

# CARTHAGE UDO DRAFT

## X.X.X. SUBSECTION

### X.X.X. STANDARDS

- A. **Substandard Term.** Language
  - 1. **Sub Substandard.** Language
    - (1) **List term.** Language
      - i. **Additional list term.** Language
        - a. **Additional list term.** Language

## **CHAPTER B. ZONING (CONT.)**

## 3. NONCONFORMITIES

### 3-1 PURPOSE

- A. The purpose of this Section is to regulate and limit the continued existence of nonconforming uses of land, vacant lots, structures and improvements that were lawfully established before the effective date of this Ordinance, or a subsequent amendment thereto, but that do not conform to the standards and requirements of this Ordinance or subsequent amendment. Such uses of land, vacant lots, structures and improvements are collectively referred to as “nonconformities.” It is the general policy of the Town to allow nonconformities to continue to exist. The purpose and intent of this article is to recognize the interests of property owners in continuing to use the land, but to preclude the expansion of a nonconformity or the reconstruction or reestablishment of a substantially destroyed or discontinued nonconformity unless doing so can serve as an incentive to achievement of even greater public benefit.
1. **Determination of a Nonconformity.** The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns or rents the property upon which the nonconformity exists. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, construction plans, and records of previously approved regulations.
  2. **Ownership Changes.** No change of title or possession of property shall be construed to prevent the continuance of the nonconformity.
  3. **Increases in a Nonconformity.** A nonconformity shall not be expanded, intensified, or enlarged except as provided by this Section.

### 3-2 NONCONFORMING USES

#### 3-2.1 DEFINITIONS

A nonconforming use is a use of land, buildings, and/or structures that was lawfully established before the effective date of this Ordinance, or a subsequent amendment thereto, but does not comply with the use standards applied by this Ordinance or the subsequent amendment.

### **3.2.2. APPLICABILITY**

- A. This article applies to nonconformities created by initial adoption of, or amendments to, this Ordinance unless otherwise expressly provided by provisions in this Ordinance. Any use of land or a building is considered nonconforming if:
  - 1. The use is not permitted in the zoning district in which it is located; and,
  - 2. The use existed before the effective date of the most recent Zoning Ordinance; or
  - 3. The use met the standards of the zoning ordinance in effect at the time the use was established.
- B. A nonconforming use may not be changed to any use other than a permitted use in the zoning district where located. A use shall be deemed to have been changed when an existing nonconforming use has been terminated and a permitted use has commenced. A change of use from an existing nonconforming use to a permitted use shall require the following:
  - 1. Parking and loading areas shall be improved to the minimum standards specified in *Section XX: Parking and Loading Standards*, of this UDO.
  - 2. Landscaping and buffering shall be provided, as defined in *Section XX: Landscaping Standards* and *Section XX Bufferyard Standards*, of this UDO, to the greatest extent possible.
  - 3. Nonconforming signs shall be removed from the property and replaced with conforming signs.

### **3-2.3. CONTINUATION**

Nonconforming uses as defined in *Section A.3-2.1 Definition* may continue under the provisions of *Section A.3 Nonconforming Situations*, except as provided in *Sections A.3-2.5 Discontinuance* and *A.3-2.6 Continuation of Nonconforming Uses*.

### **3-2.4. REQUIRED ALTERATIONS OR REMODELING**

In the interest of the public safety and health, structural alterations or remodeling required by any public law, and so ordered by a public officer in authority, shall be permitted. This shall not be construed to permit any structural alterations that will increase the floor area or cubicle content of the structure.

### **3-2.5. DISCONTINUANCE**

- A. **Applicability.** Any nonconforming use which has been discontinued shall not thereafter be reestablished. Any structure or land formerly devoted to a nonconforming use, which has been discontinued, shall not again be devoted to any use other than those uses permitted in the applicable district.

B. **Definition.** The term “Discontinuance” shall mean the voluntary termination or cessation of a use. Any one of the following shall constitute conclusive evidence of discontinuance:

1. Any positive act indicating such discontinuance;
2. In the case of a building or portion thereof, discontinuance of the nonconforming use for a period of three hundred sixty-five (365) consecutive days, unless the use is vested under the provisions of *Section XX Site Specific Vesting Plan*, in which case the period shall be two (2) years;
3. In the case of land but not of a building, discontinuance of the nonconforming use for a period of thirty (30) successive days.

