fronting the lot.
4. **Height**  
The maximum height of a small wind energy system (including the tower and extended blades) shall be 120 feet.
5. **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.
6. **Lighting**  
No illumination of the turbine or tower shall be allowed, unless required by the (FAA).
7. **Access to Tower**  
Any climbing rungs shall be removed to a height of 12 feet above grade.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.6 Temporary Uses<sup>105F</sup>

#### 4.6.1 Purpose

## 4.6 TEMPORARY USES<sup>106</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 and conditions, 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 SFHA

Temporary non-residential uses in the SFHA 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>106</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>105F</sup>

#### 4.6.4 Standards for Specific Temporary Uses

##### A. **Portable Storage Container**<sup>107</sup>

Portable storage containers may be permitted as a temporary use on a residential lot, 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. **Special Events**<sup>108</sup>

Special events shall comply with the following standards:

1. The hours of operation allowed shall be compatible with the uses adjacent to the activity;
2. The anticipated amount of noise generated shall not disrupt the activities of adjacent land uses;
3. The applicant shall guarantee that all litter generated by the special event be removed at no expense to the County;
4. The parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property; and
5. In cases where the applicant requests the County to provide extraordinary services or equipment or if the County otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety and existing funds are not available, the applicant shall be required to pay to the County a fee sufficient to reimburse the County for the costs of these services.

##### C. **Temporary Buildings**

###### 1. **Generally**

All temporary buildings shall comply with the following:

- a. Structures shall be built in accordance with the State Building Code;
- 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; and
- d. Permits must be secured from the UDO 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>109</sup>

<sup>107</sup> This is a new temporary use that we suggest for inclusion in the updated UDO.

<sup>108</sup> These standards carry forward the standards in Section 151.347.I in the current ordinance.

<sup>109</sup> This section carries forward Section 151.210 from the current UDO.

## ARTICLE 151.4 USE REGULATIONS

### Section 4.6 Temporary Uses<sup>105F</sup>

#### 4.6.4 Standards for Specific Temporary Uses

- a. Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.
- b. Temporary residences used on construction sites of residential premises shall be removed within 60 days of issuance of the certificate of occupancy.
- c. 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 UDO 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.
- d. Temporary emergency, construction or repair residences, as defined herein, shall consist of campers, travel trailers, recreational vehicles, and Class "A" or "B" mobile homes.
- e. 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.

#### 3. Temporary Construction and Sales Offices<sup>110</sup>

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 percent of the lots or units have been sold.

#### 4. Temporary Real Estate Office<sup>111</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.

#### D. Temporary Health Care Structure<sup>112</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 one 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 one 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,

<sup>110</sup> This section carries forward Section 151.211 from the current UDO.

<sup>111</sup> This section carries forward subsection (C) of the definition of Temporary Building from the current UDO.

<sup>112</sup> This is a new use that we included to comply with current state law.

---

## ARTICLE 151.4 USE REGULATIONS

---

### Section 4.6 Temporary Uses<sup>105F</sup>

---

#### 4.6.4 Standards for Specific Temporary Uses

personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in North Carolina.

- 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.
- g. The temporary use permit may be revoked or other enforcement actions taken if these standards are violated.

#### E. **Temporary Wireless Telecommunications Facility**

A temporary wireless telecommunications facility is permitted on a lot containing commercial or mixed-use development 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.

#### F. **Yard or Garage Sales**

Yard or garage sales shall not be conducted on the same lot for more than three days, consecutive or otherwise, on an lot over any 60-day period

# 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

|            |   |             |
|------------|---|-------------|
| <b>5.1</b> | <b>Design Standards.....</b>                    | <b>5-1</b>  |
| 5.1.1      | Multi-Family Residential Design Standards ..... | 5-1         |
| 5.1.2      | Commercial Design Standards.....                | 5-4         |
| 5.1.3      | Mixed-Use Design Standards.....                 | 5-9         |
| <b>5.2</b> | <b>Residential Design Guidelines.....</b>       | <b>5-14</b> |
| 5.2.1      | Purpose and Intent .....                        | 5-14        |
| 5.2.2      | Applicability.....                              | 5-14        |
| 5.2.3      | Statement of Consent.....                       | 5-14        |
| 5.2.4      | Design Features .....                           | 5-14        |
| <b>5.3</b> | <b>Property Numbering .....</b>                 | <b>5-17</b> |
| 5.3.1      | Purpose and Intent .....                        | 5-17        |
| 5.3.2      | Applicability.....                              | 5-17        |
| 5.3.3      | Requirements .....                              | 5-17        |
| <b>5.4</b> | <b>Reserved.....</b>                            | <b>5-17</b> |
| <b>5.5</b> | <b>Farmland Compatibility Standards.....</b>    | <b>5-18</b> |
| 5.5.1      | Purpose and Intent .....                        | 5-18        |
| 5.5.2      | Applicability.....                              | 5-18        |
| 5.5.3      | Exemptions.....                                 | 5-18        |
| 5.5.4      | Compatibility Standards .....                   | 5-18        |
| 5.5.5      | Notification on Plat.....                       | 5-19        |
| <b>5.6</b> | <b>Off-street Parking and Loading.....</b>      | <b>5-20</b> |
| 5.6.1      | Purpose and Intent .....                        | 5-20        |
| 5.6.2      | Applicability.....                              | 5-20        |
| 5.6.3      | Exemptions.....                                 | 5-20        |
| 5.6.4      | Parking Requirements.....                       | 5-20        |
| 5.6.5      | Parking Lot Configuration.....                  | 5-25        |
| 5.6.6      | Parking Lot Cross-Access .....                  | 5-28        |
| 5.6.7      | Bicycle Parking.....                            | 5-29        |
| 5.6.8      | Parking Alternatives.....                       | 5-29        |
| 5.6.9      | Off-street Loading Requirements .....           | 5-30        |
| <b>5.7</b> | <b>Access and Circulation.....</b>              | <b>5-32</b> |
| 5.7.1      | Purpose and Intent .....                        | 5-32        |
| 5.7.2      | Applicability.....                              | 5-32        |
| 5.7.3      | Exemptions.....                                 | 5-32        |
| 5.7.4      | Street Configuration.....                       | 5-32        |
| 5.7.5      | Sidewalk Configuration.....                     | 5-32        |
| 5.7.6      | Visibility at Intersections .....               | 5-32        |
| 5.7.7      | Driveways .....                                 | 5-33        |
| 5.7.8      | On-Site Pedestrian Walkways.....                | 5-35        |
| <b>5.8</b> | <b>Reserved.....</b>                            | <b>5-36</b> |



|             |   |             |
|-------------|---|-------------|
| <b>5.9</b>  | <b>Landscaping</b> .....                            | <b>5-37</b> |
| 5.9.1       | Purpose and Intent .....                            | 5-37        |
| 5.9.2       | Applicability.....                                  | 5-37        |
| 5.9.3       | Exemptions.....                                     | 5-37        |
| 5.9.4       | Landscaping Plan Required .....                     | 5-38        |
| 5.9.5       | Plant Material Specifications .....                 | 5-38        |
| 5.9.6       | Landscaping Placement .....                         | 5-39        |
| 5.9.7       | Features within Required Landscaping Areas .....    | 5-41        |
| 5.9.8       | Parking Lot Landscaping.....                        | 5-41        |
| 5.9.9       | Perimeter Buffers.....                              | 5-44        |
| 5.9.10      | Streetyard Buffers.....                             | 5-48        |
| 5.9.11      | Planting Flexibility.....                           | 5-49        |
| 5.9.12      | Time of Installation .....                          | 5-50        |
| 5.9.13      | Required Maintenance .....                          | 5-50        |
| 5.9.14      | Site Inspection .....                               | 5-51        |
| 5.9.15      | Revegetation .....                                  | 5-51        |
| 5.9.16      | Emergencies.....                                    | 5-51        |
| <b>5.10</b> | <b>Screening</b> .....                              | <b>5-53</b> |
| 5.10.1      | Purpose and Intent .....                            | 5-53        |
| 5.10.2      | Applicability.....                                  | 5-53        |
| 5.10.3      | Exemptions.....                                     | 5-53        |
| 5.10.4      | General Standards .....                             | 5-53        |
| 5.10.5      | Screening Methods.....                              | 5-53        |
| 5.10.6      | Specific Standards for Solid Waste Facilities ..... | 5-54        |
| <b>5.11</b> | <b>Fences and Walls</b> .....                       | <b>5-55</b> |
| 5.11.1      | Applicability.....                                  | 5-55        |
| 5.11.2      | Exemptions.....                                     | 5-55        |
| 5.11.3      | Locational Standards.....                           | 5-55        |
| 5.11.4      | Maximum Height.....                                 | 5-55        |
| 5.11.5      | Materials .....                                     | 5-56        |
| 5.11.6      | Finished Side.....                                  | 5-57        |
| 5.11.7      | Maintenance .....                                   | 5-57        |
| <b>5.12</b> | <b>Reserved</b> .....                               | <b>5-58</b> |
| <b>5.13</b> | <b>Lighting</b> .....                               | <b>5-59</b> |
| 5.13.1      | Purpose and Intent .....                            | 5-59        |
| 5.13.2      | Applicability.....                                  | 5-59        |
| 5.13.3      | Exemptions.....                                     | 5-59        |
| 5.13.4      | Prohibited Lighting.....                            | 5-59        |
| 5.13.5      | Lighting Plan.....                                  | 5-60        |
| 5.13.6      | Exterior Lighting Standards .....                   | 5-60        |
| 5.13.7      | Limit Lighting to Periods of Activity.....          | 5-61        |
| 5.13.8      | Maximum Illumination Levels .....                   | 5-61        |

|             |   |             |
|-------------|---|-------------|
| 5.13.9      | Nonconforming Lighting .....                  | 5-61        |
| <b>5.14</b> | <b>Signage .....</b>                          | <b>5-62</b> |
| 5.14.1      | Purpose and Intent .....                      | 5-62        |
| 5.14.2      | Applicability.....                            | 5-62        |
| 5.14.3      | Exclusions .....                              | 5-62        |
| 5.14.4      | Prohibited Signs .....                        | 5-62        |
| 5.14.5      | Obsolete or Abandoned Signs .....             | 5-63        |
| 5.14.6      | Signs Permitted Without a Sign Permit .....   | 5-63        |
| 5.14.7      | Sign Permit Required .....                    | 5-64        |
| 5.14.8      | Measurement.....                              | 5-64        |
| 5.14.9      | Signs Standards in Residential Districts..... | 5-64        |
| 5.14.10     | Sign Standards In Mixed Use District.....     | 5-64        |
| 5.14.11     | Sign Standards in Commercial Districts.....   | 5-67        |
| 5.14.12     | Additional Sign Specifications .....          | 5-70        |
| 5.14.13     | Temporary Signage .....                       | 5-70        |
| 5.14.14     | Off-Premise Signage .....                     | 5-71        |
| 5.14.15     | Sign Illumination .....                       | 5-71        |
| 5.14.16     | Inspections and Investigations .....          | 5-71        |

# ARTICLE 151.5 DEVELOPMENT STANDARDS

## 5.1 DESIGN STANDARDS<sup>113</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 a triplex, quadraplex, or multi-family development existing on **[insert the effective date of this Ordinance]** that exceeds 25 percent of the building's pre-redevelopment 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 of their own accord 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 standards 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 Ordinance.

##### 2. Maximum Building Length

Individual multi-family buildings shall be configured so that no single building exceeds a maximum length of 100 linear feet in any direction.

##### 3. Maximum Height

Regardless of the maximum building height allowable in the zoning district where located, 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. This standard shall apply regardless of any incentives, administrative adjustments, or planned development master plans.

##### 4. Building Orientation and Entryways

- a. All buildings with shared entrances shall be oriented so that a primary entrance(s) faces the street. In case of corner lots, the primary entrance(s) shall face the street from which the building derives its street address (see **Figure <>, Multi-family Building Orientation**).
- b. 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.

<sup>113</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 Standards 112F**

**5.1.1 Multi-Family Residential Design Standards**

- c. Common open spaces and children’s play areas shall be clearly visible from the dwelling units on the site.

**FIGURE <>: MULTI-FAMILY BUILDING ORIENTATION**



**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 shared pedestrian entry;
  2. A distinctive roof form such as a recess, projection, tower, turret, pediment, or other; or
  3. Other architectural features such as a porch, canopy, or arcade) (see **Figure <>, Multi-family Corner Features**).

**FIGURE <>: MULTI-FAMILY CORNER FEATURES**



- 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 detached development; and
  3. Vacant land designated as a single-family district on the Official Zoning Map.

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

**5.1 Design Standards 112F**

**5.1.1 Multi-Family Residential Design Standards**

**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 (see **Figure <>, Multi-family Façade Articulation**).
- 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.

**FIGURE <>: MULTI-FAMILY FAÇADE ARTICULATION**

LEGEND

- A** Primary Facade
- B** Minimum 2' Articulation Every 30 linear feet
- C** Covered Porch
- D** Multiple Windows
- E** Eaves



**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 (see **Figure <>: Multi-family Roof Form**).
- 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.

**FIGURE <>: MULTI-FAMILY ROOF FORM**

LEGEND

- A** Roof Pitches Between 3:12 and 12:12
- B** 3' Parapet With Dimensional Cornice on Flat Roof
- C** Alternative Pitches Permitted Over Doors and Other Features
- D** Roofline Changes Corresponding to Facade Plane Changes



## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.1 Design Standards112F

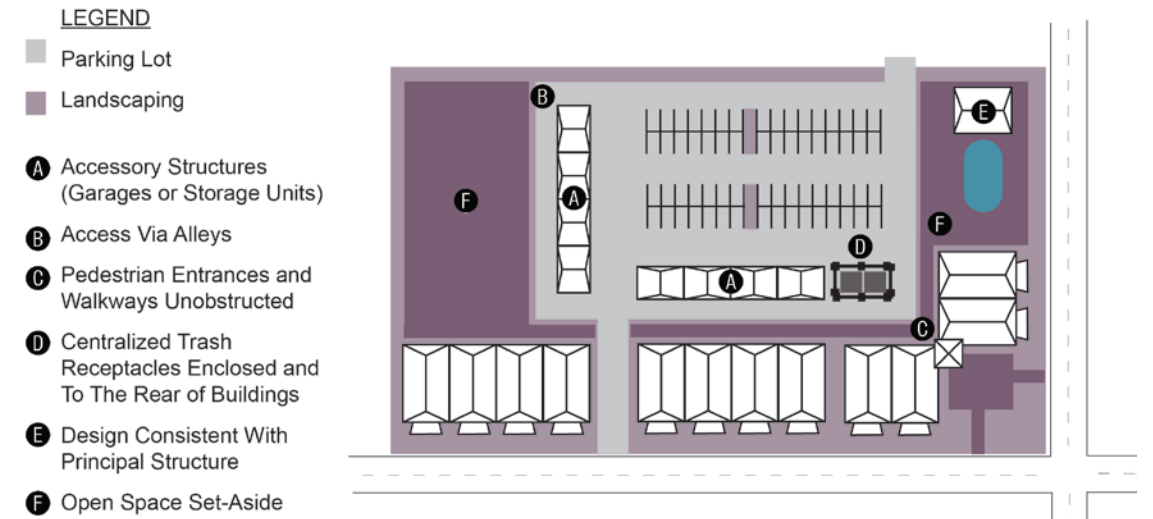
#### 5.1.2 Commercial Design Standards

#### 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 (see [Figure <>](#), Multi-family Accessory Structures):

- 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(s).
- 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.

**FIGURE <>: MULTI-FAMILY ACCESSORY STRUCTURES**



## 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 nonresidential development;
4. Limit the impacts of automobile-oriented development in mixed-use areas; and
5. Enhance the appearance of development along major commercial corridors.

### B. Applicability

1. These commercial design standards shall apply to all new commercial development in the VR, VC, CC, MC, and HC zoning districts.
2. These commercial design standards apply only to the building facades facing public or private streets.
3. Redevelopment of commercial development existing on [\[insert the effective date of this Ordinance\]](#) that exceeds 25 percent of the building's pre-redevelopment 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 institutional, industrial, or agricultural use classifications in [Table <>, Table of Principal Uses](#); and
2. Commercial development located at least 1,000 feet from an adjacent street and fully screened from view of the street by vegetative material meeting or exceeding the requirements of a Type A buffer (see [Section <>, Perimeter Buffer](#)).

ARTICLE 151.5 DEVELOPMENT STANDARDS

5.1 Design Standards 112F

5.1.2 Commercial Design Standards

D. Design Requirements

Development subject to these standards shall be designed in accordance with the following:

1. Compliance with Other Requirements

New commercial buildings shall comply with all applicable zoning district, use-specific standards, and other applicable development standards in this Ordinance.

2. Building Orientation

- a. The primary entrance shall be architecturally and functionally designed on the front facade facing the primary public street (see Figure <>, Commercial Building Orientation).
- 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 interior side yard and screened from view of the street.

FIGURE <>: COMMERCIAL BUILDING ORIENTATION

- LEGEND**
- A** Primary Entrance On Front Facade Facing Primary Street
  - B** Front Facade Parallel to Front Lot Line and Street
  - C** Trash and Recycling, Receptacles, Ground-Mounted Equipment, Loading to Rear or Side of Building and/or Screened



3. Building Material Standards

a. Allowable Materials

- 1. The predominant exterior building materials for nonresidential 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

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.1 Design Standards112F

#### 5.1.2 Commercial Design Standards

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) (see **Figure <>, Commercial Materials Configuration**).
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 may take place at outside corners.

**FIGURE <>: COMMERCIAL MATERIALS CONFIGURATION**

#### LEGEND

- A** Heavier Materials Below Lighter Materials
- B** Heavier Materials around Doors and Windows
- C** Material Changes at Logical Locations



#### d. Prohibited Materials

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 (see **Figure <>, Commercial Building Mass**).
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.



ARTICLE 151.5 DEVELOPMENT STANDARDS

5.1 Design Standards 112F

5.1.2 Commercial Design Standards

FIGURE <>: COMMERCIAL BUILDING MASS



c. **Building Articulation**

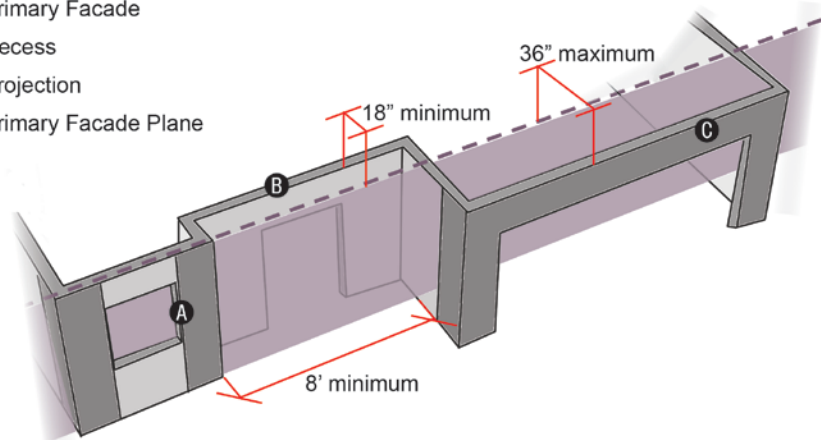
Buildings subject to these standards shall be configured so that no single facade fronting a public street shall extend for longer than 35 linear feet without inclusion of one or more of the following features (see **Figure <>: Commercial Building Articulation**):

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 materials or colors from grade to the roof; or
4. A single vertical accent or focal point such as a tower feature located on a prominent building corner.

FIGURE <>: COMMERCIAL BUILDING ARTICULATION

LEGEND

- A Primary Facade
- B Recess
- C Projection
- Primary Facade Plane



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 (see **Figure <>, Commercial Fenestration**). False or display casements are an allowable alternative, as approved by the UDO Administrator.

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

**5.1 Design Standards 112F**

**5.1.3 Mixed-Use Design Standards**

- b. At least 25 percent of the first ten feet in height of a facade facing a street shall be transparent.
- c. First floor windows facing streets shall remain visually permeable and shall not be obstructed by window signs in accordance with the standards in **Table <>, Sign Standards in the Commercial Districts.**
- d. Ventilation grates or emergency exit doors located at the first floor level oriented toward a street shall be decorative.

**FIGURE <>: COMMERCIAL FENESTRATION**

**EXAMPLE**

First Floor Facade: 10' x 20' = 200 sf

Transparency:

2 Windows at 28 sf Each = 56 sf  
Glass Door & Transom = 27 sf

**First Floor Facade Transparency:**  
 $83' \div 200' = 41.5\%$

(Minimum First Floor Facade Transparency Requirement: 25%)



- 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.
  - d. Roof-mounted mechanical equipment shall be screened or otherwise camouflaged from view from the street (see **Figure <>, Rooftop Equipment Screening**).

**FIGURE <>: ROOFTOP EQUIPMENT SCREENING**



ARTICLE 151.5 DEVELOPMENT STANDARDS

5.1 Design Standards 112F

5.1.3 Mixed-Use Design Standards

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 site 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 suburban sprawl and unnecessary 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, nonresidential development that includes upper story residential units, and any development that includes principal use types from two of the five 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 but not a principal use from a different use classification; and
3. Mixed-use development established prior to [insert 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

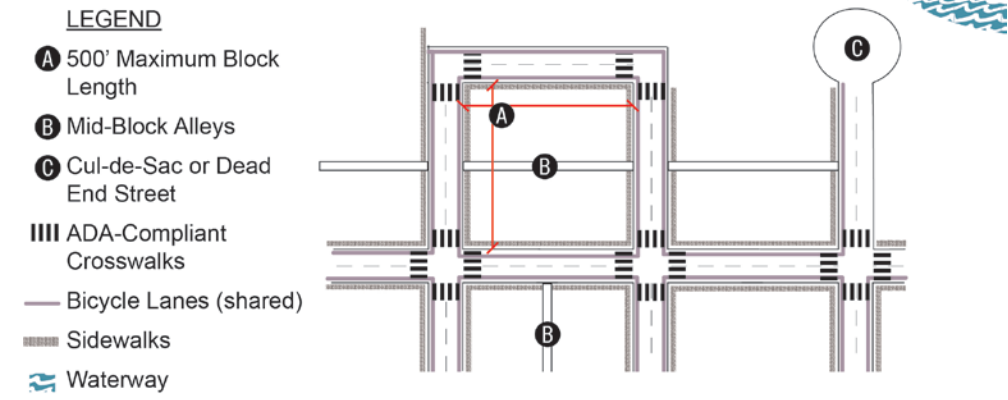
Mixed-use development shall comply with all applicable zoning district, use-specific standards, and other applicable development standards in this Ordinance.

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 general or modified grid pattern with block lengths that do not exceed 500 feet (see Figure <>, Street Configuration in MX District).
b. Streets shall be configured to a maximum 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 configured in accordance with NCDOT standards.
e. Streets shall include sidewalks configured in accordance with Section <>, Sidewalks.
f. Mid-block alleys or accessways 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.

FIGURE <>: STREET CONFIGURATION IN MX DISTRICT



## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.1 Design Standards 112F

#### 5.1.3 Mixed-Use Design Standards

#### 3. Building Orientation

##### a. Single Building Development

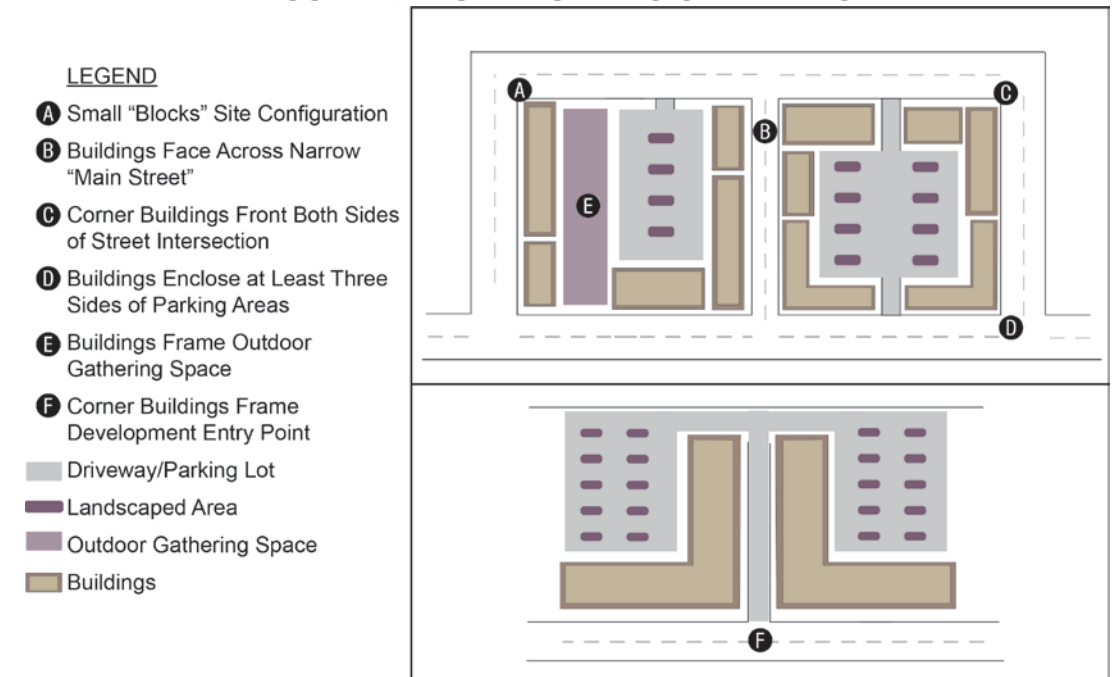
New development consisting of a single building shall be oriented parallel or perpendicular to the street right-of-way they face.

##### b. Multiple Building Development

Development comprised of multiple buildings shall be configured with two or more of the following design elements (see [Figure <>, Multi-Building Orientation](#)):

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;
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.

**FIGURE <>: MULTI-BUILDING ORIENTATION**



#### 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

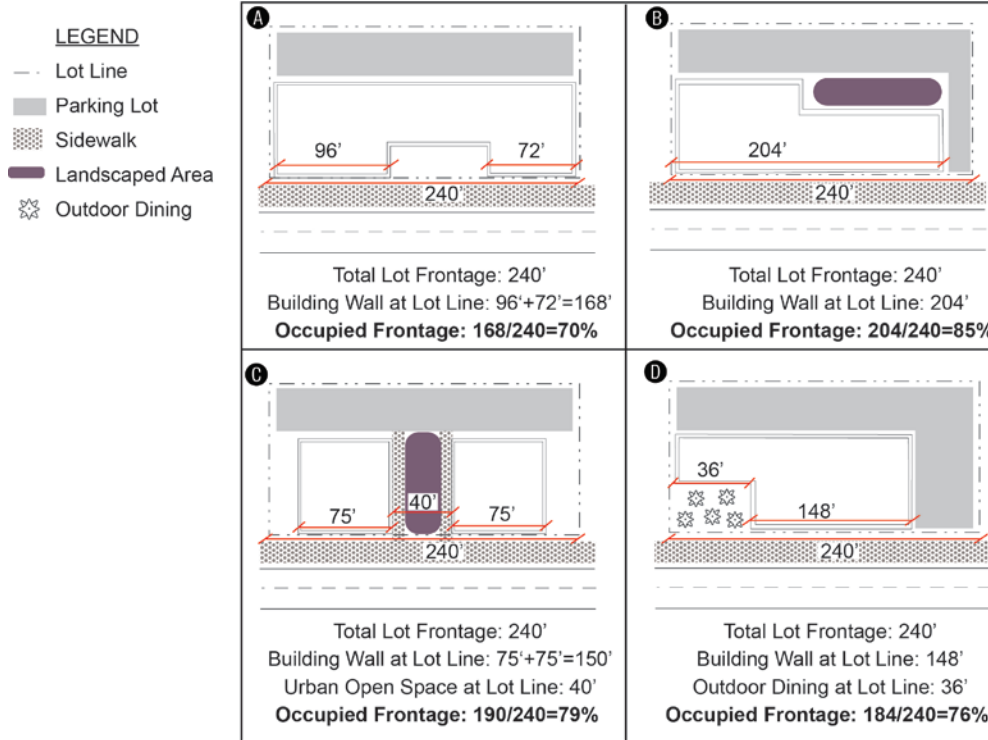
In order to ensure an inviting and desirable streetscape for pedestrians, mixed use development shall be configured so that at least 70 percent of the lot frontage where it is located is occupied by building wall. Areas occupied by gathering areas (like plazas), urban open space set-aside, or outdoor dining areas shall be credited towards areas these lot frontage requirements (see [Figure <>, Occupied Lot Frontage](#)).

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.1 Design Standards 112F

5.1.3 Mixed-Use Design Standards

**FIGURE <>: OCCUPIED LOT FRONTAGE**



**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 nonresidential 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 or private street shall extend for longer than 35 linear feet without inclusion of one or more of the following features (see **Figure <>, Mixed-use Building Articulation**):

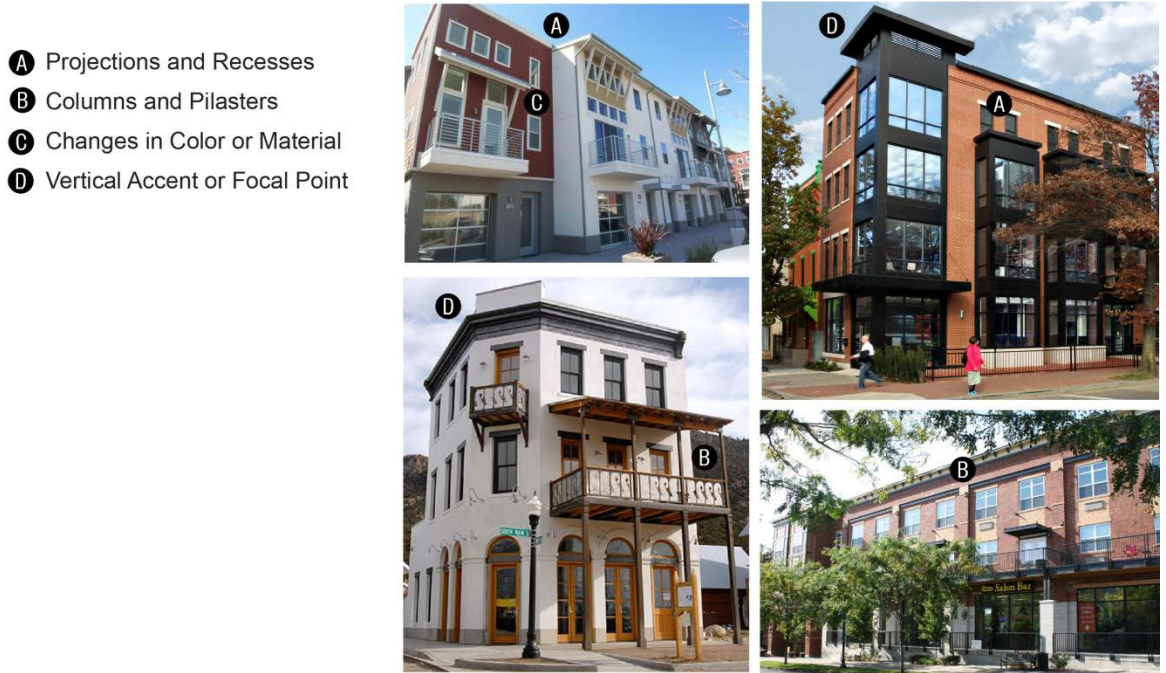
- a. The use of projections or recesses in the building façade wall with a depth of between 18 inches and 36 inches from the primary facade plane and a minimum span of eight feet;
- b. The use of columns, pilasters, or other architectural detail harmonious with the general design of the structure with a minimum width of eight inches and spaced no less than every ten feet on-center;
- c. Distinct changes in building materials or colors from grade to the roof; or
- d. A single vertical accent or focal point such as a tower feature located on a prominent building corner.

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.1 Design Standards 112F

5.1.3 Mixed-Use Design Standards

**FIGURE <>: MIXED-USE BUILDING ARTICULATION**



**9. Fenestration**

- a. Blank, windowless walls facing sidewalks, streets, and other public places shall be prohibited.
- b. At least 40 percent of the first ten feet in height of a facade facing a street shall be transparent (whether through the use of glass windows, doors, or both) (see Figure <>, Mixed-use Fenestration).
- 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 in accordance with the standards in [Table <>, Sign Standards in Mixed-use District](#).
- e. Ventilation grates or emergency exit doors located at the first floor level oriented toward a street shall be decorative.

**FIGURE <>: MIXED-USE FENESTRATION**

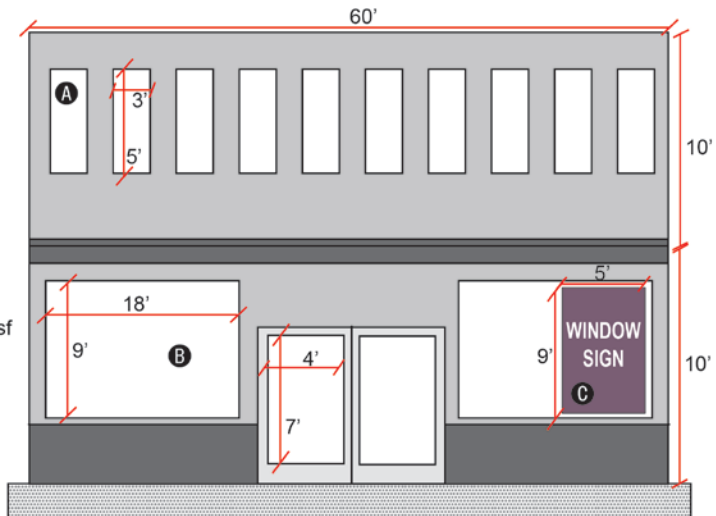
- A** Upper Story Facade =  
 $10' \times 60' = 600 \text{ sf}$   
 Fenestration =  
 $10 \text{ Windows} \times 15 \text{ sf} = 150 \text{ sf}$   
**Percent Transparent =**  
 $150 \div 600 = 25\%$   
 (Minimum Transparency Requirement: 25%)

---

- B** First Floor Facade =  
 $10' \times 60' = 600 \text{ sf}$   
 Fenestration =  
 $2 \text{ Windows} \times 162 \text{ sf} = 324 \text{ sf}$   
 Glass Portion of Doors = 56 sf  
**Percent Transparent =**  
 $380 \div 600 = 63.3\%$   
 (Minimum Transparency Requirement: 40%)

---

- C** Window Obstruction =  
 1 Sign = 45 sf  
 Percent Still Transparent =  
 $45 \div 380 = 11.8\%$   
 $100\% - 11.8\% = 88.2\%$   
 (Minimum Transparency Requirement: 50%)



ARTICLE 151.5 DEVELOPMENT STANDARDS

5.1 Design Standards 112F

5.1.3 Mixed-Use Design Standards

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 (see **Figure <>, Mixed-use Building Entrances**):
  - 1. Canopies or porticos;
  - 2. Overhangs;
  - 3. Recesses/projections;
  - 4. Galleries or arcades;
  - 5. Raised corniced parapets over the door;
  - 6. Peaked roof forms;
  - 7. Arches; or
  - 8. Integral planters that incorporate landscaped areas and places for sitting.

**FIGURE <>: MIXED-USE BUILDING ENTRANCES**



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.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.2 Residential Design Guidelines<sup>113F</sup>

#### 5.2.1 Purpose and Intent

## 5.2 RESIDENTIAL DESIGN GUIDELINES<sup>114</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:

- A. Ensure single-family homes maintain consistent exterior materials and architectural treatments on the front and sides of buildings;
- B. Establish guidance regarding changes of exterior finishes and materials on individual facades;
- C. Avoid garage-dominated street fronts in residential neighborhoods;
- D. Encourage duplex structures to appear as single-family homes; and
- E. Ensure an adequate level of variability in single-family home design so as to avoid monotonous streetscapes where every detached dwelling appears identical or very similar to its neighboring dwellings.

### 5.2.2 APPLICABILITY

These residential design guidelines shall apply to 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. 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 development depicted on the attached site plan is subject to Camden County's Residential Design Guidelines 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 guidelines, 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.

<sup>114</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 113F

#### 5.2.4 Design Features

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

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

1. The use of corrugated metal siding, unpainted plywood, or smooth-face concrete block is prohibited.
2. 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

##### 1. 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;

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.2 Residential Design Guidelines 113F

#### 5.2.4 Design Features

5. Variation in the amount of habitable space (a minimum distinction of 400 square feet or more);
  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.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.3 Property Numbering<sup>114F</sup>

#### 5.3.1 Purpose and Intent

## 5.3 PROPERTY NUMBERING<sup>115</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.

## 5.4 RESERVED

<sup>115</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.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.5 Farmland Compatibility Standards<sup>115F</sup>

#### 5.5.1 Purpose and Intent

## 5.5 FARMLAND COMPATIBILITY STANDARDS<sup>116</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 developed in close proximity to an existing farm or tract engaged in agricultural activity.

### 5.5.2 APPLICABILITY

Except where exempted by **Section <>, Exemptions**, the standards in this section shall apply to all major 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**

- 1. Development subject to these standards shall provide a 50-foot-wide vegetated buffer between building lots in the development and an existing agricultural use (see Figure<>, Vegetated Buffer). The buffer shall:
  - a. Remain undisturbed for a minimum distance of 25 feet from the edge of the agricultural use or boundary of the agricultural activity;
  - b. Include at least 16 aggregate caliper inches of canopy trees for every 100 linear feet of buffer length;
  - c. Include at least 16 aggregate caliper inches of understory trees for every 100 linear feet of buffer length;
  - d. Include at least 30 evergreen shrubs planted three feet on-center for every 100 linear feet of buffer length;
  - e. Incorporate existing or planted vegetation, configured in a staggered fashion, so as to create two or more rows of trees within the buffer; and
  - f. Incorporate a berm, drainage ditch, or any combination of these features to physically separate the agricultural use from the new development.
- 2. Nothing shall limit the placement of a required stormwater facility or best management practice within a required buffer provided the minimum buffer width is maintained.
- 3. In cases where a required buffer includes a water feature or stormwater management facility, the required vegetation may be shifted to another portion of the buffer or located in an alternate location that provides screening or separation between the proposed development and the agricultural use.

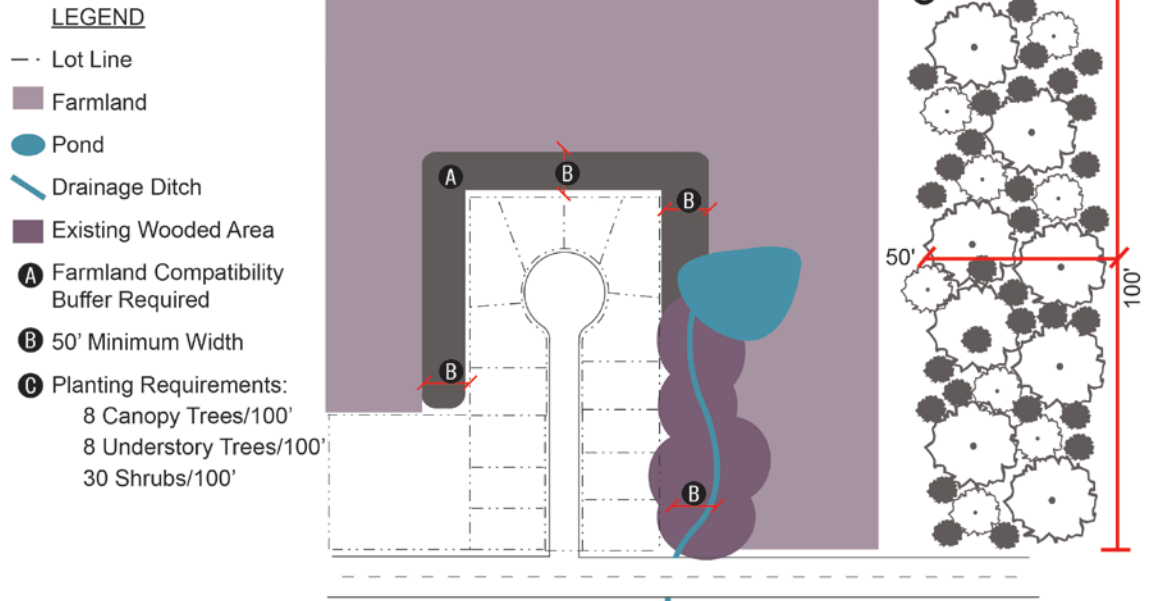
<sup>116</sup> These are new standards intended to limit complaints from new development that encroaches on existing agricultural uses. The standards are applied to the new uses locating adjacent to the existing farm. These standards are proposed to take the place of the vegetated buffer requirements in Section 151.232(N), Buffer Strips, in the portion of the current code that deals with major subdivisions.

ARTICLE 151.5 DEVELOPMENT STANDARDS

5.5 Farmland Compatibility Standards 115F

5.5.5 Notification on Plat

FIGURE <>: VEGETATED BUFFER



**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.

**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.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.6 Off-street Parking and Loading<sup>116F</sup>

#### 5.6.1 Purpose and Intent

## 5.6 OFF-STREET PARKING AND LOADING<sup>117</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; and
- 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;
- C. Bona fide farm uses; and
- D. 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>118</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

<sup>117</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>118</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.

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

**5.6 Off-street Parking and Loading**

**5.6.4 Parking Requirements**

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:
  - 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 [2] | All                                       | 1 per every 1,500 sf  |                      |
|   | Animal Husbandry                   | All                                       | 1 per every 2,000 sf  |                      |
|   | Agricultural Support [2]           | 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 [3]                         |                      |
|   |                                    | 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   |                      |

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.6 Off-street Parking and Loading 116F

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> |
|   |                      | Mobile Home   | 2 per dwelling unit   |
|   |                      | Multi-Family  | 1.8 per dwelling unit; 1 per unit for age-restricted            |
|   |                      | Pocket Neighborhood                                       | 1 per dwelling + 0.25 for guest parking [3]                     |
|   |                      | Quadraplex  | 1.8 per dwelling unit + 2 guest spaces per quadraplex           |
|   |                      | Single-Family Attached                                    | 2 per dwelling + 0.25 for guest parking [3]                     |
|   |                      | 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  |
| 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                             |   |



**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.6 Off-street Parking and Loading<sup>116F</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>                                      |
|   |                      | Nursing Home  | 1 per employee on largest shift + 0.25 per bed   |
|   |                      | 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 [4]  |
|   |                      | 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 [5]  |
|   |                      | Helicopter Landing Facility                                   | 2 per every landing pad  |
|   |                      | Passenger Terminal, Surface Transportation                    | 1 per employee on largest shift [5]  |
|   | Utilities            | 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 [6]   |
|   |                      | Restaurant, Minor   | 1 per every 250 sf [6]   |
|   |                      | Bar, Nightclub, or Dance Hall                                 | 1 per every 100 sf [6]   |
| 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   |
|   |                      | Minor   | 1 per every 300 sf   |
| Recreation/Entertainment, Outdoor                                 |                      | 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 |  |

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.6 Off-street Parking and Loading<sup>116F</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>             |
|   |                                | Water-Related Uses   | 1 per every 200 sf [6]  |
|   | Retail Sales                   | Grocery Store  | 1 per every 300 sf  |
|   |                                | Flea Market  | 1 per every 200 sf of use area  |
|   |                                | 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  |
|   | Telecommunications             | Antenna Collocation (on a Building)                          | None  |
|   |                                | Antenna Collocation (on a Tower)                             | None  |
|   |                                | Small Wireless Facility                                      | None  |
|   |                                | Telecommunications Tower, Freestanding                       | 2   |
|   |                                | Telecommunications Tower, Stealth                            | 1   |
|   | Vehicle Establishment          | Major  | 1 per every 200 sf  |
|   |                                | Minor  | 1 per every 300 sf  |
|   | Visitor Accommodations         | Bed and Breakfast  | 2 + 1 per guest room  |
|   |                                | Campground   | .25 per every camping space   |
| 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  |
|   | Power Generation               | Solar Array  | None  |
|   |                                | Wind Energy Conversion Facility                              | 1 per every employee on the largest shift                                   |
|   | Warehouse and Freight Movement | All  | 1 per every employee on largest shift                                       |
|   | Waste-Related Services         | Incinerator  | 1 per employee on the largest shift   |
| Land Application of Sludge/Septage                                |                                | None   |   |

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.6 Off-street Parking and Loading<sup>116F</sup>

5.6.5 Parking Lot Configuration<sup>118F</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> |
|   |                     | 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                            |
|   |                     | 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] Excludes bona fide farms, raw land in agricultural production, and other non-habitable agricultural buildings.</p> <p>[3] Guest parking takes place on a separate lot.</p> <p>[4] Visitor parking may be accommodated on internal accessways instead of dedicated parking areas.</p> <p>[5] Does not include long and short term parking for travelers.</p> <p>[6] Including areas devoted to outdoor seating.</p> |                     |   |   |

**5.6.5 PARKING LOT CONFIGURATION<sup>119</sup>**

All parking lots comprised of four or more parking spaces shall comply with the following standards:

**A. General**

1. 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**.
2. 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.
3. 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.
4. 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**

1. 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.
2. 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>120</sup>**

<sup>119</sup> This section consolidates Section 151.115, General Design Requirements and Section 151.116, Vehicle Accommodation Area Surfaces, in the current ordinance.

<sup>120</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 Loading 116F

5.6.5 Parking Lot Configuration 118F

Standards parking spaces and parking aisles shall comply with the minimum dimensional standards established in Table <>, Dimensional Standards for Off-Street Parking Spaces. Figure <>, Parking Space Configuration, illustrates the standards in Table <>, Dimensional Standards for Off-Street Parking Spaces.

| <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 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. Accessible parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act.
- b. All accessible spaces shall be identified by pavement markings and by appropriate signage approved by the NC Department of Transportation.
- c. Accessible 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. Accessible 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 accessible 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 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;

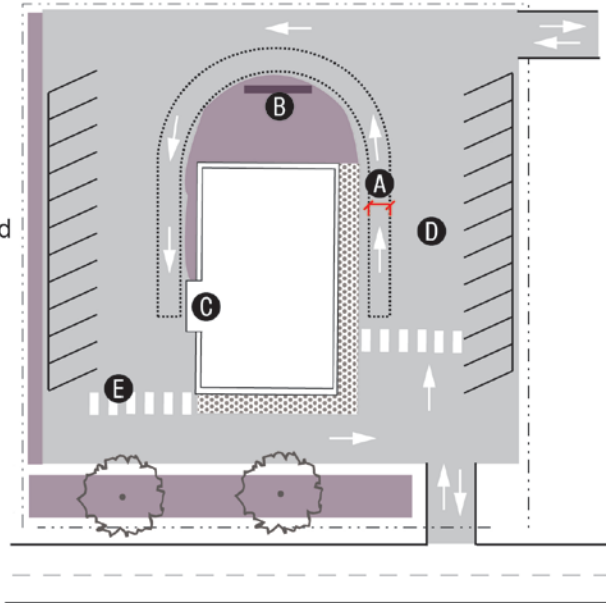
## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.6 Off-street Parking and Loading 116F

#### 5.6.5 Parking Lot Configuration 118F

- b. Personal services with a drive through;
  - c. Retail establishments with a drive through, vehicular service bay, or fuel sales;
  - 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 (see **Figure <>, Stacking Space Configuration**):
- 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.

**FIGURE <>: STACKING SPACE CONFIGURATION**



#### 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:

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.6 Off-street Parking and Loading<sup>116F</sup>

#### 5.6.6 Parking Lot Cross-Access<sup>120F</sup>

- 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.
4. Overflow parking or parking spaces provided beyond the minimum requirements in **Table <>, Minimum Off-Street Parking Spaces Required**, may be gravel, grass, or some other form of pervious material.

#### 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 in 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

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>121</sup>

- A. All non-residential development along arterial and collector streets 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 (see **Figure <>, Parking Lot Cross-Access**).
- B. 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.
- C. 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.

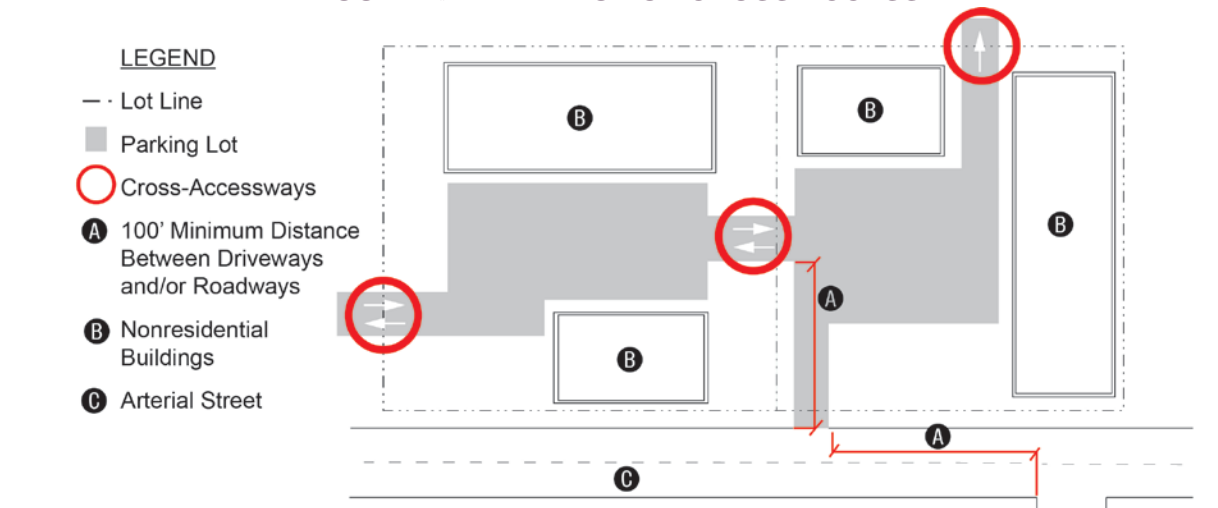
<sup>121</sup> This is a new section that requires adjacent parking lots serving non-residential uses to connect to one another so that vehicular movement from use to use can take place without need of getting back on streets.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.6 Off-street Parking and Loading<sup>116F</sup>

#### 5.6.7 Bicycle Parking<sup>121F</sup>

FIGURE <>: PARKING LOT CROSS ACCESS



#### 5.6.7 BICYCLE PARKING<sup>122</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 Bicycle 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>123</sup>

Development may deviate from the parking requirements in this section through the requirements and procedures in [Section <>, Administrative Adjustment](#), [Section <>, Variance](#), and 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 or other qualified professional and accepted by the UDO Administrator.

##### B. On-Street Parking

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 adjacent spaces available.

##### C. Off-Site Parking<sup>124</sup>

The required off-street parking for a use may be met off-site in accordance with the following standards:

<sup>122</sup> These are new standards to encourage increase use of bicycles in village centers and in areas of commerce around the County.

<sup>123</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.

<sup>124</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).

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.6 Off-street Parking and Loading<sup>116F</sup>

#### 5.6.9 Off-street Loading Requirements<sup>125F</sup>

1. The off-site parking is located within 1,000 feet as measured from the entrance of the use to the farthest 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>125</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 farthest 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.

### 5.6.9 OFF-STREET LOADING REQUIREMENTS<sup>126</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. Location

The placement of off-street loading facilities shall be in accordance with the applicable standards in [Section <>](#), [Commercial Design Standards](#), [Section <>](#), [Mixed-use Design Standards](#), and [Section <>](#), [Screening](#).

#### D. Dimensional Standards for Loading Spaces

When off-street loading spaces are provided, they shall comply with the following minimum requirements (see [Figure <>](#), [Loading Space Configuration](#)):

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>125</sup> This section is proposed to replace Section 151.117, Joint Use of Required Parking Spaces, in the current ordinance

<sup>126</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.

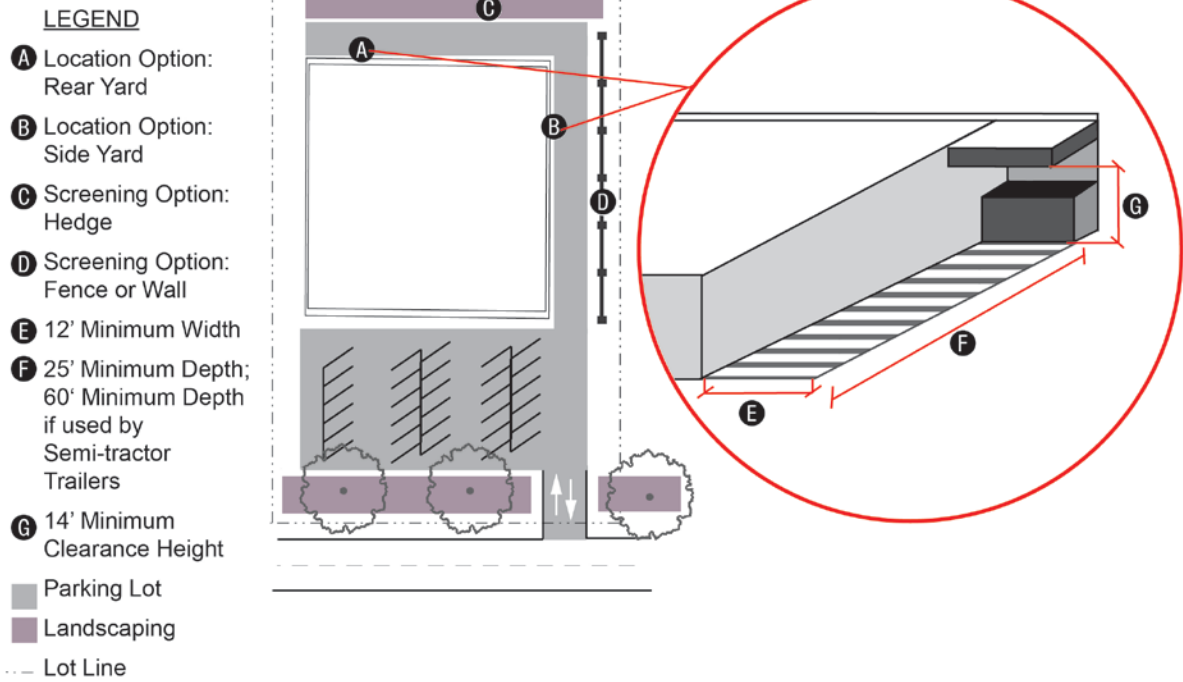


**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.6 Off-street Parking and Loading 116F

5.6.9 Off-street Loading Requirements 125F

**FIGURE <>: LOADING SPACE CONFIGURATION**



## 5.7 ACCESS AND CIRCULATION<sup>127</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>128</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 (see **Figure <>, Sight Distance Triangles**):

##### 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>127</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>128</sup> These are new standards proposed for the County's consideration.

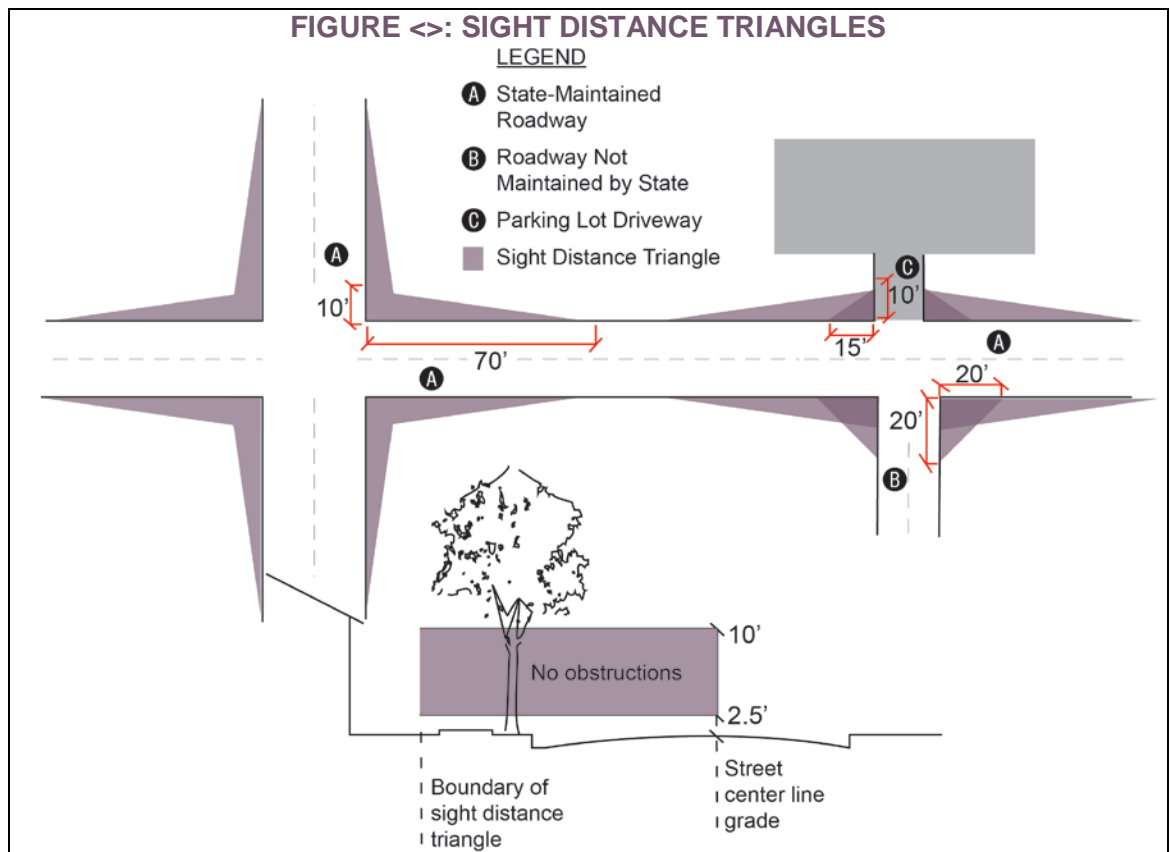
ARTICLE 151.5 DEVELOPMENT STANDARDS

5.7 Access and Circulation<sup>126F</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.
  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>129</sup>

<sup>129</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.

ARTICLE 151.5 DEVELOPMENT STANDARDS

5.7 Access and Circulation 126F

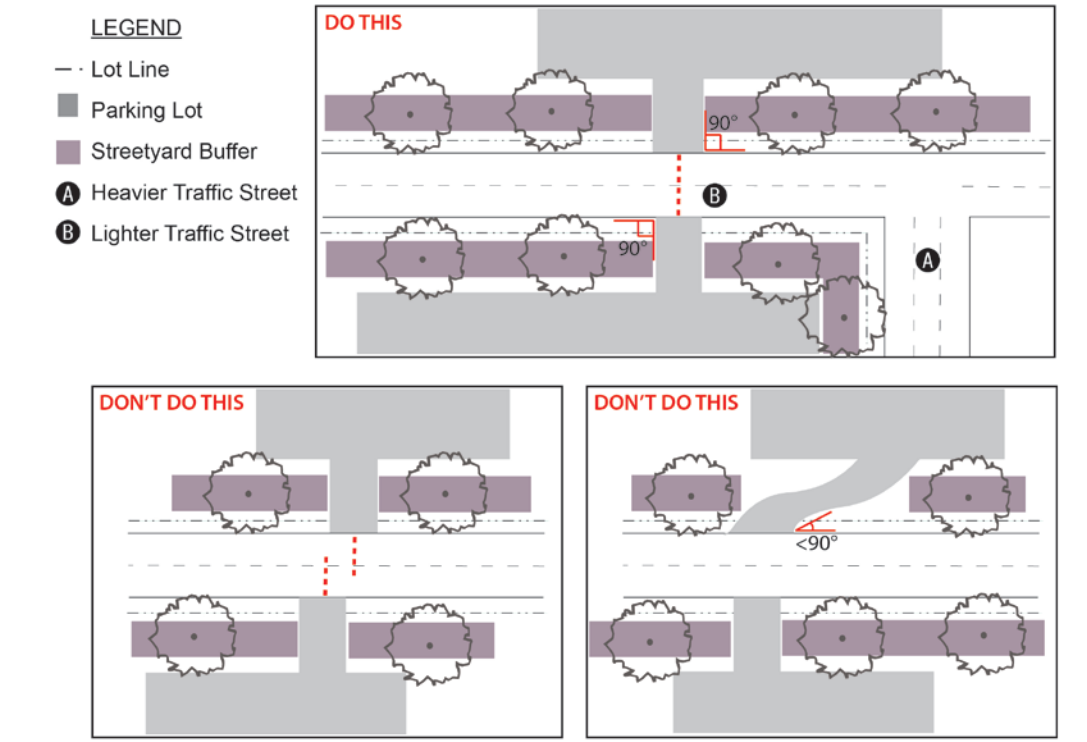
5.7.7 Driveways

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.
5. In cases where a driveway is installed with a culvert, the applicant shall file a driveway culvert certification prepared by a land surveyor or professional engineer that certifies the driveway culvert maintains positive drainage flow prior to application for a building permit. Failure to file a required driveway culvert certification shall be a violation of this Ordinance processed in accordance with **Article 151:9: Enforcement**.

**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;
  - b. Stormwater run-off is not impeded; and
  - c. 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 (see **Figure <>, Driveway Placement**).
5. Driveways should 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.

**FIGURE <>: DRIVEWAY PLACEMENT**



ARTICLE 151.5 DEVELOPMENT STANDARDS

5.7 Access and Circulation 126F

5.7.8 On-Site Pedestrian Walkways 130F

C. Driveway Widths<sup>130</sup>

1. Single-family, Duplex, Triplex, and Quadraplex Development

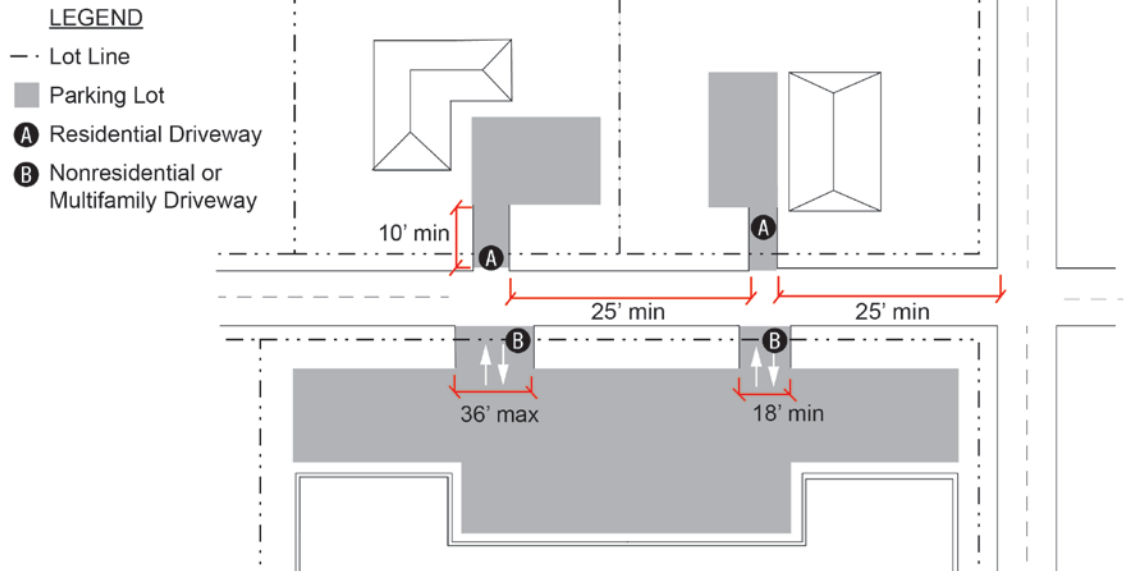
Driveways for single-family, duplex, triplex, and quadraplex dwellings shall extend ten feet into the lot before establishing drive aisles or parking spaces.

2. Multi-family, Non-residential, and Mixed-Use Development

The following width provisions shall apply to multi-family, non-residential, and mixed-use development (see Figure <>, Driveway Widths).

- 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 fires 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.

FIGURE <>: DRIVEWAY WIDTHS



D. Common Driveways

When two or more lots share a common driveway consolidated in order to reduce the number of curb cuts along a street, the adjoining side yard setbacks shall not apply. Development shall maintain compliance with all applicable fire codes, utility easements, and drainage requirements.

5.7.8 ON-SITE PEDESTRIAN WALKWAYS<sup>131</sup>

<sup>130</sup> This section is proposed to replace the standards in Section 151.114(D) Driveways, in the current ordinance.

<sup>131</sup> These are new standards for the County’s consideration.

ARTICLE 151.5 DEVELOPMENT STANDARDS

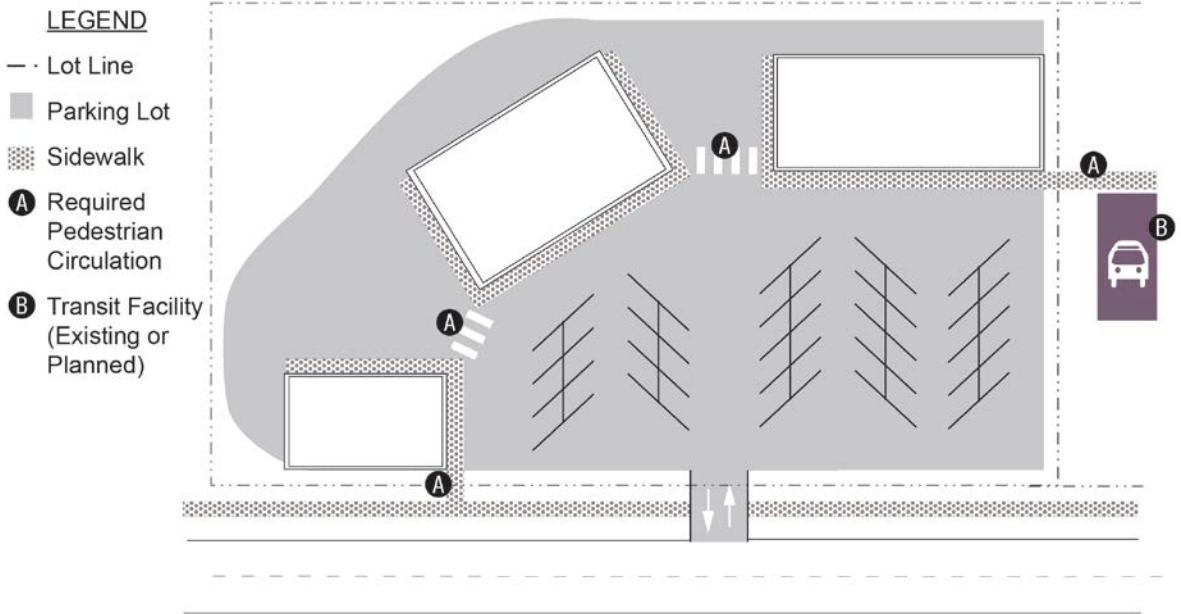
5.8 Reserved

5.7.8 On-Site Pedestrian Walkways130F

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 (see Figure <>, Pedestrian Walkways).