C. **Discontinuance of Non-Conforming Adult Oriented Businesses**

1. Notwithstanding the provisions of Sec 3-2.5 above, Adult Oriented Businesses shall be governed by the following:
  - (1) Any Adult Oriented Business that fails to comply with the use and location requirements of this Ordinance, but which was lawfully operating before the effective date of this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business which ceases active operation for a period of thirty (30) days regardless of the purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.
  - (2) Any Adult Oriented Business lawfully operating as of the effective date of this Ordinance, but which subsequently fails to comply with the use and location requirements of this Ordinance as the result of changes within the vicinity or amendment to this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business which ceases active operation for a period of thirty (30) days regardless of purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.
  - (3) Any Adult Oriented Business that is rendered a non-conforming use because of the conditions described in (1) and (2) above shall either cease to operate or meet all the requirements of this Ordinance for the use no later than sixty (60) months from the date that the Adult Oriented Business becomes a non-conforming use.

### **3-2.6. CONTINUATION OF NON-CONFORMING SITUATIONS**

Non-conforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in this Article.

## 3-3 NONCONFORMING LOTS OF RECORD

### 3-3.1. NONCONFORMING VACANT LOTS

#### Definition

- A. **Nonconforming Lot.** A nonconforming lot is a lot that was lawfully created before the effective date of this Ordinance, or a subsequent amendment thereto, but does not conform to the lot standards applied by this Ordinance or the subsequent amendment. Legally established lots (including platted lots) predating the adoption date of this ordinance that do not conform to the minimum lot standards set for in this ordinance may be used as if they are conforming. However, no new use that has a greater lot size requirement than the ordinance established minimum lot size is permissible on a nonconforming lot. Development on a nonconforming lot shall comply with the following standards:
1. If a structure is legally conforming and meets all standard requirements in this ordinance, the structure may be continued, enlarged, or reconstructed in any way that is in conformance with this ordinance.
  2. Nonconforming structures established on nonconforming lot(s) shall follow the provisions of *Section XX Nonconforming Structures and Improvements*.
- B. **Changes to Nonconforming Lot.** The boundaries, lot lines, shape, or size of a nonconforming lot may only be changed if doing so does not extend or enlarge the degree of nonconformity.

### 3-3.2. COMBINATION OF NONCONFORMING VACANT LOTS AND NONCONFORMING VACANT LOTS APPROVED PRIOR TO XX

- A. **Combination of Nonconforming Lots.** This Section shall not be construed as prohibiting the erection of a use on a lot which was in existence before the effective date of this ordinance; and even though the lot is nonconforming, provided that:
1. **Same Ownership.** Such lot does not abut upon one or more unoccupied lots in the same ownership with which it could be combined; and,
  2. **Water and Sewage Disposal.** Water supply and sewage disposal facilities for such lot are approved in accordance with *Section XX*.

- B. **Nonconforming Lots Approved Prior to XX.** Notwithstanding the provisions of *Section XX) Combination of Nonconforming Lots*, the following categories of nonconforming vacant lots may be issued a zoning permit in accordance with the uses permitted in the zoning district:
1. **Final Plat Approval.** Any lot which has received final plat approval as of XX, under the major subdivision process contained in the Subdivision Regulations;
  2. **Approval Pursuant to Section XX Approval Process for Preliminary Subdivision Approval.** Any lot which has received final plat approval pursuant to a subdivision granted preliminary approval prior to XX, according to the provisions of *Section XX Minor Subdivisions*; or,
  3. **Minor Subdivision.** Any lot legally created by deed or a minor subdivision process prior to XX, which met the standards of the Zoning Ordinance in effect at the time of its creation.

## 3-4 NONCONFORMING STRUCTURES AND IMPROVEMENTS

### 3-4.1. DEFINITION

A nonconforming structure is a structure other than a sign, exterior lighting fixture, or structure associated with a nonconforming site feature that was lawfully established before the effective date of this Ordinance, or subsequent amendment thereto, but does not comply with the floor area ratio, setback, dimensional, elevation, location, material, height, or other standards applied by this Ordinance or the subsequent amendment.