- 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.

FIGURE <>: PEDESTRIAN WALKWAYS



5.8 RESERVED

## 5.9 LANDSCAPING<sup>132</sup>

### 5.9.1 PURPOSE AND INTENT<sup>133</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>132</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>133</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>131F</sup>

#### 5.9.4 Landscaping Plan Required<sup>133F</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>134</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 required canopy trees, understory trees, and shrubs (see [Section <>, Rules of Measurement](#));
  - e. Locations, species, and sizes of existing vegetation to be retained that is to be counted towards minimum landscaping requirements; and
  - f. Existing topography at two-foot contours, 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.

#### 5.9.5 PLANT MATERIAL SPECIFICATIONS<sup>135</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, as measured at six-and-one-half inches up from the bole of the tree.
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 (as determined by the N.C. Cooperative Extension) 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.

<sup>134</sup> This is a new section clarifying that landscaping plans are required.

<sup>135</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>131F</sup>

5.9.6 Landscaping Placement<sup>135F</sup>

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**

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.

**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>136</sup>**

**A. Grouping of Plant Material**

1. Except within a Type A perimeter buffer, within a parking lot perimeter area, or shrubs in a vegetated buffer provided in accordance with **Section <>, Farmland Compatibility Standards**, 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** (see **Figure <>, Multiple Lot Landscaping**).

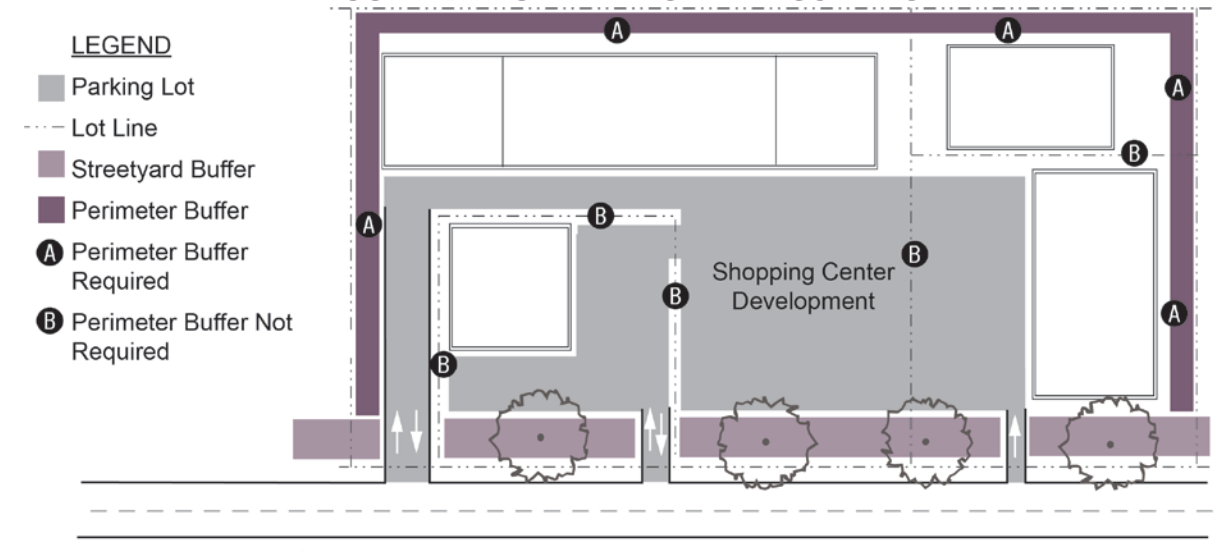
<sup>136</sup> These are new basic planting configuration requirements.

ARTICLE 151.5 DEVELOPMENT STANDARDS

5.9 Landscaping131F

5.9.6 Landscaping Placement135F

FIGURE <>: MULTIPLE LOT LANDSCAPING



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. Outside Required Sight Distance Triangles

Required landscaping materials shall not be planted within a required sight distance triangle.

G. Permitted Encroachments

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.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.9 Landscaping<sup>131F</sup>

#### 5.9.7 Features within Required Landscaping Areas<sup>136F</sup>

##### H. 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 (G) above;
3. Off-street parking or loading areas; or
4. Outdoor storage.

#### 5.9.7 FEATURES WITHIN REQUIRED LANDSCAPING AREAS<sup>137</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>138</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 (see [Figure, Parking Lot Landscaping](#)):

##### 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

<sup>137</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>138</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.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.9 Landscaping131F

#### 5.9.8 Parking Lot Landscaping137F

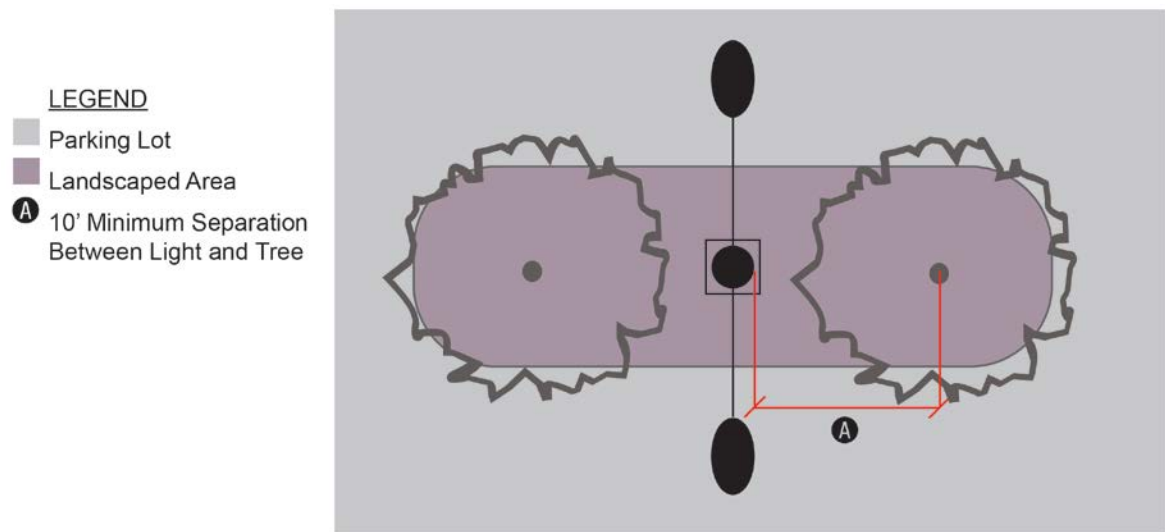
A parking aisle with more than 24 spaces in a double row shall provide and maintain landscaping islands at each end, or provide landscaping strips along the full length of the row, in accordance with the following standards.

- 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 (see [Figure <>, Landscaping Separation](#)).

FIGURE <>: LANDSCAPING SEPARATION



#### 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

ARTICLE 151.5 DEVELOPMENT STANDARDS

5.9 Landscaping131F

5.9.9 Perimeter Buffers138F

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.

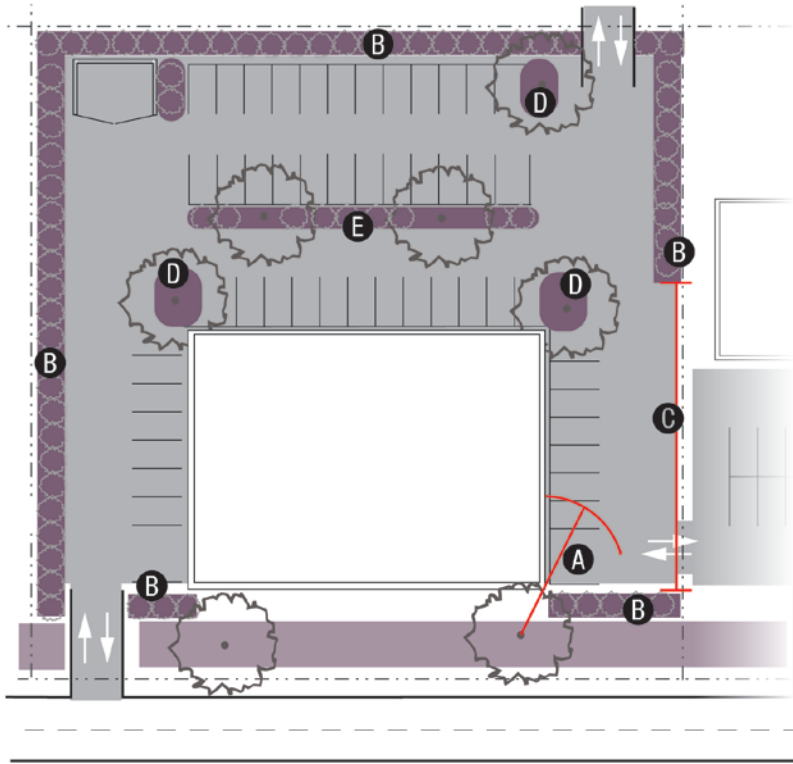
6. Exemption

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.

FIGURE <>: PARKING LOT LANDSCAPING

LEGEND

- Parking Lot
- Lot Line
- Streetyard Buffer
- Parking Lot Landscaping Areas
- A** No Parking Space More Than 60' From a Tree
- B** Perimeter Plantings Required - Evergreen Shrubs 3' on Center and 36" Minimum Height
- C** Perimeter Plantings Not Required Between Adjacent Parking Lots
- Interior Plantings Options:
  - D** Landscaping Islands at Ends of Rows
  - E** Landscaping Strip



### 5.9.9 PERIMETER BUFFERS<sup>139</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**.


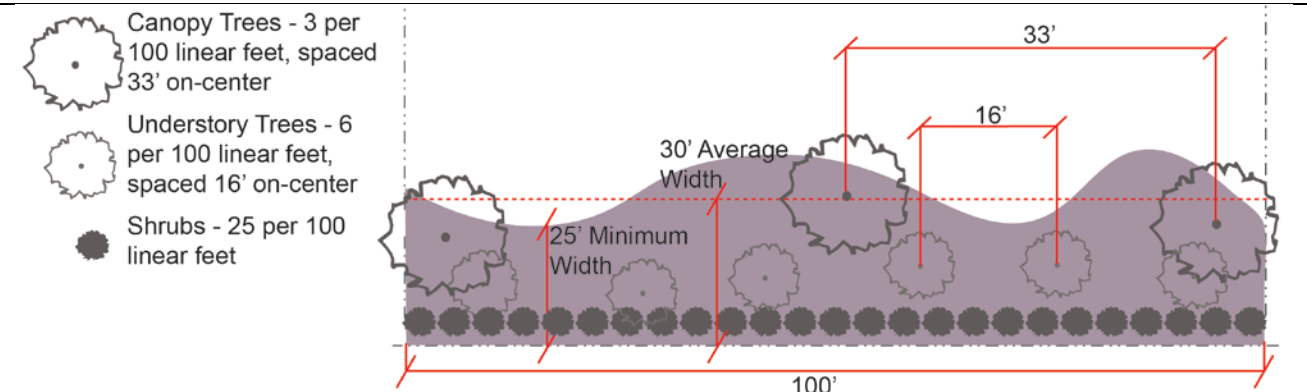
<sup>139</sup> These standards replace the provisions in Section 151.138, Landscaping Land Use Classification, through Section 151.140, Descriptions of Landscaping, in the current ordinance with several notable changes. The idea of land use classification or land use class has been removed in favor of 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.

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.9 Landscaping131F

5.9.9 Perimeter Buffers138F

**TABLE <>: BUFFER CONFIGURATION**


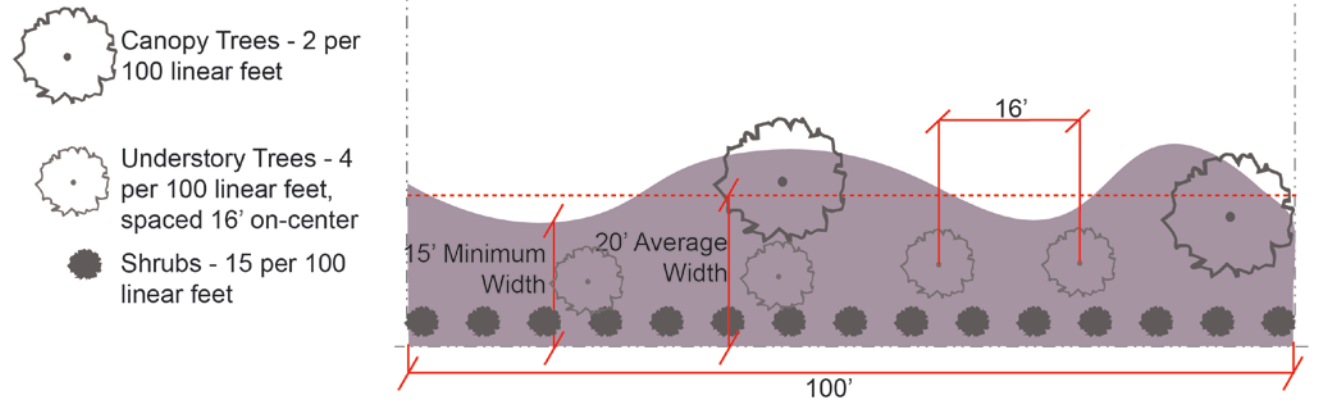
| BUFFER TYPE, INTENT, AND REQUIRED FEATURES  | MINIMUM REQUIREMENTS |          |
|---|----------------------|----------|
|   | OPTION 1             | OPTION 2 |
| <b>Type A – Opaque Buffer</b>   |                      |          |
| Intent: This landscape yard functions as an opaque screen from the 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> <span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; border-radius: 50%; margin-right: 5px;"></span> Canopy Trees - 3 per 100 linear feet, spaced 33' on-center<br/> <span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; border-radius: 50%; margin-right: 5px; opacity: 0.5;"></span> Understory Trees - 6 per 100 linear feet, spaced 16' on-center<br/> <span style="display: inline-block; width: 15px; height: 15px; background-color: black; border-radius: 50%; margin-right: 5px; opacity: 0.5;"></span> Shrubs - 25 per 100 linear feet         </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]      |

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.9 Landscaping131F

5.9.9 Perimeter Buffers138F

**TABLE <>: BUFFER CONFIGURATION**

| BUFFER TYPE, INTENT, AND REQUIRED FEATURES  | MINIMUM REQUIREMENTS |          |
|---|----------------------|----------|
|   | OPTION 1             | OPTION 2 |
| <b>Type B – Semi-Opaque Buffer</b>  |                      |          |
| 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> <span style="display: inline-block; border: 1px solid black; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> Canopy Trees - 2 per 100 linear feet<br/> <span style="display: inline-block; border: 1px solid black; border-radius: 50%; width: 15px; height: 15px; margin-right: 5px;"></span> Understory Trees - 4 per 100 linear feet, spaced 16' on-center<br/> <span style="display: inline-block; width: 10px; height: 10px; background-color: black; border-radius: 50%; margin-right: 5px;"></span> Shrubs - 15 per 100 linear feet         </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]      |



**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.9 Landscaping131F

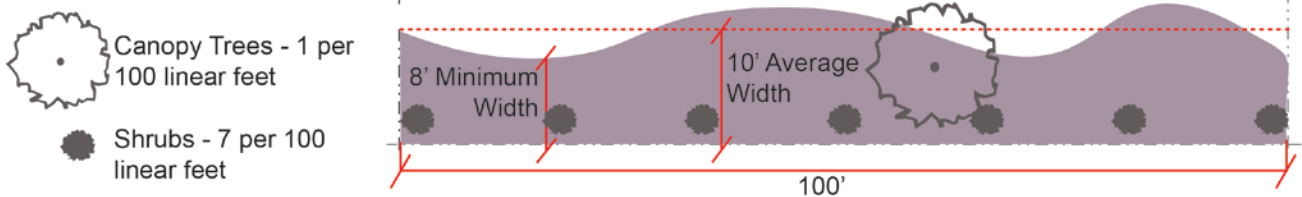
5.9.9 Perimeter Buffers138F

**TABLE <>: BUFFER CONFIGURATION**

| BUFFER TYPE, INTENT, AND REQUIRED FEATURES | MINIMUM REQUIREMENTS |          |
|--|----------------------|----------|
|  | OPTION 1             | OPTION 2 |

**Type C – Intermittent Buffer**

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.



|   |     |      |
|---|-----|------|
| 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  |

**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.

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.9 Landscaping<sup>131F</sup>

5.9.10 Streetyard Buffers<sup>139F</sup>

**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> |  |        |            |                |
|---|--|--------|------------|----------------|
| ZONING DISTRICT OF DEVELOPING LAND        | ZONING DISTRICT OF ADJACENT LAND [1] [2] |        |            |                |
|   | WL, RR                                   | SR, VR | CC, VC, MC | CP, HC, LI, HI |
| 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>140</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.

**B. Required Plant Material**

<sup>140</sup> These standards are proposed to replace the provisions in Section 151.156, Required Trees along Dedicated Streets, in the current ordinance.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.9 Landscaping<sup>131F</sup>

#### 5.9.11 Planting Flexibility<sup>140F</sup>

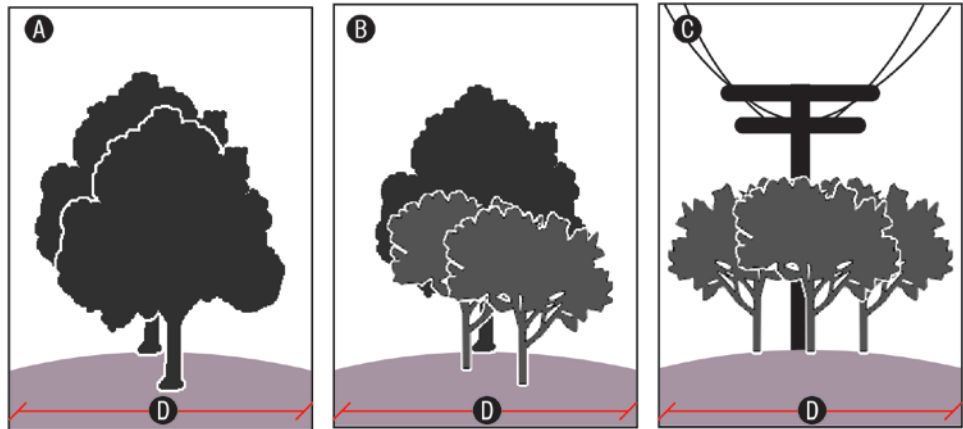
Streetyard buffers shall include vegetation configured in one of the following three ways (see [Figure <>](#), [Streetyard Vegetation Options](#)):

1. Two canopy trees per every 100 linear feet of property frontage of 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.

**FIGURE <>: STREETYARD VEGETATION OPTIONS**

#### LEGEND

- A** Two Canopy Trees per 100 Linear Feet
- B** One Canopy Tree and Two Understory Trees per 100 Linear Feet
- C** Three Understory Trees per 100 Linear Feet Where Overhead Utility Lines are Present
- D** 10' Minimum Width



#### 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>141</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

<sup>141</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>131F</sup>

#### 5.9.12 Time of Installation

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;
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

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 or until an applicant has posted a performance guarantee for landscaping in accordance with the standards in [Section <>, Performance Guarantee](#).

#### 5.9.13 REQUIRED MAINTENANCE<sup>142</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.

<sup>142</sup> These are new standards that clarify requirements to maintain vegetation in order to maintain its screening function.

### 5.9.14 SITE INSPECTION

**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 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>143</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

<sup>143</sup> These are new standards that require revegetation when landscaping material is removed in violation of this Ordinance.

## **ARTICLE 151.5 DEVELOPMENT STANDARDS**

---

### 5.9 Landscaping131F

#### 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.

## 5.10 SCREENING<sup>144</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 (see **Figure <>, Screening Methods**):
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.

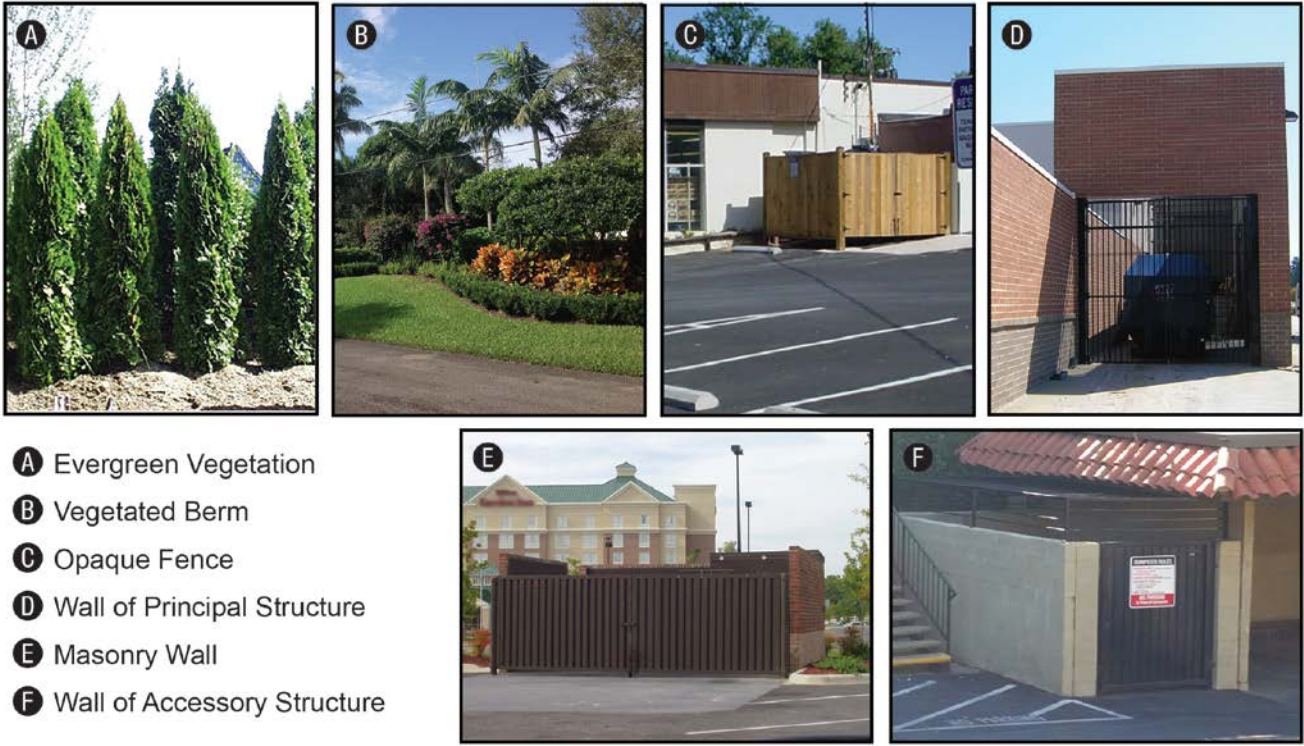
<sup>144</sup> This section is proposed to replace the standards in Section 151.184, Sites for and Screening of Dumpsters, in the current ordinance, but the section is expanded to also address screening of ground-based mechanical equipment, loading, and service areas as described on Page 84 of the Evaluation Report. Screening of roof-mounted equipment is addressed in the design standards portions of Article 151.5.

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.10 Screening143F

5.10.6 Specific Standards for Solid Waste Facilities

**FIGURE <>: SCREENING METHODS**



- A** Evergreen Vegetation
- B** Vegetated Berm
- C** Opaque Fence
- D** Wall of Principal Structure
- E** Masonry Wall
- F** Wall of Accessory Structure

**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.
- 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.



ARTICLE 151.5 DEVELOPMENT STANDARDS

5.11 Fences and Walls144F

5.11.1 Applicability

5.11 FENCES AND WALLS<sup>145</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 (see Figure, Fence and Wall Height):

Table with 3 columns: TYPE OF ZONING DISTRICT, LOCATION ON SITE, and MAXIMUM HEIGHT (FEET) [1] [2]. Row 1: Residential and Mixed-Use, Front and Corner Side, 4. Row 2: Residential and Mixed-Use, Side and Rear, 6.

145 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 144F

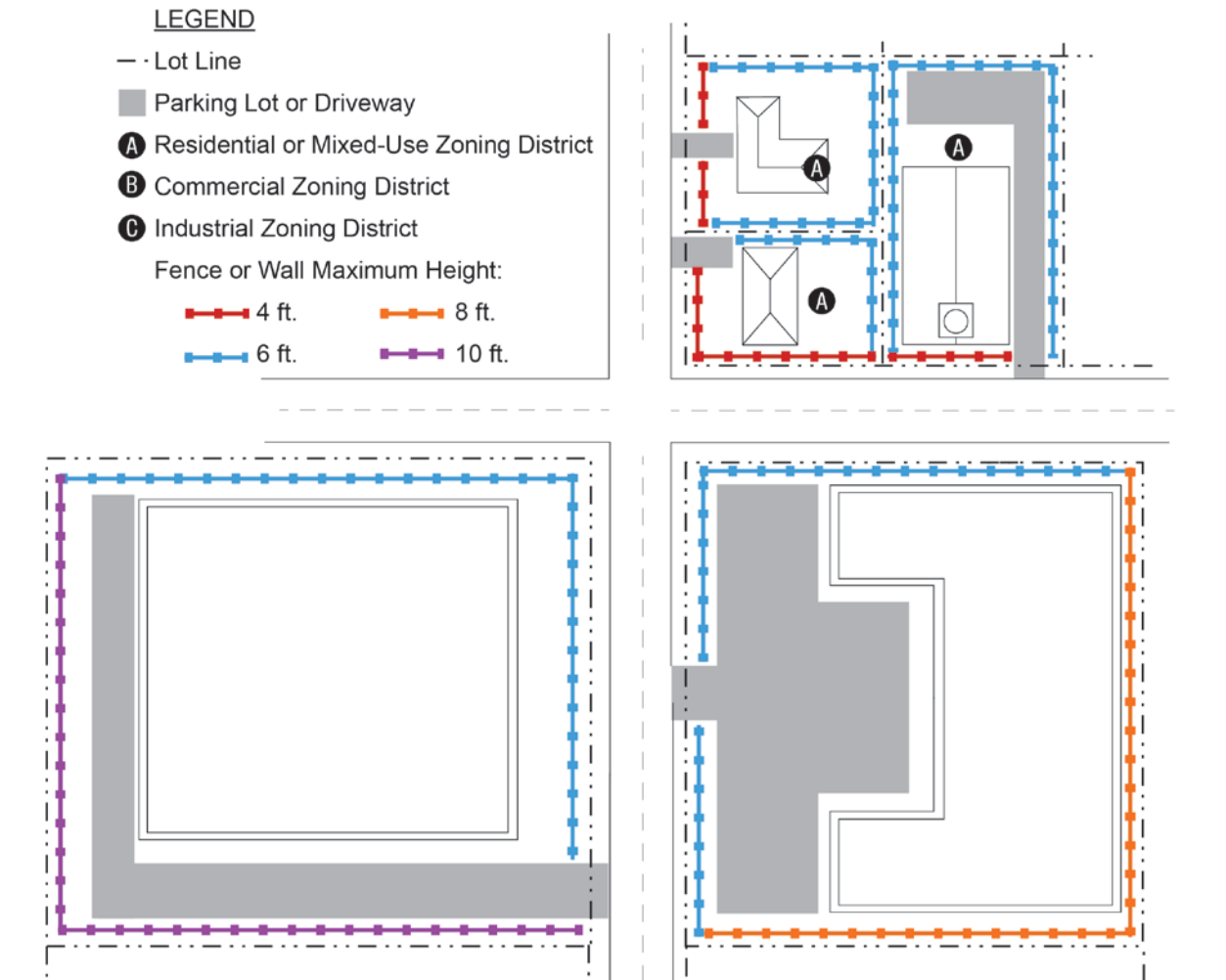
5.11.5 Materials

| TABLE <>: MAXIMUM FENCE AND WALL HEIGHT |                       |                               |
|---|-----------------------|-------------------------------|
| TYPE OF ZONING DISTRICT                 | LOCATION ON SITE      | MAXIMUM HEIGHT (FEET) [1] [2] |
| Commercial, excluding Industrial        | Front and Corner Side | 6                             |
|   | 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.

FIGURE <>: FENCE AND WALL HEIGHT



5.11.5 MATERIALS

Fences and walls shall be designed, constructed, and maintained to ensure a minimum useful life of at least ten years, and be configured in accordance with the following material standards:

## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.12 Reserved

#### 5.11.6 Finished Side

##### 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 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. 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.

### 5.11.6 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 (see [Figure <>, Fence Finished Side](#)).

FIGURE <>: FENCE FINISHED SIDE

#### LEGEND

- A** Finished Side of Fence - Facing Outward
- B** Unfinished Side of Fence - Facing Inward



### 5.11.7 MAINTENANCE

## ARTICLE 151.5 DEVELOPMENT STANDARDS

---

5.12 Reserved

5.11.7 Maintenance

- A.** 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.
- B.** 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>146</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;

#### 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>146</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 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**

All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements (see Figure <>, Exterior Lighting Configuration).

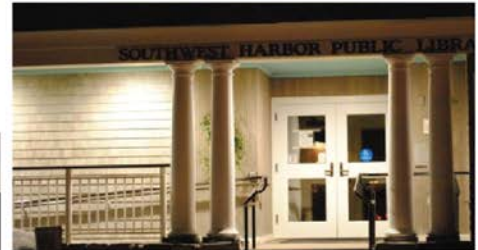
**A. Shielding**

1. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
2. Architectural uplighting of building walls, signage, or building features is permitted, provided the source of illumination is not visible.
3. Under canopy lighting fixtures should be completely recessed within the canopy.
4. 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.
5. 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.
6. LED lighting around building windows (either indoors or outdoors) is prohibited.

**FIGURE <>: EXTERIOR LIGHTING CONFIGURATION**

**LEGEND**

- A** Full Cut-off Lighting  
Designed to Direct Light Downward
- B** Under Canopy Fixture  
Completely Recessed
- C** Full Cut-off Wall Packs
- D** Light Source Not Visible From Residential Uses
- E** LED Lighting around windows is prohibited



**B. Fixture Height**

ARTICLE 151.5 DEVELOPMENT STANDARDS

5.13 Lighting145F

5.13.7 Limit Lighting to Periods of Activity

- 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 OF 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.

| 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:<br>[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.<br>[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.<br>[3] Use types are organized by use classification in Table <>, Principal Use Table. |  |

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>147</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;
- D. Recognize and allow specific signage types necessary for the protection of public safety;
- E. Avoid interference with protected free speech and commerce; and
- F. 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 State 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. Signs indication accessible parking spaces;
- 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:

<sup>147</sup> NOTE: 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 content-based 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.



## ARTICLE 151.5 DEVELOPMENT STANDARDS

### 5.14 Signage 146F

#### 5.14.5 Obsolete or Abandoned Signs

- 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;
- 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 that is parked in the same location for a period of 30 days or longer;
- J. Roof signs or signs that extend above the parapet of a building;
- K. Electronic message boards in a residential district; and
- 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.

#### 5.14.5 OBSOLETE OR ABANDONED SIGNS

- A. 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.
- B. Signage supporting structures and frames used to support nonconforming signs may remain in place.
- C. 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. **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 County-owned property; and
  - 3. Sign placement and duration shall be in accordance with Section 136-32 of the North Carolina General Statutes.

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.14 Signage 146F

5.14.7 Sign Permit Required

**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 top of the roof, soffit, eave, or parapet, whichever is highest | No limit                        | - Limited to building facades facing streets<br>- Wall signs shall not project more than 12 inches outwards from the wall |

**A** Maximum Sign Face Area Calculation

5% of Wall Area

Wall Area = 20' x 25' = 500 sf

Maximum Sign Face Area = 500 sf x .05 = 25 sf

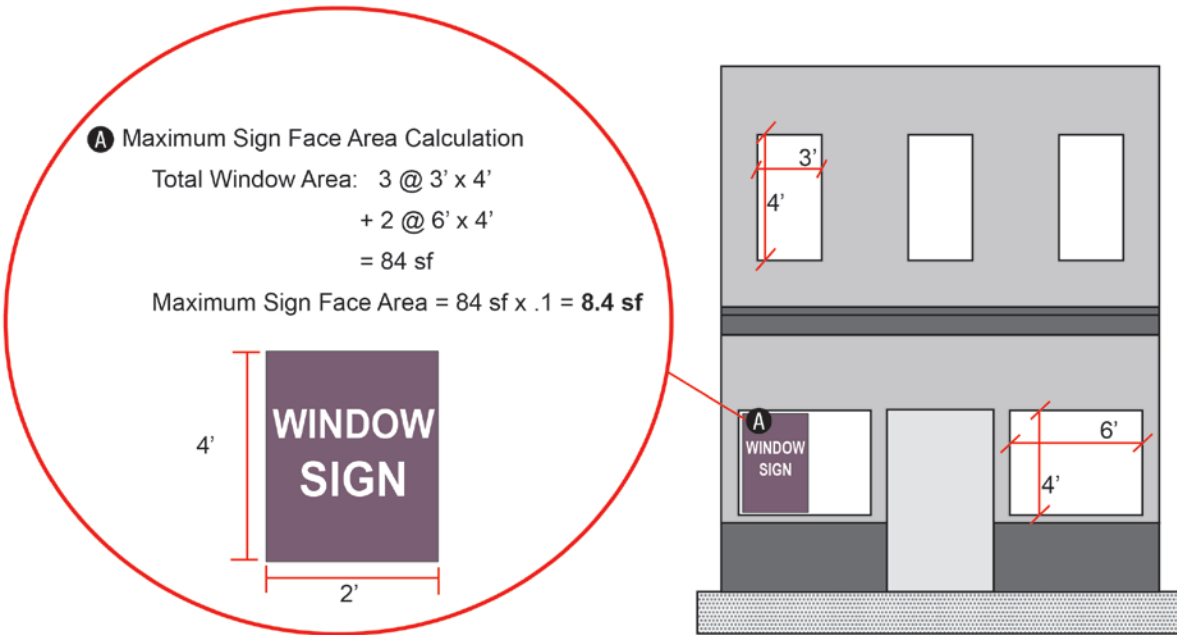
ARTICLE 151.5 DEVELOPMENT STANDARDS

5.14 Signage 146F

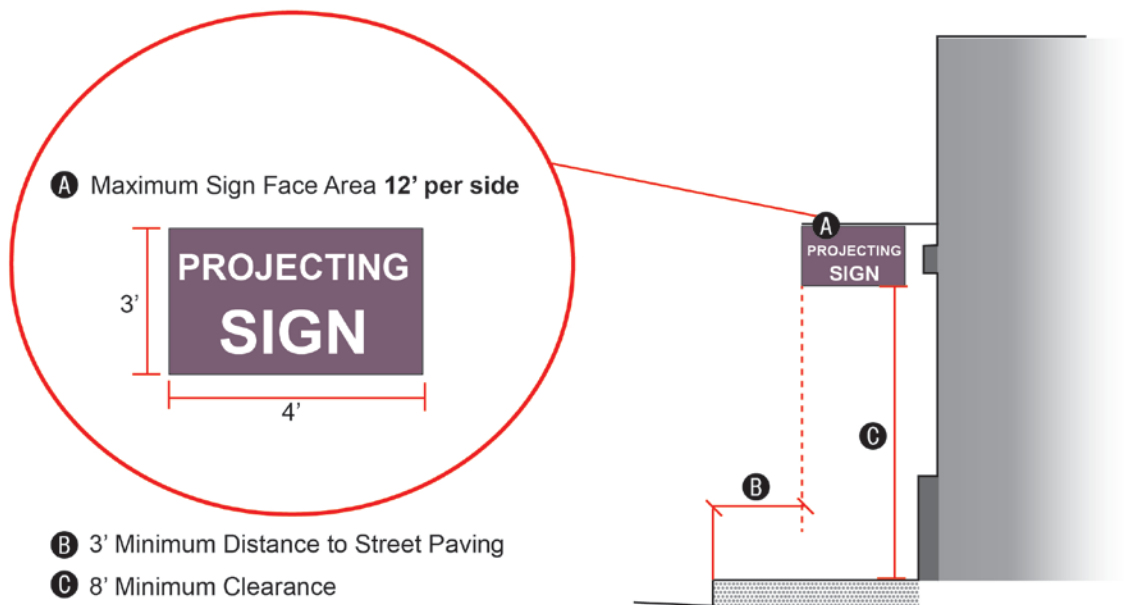
5.14.10 Sign Standards In Mixed Use District

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]   |
|--------------|---|------------------------------------|---------------------------------|--|
| Window Sign  | 50% of total window and glass door area | Top of ground floor window or door | No limit                        | Window signs shall not be placed on faux windows or structural glass |



|                 |                |   |   |  |
|-----------------|----------------|---|---|--|
| Projecting Sign | 12 sf per side | Below the top of the roof, soffit, eave, or parapet, whichever is highest [5] | 1 | No portion of the sign may be located within three feet of the street paving |
|-----------------|----------------|---|---|--|



ARTICLE 151.5 DEVELOPMENT STANDARDS

5.14 Signage146F

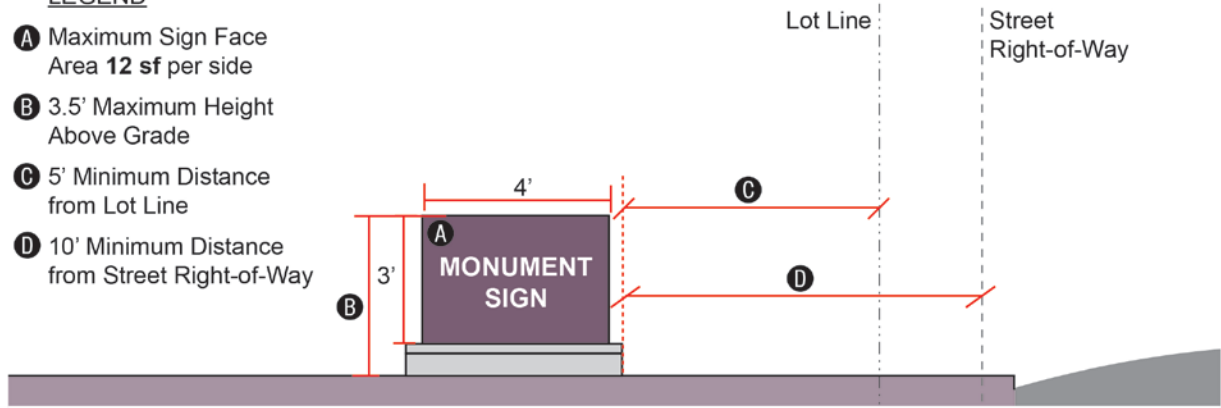
5.14.11 Sign Standards in Commercial Districts

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]   |
|----------------------|--|------------------------------|---------------------------------|--|
| <b>Awning Sign</b>   | In accordance with wall sign standards | Awnings on ground floor only | 1                               | May be substituted for some or all of allowable wall sign area   |
|                      |  |                              |                                 |  |
| <b>Monument Sign</b> | 12 sf per side                         | 6 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 |

LEGEND

- A** Maximum Sign Face Area 12 sf per side
- B** 3.5' Maximum Height Above Grade
- C** 5' Minimum Distance from Lot Line
- D** 10' Minimum Distance from Street Right-of-Way



NOTES:

- [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).
- [2] "sf" = square feet
- [3] Signs shall also be subject to the standards in **Section <>, Additional Sign Specifications.**
- [4] Wall signs are not permitted on side or rear building facades.
- [5] Projecting signs shall maintain a minimum of eight feet of clearance above the grade or a walkway.

ARTICLE 151.5 DEVELOPMENT STANDARDS

5.14 Signage 146F

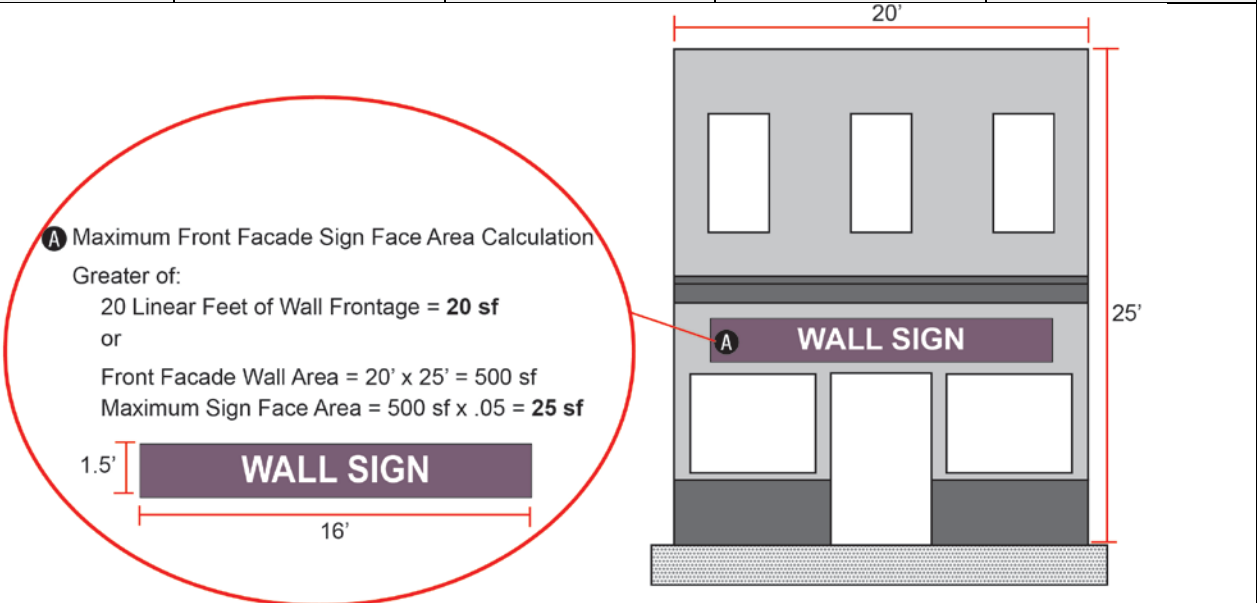
5.14.11 Sign Standards in Commercial Districts

5.14.11 SIGN STANDARDS IN COMMERCIAL DISTRICTS

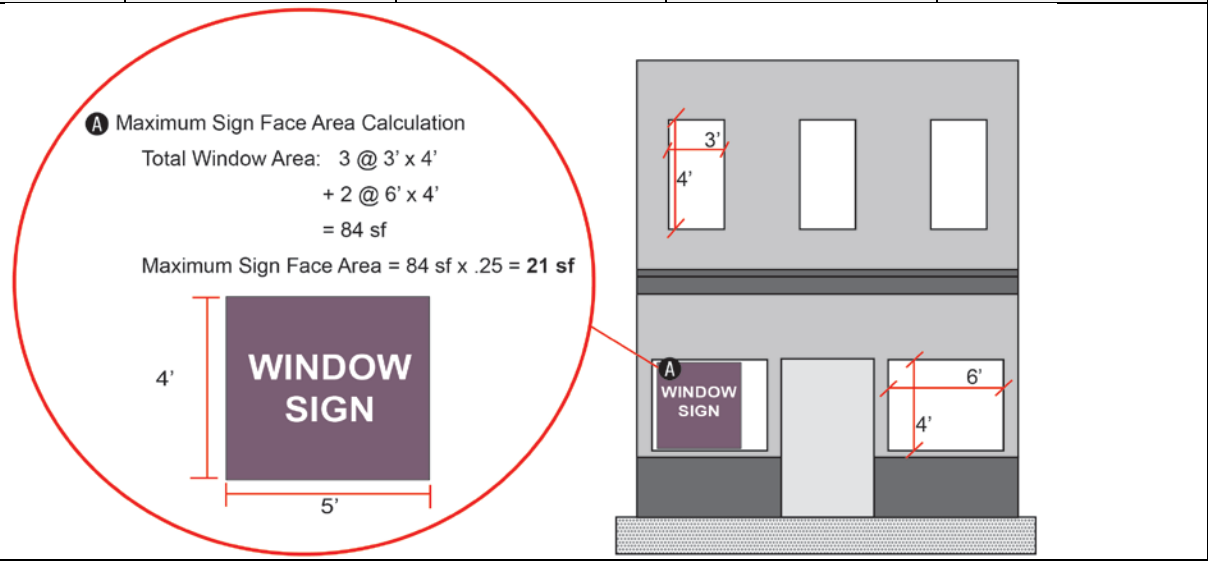
Signs on lots in the commercial districts other than the MX district shall comply with the requirements in Table <>, Sign Standards in Commercial Districts.

TABLE <>: SIGN STANDARDS IN COMMERCIAL DISTRICT

| TYPE OF SIGN                                       | MAXIMUM FACE AREA [1] [2]   | MAXIMUM HEIGHT   | MAXIMUM NUMBER OF SIGNS PER LOT | ADDITIONAL STANDARDS [3]  |
|--|---|--|---------------------------------|---|
| Wall Sign on Front Façade                          | Greater of: 1 sf per linear foot of wall frontage, or 5% of wall area | Below the top of the roof, soffit, eave or parapet, whichever is highest | No limit                        | Wall signs shall not project more than 12 inches outwards from the wall |
| Wall Sign on Side or Rear Façade fronting a street | ½ sf per linear foot of wall frontage                                 |  |                                 |   |



|             |   |                                    |          |  |
|-------------|---|------------------------------------|----------|--|
| Window Sign | 50% of total window and glass door area | Top of ground floor window or door | No limit | May be substituted for some or all of allowable wall sign area |
|-------------|---|------------------------------------|----------|--|



ARTICLE 151.5 DEVELOPMENT STANDARDS

5.14 Signage 146F

5.14.11 Sign Standards in Commercial Districts

TABLE <>: SIGN STANDARDS IN COMMERCIAL DISTRICT

| TYPE OF SIGN  | MAXIMUM FACE AREA [1] [2]  | MAXIMUM HEIGHT                         | MAXIMUM NUMBER OF SIGNS PER LOT | ADDITIONAL STANDARDS [3]   |
|---|--|--|---------------------------------|--|
| <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                                 |
| <p><b>A</b> Maximum Sign Face Area 12' per side</p> <p><b>B</b> 3' Minimum Distance to Street Paving</p> <p><b>C</b> 8' Minimum Clearance</p> |  |  |                                 |  |
| <b>Awning Sign</b>  | In accordance with wall sign standards                                   | Awnings on ground floor only           | 1                               | None   |
| <p>Sign Copy Area on Ground Floor Awning Only</p> <p>Signage on Awning Face Counted as Wall Signage</p>                                       |  |  |                                 |  |
| <b>Freestanding Sign</b>  | 50 sf total  | 20 feet above adjacent roadway 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;<br>7-14 tenants: 125 sf;<br>15+ tenants: 150 sf | 25 feet above adjacent roadway grade   | 1 per street frontage           |  |

ARTICLE 151.5 DEVELOPMENT STANDARDS

5.14 Signage 146F

5.14.11 Sign Standards in Commercial Districts

TABLE <=>: SIGN STANDARDS IN COMMERCIAL DISTRICT

| TYPE OF SIGN   | MAXIMUM FACE AREA [1] [2] | MAXIMUM HEIGHT     | MAXIMUM NUMBER OF SIGNS PER LOT | ADDITIONAL STANDARDS [3]   |
|--|---------------------------|--------------------|---------------------------------|--|
| <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><b>A</b> Maximum Sign Face Area <b>50 sf</b> (25 sf per side for two-sided sign)</li> <li><b>B</b> 5' Minimum Distance from Lot Line</li> <li><b>C</b> 10' Minimum Distance from Street Right-of-Way</li> <li><b>D</b> 15' Maximum Height</li> </ul> |                           |                    |                                 |  |
| <b>Monument Sign</b>   | 50 sf per side            | 6 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 |
| <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><b>A</b> Maximum Sign Face Area <b>50 sf</b> per side</li> <li><b>B</b> 4' Maximum Height Above Grade</li> <li><b>C</b> 5' Minimum Distance from Lot Line</li> <li><b>D</b> 10' Minimum Distance from Street Right-of-Way</li> </ul>                 |                           |                    |                                 |  |
| <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 |
| <p><b>A</b> Maximum Sign Dimensions</p>  |                           |                    |                                 |  |

**ARTICLE 151.5 DEVELOPMENT STANDARDS**

5.14 Signage146F

5.14.12 Additional Sign Specifications

**TABLE <>: SIGN STANDARDS IN COMMERCIAL DISTRICT**

| TYPE OF SIGN   | MAXIMUM FACE AREA<br>[1] [2] | MAXIMUM HEIGHT | MAXIMUM NUMBER OF<br>SIGNS PER LOT | ADDITIONAL<br>STANDARDS [3] |
|--|------------------------------|----------------|------------------------------------|-----------------------------|
| NOTES:   |                              |                |                                    |                             |
| [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). |                              |                |                                    |                             |
| [2] "sf" = square feet   |                              |                |                                    |                             |
| [3] Signs shall also be subject to the standards in <b>Section &lt;&gt;, Additional Sign Specifications.</b>   |                              |                |                                    |                             |
| [4] Projecting signs shall maintain a minimum of eight feet of clearance above the grade or a walkway  |                              |                |                                    |                             |

**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. Signs may be painted or printed onto a canopy or awning.
3. In no instance shall a canopy or awning sign extend into a street right-of-way.
4. 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.
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 no 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 TEMPORARY SIGNAGE**

**A. Temporary Signage Serving Residential Development**

Each lot containing a residential use shall be allowed up to one temporary sign per street frontage, subject to the following standards:

1. Temporary signage serving a residential use shall not be required to obtain a temporary sign permit;
2. Temporary signage shall not exceed six square feet of sign area per sign;
3. Temporary signage shall not be located within a street right-of-way or sight distance triangle;
4. Temporary signs shall not be illuminated; and
5. There is no maximum duration for temporary signage serving a residential use.

**B. Temporary Signage Serving a Business, Institutional, or Mixed Use Development**

Each lot containing a business, institutional, or mixed use shall be allowed up to one temporary sign per street frontage, subject to the following standards:

1. All temporary signage serving a business, institutional, or mixed use development shall obtain a temporary sign permit in accordance with **Section <>, Temporary Use Permit.**
2. Temporary signage shall not exceed 32 square feet of sign area per sign;
3. Temporary signage may take the form of a banner, windblown device, air-filled device, or similar configuration;
4. Temporary signage shall not extend more than 15 feet beyond the highest point of the roof of the principal building on the lot;
5. Temporary signage shall not be illuminated; and
6. Temporary signs may remain in place on a lot for up to 30 days. This 30-day period may be renewed by the UDO Administrator up to a maximum of three times per calendar year.



### 5.14.14 OFF-PREMISE SIGNAGE<sup>148</sup>

Off-premise signage shall comply with the following requirements:

**A. Where Allowed**

1. Off-premise signage shall be permitted only in accordance with Section <>, Special Use Permit, in the following WL, VC, CC, HC, MC, LI, and HI zoning districts.
2. These districts shall be considered commercial and/or industrial districts for purposes of enforcement by the State Department of Transportation of its outdoor advertising regulations.

**B. General Standards**

All off-premise signage in the County shall comply with Section 19A NCAC 2E.0202 and 2E.0203 of the North Carolina Administrative Code, as amended (the current State DOT Outdoor Advertising Manual), the requirements of the State Building Code, and the following:

1. No off-premise sign may be located within 500 feet of any other off-premise or on premise sign.
2. No off-premise sign may have a sign size greater than 800 square feet.
3. Off-premise signage shall be erected so that all parts of the structure shall be within 15 feet from the edge of the nearest public street or right-of-way.
4. The bottom of an off-premise sign shall be at least 12 feet above grade.
5. The height of an off-premise sign shall not exceed 35 feet, except that an additional temporary advertising display may extend above the sign up to a height of 50 feet for a period of up to six months.
6. All off-premise signs shall have framing using pressure-treated wood, MDO plywood panels, or similar-looking materials.
7. Signs shall not obscure or otherwise interfere with the effectiveness of an official sign, signal or device, or obstruct or interfere with the driver's view of approaching, merging or intersecting traffic.

**C. Nonconforming Off-premise Signage**

1. Nonconforming off-premise signage may continue to exist in accordance with Chapter 136, Article 11 of the North Carolina General Statutes, and Article 151.8: Nonconformities.
2. A nonconforming sign may be replaced on the same location so long as application for a permit to erect a new sign is made within 180 days after the existing nonconforming sign is destroyed or removed.

### 5.14.15 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.

### 5.14.16 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.

<sup>148</sup> This section carries forward the standards in Section 151.418 of the current ordinance except for the portion of the regulations applied to non-profit signage, since signage regulations may no longer be applied to individual use types based on the Reed decision.

## ARTICLE 151.5 DEVELOPMENT STANDARDS

---

### 5.14 Signage146F

#### 5.14.16 Inspections and Investigations

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)

|            |  |             |
|------------|--|-------------|
| <b>6.1</b> | <b>Subdivision Standards .....</b>                       | <b>6-1</b>  |
| 6.1.1      | Purpose and Intent .....                                 | 6-1         |
| 6.1.2      | Applicability.....                                       | 6-1         |
| 6.1.3      | Subdivision Design.....                                  | 6-1         |
| 6.1.4      | Lot Configuration .....                                  | 6-1         |
| 6.1.5      | Access to Lots .....                                     | 6-3         |
| 6.1.6      | Access to Public Waters.....                             | 6-4         |
| 6.1.7      | Easements.....   | 6-4         |
| 6.1.8      | Monuments.....   | 6-5         |
| 6.1.9      | Flood Elevation Markers.....                             | 6-5         |
| 6.1.10     | Cluster Mailboxes .....                                  | 6-5         |
| 6.1.11     | Cultural and Historic Resources.....                     | 6-6         |
| 6.1.12     | Bus Stops for School Children .....                      | 6-6         |
| 6.1.13     | Reservation of School Sites .....                        | 6-6         |
| 6.1.14     | Dedication of Land for Public Parks .....                | 6-6         |
| <b>6.2</b> | <b>Required Infrastructure .....</b>                     | <b>6-8</b>  |
| 6.2.1      | Applicability.....                                       | 6-8         |
| 6.2.2      | Generally .....  | 6-8         |
| 6.2.3      | Streets .....  | 6-9         |
| 6.2.4      | Bridges .....  | 6-15        |
| 6.2.5      | Street Lights .....                                      | 6-15        |
| 6.2.6      | Sidewalks .....  | 6-15        |
| 6.2.7      | Potable Water Systems.....                               | 6-16        |
| 6.2.8      | Sewage Systems.....                                      | 6-17        |
| 6.2.9      | Fire Protection .....                                    | 6-17        |
| 6.2.10     | Underground Utilities.....                               | 6-18        |
| <b>6.3</b> | <b>Performance Guarantees.....</b>                       | <b>6-20</b> |
| 6.3.1      | Purpose and Intent .....                                 | 6-20        |
| 6.3.2      | When Required.....                                       | 6-20        |
| 6.3.3      | Maximum Term of Guarantee .....                          | 6-20        |
| 6.3.4      | Form of Guarantee .....                                  | 6-20        |
| 6.3.5      | Amount of Guarantee .....                                | 6-21        |
| 6.3.6      | Release or Reduction of Guarantee.....                   | 6-21        |
| 6.3.7      | Improper Release of Financial Guarantees .....           | 6-21        |
| 6.3.8      | Forfeiture of Guarantee .....                            | 6-21        |
| 6.3.9      | As-Built Plans Required .....                            | 6-22        |
| 6.3.10     | Maintenance Warranties .....                             | 6-22        |
| <b>6.4</b> | <b>Homeowners' or Property Owners' Association .....</b> | <b>6-24</b> |
| 6.4.1      | Purpose .....  | 6-24        |
| 6.4.2      | Applicability.....                                       | 6-24        |
| 6.4.3      | Creation Required .....                                  | 6-24        |
| 6.4.4      | Responsibilities of Association .....                    | 6-24        |
| 6.4.5      | Procedure for Association Establishment.....             | 6-24        |

|            |   |             |
|------------|---|-------------|
| 6.4.6      | Documentation Requirements .....                              | 6-24        |
| 6.4.7      | Membership Requirements .....                                 | 6-25        |
| 6.4.8      | Transfer of Maintenance Responsibility .....                  | 6-25        |
| 6.4.9      | Failure to Maintain is a Violation .....                      | 6-26        |
| <b>6.5</b> | <b>Conservation Subdivision .....</b>                         | <b>6-27</b> |
| 6.5.1      | Purpose and Intent .....                                      | 6-27        |
| 6.5.2      | Applicability.....  | 6-27        |
| 6.5.3      | Procedure .....   | 6-28        |
| 6.5.4      | Conservation Subdivision Standards .....                      | 6-29        |
| 6.5.5      | Delineation of Conservation and Development Areas .....       | 6-29        |
| 6.5.6      | Evaluation Criteria for Conservation Subdivision Layout ..... | 6-31        |

# ARTICLE 151.6 SUBDIVISION REQUIREMENTS

## 6.1 SUBDIVISION STANDARDS<sup>149</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>150</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>151</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 comply with 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>149</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>150</sup> These are new standards.

<sup>151</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>148F</sup>

#### 6.1.4 Lot Configuration<sup>150F</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 45 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. 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>152</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.
- 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.

<sup>152</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>148F</sup>

#### 6.1.5 Access to Lots<sup>153F</sup>

#### H. Lot Grading<sup>153</sup>

##### 1. Slope

- a. The minimum desirable slope for each lot shall be not less than one percent.
- b. The minimum acceptable slope shall be not less than 0.5 percent.

##### 2. Construction Plans, Generally

- a. Construction plans shall provide sufficient grades, ridge lines, and directional arrows to define the proposed drainage pattern of the entire lot. A minimum of seven proposed lot grades shall be provided:
  1. Four at the corners;
  2. Two at the side yard midpoints; and
  3. One grade located at the center of the lot (rear of typical structure location).
- b. Intermediate grades will be defined by linear interpolation of lot grades provided (Note Type A, B, or AB lot drainage for each lot).
- c. Overland flow onto adjacent offsite property is generally unacceptable.
- d. Commercial/Industrial subdivision plans shall provide lot grading to facilitate drainage until final development of individual parcels.

##### 3. Single-Family Detached Residential Development

###### a. Requirements

1. Lots shall be graded to within 0.1 feet of the final grade prior to being certified for a Certificate of Elevation.
2. A minimum grade of 0.5 percent must be provided on the lot. A certification is required from a Land Surveyor confirming this lot grading. See the County's "Certificate of Elevation Grade Adjacent to Structure and Finished Floor of Structure for Compliance with Final Plat." document for additional details.
3. The as constructed elevations of culverts shall be deemed acceptable if the as-constructed invert elevation is within 0.12 feet of the proposed grade, provided, however, that elevations resulting in a flat or adverse slope will be deemed unacceptable even if within the 0.12-foot tolerance.

###### b. Construction Plans for Lot Grading

1. Construction plans for all new subdivisions will show proposed lot grades to the nearest 0.1 feet.
2. An engineer's or land surveyor's certification shall be submitted to the County prior to final plat approval certifying that lot grades are within 0.4 feet of proposed grades and a minimum positive slope of 0.25 percent exists in the direction indicated in the approved plan.
3. Certification may be waived in cases where approved drainage plans showing existing grades meet the criteria.

#### 6.1.5 ACCESS TO LOTS<sup>154</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, Exempt Subdivisions, or Expedited Subdivisions

- a. Lots established after *(insert the effective date of this Ordinance)* in a bona fide farm, transfer plat, exempt subdivision, 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

<sup>153</sup> This section carries forward the standards in Section 151.232.J of the current ordinance as amended by 2015-10-01.

<sup>154</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>148F</sup>

#### 6.1.7 Easements

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 three individual lots.

#### B. Access on Lots Abutting Major Arterial Streets

1. The standards in this subsection shall apply to lots abutting the following arterial streets:
  - a. US 17;
  - b. US 158;
  - c. NC 34; and
  - d. NC 343.
2. In cases where a tract or site abutting a listed major arterial street 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 listed major arterial street.
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.
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. Private Streets

Private streets may not be used to access individual lots in major or minor subdivisions.

#### E. 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;
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>155</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

<sup>155</sup> These standards carry forward the access to water provisions in the subdivision design standards (Section 151.232(D)) of the current ordinance.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.1 Subdivision Standards<sup>148F</sup>

#### 6.1.11 Cultural and Historic Resources<sup>160F</sup>

##### A. Utility and Drainage Easements<sup>156</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>157</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>158</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:

- 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>159</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 CLUSTER MAILBOXES<sup>160</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 (CBUs) in State-maintained streets, including provision of a vehicular turnout.
- C. Cluster mailbox units placed on a private street shall comply with NCDOT policy guidance on the placement of cluster box units (CBUs) on State-maintained streets.

<sup>156</sup> This section carries forward the standards for easements in Section 151.232, Design Standards and Criteria [for major subdivisions].

<sup>157</sup> This section carries forward the standards in Section 151.170, Utility Ownership and Easement Rights, in the current ordinance.

<sup>158</sup> These standards are carried forward from the standards in Section 151.232, Design Standards and Criteria [for major subdivisions], related to lots.

<sup>159</sup> This section carries forward the standards for flood elevation markers in Section 151.232, Design Standards and Criteria [for major subdivisions].

<sup>160</sup> These are new standards.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.1 Subdivision Standards<sup>148F</sup>

#### 6.1.14 Dedication of Land for Public Parks<sup>162F</sup>

### 6.1.11 CULTURAL AND HISTORIC RESOURCES<sup>161</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>162</sup>

Except for age-restricted development, the application for a preliminary plat 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 be at least six feet long and at least three feet deep.
- B. Bus stops shall be located at locations approved by the School Superintendent or his or her designee.
- C. The homeowner's association shall be responsible for the maintenance of bus stops.
- D. These requirements for a bus stop may be waived by the County upon written approval of the School Superintendent or his or her designee.

### 6.1.13 RESERVATION OF SCHOOL SITES

- A. If a proposed subdivision of 40 or more lots includes a school site that is designated in the County's adopted policy guidance (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>163</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**

<sup>161</sup> This section carries forward the standards for cultural resources in Section 151.232, Design Standards and Criteria [for major subdivisions].

<sup>162</sup> This section carries forward the standards for bus stops from Section 151.232, Design Standards and Criteria [for major subdivisions].

<sup>163</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 Standards148F

#### 6.1.14 Dedication of Land for Public Parks162F

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**

- 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>163F</sup>

#### 6.2.2 Generally

## 6.2 REQUIRED INFRASTRUCTURE<sup>164</sup>

### 6.2.1 APPLICABILITY<sup>165</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 SFHA shall also comply with the applicable standards in **Section <>, Special Flood Hazard Area Overlay (SFHA)**.

### 6.2.2 GENERALLY

- A. **Consistency with Adjacent Development<sup>166</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 SFHA shall only be in accordance with the applicable standards in **Section <>, Special Flood Hazard Area Overlay (SFHA)**.
- C. **As-built Plans Required**
  - 1. Whenever a developer installs or causes to be installed any water, sewer, stormwater, or sidewalk, the developer shall, as soon as practicable after installation is complete, and before acceptance, furnish the County with an as-built plan prepared by a professional engineer 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**
  - 1. **Streets and Associated Facilities**
    - a. The subdivider or developer shall install all streets in accordance with all NCDOT standards, 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>164</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>165</sup> This section carries forward and builds on the standards in Section 151.096, Utilities, in the current ordinance.

<sup>166</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.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>163F</sup>

#### 6.2.3 Streets<sup>166F</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. Potable water supply lines, including water tanks, distribution lines, water mains, and laterals shall be dedicated to the County or other public entity providing potable water for maintenance and operation. Supply lines serving individual lots or uses beyond the water meter shall not be the responsibility of the County or another public entity providing potable water.
- 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. 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.
  - c. 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**.
  - c. The County may require granting and recordation of an access and maintenance easement to allow the County or its designated representatives to access and maintain a stormwater management facility required by this Ordinance.
- 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>167</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**
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>168</sup>**
1. Streets that are dedicated to public use shall be classified in accordance with **Table <>: Street Classification**.

<sup>167</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>168</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<sup>163F</sup>

6.2.3 Streets<sup>166F</sup>

| <b>TABLE &lt;&gt;: STREET CLASSIFICATION</b>  |  |
|---|--|
| <b>STREET TYPE</b><br>[1] [2]   | <b>DESCRIPTION</b>   |
| 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.  |
| NOTES:<br>[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.<br>[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. |  |

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>169</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>170</sup>**

Street intersections shall be configured in accordance with the following standards (see **Section <>, Intersection Configuration**):

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.
2. Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 60 degrees.

<sup>169</sup> This section carries forward the standards in Section 151.088, General layout of Streets, in the current ordinance.

<sup>170</sup> This section carries forward the standards in Section 151.089, Street Intersections, in the current ordinance.