### 3-4.2. APPLICABILITY

- A. **Nonconforming Structure or Improvement.** Any structure or improvement to real property is considered nonconforming if:
- The location of any structure or improvement on the lot results in a violation of the dimensional requirements of this Ordinance; or,
  - The structure or improvement does not meet one or more of the other applicable requirements of this Ordinance; and,
  - The structures or improvements existed on XX, and continue to exist, the structures or improvements legally existed as of the effective date of this Ordinance, or the structures or improvements legally existed as of the effective date of subsequent amendments thereto.

### **3-4.3. CONTINUATION**

Nonconforming structures and improvements devoted to a use permitted in the zoning district in which it is located may continue to be used and occupied in compliance with this Section.

### **3-4.4. MINOR REPAIRS AND MAINTENANCE**

**Minor Repairs and Maintenance.** Minor repairs to, and routine maintenance on, nonconforming structures shall be allowed. Minor repairs and routine maintenance shall mean repairs and maintenance that are necessary to maintain a nonconforming structure in a safe condition and to protect against hazards to the safety of surrounding areas and uses. Major repairs, defined as repairs exceeding fifty (50) percent or more of the value of the nonconforming structure, are subject to *Section A.3-4.5 Major Repair, Damage or Destruction*.

### **3-4.5. MAJOR REPAIR, DAMAGE OR DESTRUCTION**

A. **Reconstruction.** Reconstruction of a nonconforming structure that is in need of more than a minor repair as defined in *Section A.3-4.4 Minor Repairs and Maintenance*, or is destroyed, is subject to the following standards:

1. **Damage of 50% or More of Value.** Except for single family dwellings, if the nonconforming structure is damaged or destroyed to an extent which constitutes fifty (50) percent or more of its assessed value, the structure may be repaired or rebuilt, and the use re-established, only in conformity with the regulations of this UDO. Any related new construction, including off-street parking, landscaping, signage and other similar features shall be in accordance with this UDO.
2. **Damage of Less Than 50% of Value.** If the nonconforming structure is damaged to an extent which constitutes less than fifty (50) percent of the assessed value, the structure may be repaired or rebuilt to its previous form, and the previous use re-established, if a building permit is obtained. The building permit must be obtained, and repairs must begin within one (1) year of the damage. Repairs should be active and diligently pursued to completion, with a maximum two (2) years to complete.
3. **Single Family Dwellings.** A nonconforming single-family dwelling which is damaged or destroyed to an extent of fifty (50) percent of assessed value or more may be rebuilt to its previously permitted form.

### **3-4.6. REQUIRED IMPROVEMENTS FOR CERTAIN NONCONFORMING STRUCTURES AND IMPROVEMENTS**

If the structures and improvements devoted to the following uses are or become nonconforming with respect to one or more development standards by virtue of



adoption of this ordinance or subsequent amendment, the nonconforming structure and improvements shall meet the development standards and time periods for compliance contained in the sections of this ordinance specified below:

- A. *Section XX Landfill, Land Clearing And Inert Debris.*
- B. *Section XX Manufactured Housing Developments.*
- C. *Section XX Motor Vehicle Dismantling and Wrecking Yard.*
- D. *Section XX Motor Vehicle Storage Yards.*
- E. *Section XX Storage and Salvage Yards.*

## **3-5 NONCONFORMING DEVELOPMENT FEATURES**

### **3-5.1. DEFINITION**

A nonconforming development feature is any aspect of a development, other than a nonconforming lot or a nonconforming use, that was lawfully established, in accordance with regulations in effect at the time of its establishment but that no longer complies with one or more standards of this ordinance. Common examples of nonconforming development features are buildings that do not comply with current setback or height standards, off-street parking or loading areas that contain fewer spaces than required by current standards, signs that do not comply with location or size standards, or sites that do not comply with current landscaping or buffer yard standards.

### **3-5.2. CONTINUATION**

- A. Nonconforming site features may be continued subject to the following limitations:
  - 1. For development existing (or for which a vested right had been established) before the effective date of this Ordinance, nonconforming site features created by a change in regulations may continue to exist, and structures comprising such nonconforming site features may be reconstructed if demolished or destroyed.
  - 2. For all other nonconforming site features, no action shall be taken that increases the degree or extent of the nonconforming site feature, and no nonconforming site feature shall be extended, expanded, enlarged, or otherwise altered, unless the site feature thereafter conforms to all current requirements of this Ordinance.
  - 3. If a structure or other element of development composing a nonconforming development feature is damaged to the extent of 50 percent or more of its assessed taxable value or current appraised value, it may not be restored,

reconstructed, or replaced unless the nonconforming development feature is eliminated or made conforming.