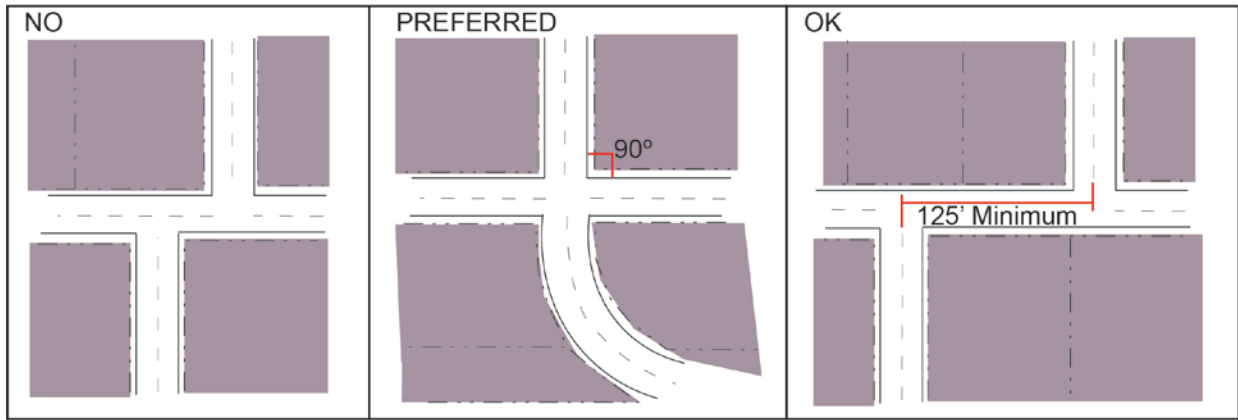
## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>163F</sup>

#### 6.2.3 Streets<sup>166F</sup>

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 200 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.

**FIGURE <>: INTERSECTION CONFIGURATION**



#### G. Turn Lanes Required<sup>171</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>172</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>173</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 Score](#):

<sup>171</sup> This section carries forward the standards in Section 151.085, Turn Lanes Required, in the current ordinance.

<sup>172</sup> This section carries forward the standards in Section 151.084, Deceleration Lanes on Major Arterial Streets, in the current ordinance.

<sup>173</sup> This section carries 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 access requirements to ensure multiple points of entry for emergencies.



ARTICLE 151.6 SUBDIVISION REQUIREMENTS

6.2 Required Infrastructure 163F

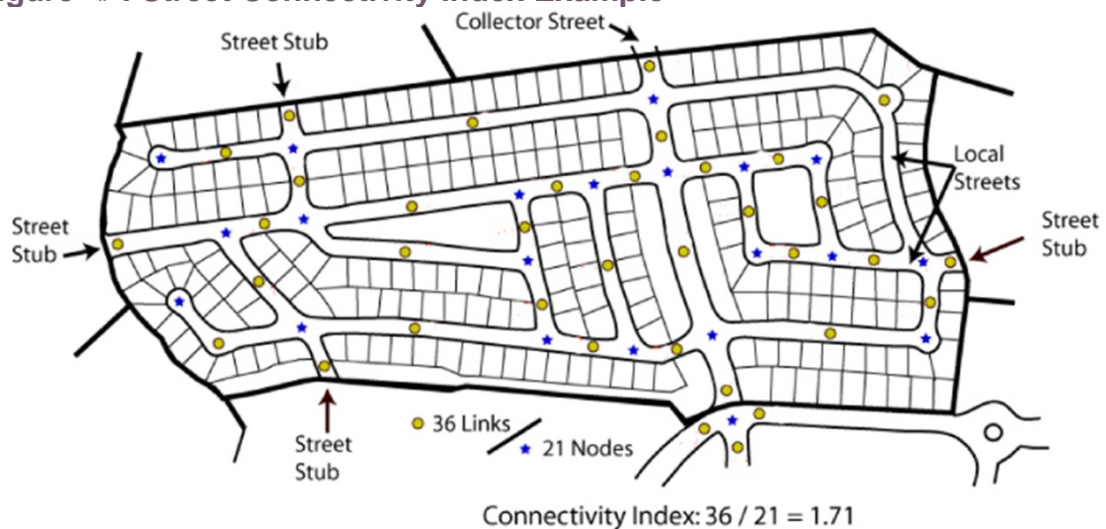
6.2.3 Streets 166F

| 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 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.

**ARTICLE 151.6 SUBDIVISION REQUIREMENTS**

6.2 Required Infrastructure 163F

6.2.3 Streets 166F

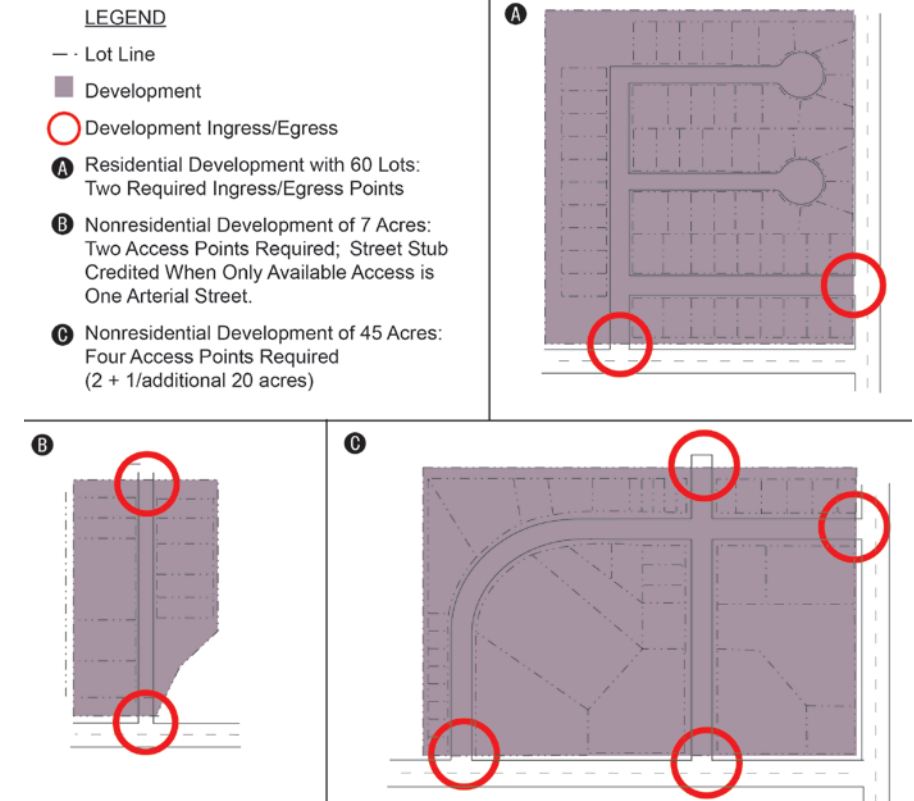
- c. Arterial and collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations, as determined by the NCDOT and UDO Administrator.
- d. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, 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.
- f. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited.
- 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. 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** (see **Figure <>, Development Entry Points**):

| <b>TABLE &lt;&gt;: REQUIRED SUBDIVISION ACCESS</b> |   |  |
|--|---|--|
| <b>TYPE OF DEVELOPMENT</b>                         | <b>DEVELOPMENT SIZE</b>                 | <b>MINIMUM NUMBER OF VEHICULAR ACCESS POINTS</b> |
| Residential and Mixed-Use Development              | 50 or fewer lots                        | 1  |
|  | 51 to 100 lots                          | 2  |
|  | More than 100 lots                      | 3  |
| Non-residential Development                        | Less than 5 acres or fewer than 10 lots | 1  |
|  | 5 to 20 acres or 10 to 20 lots          | 2  |
|  | More than 20 acres or more than 20 lots | 2 + 1 for every additional 20 acres or lots      |

**FIGURE <>: DEVELOPMENT ENTRY POINTS**



## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>163F</sup>

#### 6.2.4 Bridges<sup>176F</sup>

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>174</sup>

1. Private streets and roads shall be designed, constructed, and maintained in accordance with the NCDOT 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 three lots.
4. Private streets shall not be used to access individual lots in major or minor subdivisions.

#### M. Vehicular Gates<sup>175</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>176</sup>

1. Street names shall be assigned by the developer, subject to the approval of 911 Central Communications for Pasquotank County, Elizabeth City, and Camden County.
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

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

<sup>174</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.

<sup>175</sup> This is a new section proposed for the County's consideration.

<sup>176</sup> This section carries forward the standards in Section 151.094, Street Names and House Numbers, in the current ordinance.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.2 Required Infrastructure<sup>163F</sup>

#### 6.2.6 Sidewalks<sup>177F</sup>

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>177</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

- 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.
- 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>178</sup>

Sidewalks shall be configured in accordance with the following standards:

##### A. Location

##### 1. One Side of the Street

- a. Sidewalks shall be required on one side of the street in the VR, VC, MX, NR, and HC districts, except that no sidewalks shall be required when the majority of lots in a subdivision exceed two acres in area or 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.

##### 2. In Accordance with Existing Conditions

- a. 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.
- b. 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.

##### 3. 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.

<sup>177</sup> This section carries forward the standards in Section 151.095, Bridges, in the current ordinance.

<sup>178</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<sup>163F</sup>

#### 6.2.7 Potable Water Systems<sup>178F</sup>

##### 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.

## 6.2.7 POTABLE WATER SYSTEMS<sup>179</sup>

##### A. Water Supply System Required

1. 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.

##### B. Connection to County Water Supply System

###### 1. Major Subdivisions

- a. The subdivider shall construct a water system as part of the subdivision that serves every building lot in the subdivision and complies with the standards and specifications of the public water system with jurisdiction where the subdivision is located. Following construction, the subdivider shall connect every building lot 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:
  1. Construction plans for the proposed system shall be prepared by a professional engineer;
  2. 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;
  3. The cost of the construction, connection, and approval of the subdivision water system shall be paid by the subdivider;
  4. All water mains, laterals, meter boxes, and easements shall be dedicated to the public water system;
  5. Water lines shall be installed within street rights-of-way, where possible; and
  6. All water systems installed having 15 or more connections shall meet the standards of the State Commission for Health Services, Division of Environmental Management.
- b. 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 approval.

###### 2. Minor and Expedited Subdivisions

<sup>179</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>163F</sup>

#### 6.2.9 Fire Protection<sup>179F</sup>

All lots proposed in a minor or expedited subdivision that are physically adjacent to an existing public water system supply line shall connect the lot to the public water system in accordance with **Section <>, Major Subdivisions**.

#### C. 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.

## 6.2.8 SEWAGE SYSTEMS

#### 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

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 (SFHA)**.

## 6.2.9 FIRE PROTECTION<sup>180</sup>

#### A. Fire Hydrants

1. Every subdivision that is served by a public water system or a private/public central water system with at least six-inch lines shall include a system of fire hydrants 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.

<sup>180</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>163F</sup>

#### 6.2.10 Underground Utilities<sup>180F</sup>

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. Dry Hydrants

In cases where fire hydrants are required by Section (A) above but the public water supply is insufficient to provide adequate water flow for firefighting, dry hydrants shall still be required.

#### C. 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:

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>181</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

<sup>181</sup> This section carries forward the standards in Section 151.179, Underground Utilities, from the current ordinance with no substantive changes.

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

---

### 6.2 Required Infrastructure163F

#### 6.2.10 Underground Utilities180F

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 U.S. Army Corps of Engineers and/or NC Division of Coastal Management.
- 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.



## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.3 Performance Guarantees<sup>181F</sup>

#### 6.3.5 Amount of Guarantee

## 6.3 PERFORMANCE GUARANTEES<sup>182</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: asphalt on streets, sidewalks, and landscaping 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, or landscaping 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

- A. Except for performance guarantees related to the long term maintenance of a required stormwater management facility, 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.
- B. Maintenance warranties associated with the long-term maintenance and operation of a stormwater management facility shall not have a limited term.

### 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.

<sup>182</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>181F</sup>

#### 6.3.10 Maintenance Warranties<sup>184F</sup>

### 6.3.9 AS-BUILT PLANS REQUIRED

#### A. Public Improvements

Upon completion of a public infrastructure project, and as part of the release of performance guarantees, 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>185</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 for 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

<sup>185</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

---

### 6.3 Performance Guarantees181F

#### 6.3.10 Maintenance Warranties184F

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.

#### **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>185F</sup>

#### 6.4.6 Documentation Requirements

## 6.4 HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION<sup>186</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; 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>186</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>185F</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, street signs, 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

- 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.
- 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.

---

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

---

6.4 Homeowners' or Property Owners' Association185F

6.4.9 Failure to Maintain is a Violation

### 6.4.9 FAILURE TO MAINTAIN IS A VIOLATION

---

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>186F</sup>

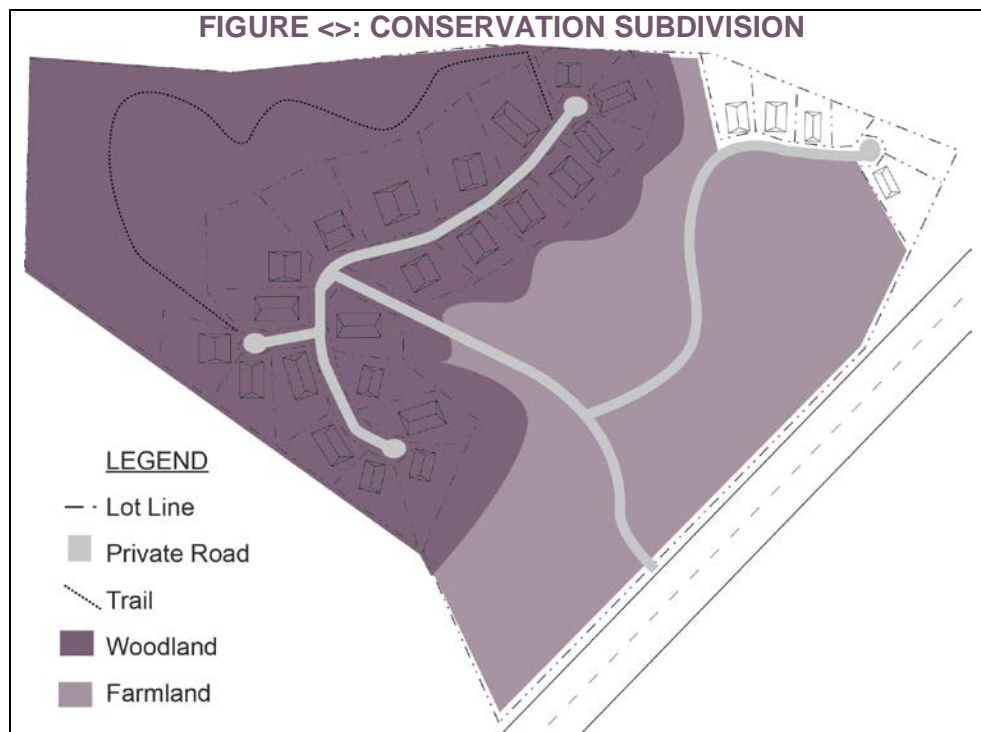
#### 6.5.2 Applicability<sup>187F</sup>

## 6.5 CONSERVATION SUBDIVISION<sup>187</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 (see [Figure <>, Conservation Subdivision](#)). 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>188</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

<sup>187</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>188</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 186F

#### 6.5.4 Conservation Subdivision Standards 188F

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

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

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.5 Conservation Subdivision<sup>186F</sup>

#### 6.5.5 Delineation of Conservation and Development Areas<sup>189F</sup>

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>189</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**  
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>190</sup>

<sup>189</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.

<sup>190</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 186F

#### 6.5.5 Delineation of Conservation and Development Areas 189F

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 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

## ARTICLE 151.6 SUBDIVISION REQUIREMENTS

### 6.5 Conservation Subdivision<sup>186F</sup>

#### 6.5.6 Evaluation Criteria for Subdivision Layout<sup>190F</sup>

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; and
- 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. Used For Agriculture

Nothing shall limit the ability of a homeowner's or property owner's association to lease conservation area to a farmer for the purposes of agriculture.

#### E. Development Areas

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 SUBDIVISION LAYOUT<sup>191</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>191</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 and the replacement of required landscaping
- 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 (in addition to residential 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

|            |  |             |
|------------|--|-------------|
| <b>7.1</b> | <b>Stormwater Management.....</b>                                      | <b>7-1</b>  |
| 7.1.1      | Purpose and Intent .....   | 7-1         |
| 7.1.2      | Applicability.....   | 7-1         |
| 7.1.3      | Stormwater Management Plan Required .....                              | 7-1         |
| 7.1.4      | Stormwater Management Standards.....                                   | 7-1         |
| 7.1.5      | Maintenance Requirements .....   | 7-3         |
| 7.1.6      | Maintenance Warranty Required.....                                     | 7-4         |
| <b>7.2</b> | <b>Standards for Land Disturbance.....</b>                             | <b>7-5</b>  |
| 7.2.1      | Applicability.....   | 7-5         |
| 7.2.2      | Limitations on Land Disturbance .....                                  | 7-5         |
| 7.2.3      | Limitation on the Location of Fill.....                                | 7-5         |
| 7.2.4      | Stormwater Management Plan Required .....                              | 7-5         |
| 7.2.5      | Configuration Requirements for Fill.....                               | 7-5         |
| <b>7.3</b> | <b>Sedimentation and Erosion Control .....</b>                         | <b>7-7</b>  |
| 7.3.1      | Erosion and Sedimentation Control Plan Required.....                   | 7-7         |
| 7.3.2      | Exemptions.....  | 7-7         |
| <b>7.4</b> | <b>Tree Protection.....</b>  | <b>7-7</b>  |
| 7.4.1      | Purpose and Intent .....   | 7-7         |
| 7.4.2      | Applicability.....   | 7-7         |
| 7.4.3      | Afforestation Guidelines .....   | 7-7         |
| 7.4.4      | Credit for Existing Vegetation.....                                    | 7-10        |
| 7.4.5      | Tree Protection Devices .....  | 7-10        |
| <b>7.5</b> | <b>Open Space Set-Aside .....</b>                                      | <b>7-12</b> |
| 7.5.1      | Purpose and Intent .....   | 7-12        |
| 7.5.2      | Applicability.....   | 7-12        |
| 7.5.3      | How to Use These Standards .....                                       | 7-12        |
| 7.5.4      | Minimum Open Space Set-Aside Required .....                            | 7-12        |
| 7.5.5      | Open Space Set-Aside Distinguished .....                               | 7-13        |
| 7.5.6      | Allowable Features in Open Space Set-Asides .....                      | 7-14        |
| 7.5.7      | Features Credited Towards Passive OSS Requirements.....                | 7-15        |
| 7.5.8      | Design Standards for Active OSS Areas.....                             | 7-15        |
| 7.5.9      | Ownership of Open Space Set-Asides.....                                | 7-15        |
| 7.5.10     | Maintenance of Open Space Set-Asides .....                             | 7-16        |
| 7.5.11     | Provision in Multi-Phase Developments.....                             | 7-16        |
| <b>7.6</b> | <b>Sustainable Development Incentives .....</b>                        | <b>7-17</b> |
| 7.6.1      | Purpose and Intent .....   | 7-17        |
| 7.6.2      | How to Use these Incentives.....                                       | 7-17        |
| 7.6.3      | Applicability.....   | 7-17        |
| 7.6.4      | Type of Incentives .....   | 7-17        |
| 7.6.5      | Procedure .....  | 7-17        |
| 7.6.6      | Menu of Sustainable Development Practices .....                        | 7-18        |
| 7.6.7      | Failure to Install or Maintain Sustainable Development Practices ..... | 7-20        |

# ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

## 7.1 STORMWATER MANAGEMENT<sup>192</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;
- 2. New non-residential and mixed-use development where 10,000 square feet of land area or more is disturbed; and
- 3. There is a grade differential of nine inches or more between adjacent lots either prior to or after grading or other construction activity, regardless of the size of the lot.

#### 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 stormwater management plan shall be reviewed by the County's designated engineer at the applicant's expense.
- E. The plan shall clearly indicate the steps that will be taken for restoring a stormwater management facility to design specifications if a failure occurs.
- F. 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.

### 7.1.4 STORMWATER MANAGEMENT STANDARDS

#### A. Compliance with Camden County Stormwater Drainage Design Manual

<sup>192</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.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.1 Stormwater Management<sup>191F</sup>

#### 7.1.4 Stormwater Management Standards

1. New development shall comply with the applicable portions of the Camden County Stormwater Drainage Design Manual in addition to the standards in this section.
2. In the event of conflict between the standards in the Camden County Stormwater Drainage Design Manual and the standards in this Ordinance, the standards in the Manual shall control.

#### **B. Utilize Natural Drainage System<sup>193</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.

#### **C. 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.

#### **D. Undue Retention of Stormwater Prohibited<sup>194</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.

#### **E. 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 in the Camden County Stormwater Drainage Design Manual.
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.

#### **F. 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 Camden County Stormwater Drainage Design Manual.

#### **G. Requirements for New Swales and Ditches**

1. All swales or ditches in a development's stormwater system shall be protected from erosion prior to issuance of a final plat or building permit (as appropriate).
2. Compliance with these standards shall be reached solely through the establishment of vegetative cover or installation of a stabilized vegetative mat. Immature or unestablished vegetation is insufficient for complying with the standards of this section.

#### **H. Development Subject to CAMA Permit Requirements**

<sup>193</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>194</sup> This section carries forward the standards in Section 151.401, Developments Must Drain Properly, from the current ordinance.



## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.1 Stormwater Management<sup>191F</sup>

#### 7.1.5 Maintenance Requirements<sup>194F</sup>

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.

#### I. Facility Location and Access

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.

#### J. 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.

#### K. 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>195</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>196</sup>

<sup>195</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.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.1 Stormwater Management<sup>191F</sup>

#### 7.1.6 Maintenance Warranty Required

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 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 MAINTENANCE WARRANTY REQUIRED

Final approval of all stormwater management facilities required by the County shall be conditioned on the posting of a maintenance warranty for the purpose of maintenance and repair of the facility, in accordance with the following:

#### A. Acceptable Form of Warranty

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 maintenance warranty 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, maintenance warranties shall be transferred along with maintenance responsibility.

#### B. Amount of Warranty

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 maintenance warranty 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. Warranty not a Substitute for Maintenance

Posting of a maintenance warranty 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>196</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

### 7.2 Standards for Land Disturbance<sup>196F</sup>

#### 7.2.5 Configuration Requirements for Fill

## 7.2 STANDARDS FOR LAND DISTURBANCE<sup>197</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

- 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;
  - 4. Placement of underground utilities; and
  - 5. Actions conducted pursuant to a County-approved stormwater management plan.
- 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 SFHA shall be subject to the applicable standards in **Section <>, Special Flood Hazard Area (SFHA)**.

### 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 subject to an approved stormwater management plan (see **Section <>, Stormwater Management**).
- 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 properly. 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 STORMWATER MANAGEMENT PLAN REQUIRED

If filling, deposition, or cutting away of soil takes place in such a manner that the established grade between adjacent lots differs by nine inches or more, then a stormwater management plan prepared in accordance with the standards in **Section <>, Stormwater Management**, shall be required.

### 7.2.5 CONFIGURATION REQUIREMENTS FOR FILL

- A. In cases where an approved stormwater management plan addresses land disturbance or fill activity, filling shall be configured in accordance with the approved stormwater management plan.
- B. The slope for fill shall not to exceed 3:1 (three feet horizontal run for every one foot vertical rise).
- C. The toe of the slope shall meet the ten foot setback requirement from all lot lines.

<sup>197</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.

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

---

### 7.2 Standards for Land Disturbance 196F

#### 7.2.5 Configuration Requirements for Fill

- D. 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.
- E. 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 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.
- F. 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.
- G. 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>198F</sup>

#### 7.4.3 Afforestation Guidelines<sup>199F</sup>

## 7.3 SEDIMENTATION AND EROSION CONTROL<sup>198</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 State Sedimentation Control 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>199</sup>

### 7.4.1 PURPOSE AND INTENT

The purpose of this section is to provide guidance for applicants who choose to retain existing trees during and after 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. Encourage the retention of existing trees during the development process through accelerated credit towards landscaping requirements;
- C. Encourage the planting of trees in cleared areas in order to create and maintain scenic views and rural vistas along major roadways; and
- D. Establish tree protection requirements for trees proposed for retention during the development process.

### 7.4.2 APPLICABILITY

Compliance with these provisions is voluntary except in cases where existing trees are retained for credit towards the landscaping requirements in Section <>, Landscaping. All trees to be retained during the construction process shall be protected by tree protection fencing in accordance with Section <>, Tree Protection Fencing.

### 7.4.3 AFFORESTATION GUIDELINES<sup>200</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

<sup>198</sup> This section carries forward current code section 151.403 with no substantive change.

<sup>199</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 are voluntary and include more detailed purpose statements. There are new provisions encouraging afforestation (the re-establishment of trees in areas that have been cleared for several years, such as on 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 existing trees being retained for credit toward landscaping requirements during the construction process.

<sup>200</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 198F

#### 7.4.3 Afforestation Guidelines 199F

“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 (see **Figure <>, Afforestation Location**). For this reason, afforestation areas may be divided up or located in several different areas around a development. The 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.

**FIGURE <>: AFFORESTATION LOCATION**



#### 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 (see **Figure <>, Afforestation Configuration**):

##### 1. Mix of Species

- a. Trees proposed for planting in an afforestation area shall include both deciduous and evergreen species, in roughly equivalent proportions.

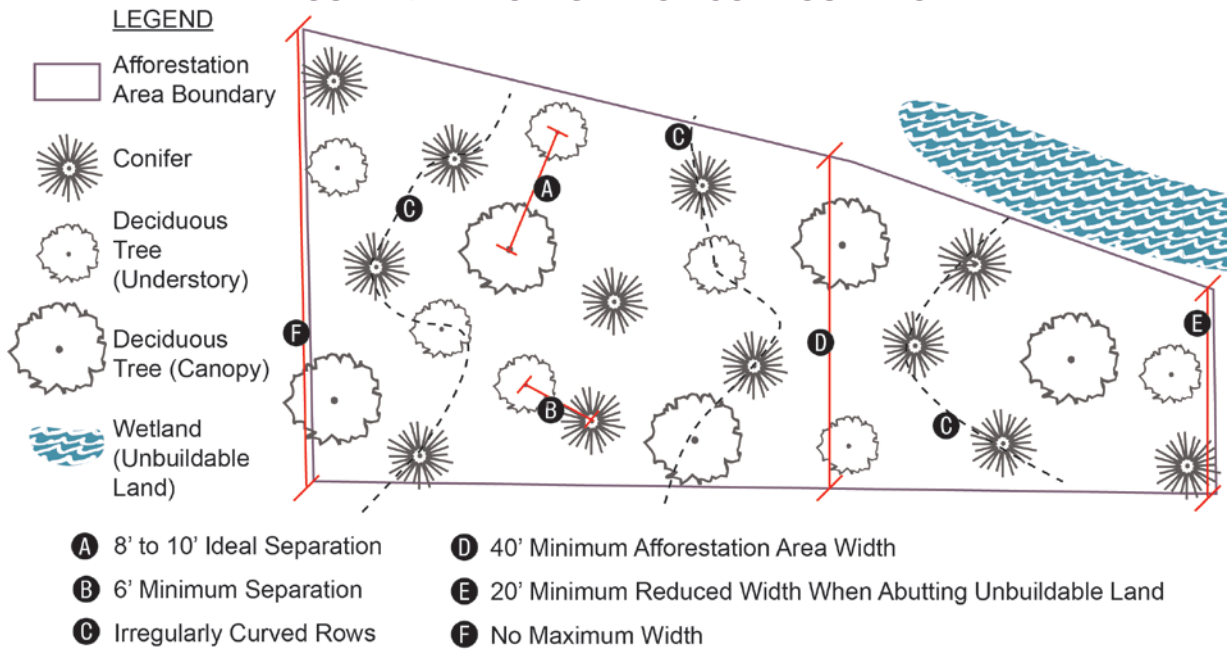
ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

7.4 Tree Protection 198F

7.4.3 Afforestation Guidelines 199F

- b. Trees shall be native or endemic to the County and should be of a variety that can 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**  
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 plated 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.

FIGURE <=>: AFFORESTATION CONFIGURATION



8. **Maintenance**

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.4 Tree Protection<sup>198F</sup>

#### 7.4.5 Tree Protection Devices<sup>201F</sup>

- 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.

#### 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.

### 7.4.4 CREDIT FOR EXISTING VEGETATION<sup>201</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.

*Example: a proposed development is required to furnish a Type A buffer along one edge of the lot for a span of 500 linear feet. This equates to 15 canopy trees with an aggregate caliper inch requirement of 30 inches (two inches per tree x 15). This portion of the lot has three existing canopy trees each with a DBH of seven inches. This equates to a total of 21 inches of existing tree caliper. If these three trees were retained, they would be credited as 26.25 inches of tree caliper (21 x 1.25). In order to meet the minimum buffer requirement of 30 aggregate caliper inches, the applicant would be required to plant two additional canopy trees in addition to the tree retained existing trees.*
- 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**.

### 7.4.5 TREE PROTECTION DEVICES<sup>202</sup>

#### A. Responsibility

During any development activity (including demolition activity) on a lot or site containing trees to be retained for credit towards the standards in **Section<>, Landscaping**, 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 (see Figure <>, Tree Protection Fencing).

<sup>201</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>202</sup> This section replaces the standards in Section 151.159, Protection of Trees During Construction, in the current ordinance.



ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

7.4 Tree Protection 198F

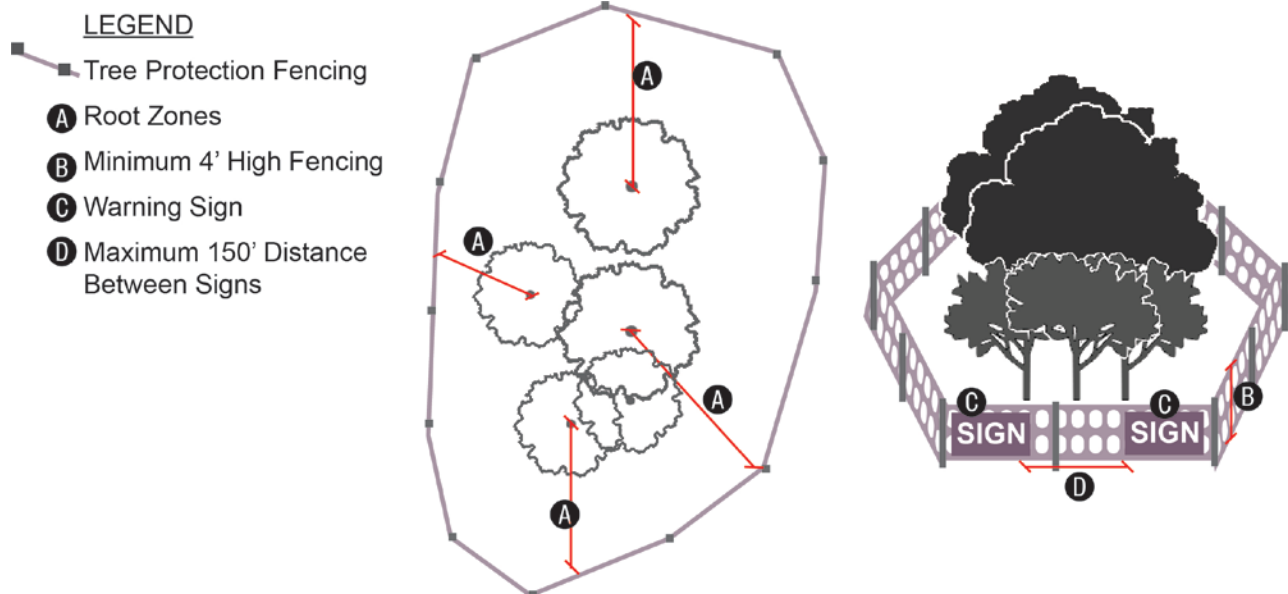
7.4.5 Tree Protection Devices 201F

- 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.

FIGURE <>: TREE PROTECTION FENCING



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.
- 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](#).

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.5 Open Space Set-Aside<sup>202F</sup>

#### 7.5.5 Open Space Set-Aside Distinguished

## 7.5 OPEN SPACE SET-ASIDE<sup>203</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; and
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.
- 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.

<sup>203</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 202F

7.5.5 Open Space Set-Aside Distinguished

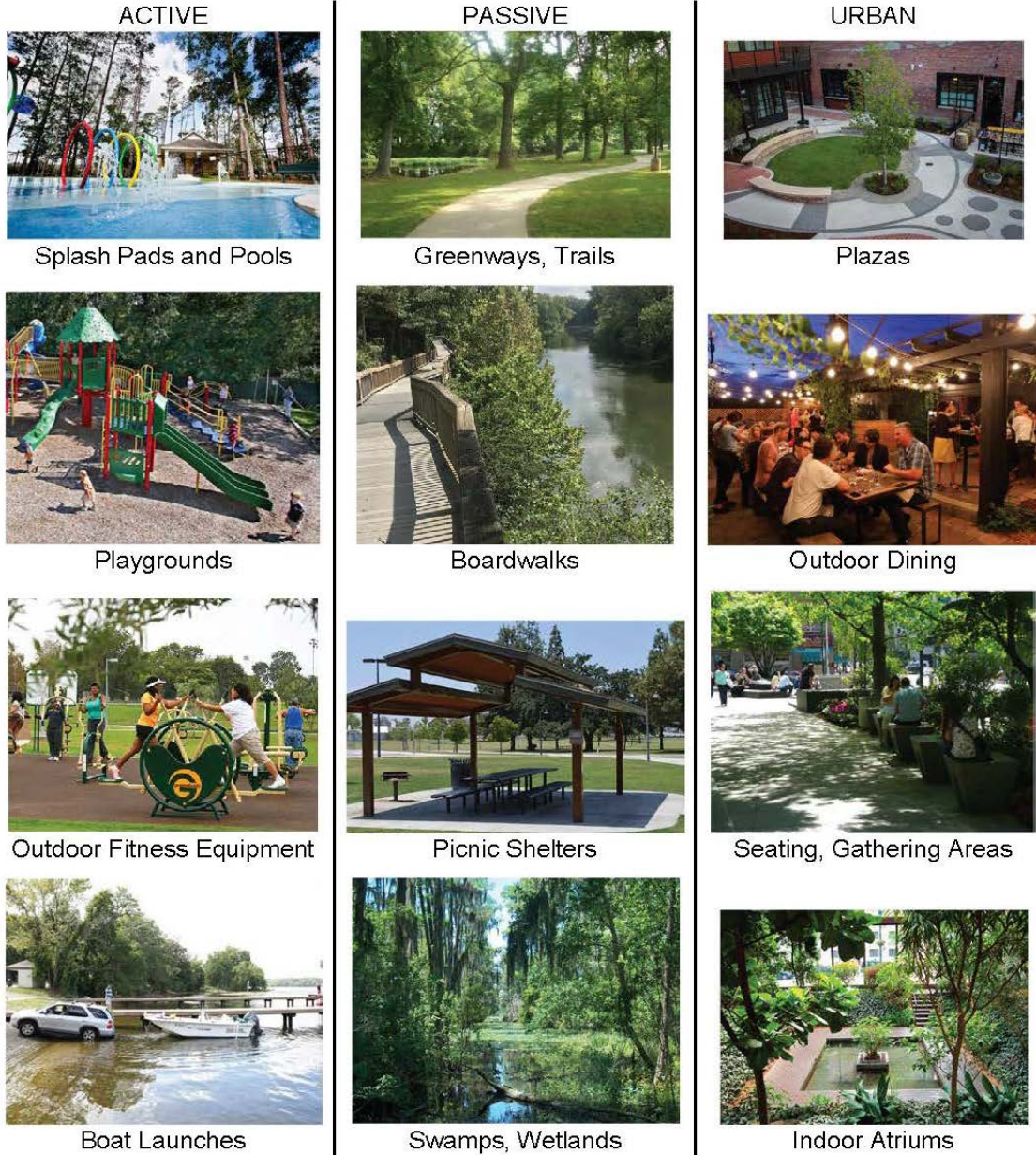
7.5.5 OPEN SPACE SET-ASIDE DISTINGUISHED

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 (see Figure <>, Types of Open Space):

1. Active open space set-aside;
2. Passive open space set-aside; and
3. Urban open space set-aside.

FIGURE <>: TYPES OF OPEN SPACE



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.

**ARTICLE 151.7 ENVIRONMENTAL PROVISIONS**

7.5 Open Space Set-Aside202F

7.5.6 Allowable Features in Open Space Set-Asides

| <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<br/>(MINIMUM % OF TOTAL OSS PROVIDED)</b> | <b>PASSIVE OSS<br/>(MINIMUM % OF TOTAL OSS PROVIDED)</b> | <b>URBAN OSS<br/>(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      |  |  |
| <p>NOTES:<br/>                     [1] The amount of open space set-aside to be provided is established in the zoning district dimensional standards in <a href="#">Article 151.3: Zoning Districts</a>.<br/>                     [2] Multi-family development in these districts shall configure at least 75 percent of the total OSS provided as active OSS.</p> |   |  |  |

**7.5.6 ALLOWABLE FEATURES IN OPEN SPACE SET-ASIDES**

**A. Active Open Space Set-Aside**

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. Stormwater management facilities, configured as site amenities that include 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;
9. Piers and docks for fishing or viewing wildlife; and
10. 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;

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

### 7.5 Open Space Set-Aside<sup>202F</sup>

#### 7.5.10 Maintenance of Open Space Set-Asides

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

The following site features shall be credited towards passive open space set-aside requirements:

- A. Required landscaping areas;
- B. Afforestation areas;
- C. Farmland compatibility buffers;
- D. Tree protection areas;
- E. CAMA wetlands and U.S. Army Corps of Engineers designated 404 wetlands;
- F. Riparian buffer areas;
- G. Natural heritage areas; and
- H. 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

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.

---

## ARTICLE 151.7 ENVIRONMENTAL PROVISIONS

---

### 7.5 Open Space Set-Aside202F

#### 7.5.11 Provision in Multi-Phase Developments

**C. Dedicated to County or Other Public Agency**

In some cases, certain lands designated as open space set-asides, such as wildlife habitat, athletic fields, or urban features 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 **Article 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>203F</sup>

#### 7.6.5 Procedure

## 7.6 SUSTAINABLE DEVELOPMENT INCENTIVES<sup>204</sup>

### 7.6.1 PURPOSE AND INTENT

This section sets out the following sustainable development incentives 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 to ensure a high quality of life for future County residents.

### 7.6.2 HOW TO USE THESE INCENTIVES

These sustainable development incentives 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 a review authority 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 residential, commercial, industrial, and planned development districts.

### 7.6.4 TYPE OF INCENTIVES

- A. Development integrating sustainable development practices in accordance with this section shall be eligible for one or more of 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 building 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 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 subsection.

### 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>204</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 203F

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.
- 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  |
| B  | Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including       | Inclusion on construction drawings  |



**ARTICLE 151.7 ENVIRONMENTAL PROVISIONS**

7.6 Sustainable Development Incentives 203F

7.6.7 Failure to Install or Maintain Sustainable Development Practices

| <b>TABLE &lt;&gt;: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES</b> |   |  |
|--|---|--|
| <b>SCHEDULE</b>  | <b>TYPE OF PRACTICE</b>   | <b>DOCUMENTATION OF COMPLIANCE</b>   |
|  | appropriate wiring and water transport systems)   |  |
| 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;, Multi-family Residential Design Standards</b> , for single-family attached development                                      | Indication on site plan & signature on statement of consent  |
| AA [1]   | Compliance with the single-family residential design guidelines in <b>Section &lt;&gt;, Multi-family Residential Design Standards</b> , for single-family detached, single-family attached, or duplex development |  |
| 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  |
| <b>NOTES:</b>  |   |  |
| [1] Credited as provision of three schedule "A" features         |   |  |

**ARTICLE 151.7 ENVIRONMENTAL PROVISIONS**

7.6 Sustainable Development Incentives203F

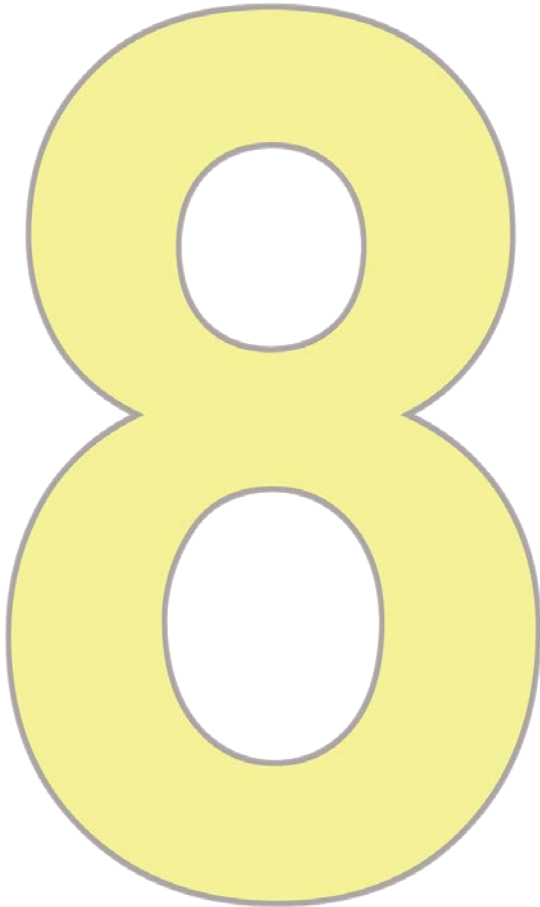
7.6.7 Failure to Install or Maintain Sustainable Development Practices

| <b>TABLE &lt;&gt;: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES</b> |  |                                    |
|--|--|------------------------------------|
| <b>SCHEDULE</b>  | <b>TYPE OF PRACTICE</b>                            | <b>DOCUMENTATION OF COMPLIANCE</b> |
| [2]  | Credited as provision of two schedule "A" features |                                    |

**7.6.7 FAILURE TO INSTALL OR MAINTAIN SUSTAINABLE DEVELOPMENT PRACTICES**

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.

|            |  |            |
|------------|--|------------|
| <b>8.1</b> | <b>Nonconformities, Generally</b>  | <b>8-1</b> |
| 8.1.1      | Purpose and Intent   | 8-1        |
| 8.1.2      | Determination of Nonconformity Status                                    | 8-1        |
| 8.1.3      | Continuation, Minor Repairs, and Maintenance Allowed                     | 8-1        |
| 8.1.4      | Change of Tenancy Or Ownership   | 8-1        |
| <b>8.2</b> | <b>Nonconforming Uses</b>  | <b>8-1</b> |
| 8.2.1      | Declared Incompatible  | 8-1        |
| 8.2.2      | Increasing Elevation   | 8-2        |
| 8.2.3      | Extension or Expansion   | 8-2        |
| 8.2.4      | Conversion to Another Nonconforming Use                                  | 8-3        |
| 8.2.5      | Restoration Following Damage   | 8-3        |
| 8.2.6      | Cessation  | 8-3        |
| 8.2.7      | Replacement  | 8-4        |
| <b>8.3</b> | <b>Nonconforming Structures</b>  | <b>8-4</b> |
| 8.3.1      | Applicability  | 8-4        |
| 8.3.2      | Continuation and Replacement   | 8-4        |
| 8.3.3      | Alteration and Expansion   | 8-4        |
| 8.3.4      | Cessation  | 8-5        |
| <b>8.4</b> | <b>Nonconforming Lots of Record</b>                                      | <b>8-5</b> |
| 8.4.1      | Applicability  | 8-5        |
| 8.4.2      | Nonconforming Lot Width or Area  | 8-5        |
| 8.4.3      | Nonconformity Affects Required Setbacks                                  | 8-5        |
| 8.4.4      | Expansion or Enlargement   | 8-5        |
| 8.4.5      | Governmental Acquisition of Land   | 8-5        |
| <b>8.5</b> | <b>Nonconforming Signs</b>   | <b>8-6</b> |
| 8.5.1      | General  | 8-6        |
| 8.5.2      | Prohibited Actions   | 8-6        |
| 8.5.3      | Maintenance of Nonconforming Signage Allowed                             | 8-6        |
| 8.5.4      | Replacement of Nonconforming Signage                                     | 8-6        |
| 8.5.5      | Discontinuance of Business Activity                                      | 8-7        |
| 8.5.6      | Additional Sign Permit Application                                       | 8-7        |
| <b>8.6</b> | <b>Nonconforming Sites</b>   | <b>8-7</b> |
| 8.6.1      | Applicability  | 8-7        |
| 8.6.2      | Determination of Cost and Assessed Value                                 | 8-7        |
| 8.6.3      | Remodeling of Buildings or Structures                                    | 8-7        |
| 8.6.4      | Additions and Expansions   | 8-8        |
| 8.6.5      | Physically Constrained Properties - Comply to Maximum Extent Practicable | 8-8        |

# ARTICLE 151.8 NONCONFORMITIES<sup>205</sup>

## 8.1 NONCONFORMITIES, GENERALLY<sup>206</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 with the provisions, 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>207</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>208</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>205</sup> NOTE: 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>206</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>207</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>208</sup> NOTE: 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 SFHA overlay district to a height above the regulatory flood elevation.

### 8.2.3 EXTENSION OR EXPANSION

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 or mobile 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 single-wide manufactured or mobile home may be replaced with another nonconforming manufactured home provided the replacement 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 (ARHS) pertaining to wastewater treatment; and
5. Is surrounded by underpinning comprised of an all-weather base material.

**C. All Other Uses**

**1. Generally<sup>209</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 percent 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.
- 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.

<sup>209</sup> NOTE: 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.

8.3. Nonconforming Structures211F

8.2.7. Replacement

- c. The renovation does not create a new nonconformity or worsen an existing nonconformity with respect to dimensional requirements or development standards in **Article 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>210</sup>**

- A. **Single-Family Detached Dwellings**
  - 1. Except for single-wide 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 single-wide 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>211</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 building permit is obtained within 180 days of the date of damage and provided the building permit does not expire.

<sup>210</sup> This is a new section, and clarifies that most nonconforming uses may not be restored after casualty damage.

<sup>211</sup> This section replaces the standards in Section 151.366, Discontinuance of Nonconforming Situations.

## 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>212</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;
3. In compliance with the current dimensional requirements; and
4. In accordance with State Building Code 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

Any enlargement of a nonconforming structure shall be configured so as to not increase the degree of nonconformity.

<sup>212</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.



### 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>213</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:

#### A. Complies with Use Table

The development proposed complies with **Table <>, Principal Use Table;**

#### B. Complies with Dimensional Standards

<sup>213</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.

8.5. Nonconforming Signs

8.5.5. Discontinuance of Business Activity

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**

**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 in accordance with State Building Code requirements;

**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.
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

8.6. Nonconforming Sites<sup>213F</sup>

8.6.3. Remodeling of Buildings or Structures

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. Nothing shall require the removal of sign supports or mechanical framing used to support a sign's face area.

### 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>214</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 exterior 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 building permit application.
- B.** Assessed value shall be based on the most recently available Camden County tax records.

### 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**

<sup>214</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. Nonconforming Sites213F

## 8.6.5. Physically Constrained Properties - Comply to Maximum Extent Practicable

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**

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.

|            |  |            |
|------------|--|------------|
| <b>9.1</b> | <b>Purpose.....</b>  | <b>9-1</b> |
| <b>9.2</b> | <b>Compliance Required .....</b>                                   | <b>9-1</b> |
| <b>9.3</b> | <b>Statute of Limitations.....</b>                                 | <b>9-1</b> |
| <b>9.4</b> | <b>Violations Identified .....</b>                                 | <b>9-1</b> |
| 9.4.1      | Development without Authorization.....                             | 9-1        |
| 9.4.2      | Development Inconsistent with Authorization .....                  | 9-1        |
| 9.4.3      | Violation by Act or Omission .....                                 | 9-1        |
| 9.4.4      | Use in Violation.....  | 9-1        |
| 9.4.5      | Subdivide in Violation .....                                       | 9-1        |
| 9.4.6      | Continue Operation Following Permit Revocation .....               | 9-1        |
| 9.4.7      | Violation of Environmental Regulations.....                        | 9-2        |
| <b>9.5</b> | <b>Responsible Persons.....</b>                                    | <b>9-2</b> |
| 9.5.1      | General.....   | 9-2        |
| 9.5.2      | Failure by County Does Not Relieve Individual.....                 | 9-2        |
| <b>9.6</b> | <b>Enforcement Responsibilities.....</b>                           | <b>9-2</b> |
| 9.6.1      | Investigations.....  | 9-2        |
| 9.6.2      | Inspections .....  | 9-2        |
| 9.6.3      | Supporting Documentation.....                                      | 9-2        |
| <b>9.7</b> | <b>Enforcement Procedures.....</b>                                 | <b>9-2</b> |
| 9.7.1      | Complaints.....  | 9-2        |
| 9.7.2      | Violation Discovered.....  | 9-3        |
| 9.7.3      | Failure to Take Corrective Action for Violations in the SFHA ..... | 9-3        |
| 9.7.4      | Violations in the WPO .....  | 9-4        |
| <b>9.8</b> | <b>Remedies .....</b>  | <b>9-4</b> |
| 9.8.1      | Civil Penalties .....  | 9-4        |
| 9.8.2      | Denial of Permit or Certificate .....                              | 9-4        |
| 9.8.3      | Conditional Approval .....   | 9-4        |
| 9.8.4      | Stop Work Orders.....  | 9-5        |
| 9.8.5      | Revocation of Permits .....  | 9-5        |
| 9.8.6      | Criminal Penalties.....  | 9-5        |
| 9.8.7      | Injunctive Relief .....  | 9-5        |
| 9.8.8      | Order of Abatement.....  | 9-6        |
| 9.8.9      | Equitable Remedy .....   | 9-6        |
| 9.8.10     | State and Common Law Remedies.....                                 | 9-6        |
| 9.8.11     | Remedies for Minimum Housing Code Violations.....                  | 9-6        |
| <b>9.9</b> | <b>Assessment of Civil Penalties .....</b>                         | <b>9-6</b> |
| 9.9.1      | Procedure, Generally.....  | 9-6        |
| 9.9.2      | Continuing Violation.....  | 9-6        |
| 9.9.3      | Demand for Payment.....  | 9-6        |
| 9.9.4      | Nonpayment .....   | 9-7        |



# ARTICLE 151.9 ENFORCEMENT<sup>215</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>216</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;

### 9.4.6 CONTINUE OPERATION FOLLOWING PERMIT REVOCATION

<sup>215</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>216</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>218F</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; and

**9.4.7 VIOLATION OF ENVIRONMENTAL REGULATIONS**

Failing to follow or violating the rules or regulations of Section <>, Stormwater, Section <>, Special Flood Hazard Area Overlay (SFHA), Section <>, Watershed Protection Overlay, or Section <>, Soil Erosion and Sedimentation Control.

**9.5 RESPONSIBLE PERSONS<sup>217</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>218</sup>**

The UDO Administrator, Building Inspector, Code Enforcement Officer, 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>219</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, Building Inspector, or Code Enforcement Officer, shall investigate the violation allegation in accordance with the standards in this section.

<sup>217</sup> This section replaces Section 151.566, Persons Liable, in the current ordinance.

<sup>218</sup> This is a new section clarifying the rights and responsibilities of County officials to enforce this Ordinance.

<sup>219</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 SFHA

- B. The UDO Administrator, Building Inspector, or Code Enforcement Officer, 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, Building Inspector, or Code Enforcement Officer from investigating possible violations of this Ordinance without receipt of a written complaint.

**9.7.2 VIOLATION DISCOVERED**

When the UDO Administrator, Building Inspector, or Code Enforcement Officer 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 SFHA**

- A. In cases where a responsible party has received a notice of violation for development or activity in violation of the standards in the SFHA, 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>220F</sup>**

**9.8.4. Stop Work Orders**

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 SFHA 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.

**9.7.4 VIOLATIONS IN THE WPO<sup>220</sup>**

**A. General**

- 1. Any person violating any provisions of **Section <>, Watershed Protection Overlay (WPO)**, shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Section 14-4 of the North Carolina General Statutes.
- 2. The maximum fine for each offense shall not exceed \$500.
- 3. Each day that the violation continues shall constitute a separate offense.

**B. Civil Penalty**

- 1. If any subdivision, development, or land use is found to be in violation of **Section <>, Watershed Protection Overlay (WPO)**, the BOC may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of up to \$500, or institute an action to:
  - a. Restrain, correct, or abate the violation;
  - b. Prevent occupancy of the building, structure, or land; or
  - c. Prevent any illegal act, conduct, business, or use in or about the premises.
- 2. In addition, the NC Environmental Management Commission may assess civil penalties in accordance with Section 143-215.6(a) of the North Carolina General Statutes. Each day that the violation continues shall constitute a separate offense.

**9.8 REMEDIES<sup>221</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.

<sup>220</sup> This section carries forward the violation provisions from the watershed protection standards in Chapter 152 of the County Code of Ordinances. Information on the violation procedure is already addressed elsewhere in this article.

<sup>221</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.

## 9.8.4 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.

## 9.8.5 REVOCATION OF PERMITS

A. The County may, in its sole discretion, initiate a process to revoke a prior development approval or permit in response to a violation of this Ordinance.

B. The UDO Administrator or the Building Inspector, as appropriate, may initiate the revocation process by notifying the permit holder in writing, at least ten days prior to the commencement of revocation proceedings, stating the reason for the proposed revocation.

C. 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.

D. Any permit or certificate mistakenly issued in violation of an applicable State or County law may also be revoked by the appropriate authority.

## 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

9.10. Enforcement of Specific Environmental Regulations

9.9.4. Nonpayment

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.

**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.

**9.8.11 REMEDIES FOR MINIMUM HOUSING CODE VIOLATIONS**

Remedies for violations of the County's minimum housing code shall be in accordance with Section 150.14 of the Camden County Code of Ordinances.

**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.

---

**ARTICLE 151.9. ENFORCEMENT214F**

---

9.10. Enforcement of Specific Environmental Regulations

9.9.4. Nonpayment

**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

|             |                                    |              |
|-------------|------------------------------------|--------------|
| <b>10.1</b> | <b>Table of Abbreviations.....</b> | <b>10-1</b>  |
| <b>10.2</b> | <b>Rules of Measurement.....</b>   | <b>10-3</b>  |
| 10.2.1      | Purpose .....                      | 10-3         |
| 10.2.2      | Measurements, Generally .....      | 10-3         |
| 10.2.3      | Lot Dimensions.....                | 10-4         |
| 10.2.4      | Setbacks.....                      | 10-6         |
| 10.2.5      | Setback Encroachments .....        | 10-8         |
| 10.2.6      | Residential Density.....           | 10-9         |
| 10.2.7      | Gross Floor Area (GFA) .....       | 10-10        |
| 10.2.8      | Height .....                       | 10-10        |
| 10.2.9      | Lot Coverage .....                 | 10-11        |
| 10.2.10     | Slope and Elevation.....           | 10-11        |
| 10.2.11     | Open Space.....                    | 10-12        |
| 10.2.12     | Parking Space Computation.....     | 10-12        |
| 10.2.13     | Landscaping .....                  | 10-13        |
| 10.2.14     | Signage .....                      | 10-14        |
| 10.2.15     | Exterior Lighting.....             | 10-17        |
| 10.2.16     | Fence and Wall Height .....        | 10-17        |
| <b>10.3</b> | <b>Definitions.....</b>            | <b>10-19</b> |



# 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

| TABLE 10.<>: ABBREVIATIONS |  |
|----------------------------|--|
| ABBREVIATION               | TERM   |
| MC                         | Maritime Commercial                              |
| MIL-HDBK                   | Military Handbook                                |
| 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                  |
| NFA                        | National Firearms Act                            |
| NFIP                       | National Flood Insurance Program                 |
| NR                         | Neighborhood Residential                         |
| OSS                        | Open Space Set-Aside                             |
| 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                                      |
| SFHA                       | 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**

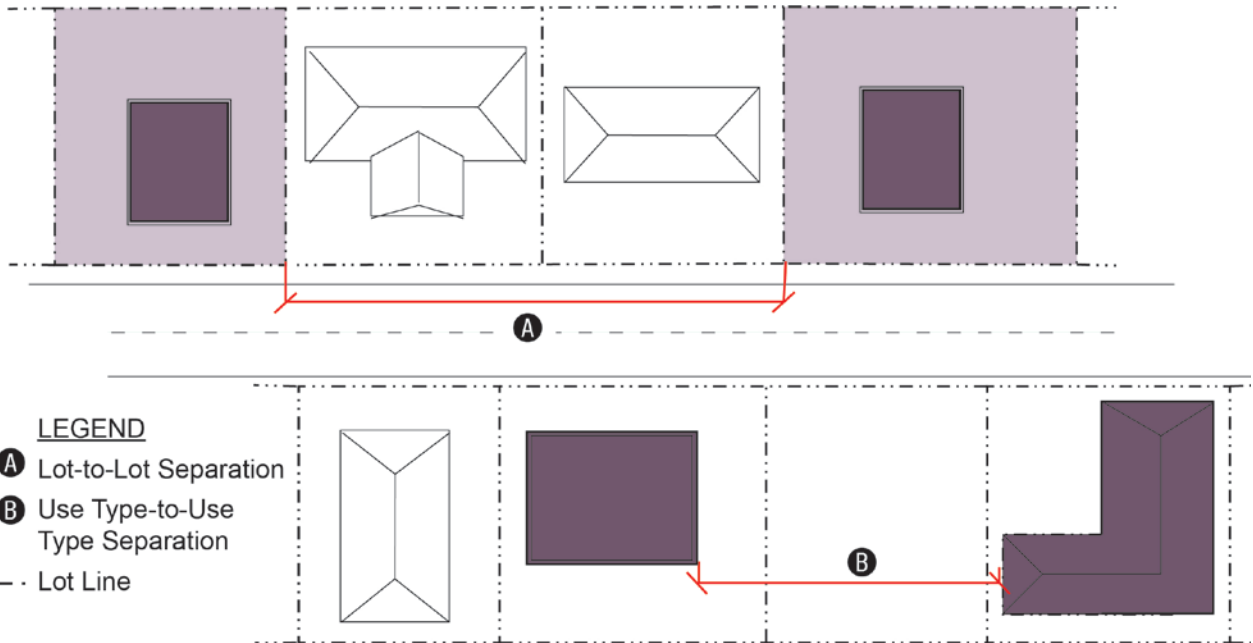
**1. Lot to Lot**

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.

**FIGURE <>: SEPARATION**



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.

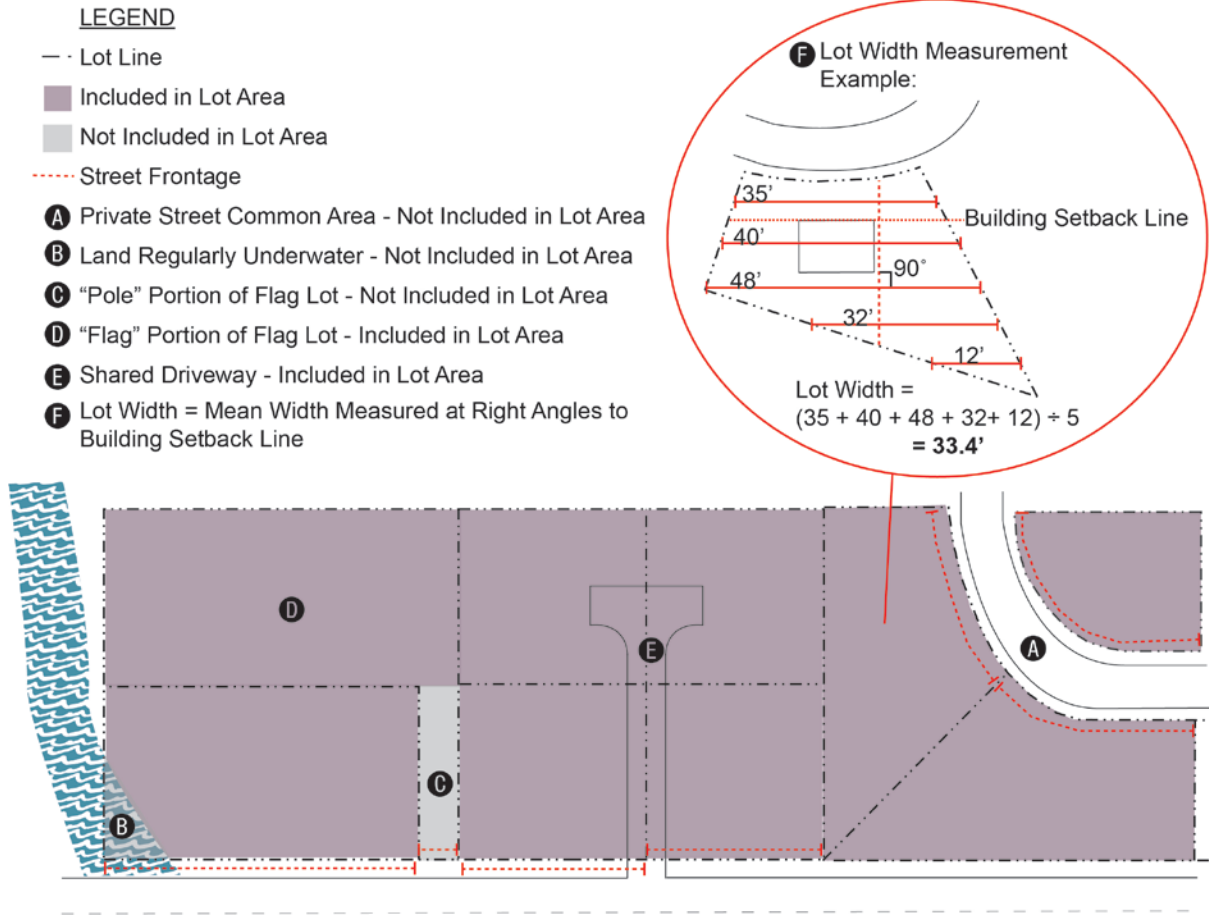
4. Street Frontage

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.

FIGURE <>: LOT MEASUREMENT



## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.3 Lot Dimensions

#### 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.

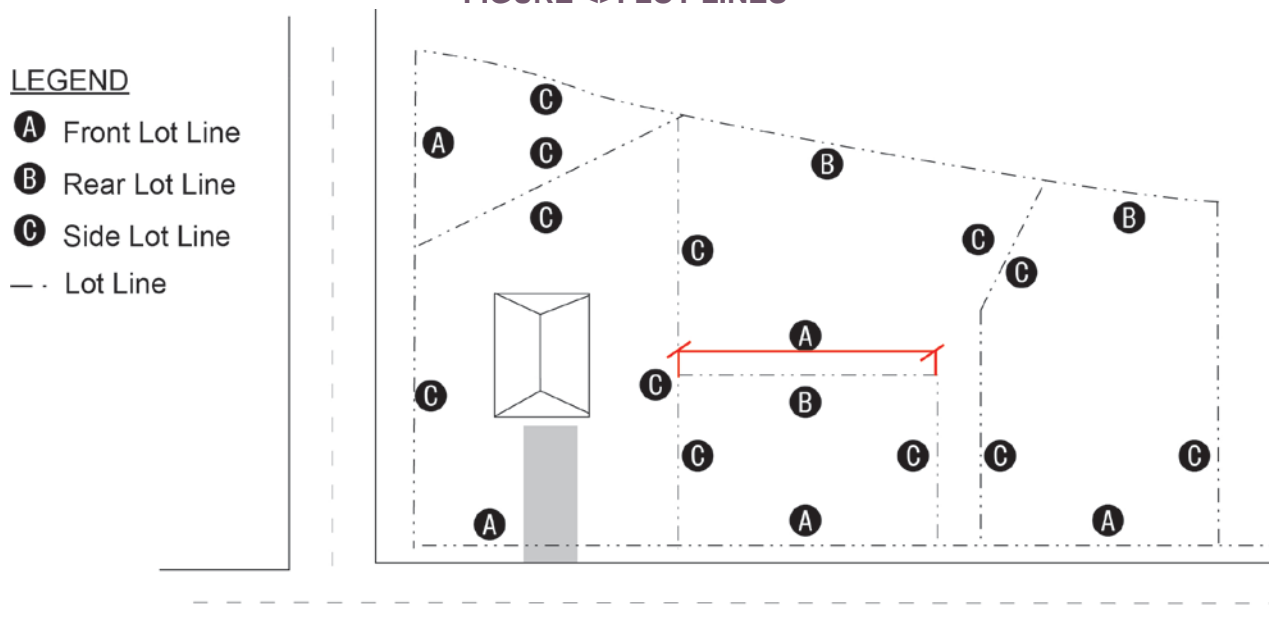
2. **Rear Lot Line**

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.