### **3-6 SPECIAL USES ARE CONFORMING**

Notwithstanding any exceptions noted herein, any use for which an approved Special Use Permit was issued before the effective date of the current Zoning Ordinance is considered conforming.

## **CHAPTER C. DEVELOPMENT STANDARDS**

# 1. SIGNS

## 1-1 GENERAL PROVISIONS

- A. **General Provisions.** These regulations are designed to:
1. Establish a permit system that allows a variety of types of signs in the Town's zoning districts;
  2. Provide for temporary signs in limited circumstances;
  3. Prohibit all signs not expressly permitted in these regulations;
  4. Require a sign plan to be submitted along with each site plan as part of the initial steps in the planning process as provided in subsection 3-1.3(A) below;
  5. Require all on-premise non-conforming signs on a zoned lot to come into compliance with this Section when abandoned or where the costs of repairs or replacement of any such signs are beyond 50% of their replacement costs, regardless of any other provisions established elsewhere for amortization. No sign shall be altered, replaced, converted, changed, or modified except in accordance with the requirements of this Code unless exempted in accordance with this Section. Specific standards for overlays may also be required. See Section *B.1-5 Overlay Districts*;
  6. Require a street address on the entrances of a building, or upon a freestanding sign(s) other type of sign(s), that is clearly conspicuous from each abutting street frontage.

## 1-2 GENERAL SIGN STANDARDS

- A. **Signage Plan.** Signage plans, as may be required, intend to allow an orderly process to provide for signs which are integrated and contextually designed to enhance the buildings and site which they occupy. Signage plans are required for all multi-tenant complexes, in any district, including multi-family and manufactured/mobile home parks. The signage plan shall specify:
1. Number of signs;
  2. General location of signs for freestanding signs and building signs;
  3. Types of signs;
  4. Material components of proposed sign structures and sign surfaces;
  5. Height and size of signs using the standards defined in this section;

6. Style and color of proposed signs including illustrations of style and color pallet for all signs;
  7. Accessory/ornamental structures or fences/walls in which a sign may be placed (if applicable); and
  8. Typical landscaping for freestanding signs
- B. **Location.** Types if signs are authorized by this section are permitted in zoning districts as provided in **Section XXX**: Permitted Signs By Zoning Districts.
1. No sign structure shall obstruct any cross-visibility area or traffic control device.
  2. In the sight triangle, no freestanding sing may exceed 30 inches in height above the established grade of the street property line.
  3. No sign structure shall be within ten (10) feet of utility easements and/or overhead power lines.
- C. **General Sign Design Standards.**
1. **Staff Consideration: what materials is staff okay with and or not supportive of?** Signs shall be, or appear to be, constructed of stone, masonry, metal, ceramic, glass, plastic, or wood and shall utilize similar architectural styles and treatments to the primary structure. Signs within overlays shall be subject to additional standards including architectural styles, treatments/finishes, color(s), location, and size. Refer to Section **XX** Overlays for additional standards.
  2. Fluorescent colors except where part of a logo, trademark or similar, are prohibited.
  3. All signs shall be erected in compliance with building, electrical, and fire codes, and shall comply with the standards below:
    - (1) Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.
    - (2) Audio components are prohibited as part of any sign with the exception of drive-through menu signs.
    - (3) Signs shall comply with building code requirements so that the sign cannot moved by wind or other forces of nature and cause injury to persons or property.
    - (4) Signs cannot have intentional moving components, i.e. spinning restaurant signs.
  4. **External Illumination.**