FIGURE <>: LOT LINES



#### 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 (see [Figure <>, Lot Types](#)).

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 Camden 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)**

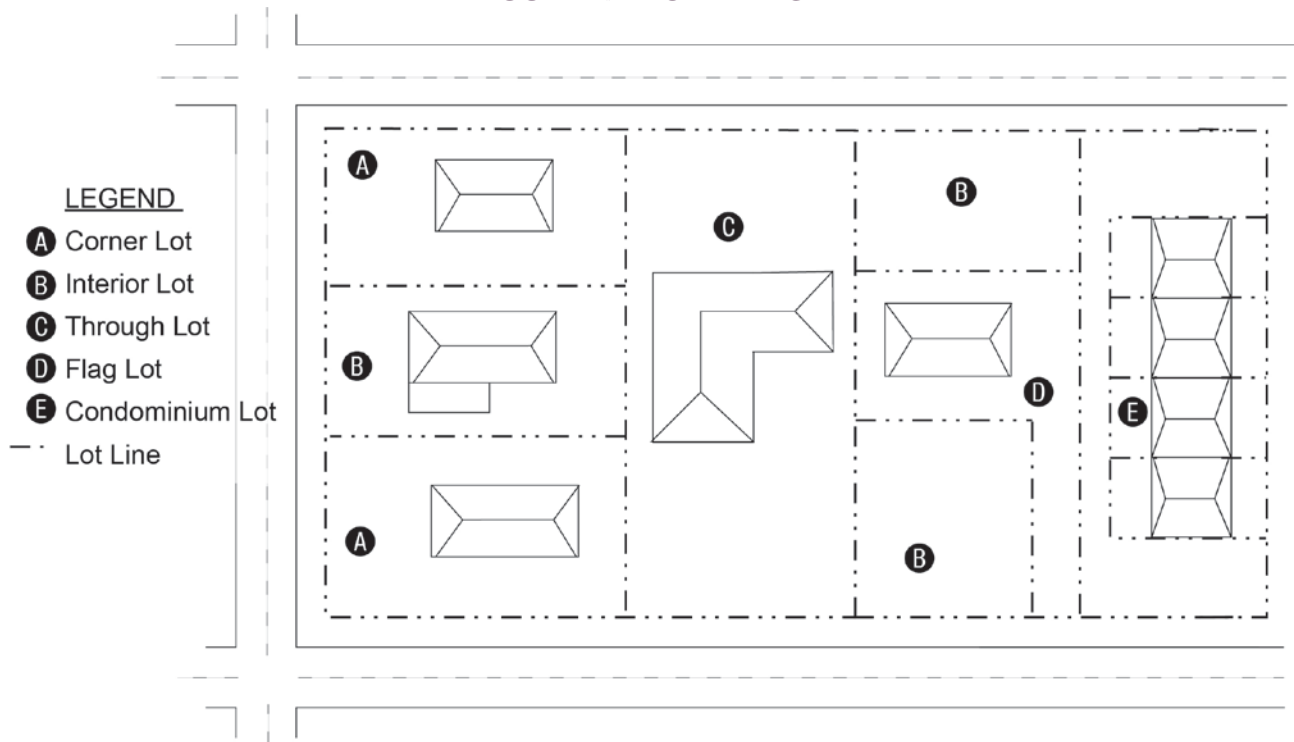
A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.

ARTICLE 151.10 DEFINITIONS & MEASUREMENT

10.2 Rules of Measurement

10.2.4 Setbacks

FIGURE <>: LOT TYPES



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 (see **Figure <>: Setbacks**).
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.
4. In cases where a future right-of-way associated with a street has been identified street setbacks shall be measured from the edge of the future right-of-way.
5. Street setbacks shall apply to all storage of equipment, salvage, materials, or products for sale.

B. Setbacks from a Private Street<sup>222</sup>

Whenever a private street on private property serves more than three lots or more than three dwelling units, or any non-residential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:

1. Structures and off-premise signs shall be setback from the private road just as if the road were a public street; and
2. If the lot is also bordered by a public street, then the setback distance shall be measured from the inside boundary of the traveled portion of the private road.

C. Average Setbacks

<sup>222</sup> This section carries forward the standards in Section 151.063.D of the current ordinance.

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

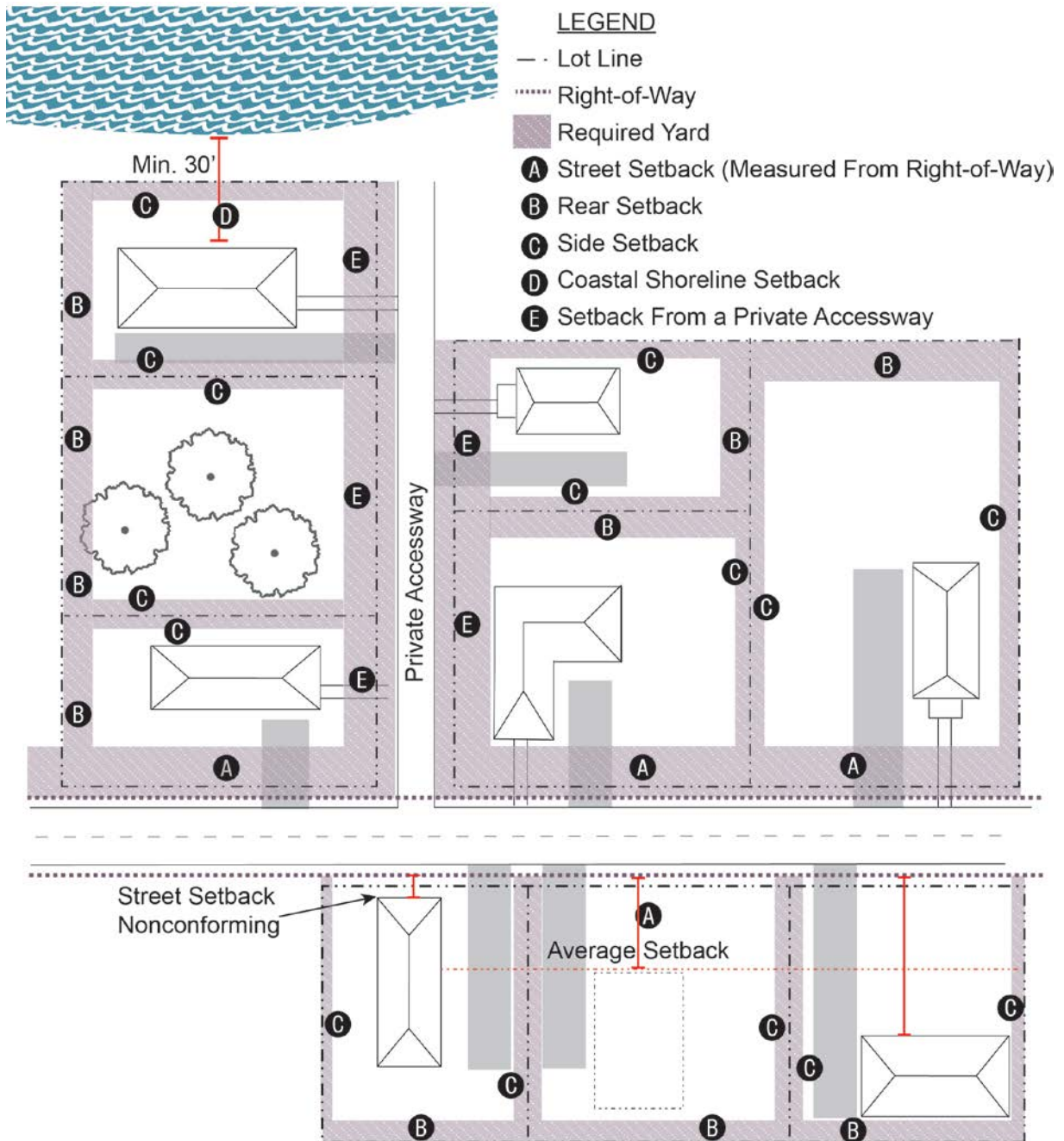
10.2 Rules of Measurement

10.2.5 Setback Encroachments 222F

Average setbacks are determined by summing the corresponding street setbacks from all lots with principal structures within 500 feet on the lot in question and then dividing this sum by the number of developed lots within the same 500-foot span.

- D. Rear Setback**  
A setback from an interior lot line lying on the opposite side of the lot from the front setback.
- E. Side Setback**  
Any interior property line setback other than a rear setback.
- F. Shoreline Setback**  
The minimum required setback from the landward edge of the normal water level of a coastal shoreline as defined by the NC Division of Coastal Management.

**FIGURE <>: SETBACKS**



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

10.2 Rules of Measurement

10.2.5 Setback Encroachments 222F

**10.2.5 SETBACK ENCROACHMENTS** <sup>223</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  |
| Guard gates  | May be located within a right-of-way with the permission of the right-of-way owner  |
| 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 use 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>223</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

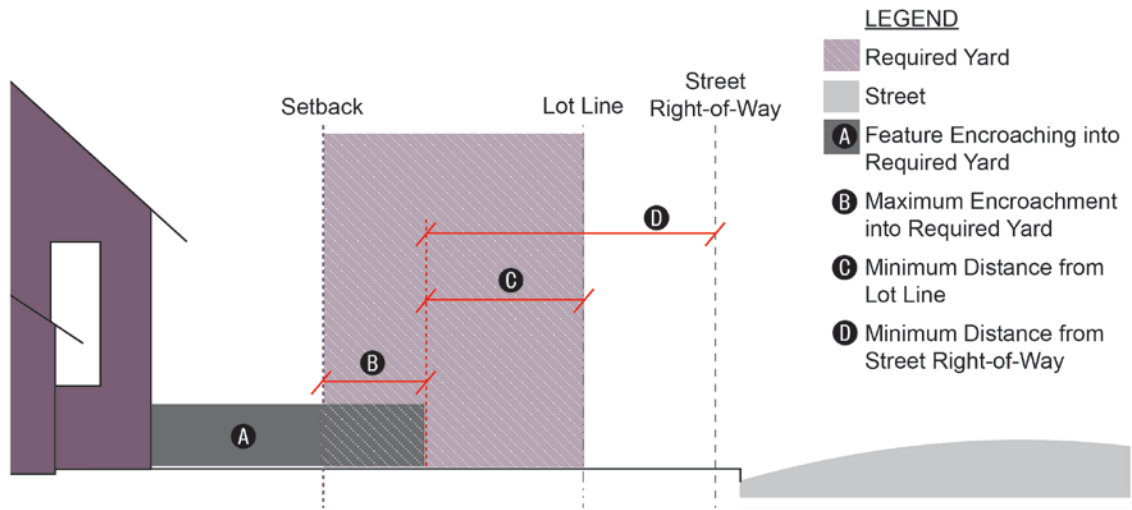
10.2.6 Residential Density

**TABLE 10.<>: ALLOWABLE ENCROACHMENT INTO SETBACKS**

| FEATURE  | MAXIMUM ALLOWABLE ENCROACHMENT DISTANCE INTO REQUIRED SETBACK  |
|--|--|
| 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 <a href="#">Section &lt;&gt;, Signage</a>   |
| 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, quoins, 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](#).

**FIGURE <>: SETBACK ENCROACHMENTS**



**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:*

## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.8 Height

*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: Zoning 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)<sup>224</sup>

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:

##### 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

1. **Flat Roofs**  
The maximum height of a building with a flat roof shall be measured to the highest point of the roof, including the top of the cornice or coping on a parapet wall.
2. **Angled Roofs**  
The maximum height of a building with an angled roof shall be measured to the midpoint of the roof. The midpoint is determined by measuring the linear distance from the top of the highest ridge to the lowest part of the eave associated with the same roof section.

##### 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 ten 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 ten feet.

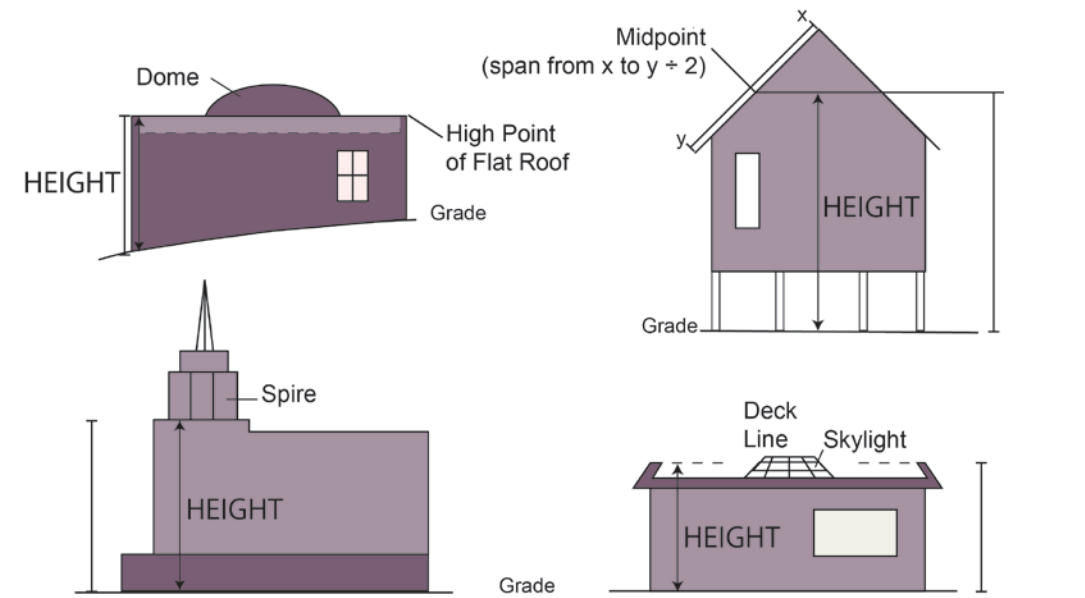
<sup>224</sup> NOTE: The maximum floor area ratios applied to non-residential development in Section 151.067 of the current ordinance are not carried forward since they are not needed to control non-residential development intensity.

## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.10 Slope and Elevation

FIGURE <>: HEIGHT



### 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 permit, impervious surfaces located waterward of the CAMA Normal 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. Freeboard**

The additional amount of height added to the Base Flood Elevation (BFE) below which no structural member of the habitable portion of a residential structure may project.
- E. Natural Grade**

The level of the ground elevation prior to the commencement of development or land disturbing activity (see [Figure <>: Grade Determination](#)).
- F. 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.

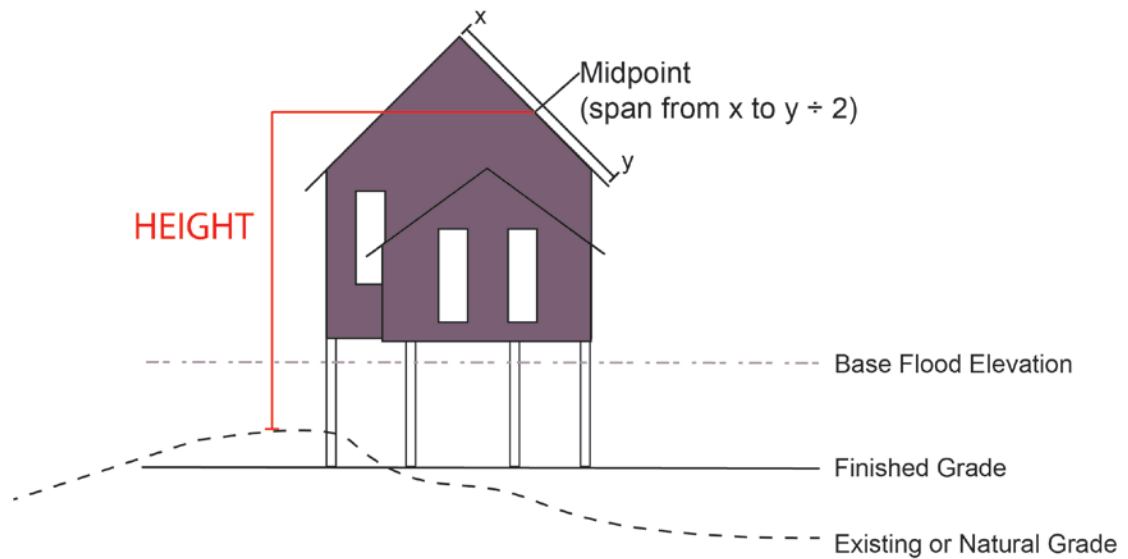
---

## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.12 Parking Space Computation

FIGURE <>: GRADE DETERMINATION



---

#### 10.2.11 OPEN SPACE

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](#).

---

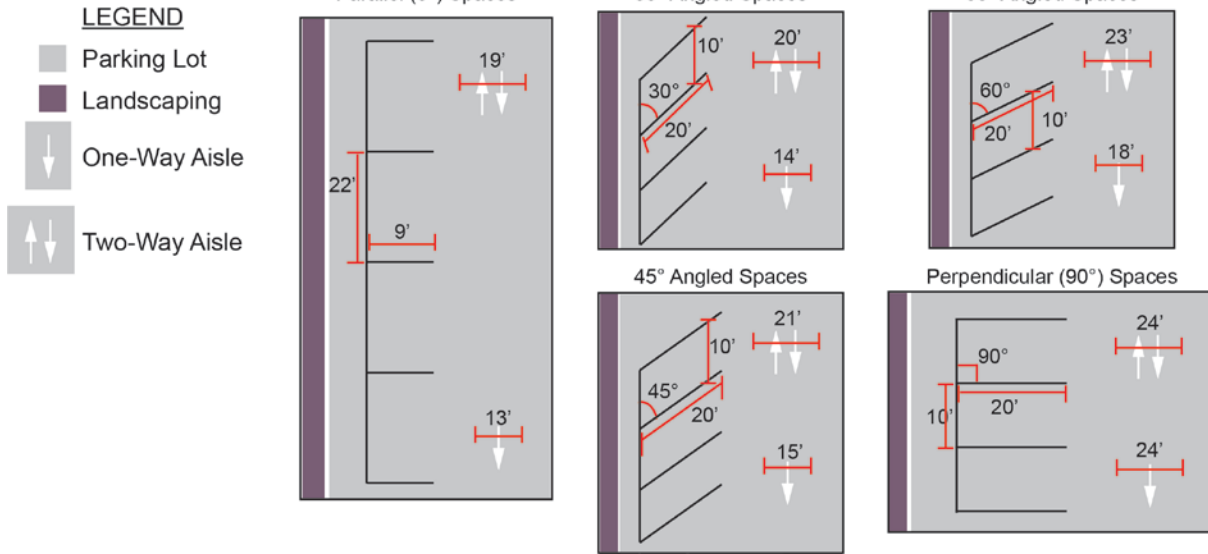
#### 10.2.12 PARKING SPACE COMPUTATION

- 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- or Room-Based Standards**  
Where the minimum number of off-street parking spaces is based on the number of seats, bedrooms, or other room types, all computations shall be based on the design capacity of the areas used for seating, including outdoor and waiting areas or the number of rooms used for the intended purpose.
- 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 net floor area that excludes areas associated with equipment or storage. 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.
- G. Minimum Dimensions**  
Minimum dimensions for off-street parking spaces and aisles is determined in accordance with [Figure <>, Parking Space Configuration](#).

10.2 Rules of Measurement

10.2.13 Landscaping

FIGURE <>: PARKING SPACE CONFIGURATION



10.2.13 LANDSCAPING

A. Determining Tree Size at Time of Planting

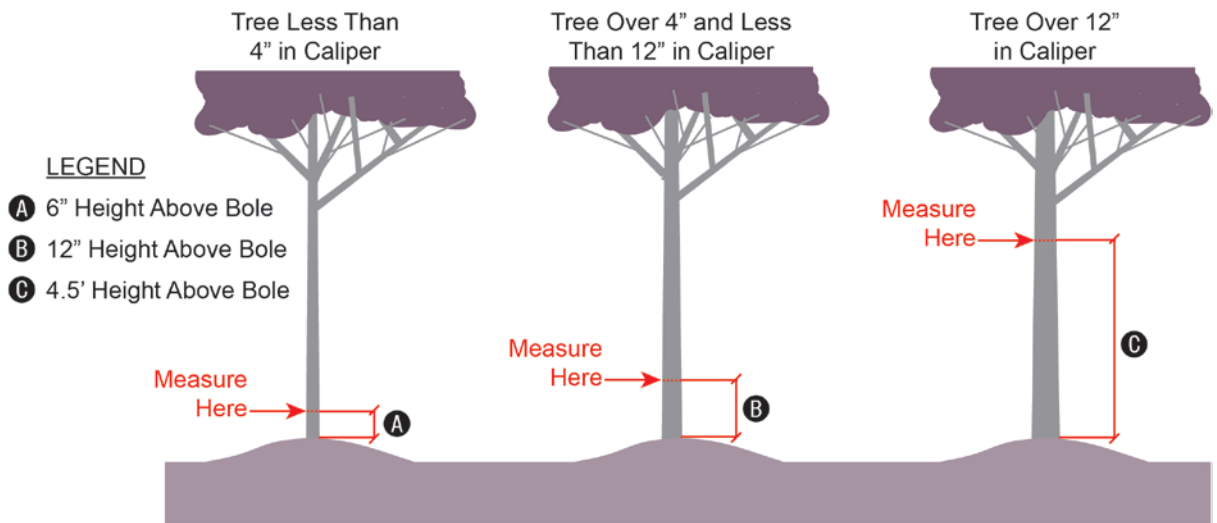
1. Trees under Four Inches in Caliper

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 (see Figure <>, Plant Size Diagram).

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.

FIGURE <>: PLANT SIZE DIAGRAM



B. Determining Tree Size of Existing Trees

## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.14 Signage

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.
3. When applying existing tree size for credit towards the landscaping standards in this Ordinance, the tree's DBH shall be credited towards the caliper inch measurement.  
*Example: an existing canopy tree with a DBH of 10 inches proposed for retention after construction is credited as 12.5 aggregate caliper inches of required new canopy trees (10 x 1.25 = 12.5).*

#### 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.
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

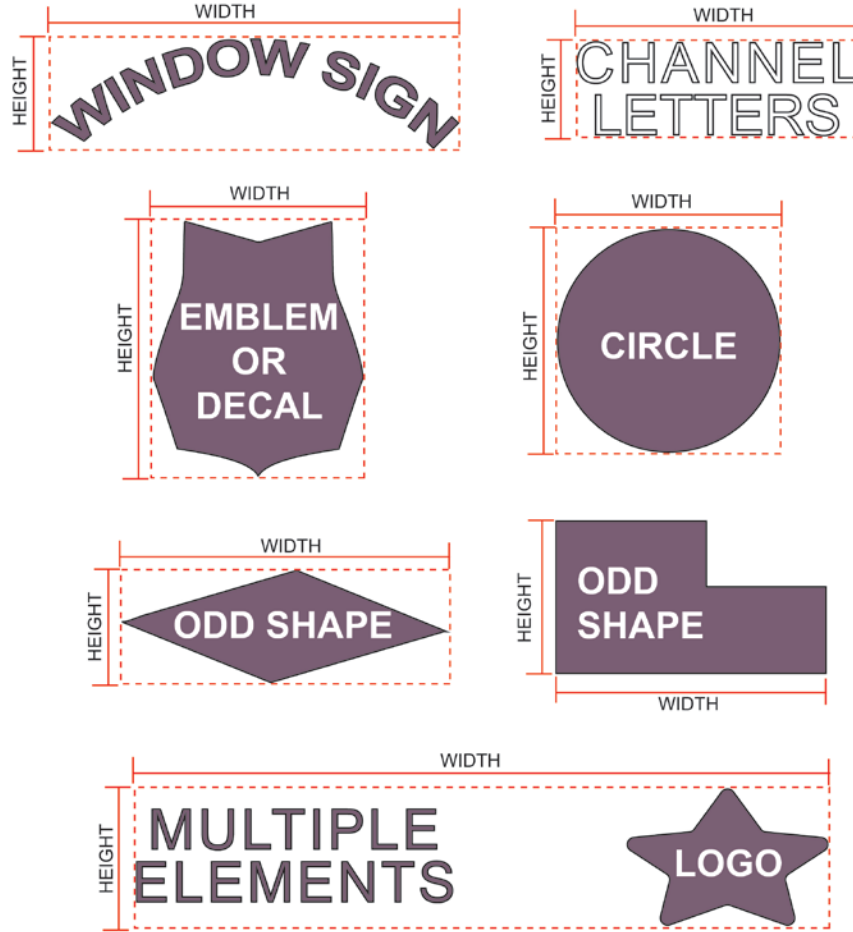
1. The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle, or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge 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 (see [Figure <>, Sign Face Area Determination](#)).
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.

ARTICLE 151.10 DEFINITIONS & MEASUREMENT

10.2 Rules of Measurement

10.2.14 Signage

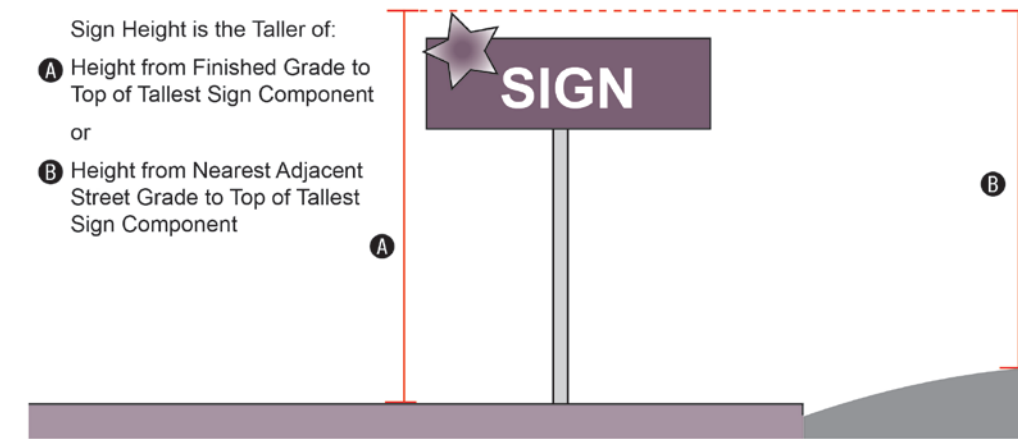
FIGURE <>: SIGN FACE AREA DETERMINATION



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 (see Figure <>, Sign Height Determination).
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.

FIGURE <>: SIGN HEIGHT DETERMINATION



ARTICLE 151.10 DEFINITIONS & MEASUREMENT

10.2 Rules of Measurement

10.2.15 Exterior Lighting

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 (see Figure <>, Wall Sign Determination):

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.

FIGURE <>: WALL SIGN DETERMINATION



LEGEND

[ ] One Wall

- A Area of Parallel Vertical Surfaces Along a Single Building Elevation, Regardless is One Wall
- B Front of Each Unit of a Multi Tenant Commercial Building is One Wall
- C Area of An Angled Wall Surface is Part of the Adjoining Wall Surface it is Most Parallel With
- D 45 Degree Angled Wall May Count as Part of Either Adjoining Wall, But Not Both



## ARTICLE 151.10 DEFINITIONS & MEASUREMENT

### 10.2 Rules of Measurement

#### 10.2.16 Fence and Wall Height

### 10.2.15 EXTERIOR LIGHTING

#### 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 (see [Figure <>, Lighting Measurement](#)). 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.

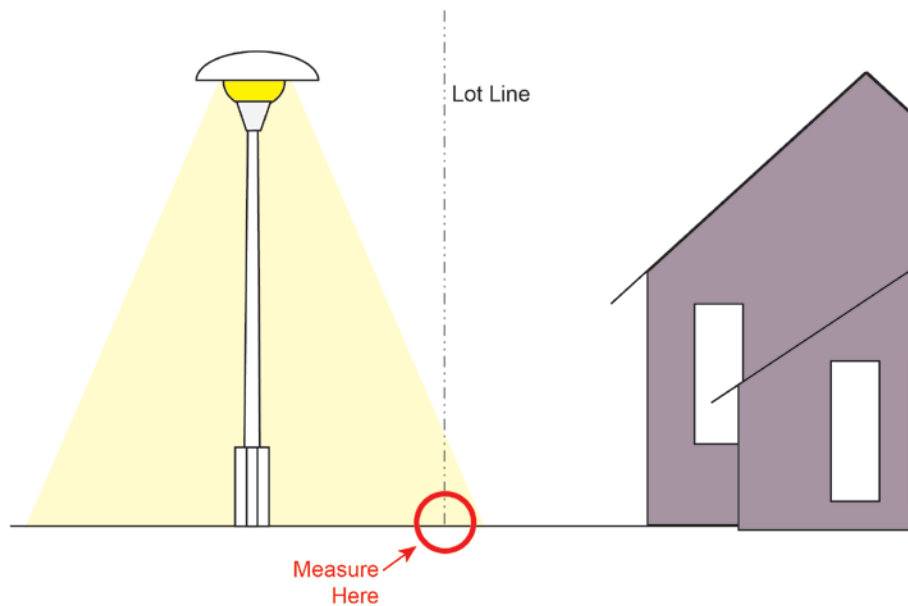
#### B. Measured at Finished Grade

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.

FIGURE <>: LIGHTING MEASUREMENT



### 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 (see [Figure <>, Fence Height Determination](#)).
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.

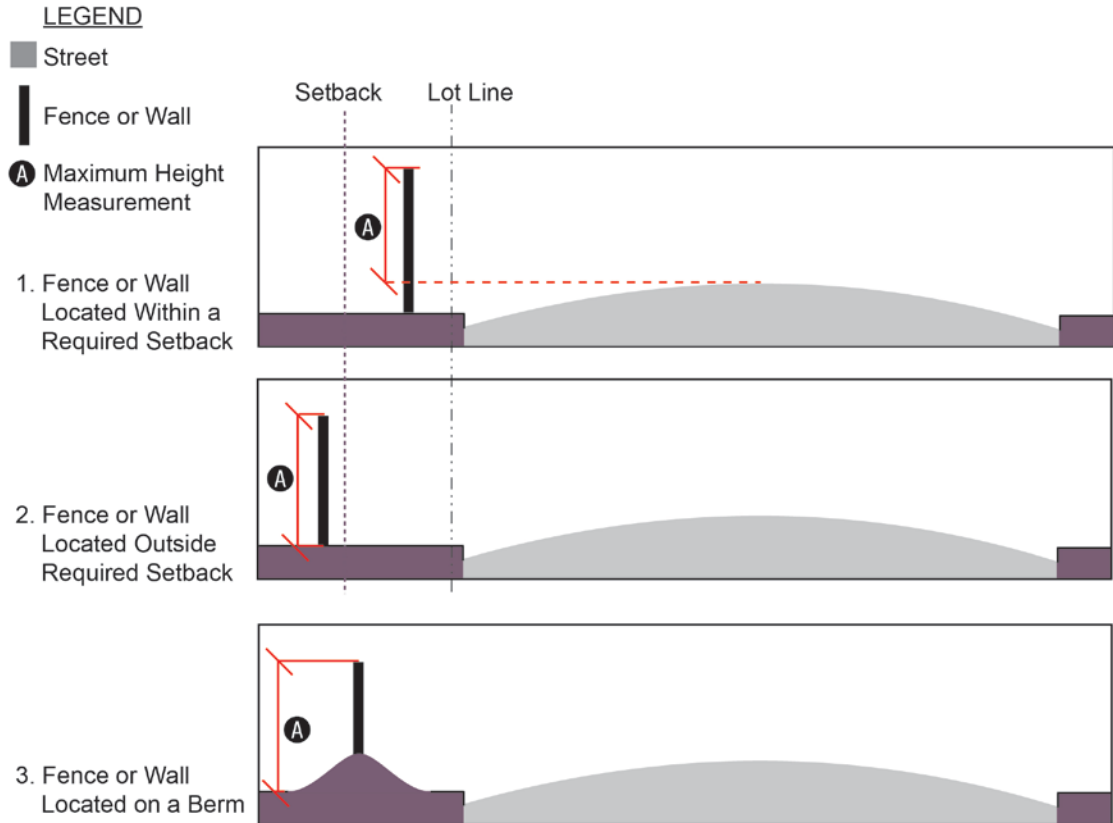
#### C. Railings Not Included

Safety railings required by the State Building Code shall not be included in wall height measurements.