**Commented [KG1]:** Discuss sign materials w staff

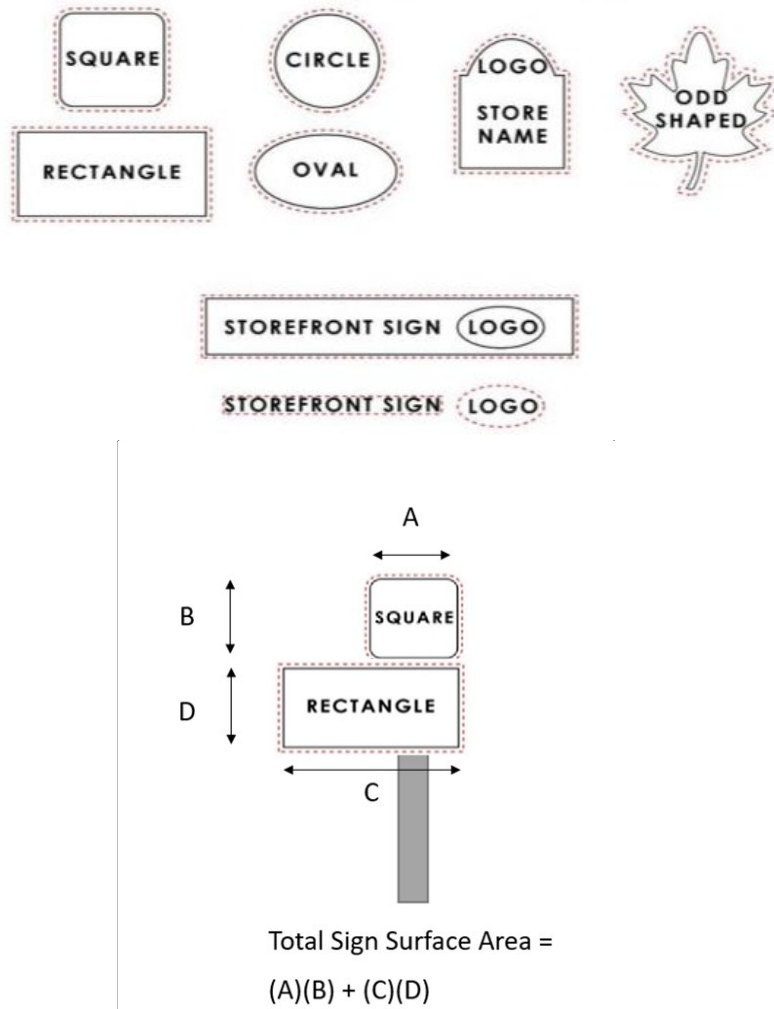
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- (1) Only stationary and shielded light sources directed solely onto the sign are permitted.
- (2) External illumination shall not shine or provide glare directly on rights-of-way or adjacent residential uses.
- (3) Flashing and intermittent lights are prohibited. Window signs, interior tube lighting and/or illumination along windows, or signs within an establishment below four (4) square feet are exempted from this requirement.
- (4) Outline, strip lighting, and neon tube lighting on the exterior of sign structures are not permitted.
- (5) Flame as a source of light is prohibited.
5. Internal Illumination.
  - (1) Only illumination with a designation of "white" or "day lite" shall be emitted.
  - (2) Poles and other support structures shall not be internally illuminated.
  - (3) The letters or message of internally illuminated signs shall consist of non-reflective material.
  - (4) Flame as a source of light is prohibited.
6. Illumination in signs shall not impair the vision of motor vehicle drivers.
7. Signs shall not exceed 0.2 footcandles at the property line.
- D. **Design Alternatives.** The Planning Commission may grant design alternatives to a sign design standard set forth in this UDO if:
  1. The request is included as part of a master signage plan for a development. A signage plan shall be submitted concurrently with a site and development plan and shall, at minimum, include the number of signs, types of signs, sizes of signs, heights of signs, setbacks for signs, location of signs, sign designs, and illumination of signs. Such Plan shall also identify the standards which are being modified and include justification.
  2. The design alternative is consistent with the stated intent of the design standard at issue;
  3. The design alternative achieves or implements the stated intent to the same degree or better than strict compliance with the standard would achieve; and
  4. The design alternative will not result in adverse impacts on properties abutting the site.

**1-2.1 CALCULATION OF SIGN AREA AND SIGN HEIGHT**

- A. **Calculating Sign Area.** The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Calculating sign area shall comply with the following standards below:
1. Where a sign consists of individual letters, words or symbols attached to a building, canopy, awning or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall. Where such sign includes multiple words, each word located in the same plane shall be computed separately.
  2. Channel letter signs, mounted logos, and similar devices are treated differently than signs in cabinets. The wall area between multiple elements does not count as sign area.
  3. The area for a sign with more than one face shall be computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed sixty (60) degrees.
  4. It is presumed that where sign faces are placed less than sixty (60) degrees apart, both faces are not readable from any one point.
  5. The entire surface area of a multitenant sign that depicts the names of the individual tenants shall count toward the total aggregate area of the sign.
  6. The height of a sign shall be computed as the distance from the ground at the base support of the sign to the top of the highest attached component of the sign.

Figure C.1.1 Sign Area Calculations



**Commented [AW3]:** Do we want these two sign examples RE: surface area?



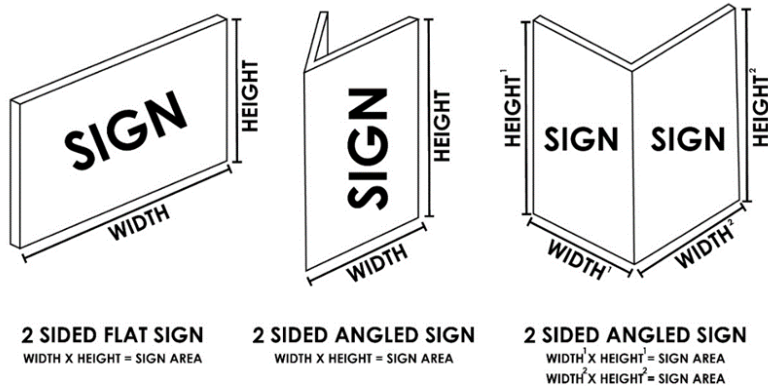
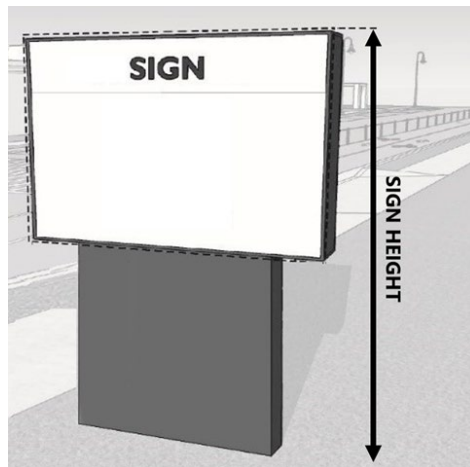


Figure C.1.2 Sign Height Illustration



## 1-3 PURPOSE

- A. **Purpose.** The purpose of sign regulations is to encourage the effective use signs as a means of communication in the Town of Carthage. Sign regulations also serve to maintain and enhance the aesthetics of the community, minimize the possible adverse effects of signs on nearby properties, and enable fair and consistent enforcement of these regulations. A sign may be erected, placed,

created or maintained in the Town of Carthage only in conformance with the standards, procedures, and requirements of these regulations

### **1-3.1 PERMANENT SIGNS ALLOWED ON PRIVATE PROPERTY**

A. **Staff Consideration: what materials is staff okay with and or not supportive of?**

**Permanent Signs Allowed on Private Property.**

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1. One freestanding business identification sign advertising the on-site business shall be permitted. (See **Exhibit XXX** and **Exhibit XXX** footnotes for conditions allowing more than 1 free standing sign);
2. Off premise business directional signs under the following conditions only:
  - (1) Maximum size allowed on an off-premise business directional sign is 16 sq. ft.;
  - (2) Maximum distance from business is 500 ft.;
  - (3) Written letter from off-premise property owners(s) authorizing the placement of the sign on his/her property;
  - (4) The Board of Appeals may grant variances for the distance limits of no more than 500 ft. for a total distance not to exceed 1,000 ft. from a business;
  - (5) 5 ft setback from all property lines;
  - (6) May not be placed in residential districts;
  - (7) Signs types allowed on private property in the Town of Carthage are set forth in **Exhibit XXX**. If the letter “P” appears for a sign type in a column, then the sign is allowed with sign permit approval in the zoning classification represented by that column. If the letter “P\*” appears for a sign type in a column, then the sign is allowed with no permit approval required in the zoning classification represented by the column. If no letter appears for a sign type in a column, such sign is not allowed under any circumstances. Development standards for these sign types are set forth in **Exhibit XXX**.