ARTICLE 151.10 DEFINITIONS & MEASUREMENT

10.2 Rules of Measurement  
10.2.16 Fence and Wall Height

FIGURE <>: FENCE HEIGHT DETERMINATION



**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>ACCESSWAY</b>   | A paved or unpaved travelway intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site.   |
| <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>ACREAGE</b>   | A use that is incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot.   |
| <b>ADDITION</b>  | Total acreage means gross acres.  |
| <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 or extension to the perimeter, floor area, or height 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>ADOPTED POLICY GUIDANCE</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>AFFECTED PARTY</b>  | A type of flexibility permit approval reviewed and approved or denied by the UDO Administrator in accordance with Section <>, Administrative Adjustment.  |
| <b>AFFORESTATION</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>AFFORESTED AREA</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>AGGRIEVED PARTY</b>   | The establishment of a forest or a stand of trees in an area where there was no previous tree cover.  |
|  | An area intended for the placement and establishment of new trees in pursuit of creating forest cover.  |
|  | 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**

Agricultural Land

**TABLE 10.<>: DEFINITIONS**

| TERM                                 | DEFINITION  |
|--------------------------------------|---|
|                                      | Note: use types are defined in Table <>, Table of Principal Uses  |
| <b>AGRICULTURAL LAND</b>             | Including the woodland and wasteland which form a contiguous part thereof constituting a farm unit.   |
| <b>AGRICULTURAL USE</b>              | For the purpose of the watershed protection standards, the use of waters for stock watering, irrigation, and other farm purposes.   |
| <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>ANIMAL UNIT</b>                   | A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.   |
| <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>ANTENNA SUPPORT STRUCTURE</b>     | The frame, bracket, or other mechanical device, including mounting hardware such as bolts, screws, or other fasteners used to affix an antenna to a telecommunications tower, building, utility pole, or other vertical projection.   |
| <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 County 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>BILLBOARD</b>                     | An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling or leasing the advertising space on that sign.   |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Bio-retention Cell or Device

**TABLE 10.<>: DEFINITIONS**

| TERM                                | DEFINITION   |
|-------------------------------------|--|
|                                     | Note: use types are defined in Table <>, Table of Principal Uses   |
| <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.  |
| <b>BONA FIDE FARM</b>               | A bona fide farm shall be as defined in Section 153A-340 of the North Carolina General Statutes, as amended.   |
| <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. A buffer is also an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. This kind of buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers. |
| <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 County 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>BUILT-UPON AREA</b>              | Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including, but not limited to, buildings, pavement, and certain recreation facilities. (Note: wooden slatted decks, gravel, and the water area of a swimming pool are considered pervious.)   |
| <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>CAMPER</b>                       | A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping.  |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Camping

**TABLE 10.<: DEFINITIONS**

| TERM  | DEFINITION   |
|---|--|
| Note: use types are defined in Table <, Table of Principal Uses |  |
| <b>CAMPING</b>  | To live temporarily in a camp or outdoors.   |
| <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.   |
| <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>CERTIFY</b>  | Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the County, the County may require that the certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the County may accept certification by telephone from some agency when the circumstances warrant it or the County may require that the certification be in the form of a letter, sealed certification, or other document.   |
| <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 DEVELOPMENT</b>                                      | The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.   |
| <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>COASTAL SHORELINE</b>  | All lands within 75 feet of the normal high water level of estuarine waters, including lands within 30 feet of the normal high water level of public trust waters located inland of the dividing line between coastal fishing waters and inland fishing waters. Along Outstanding Resource Waters, this definition includes lands within 575 feet of the normal high water level.  |
| <b>COLLOCATION</b>  | The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on, under, or within an existing or replacement telecommunications tower, utility pole, building, or other vertical projection.   |
| <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>COLLOCATION, MAJOR</b>                                       | The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a building’s roof, on a building’s wall, on a vertical projection not constructed for the provision of wireless telecommunications services, or on a telecommunications tower where the collocation requires “substantial modifications” to the telecommunications tower, as defined in this Ordinance and Section 160A-400.51 of the North Carolina General Statutes.   |
| <b>COLLOCATION, MINOR</b>                                       | The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a telecommunications tower that does not require “substantial modifications” and that meets the definition of an “eligible facility request” as defined in this Ordinance and Section 160A-400.51 of the North Carolina General Statutes.  |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Common Law vested Right

**TABLE 10.<=>: DEFINITIONS**

| TERM                            | DEFINITION  |
|---------------------------------|---|
|                                 | Note: use types are defined in Table <=>, Table of Principal Uses   |
| <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>     | A complete application is one that: <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> An application will not be accepted for review until it is complete. |
| <b>COMPOSTING FACILITY</b>      | A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing or landscaping operations is deposited.  |
| <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.  |
| <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>CRITICAL AREA</b>            | The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either ½ mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever comes first; or ½ mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed, whichever comes first.   |
| <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.   |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Cross-Access Easement

**TABLE 10.<>: DEFINITIONS**

| TERM   | DEFINITION   |
|--|--|
| Note: use types are defined in Table <>, Table of Principal Uses |  |
| <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>CUSTOMARY HOME OCCUPATION</b>                                 | A profession or occupation commonly carried on a lot which is in principally residential use where the occupation is secondary and clearly incidental to the use of the dwelling for living purposes.  |
| <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 is also 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>DISCHARGING LANDFILL</b>                                      | A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.   |
| <b>DISTRIBUTED ANTENNA SYSTEM (DAS) NODE</b>                     | Wireless telecommunications equipment that includes one or more antennas mounted on a support structure (such as a utility pole, building, or other vertical projection) which is connected via cable or wirelessly to an equipment cabinet on site that is joined via cable to the internet and/or other communication network. Applications for the establishment of a DAS node are reviewed and decided in accordance with the procedures for establishment of a small wireless facility. |
| <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.  |
| <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 for use as a permanent residence by one family.   |
| <b>E</b>   |  |
| <b>EARTH STATION</b>   | An antenna and attendant processing equipment for reception of electronic signals from satellites.   |



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Easement

**TABLE 10.<=>: DEFINITIONS**

| TERM                             | DEFINITION  |
|----------------------------------|---|
|                                  | Note: use types are defined in Table <=>, Table of Principal Uses   |
| <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>         | 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>ELIGIBLE FACILITY REQUEST</b> | An application for the installation of new or replacement antennas and related wireless telecommunications equipment on an existing telecommunications tower. An eligible facilities request may include increasing the height and/or replacement of an existing telecommunications tower but shall not include any activities that constitute a “substantial modification” as defined in this Ordinance and Section 160A-400.51 of the North Carolina General Statutes. Eligible facility requests are reviewed and decided in accordance with the procedures for a minor collocation.   |
| <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. In flood prone areas, an encroachment is 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>ENVIRONMENTAL ASSESSMENT</b>  | A detailed examination of a proposed application and an analysis of its potential local environmental context with an emphasis on avoiding, minimizing, and mitigating adverse impacts.   |
| <b>EQUIPMENT COMPOUND</b>        | An area containing wireless telecommunications equipment serving antennas on a nearby telecommunications tower, utility pole, building, or other vertical projection. An equipment compound is commonly fenced or surrounding by walls that limit access to members of the general public. Nothing shall limit an equipment compound from being located within a building, on the roof of a building, or underground.   |
| <b>EQUIPMENT CABINET</b>         | A non-habitable structure, such as a box, enclosure, vault, shelter, or pedestal, typically located above ground, that contains radios, computers, or other equipment necessary for the transmission or reception of wireless telecommunication signals.  |
| <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>EXISTING DEVELOPMENT</b>      | Development that is built or those projects that at a minimum have established a vested right under North Carolina zoning law based on at least one of the following criteria:<br>(a) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project;<br>(b) Having an outstanding valid building permit as authorized by Sections 153A-344.1 and 160A-385.1 of the North Carolina General Statutes; or<br>(c) Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by Sections 153A-344.1 and 160A-385.1 of the North Carolina General Statutes. |
| <b>EXISTING LOT OF RECORD</b>    | A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the effective date of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the effective date of this Ordinance.  |
| <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.  |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Facade

**TABLE 10.<.>: DEFINITIONS**

| TERM  | DEFINITION   |
|---|--|
| Note: use types are defined in Table <.>, Table of Principal Uses |  |
| <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>FACILITY OPERATOR</b>  | The entity responsible for the day-to-day operation and maintenance of a use or facility.  |
| <b>FACILITY OWNER</b>   | The entity or entities having controlling or majority equity interest in a use or facility, including their respective successors and assigns.   |
| <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.<br>See also: "Immediate Family."  |
| <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.  |
| <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>FLAG LOT</b>   | An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.  |
| <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. |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Flood or Flooding

**TABLE 10.<.>: DEFINITIONS**

| TERM                                   | DEFINITION   |
|--|--|
|  | Note: use types are defined in Table <.>, Table of Principal Uses  |
| <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>FLOOR, LOWEST</b>                   | The lowest floor of the lowest enclosed area, including basement. An unfurnished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance. |
| <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.   |
| <b>FORCE MAJEURE</b>                   | Any event or act resulting from acts of God; terrorism; fire; explosion; vandalism; local, state, or federal governmental action; unusual shortage of materials; labor strikes or other unusual labor unavailability; riots; war; or any other similar cause beyond landowner's or use operator's reasonable control that delays, hinders, or prevents a use or development from functioning as approved.                    |
| <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.   |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

General Statutes

**TABLE 10.<=>: DEFINITIONS**

| TERM                                     | DEFINITION   |
|--|--|
|  | Note: use types are defined in Table <=>, Table of Principal Uses  |
| <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.   |
| <b>HAZARDOUS MATERIALS</b>               | Any substance listed as such in Superfund Amendments and Reauthorization Act of 1986 (SARA), Section 302, Extremely Hazardous Substances; Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) Hazardous Substances; or, Section 311 of Clean Water Act (CWA) (oil and hazardous substances).  |
| <b>HIGHEST ADJACENT GRADE</b>            | The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.   |
| <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, and grandchild).   |
| <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.   |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Improvement

**TABLE 10.<=>: DEFINITIONS**

| TERM  | DEFINITION  |
|---|---|
| Note: use types are defined in Table <=>, Table of Principal Uses |   |
| <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>INDUSTRIAL DEVELOPMENT</b>                                     | Any non-residential development that requires a National Pollutants Discharge Elimination Systems (NPDES) permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.  |
| <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.  |
| <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>LANDFILL</b>   | A facility for the disposal of solid waste on land in a sanitary manner in accordance with Section 130A-290 of the North Carolina General Statutes. This term does not include composting facilities.   |
| <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.   |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Lot

**TABLE 10.<=>: DEFINITIONS**

| TERM  | DEFINITION   |
|---|--|
| Note: use types are defined in Table <=>, Table of Principal Uses |  |
| <b>LOT</b>  | A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same. The term includes plot, parcel, or tract.   |
| <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>   | 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>MANUFACTURED HOME</b>  | A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".   |
| <b>MANUFACTURED HOME, SINGLE-WIDE</b>                             | A manufactured home with a total width of 16 feet or less.   |
| <b>MARINA</b>   | Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and which provides any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services.   |
| <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.   |
| <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."  |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Mean Sea Level

**TABLE 10.<.>: DEFINITIONS**

| TERM                               | DEFINITION   |
|------------------------------------|--|
|                                    | Note: use types are defined in Table <.>, Table of Principal Uses  |
| <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</b>                 | A dwelling built in an off-site location prior to June 15, 1976, and transported to the site where it is located. A mobile home is built to State building code standards, not those adopted by the US Department of Housing and Urban Development.  |
| <b>MODULAR HOME</b>                | A dwelling unit constructed in accordance with the standards set forth in the State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a mobile home, except that the modular home meets State Building Code, or a series of panels or room sections transported on a truck and erected or joined together on the site. |
| <b>MONUMENT</b>                    | 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>MOTOR VEHICLE</b>               | Every self propelled vehicle designed to run upon the highways and every vehicle designed to run upon the highways that is pulled by a self-propelled vehicle.   |
| <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>            | 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>NON-PARTICIPATING LANDOWNER</b> | A landowner not under agreement with the applicant, facility owner, or operator of a wind energy conversion use.   |
| <b>NON-RESIDENTIAL DEVELOPMENT</b> | All development other than residential development, agriculture, and silviculture.   |
| <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 LOT OF RECORD</b> | A lot described by a plat or a deed that was recorded prior to the effective date of the local watershed protection regulations, or their amendments, that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.   |
| <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 or Nonconforming Situation

**TABLE 10.<=>: DEFINITIONS**

| TERM  | DEFINITION   |
|---|--|
| Note: use types are defined in Table <=>, Table of Principal Uses |  |
| <b>NONCONFORMITY OR NONCONFORMING SITUATION</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 (PUBLIC OR PRIVATE)</b>                               | A private nuisance is the unreasonable, unwarranted, or unlawful use of one's property in a manner that substantially interferes with the enjoyment or use of another individual's property, without an actual trespass or physical invasion to the land. A public nuisance is an act or omission that obstructs, damages, or inconveniences the rights of the community at large. |
| <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>OCCUPIED BUILDING</b>  | A business, school, hospital, church, public library or other permanent structure used regularly for or by people that is occupied or in use. An occupied building does not include residences, barns, sheds, grain bins, and any similar farm structure or accessory structure.   |
| <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.   |



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Outparcel

**TABLE 10.<>: DEFINITIONS**

| TERM                                | DEFINITION   |
|-------------------------------------|--|
|                                     | Note: use types are defined in Table <>, Table of Principal Uses   |
| <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.   |
| <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 AREA</b>                 | The portion of the vehicle accommodation area consisting of lanes providing access to individual parking spaces.   |
| <b>PARKING SPACE</b>                | A portion of the vehicle accommodation area set for the parking of one vehicle.  |
| <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>PARTICIPATING LANDOWNER</b>      | A landowner under lease or agreement with a wind energy conversion facility owner or operator. A waiver of setback, sound, and/or shadow flicker provisions constitutes an agreement with the facility owner or operator.  |
| <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.  |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Pilaster

**TABLE 10.<.>: DEFINITIONS**

| TERM  | DEFINITION   |
|---|--|
| Note: use types are defined in Table <.>, Table of Principal Uses |  |
| <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 major site plans, review and recommendations on preliminary plats, 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>PLAT</b>   | A map or plan of a parcel of land which is to be, or has been subdivided.  |
| <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.   |
| <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>PROPERTY OWNER</b>   | See "Landowner."   |
| <b>PROTECTED AREA</b>   | The area adjoining and upstream of the critical area as delineated on the map entitled "County of Camden North Carolina Watershed Protection Map" in which protection measures are required.   |
| <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.   |

**Q**

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Quasi-Judicial Decision

**TABLE 10.<=>: DEFINITIONS**

| TERM   | DEFINITION   |
|--|--|
|  | Note: use types are defined in Table <=>, Table of Principal Uses  |
| <b>QUASI-JUDICIAL DECISION</b>               | A decision by an elected or appointed body that applies previously-established policies. Examples include decisions on appeals, variances, and special use permit.   |
| <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.   |
| <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 excluding Accessory Structures within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot of freeboard. Commercial construction and Accessory Structures required to meet or exceed BFE. In areas where no BFE has been established, residential construction elevation shall be at least four feet above the highest adjacent grade. (Note: four feet above highest adjacent grade includes freeboard.) Commercial construction elevation shall be two feet above highest adjacent grade with no freeboard required in areas where no BFE has been established. |
| <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>REMEDY A VIOLATION</b>                    | An act to bring the structure or other development into compliance with State or community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this subchapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.  |
| <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>RESIDENTIAL DEVELOPMENT</b>               | Buildings established for residential purposes such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, gazebos, and customary home occupations.  |
| <b>RESOLUTION</b>                            | The official written expression of the opinion or the will of the Board of County Commissioners, Board of Adjustment, or Planning Board.   |
| <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>RIVERINE</b>                              | Formed by, or resembling a river (including tributaries), stream, brook, etc.  |
| <b>ROAD</b>                                  | See "Street."  |
| <b>ROAD, PRIVATE</b>                         | See "Private Street or Road."  |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Road, Public

**TABLE 10.<.>: DEFINITIONS**

| TERM                                | DEFINITION   |
|-------------------------------------|--|
|                                     | Note: use types are defined in Table <.>, Table of Principal Uses  |
| <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>          | Simple, small-scale activities (usually requiring only minimal skills or training) associated with regular (daily, weekly, monthly, etc.), recurring, and preventative upkeep of a building, equipment, machine, facility, or infrastructure against normal wear and tear. Activities that result in larger, taller, more visible, or more impactful use type or development configuration are not considered routine maintenance.   |
| <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>SHADOW FLICKER</b>               | The visible flicker effect when rotating turbine blades cast shadows causing the repeating pattern of light and shadow.  |
| <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.   |
| <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.  |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Sign, Government

**TABLE 10.<>: DEFINITIONS**

| TERM   | DEFINITION   |
|--|--|
| Note: use types are defined in Table <>, Table of Principal Uses |  |
| <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>   |  |
| <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.   |
| <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>SINGLE-FAMILY RESIDENTIAL</b>                                 | Any development where no building contains more than one principal dwelling unit, every principal dwelling unit is on a separate lot, and where no lot contains more than one principal dwelling unit.   |
| <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 Section <>, Major Site Plan.  |
| <b>SITE PLAN, MINOR</b>  | The review procedure for small-scale or low intensity proposed development projects, as described in Section <>, Minor Site Plan.  |
| <b>SITE SPECIFIC DEVELOPMENT PLAN</b>                            | A development plan prepared in accordance with Section 160A-385.1 of the North Carolina General Statutes.  |
| <b>SMALL WIRELESS FACILITY</b>                                   | A wireless telecommunications facility consisting of an antenna and associated wireless telecommunications equipment installed on a utility pole, public utility pole, building, or other vertical projection not specifically intended for the accommodation of wireless telecommunications facilities (e.g., a traffic signal mast arm, a light standard, sign pole, etc.) that does not exceed the maximum size requirements for such facilities as listed in Section 160A-400.51 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.   |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Special Legislation

**TABLE 10.<=>: DEFINITIONS**

| TERM  | DEFINITION   |
|---|--|
|   | Note: use types are defined in Table <=>, Table of Principal Uses  |
| <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>                        | The first instance of land disturbance or other development activity, including clearing, grading, or vegetation removal in anticipation of construction of a building or structure.   |
| <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.   |
| <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 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.”  |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Subdivider

**TABLE 10.<.>: DEFINITIONS**

| TERM                              | DEFINITION   |
|-----------------------------------|--|
|                                   | Note: use types are defined in Table <.>, Table of Principal Uses  |
| <b>SUBDIVIDER</b>                 | Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.   |
| <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> </ol> |
| <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 existing vegetation on a lot, tract, or site prior to or concurrent with development activity.  |
| <b>SUBSTANTIAL DAMAGE</b>         | Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 51 percent of the market value of the structure before the damage occurred.   |
| <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.  |

**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Substantial Modification

**TABLE 10.<=>: DEFINITIONS**

| TERM                                       | DEFINITION   |
|--|--|
|  | Note: use types are defined in Table <=>, Table of Principal Uses  |
| <b>SUBSTANTIAL MODIFICATION</b>            | The collocation of antenna and related wireless telecommunications equipment on an existing telecommunications tower that necessitates replacement of the existing tower, structural additions to the existing tower that increase its height or the length of protrusions from the tower, or increases in the size of the equipment compound by an amount specified in Section 160A-400.51 of the North Carolina General Statutes. Collocations requiring structural modifications are reviewed and decided in accordance with the procedures for a major collocation. Collocations involving changes to an existing telecommunications tower or equipment compound beyond those identified as “substantial modifications” in Section 160A-400.51 in the North Carolina General Statutes are reviewed and decided in accordance with the procedures for a major telecommunications tower. |
| <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>TELECOMMUNICATIONS TOWER</b>            | A vertical projection, typically comprised of steel, designed to support antenna and associated wireless telecommunications equipment for the purpose of sending and receiving wireless telecommunications signals. Utility poles or other vertical projections intended for a purpose other than provision of wireless telecommunications services are not considered to be telecommunications towers.  |
| <b>TELECOMMUNICATIONS TOWER, CONCEALED</b> | A telecommunications tower and associated wireless telecommunications equipment that is integrated as an architectural feature into an existing structure (such as a steeple, bell tower, clock tower, silo, etc.), or that is designed to conceal the presence of the tower, antennas, and related wireless telecommunications equipment in a manner so that the purpose of the tower is obscured.  |
| <b>TELECOMMUNICATIONS TOWER, MAJOR</b>     | The construction or installation of a new telecommunications tower with a height of 30 feet or more above the adjacent pre-construction grade and associated equipment, including the equipment compound, access, electrical service, and other related facilities.  |
| <b>TELECOMMUNICATIONS TOWER, MINOR</b>     | The construction or installation of a new telecommunications tower with a height of less than 30 feet above the adjacent pre-construction grade or that meets the definition of a concealed telecommunications tower   |
| <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>TOXIC SUBSTANCE</b>                     | Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth), or physical deformities in such organisms or their offspring or other adverse health effects.   |
| <b>TRACT</b>                               | A separate tract of land under common or unified ownership in existence on the effective date of this Ordinance.   |



**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Transfer Plat

**TABLE 10.<=>: DEFINITIONS**

| TERM  | DEFINITION   |
|---|--|
|   | Note: use types are defined in Table <=>, Table of Principal Uses  |
| <b>TRANSFER PLAT</b>                          | A division of a tract of land: to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one of the relatives; or to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or will. |
| <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>                                      |  |
| <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 county where the powers, duties, functions, rights, privileges, and immunities of a city are vested with the county in accordance with Section 153A-471 of the North Carolina General Statutes.  |
| <b>UNSUBDIVIDED DEVELOPMENT</b>               | All construction of structures upon land under common singular ownership where such construction does not involve the sale of individual lots or parcels of land and the streets and ways are intended for use by the public or occupants of the development.  |
| <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>UTILITY POLE</b>                           | A structure that is designed for and used to carry cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless telecommunication services that is located outside the public right-of-way.  |
| <b>UTILITY POLE, PUBLIC</b>                   | A utility pole located in the public right-of-way.   |
| <b>V</b>                                      |  |
| <b>VARIANCE</b>                               | The permission to develop or use property granted by the BOA or the EMC, as appropriate, in a manner that that relaxes or waives a requirement in this Ordinance.  |
| <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>                                      |  |

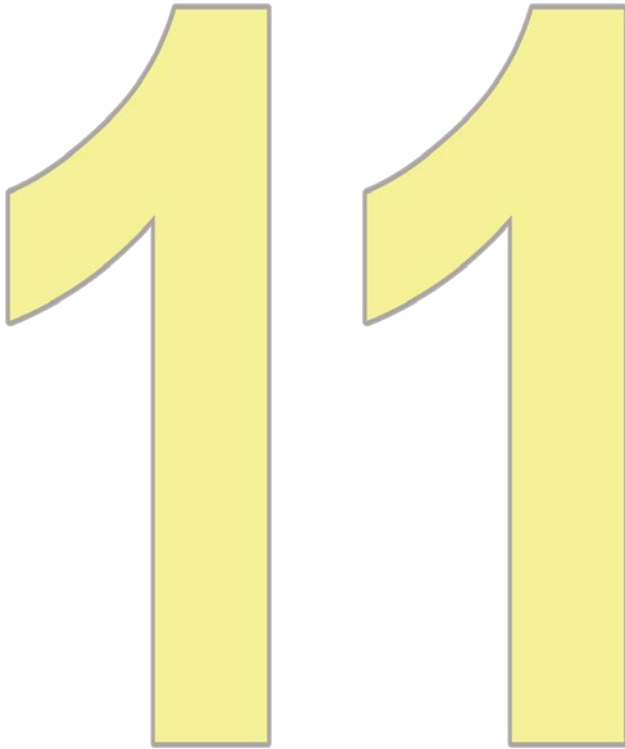
**ARTICLE 151.10 DEFINITIONS & MEASUREMENT**

Wall (or fence)

**TABLE 10.<=>: DEFINITIONS**

| TERM  | DEFINITION   |
|---|--|
| Note: use types are defined in Table <=>, Table of Principal Uses |  |
| <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 DEPENDENT STRUCTURE</b>                                  | Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.   |
| <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>WATERSHED</b>  | The entire land area contributing surface drainage to a specific point (such as the water supply intake).  |
| <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 U.S. Army Corps of Engineers.  |
| <b>WETLANDS, CAMA</b>   | Any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides, that reach the marshland areas through natural or artificial watercourses, provided this does not include hurricane or tropical storm tides. Only the NC Division of Coastal Management may delineate a CAMA wetland.  |
| <b>WIND ENERGY CONVERSION FACILITY</b>                            | An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. For the purposes of this section, the term does not apply to roof-mounted or building integrated roof-mounting systems. |
| <b>WIND TURBINE</b>   | A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires, and pad transformer.   |
| <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.  |
| <b>Z</b>  |  |
| <b>ZONING MAP</b>   | See "Official Zoning Map."   |

# AUTHORITIES



## Key Changes in Article 151.11:

- Consolidates the information on review authorities into one location
- Designates the Building Inspector as the Floodplain Administrator and the Watershed Administrator
- Sets out the membership of the Technical Review Committee
- Identifies the powers and duties, composition, and rules of procedure for the Planning Board and BOA

|             |  |             |
|-------------|--|-------------|
| <b>11.1</b> | <b>Overview .....</b>                  | <b>11-1</b> |
| <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        |
| 11.3.4      | Watershed Administrator.....           | 11-3        |
| <b>11.4</b> | <b>Technical Review Committee.....</b> | <b>11-4</b> |
| 11.4.2      | Composition.....                       | 11-4        |
| <b>11.5</b> | <b>Planning Board.....</b>             | <b>11-4</b> |
| 11.5.1      | Powers and Duties .....                | 11-4        |
| 11.5.2      | Composition.....                       | 11-5        |
| 11.5.3      | Rules of Procedure.....                | 11-5        |
| <b>11.6</b> | <b>Board of Commissioners.....</b>     | <b>11-7</b> |
| 11.6.1      | Powers and Duties .....                | 11-7        |
| 11.6.2      | Conflict of Interest.....              | 11-7        |
| <b>11.7</b> | <b>Board of Adjustment.....</b>        | <b>11-7</b> |
| 11.7.1      | Powers and Duties .....                | 11-7        |
| 11.7.2      | Composition.....                       | 11-7        |
| 11.7.3      | Rules of Procedure.....                | 11-8        |
| <b>11.8</b> | <b>RESERVED .....</b>                  | <b>11-9</b> |

# ARTICLE 151.11 AUTHORITIES<sup>225</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;
- C. Technical Review Committee;
- D. Planning Board;
- E. Board of Commissioners; and
- F. Board of Adjustment.

## 11.2 UDO ADMINISTRATOR<sup>226</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. Exempt Subdivisions;
- 3. Expedited Subdivisions;
- 4. Fill Permits;
- 5. Final Plats;
- 6. Interpretations;
- 7. Minor Site Plans;
- 8. Minor Subdivisions;
- 9. Sign Permits;
- 10. Transfer Plats;
- 11. Temporary Use Permits; and
- 12. Zoning Compliance Permits.

#### B. Other Powers and Duties<sup>227</sup>

The UDO Administrator shall also have the following other powers and duties:

- 1. To act as the Floodplain Administrator;
- 2. To investigate violations and enforce this Ordinance in accordance with **Article 151.9: Enforcement**;
- 3. 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;
- 4. To establish application content requirements and a submission schedule for review of applications and appeals;
- 5. To ensure proper public notification regarding pending development applications is provided in accordance with State law;
- 6. To review development applications for compliance with this Ordinance and submit staff reports to review authorities;
- 7. To conduct meetings with applicants for development approval, as necessary or appropriate;
- 8. To maintain the Official Zoning Map and related materials;
- 9. To provide expertise and technical assistance to County staff and review authorities, upon request;
- 10. To maintain all records pertaining to the provisions of this Ordinance and make records available for public inspection;
- 11. To provide technical support for the implementation of adopted policy guidance;
- 12. To perform any other related duties that the County Manager may direct; and
- 13. To exercise other powers and authority provided by the Board of Commissioners, this Ordinance, or State law.

<sup>225</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>226</sup> This Section replaces and expands on current Section 151.475 to more fully describe the role of the UDO Administrator.

<sup>227</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>228</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;
3. Floodplain Development Permits; and
4. Watershed Protection Permits.

**B. Other Powers and Duties**

The Building Inspector shall also have the following other powers and duties:

1. To act as Watershed Administrator;
2. To administer the State Building Code;
3. To enforce the County's Minimum Housing Code;
4. To conduct inspections of construction and development sites to ensure health, safety, and compliance with applicable laws; and
5. To assist the UDO Administrator in the enforcement and administration of this Ordinance.

### 11.3.2 INSPECTION PROCEDURE<sup>229</sup>

**A.** The Building Inspector shall oversee the inspection procedure for development in accordance with the following:

**1. 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.

**2. Step Two: Foundation**

The foundation or piers must be visible and free from all dirt and debris prior to the inspection.

**3. Step Three: Floor Joist**

- a. Applicants must call for the inspection prior to concealment; and
- b. An elevation certificate is required within ten days of inspection, if the development is in the SFHA.

**4. Step Four: Nailing/Sheathing**

The nailing pattern shall be consistent with the following requirements:

- a. Six-inch vertical seams, three-inch horizontal, blocking and gable seams; and
- b. Twelve-inch field, three-inch stitch pattern, if wall sheathing is used as structural tie.

**5. Step Five: Rough-In**

- a. This group of inspections includes: framing, electrical, plumbing, and mechanical.
- b. Applicants must request this inspection before concealment (the air/water tests must be active for this inspection).

**6. Step Six: Insulation**

Scheduled after all rough-ins have been inspected and approved, insulate, and applicants must request inspection before concealment.

**7. Step Seven: Pre-Final**

- a. Applicants shall call for this inspection after all work is complete and the building is ready for permanent power.
- b. An elevation certificate is required within ten days of inspection if the development is in the SFHA.

**8. 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**.

**B.** The Building Inspector may also conduct courtesy inspections upon request.

### 11.3.3 FLOODPLAIN ADMINISTRATOR<sup>230</sup>

<sup>228</sup> This is a new section that lays out the powers and duties of the Building Inspector.

<sup>230</sup> This section carries forward the standards in 151.383.E of the current ordinance without substantive change.

<sup>230</sup> This section carries forward the standards in 151.383.E of the current ordinance without substantive change.

The UDO Administrator shall serve as the Floodplain Administrator and shall have the powers and duties identified in **Section <>, Duties and Responsibilities of the Floodplain Administrator.**

### **11.3.4 WATERSHED ADMINISTRATOR**

The Building Inspector shall serve as the Watershed Administrator and shall have the following powers and duties:

- A.** Issue watershed protection permits and watershed protection occupancy permits;
- B.** Maintain records of all permits, amendments to watershed protection standards, and provide copies of all amendments upon adoption to the Supervisor of the Local Government Assistance Unit, Water Quality Section, Division of Environmental Quality;
- C.** Maintain a record of variances to this Ordinance, and submit the record to the Supervisor of the Local Government Assistance Unit, Water Quality Section, Division of Environmental Quality, on an annual basis and shall provide a description of each project receiving a variance and the reasons for granting the variance;
- D.** Enter any building, structure, or premises, as provided by law, to perform any duty imposed by this Ordinance;
- E.** Monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality; and
- F.** Institute any appropriate action or proceeding to restrain, correct, or abate the condition and/or violation.

**11.4 TECHNICAL REVIEW COMMITTEE<sup>231</sup>**

- A. The Technical Review Committee (TRC) is hereby established and charged with review of preliminary plat applications prior to consideration by the Planning Board.
- B. The TRC may also be involved with planned development, site plan, or subdivision review on technical matters at the request of the TRC Chair.

**11.4.2 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 Piedmont 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.

**11.5 PLANNING BOARD<sup>232</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.

**11.5.1 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. Development Agreements;
  2. Planned Developments;
  3. Preliminary Plats;
  4. UDO Text Amendments; and
  5. Zoning Map Amendments.
- C. **Other Powers and Duties<sup>233</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 recommend amendments to 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>231</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>232</sup> This section carries forward the standards in Section 151.445 in the current ordinance.

<sup>233</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."



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>234</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.

## 11.5.2 COMPOSITION

**A. Membership<sup>235</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. 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.
7. 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.
8. 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>236</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.

## 11.5.3 RULES OF PROCEDURE

**A. Rules of Conduct<sup>237</sup>**

<sup>234</sup> Current Section 151.450 is carried forward here.

<sup>235</sup> This section carries forward current Section 151.445 with only minor formatting changes to increase ease of reading.

<sup>236</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>237</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.

**ARTICLE 151.11 AUTHORITIES224F**

Section 11.5 Planning Board231F

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**

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 Planning Board.

## 11.6 BOARD OF COMMISSIONERS<sup>238</sup>

### 11.6.1 POWERS AND DUTIES

The Board of Commissioners shall have the following powers and duties:

1. **Application Review and Decision<sup>239</sup>**  
To review and decide applications for:
  - a. Development Agreement;
  - b. Planned Development;
  - c. Preliminary Plat;
  - d. Special Use Permit;
  - e. UDO Text Amendment;
  - f. Vested Right Determination; and
  - g. Zoning Map Amendment.
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 adopt updates or amendments to a comprehensive and coordinated plan for the physical development within the County (CAMA Core Land Use Plan);
  - d. 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.

### 11.6.2 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.

## 11.7 BOARD OF ADJUSTMENT<sup>240</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.

### 11.7.1 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

- A. **Application Review and Decision<sup>241</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 Building Inspector 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.

### 11.7.2 COMPOSITION

<sup>238</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>239</sup> This list reflects the Board of Commissioners column in Table 2.100, Development Review Procedures.

<sup>240</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>241</sup> This list reflects the Board of Adjustment column in Table 2.100, Development Review Procedures.

**A. Membership**

The BOA shall consist of five regular members and two alternate members.

**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 members shall be designated as an at-large appointees. The at-large appointees 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. 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.

**11.7.3 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. Four members of the BOA are required for a quorum.

**F. Voting**

1. **Variance Applications**

- 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 more than four members who are present and able to vote on a variance, the applicant may choose to either continue the matter to a meeting where five members are present, or allow the BOA to vote on the matter with the understanding that the vote must be unanimous.
- d. In cases where there are no vacant seats and no members are disqualified due to a conflict of interest, but there are fewer than four 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**

A simple majority vote of the BOA members present and constituting a quorum shall be required to consider an appeal reversing or modifying a decision.

**3. BOA Chairperson**

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.

## 11.8 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.

# 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.

---

## <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

---

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



---

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.