### **1-4 SIGNS ALLOWED ON PUBLIC PROPERTY OR WITHIN THE PUBIC RIGHTS-OF-WAY**

A. **Staff Consideration: what materials is staff okay with and or not supportive of?**

**Signs Allowed on Public Property or Within the Public Rights-of-Way.**

1. The Administrator may remove and dispose off any sign placed on public property or within any right-of-way of any public or private street.
2. In addition to other remedies and penalties of this section, the Town has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

## 1-5 TEMPORARY SIGNS

### A. Temporary signs.

1. Temporary signage is permitted on a lot or site in accordance with the following standards:
  - (1) Up to one temporary sign shall be permitted on a lot or development site.
  - (2) A temporary sign may have a maximum sign face area of 32 square feet, including both sides of a sign.
  - (3) In no instance shall a temporary sign be located within a right-of-way have a height exceeding six feet above the grade at the base of the sign not to exceed one year.
  - (4) Temporary signs shall not be located within required sight distance triangles, but are permitted within required landscaping areas, provided they do not impact the performance objectives of required landscaping.
  - (5) Temporary signs shall not be internally or externally illuminated.
  - (6) There shall be no maximum duration for the placement of a temporary sign, and nothing shall prohibit the replacement of one temporary sign with another temporary sign.

## 1-6 PROHIBITED SIGNS

- A. The following signs are prohibited throughout the Town of Carthage and Moore County's planning jurisdiction:
  1. **Signs on Roadside Appurtenances.** Signs attached to or painted on utility poles, trees, bridges, refuse containers, or other objects not intended to support a sign.
  2. **Use of Warning Words or Symbolology.** Signs which contain or are an imitation of signs used in a public safety warning or an imitation traffic sign regulated by the Manual of Uniform Traffic Control Devices (MUTCD).

3. **Signs Resembling Official Signs.** Any sign that imitates an official governmental sign or violates the law of the State relating to outdoor advertising, is prohibited.
4. **Flashing Signs.** Signs which contain, include, or are lighting by any flashing or intermittent lights are prohibited. Electronic changeable message signs are permitted if operated in accordance with the standards in the UDO.
5. **Traffic Hazards.** Signs shall not include reflective material, flames, or lighting directed towards a roadway or that interferes with visions of drivers.
6. **Roof signs.** No signs shall extend above a building or structure's roofline.
7. **Banners and Similar Signage.** Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices.
8. **Any sign located on real property without the permission of the property owner.**
  - (1) Off-premise signs that advertises goods provided on a different lot, tract, or site from where the sign is located. This provision shall not apply to neighborhood/subdivision signs. Billboards and outdoor advertising are not permitted but may continue as a nonconforming use. Billboards and outdoor advertising are required to be consistent with NCGS xxxxx or as regulated below in sub-section XXX

**B. Exempt Signs.**

1. **Local, State, and National Flags.** Local, state, and national flags shall have no limitations.
2. **Job Site Signs.** Signs placed in districts that help contractors identify job sites are permitted provided they shall be removed when that trade is no longer active at the site.

## **1-7 SPECIFIC SIGN STANDARDS**

**A. New Billboards.**

1. Billboards shall be set back 200 feet from any property used or zoned residential.
2. Billboards shall not be located within 1,000 feet along the same street frontage of another billboard as measured from the poles

**B. Replacement of Billboards.**

1. Billboards may be replaced in accordance with NCGS 136-131.2.

2. Confirmation of replacement permit approval by the NC Department of Transportation (NCDOT) is required before a zoning permit is issued.

C. **Off-Premises Signs** **Ground Signs.**

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1. **Zoning Districts.** Ground signs (off-premises) are permitted only in the districts as shown in *Table X Loading Space Requirements for Uses Handling Goods in Quantity* and only along designated roads which are not identified as view corridors listed in *Section X View Corridors*.
2. **Designated Roads.**
  - (1) **Permitted Areas.** Ground signs (off-premises) are permitted only along roads in the Interstate System or the National Highway System.
  - (2) **Location and Setbacks.**
    - i. **Distance from the centerline.** Ground signs (off-premises) shall be located within six hundred sixty (660) feet of the centerline of the roadway to which they are oriented.
    - ii. **Spacing.** Ground signs (off-premises) shall be located no closer than one thousand (1,000) feet from other off-premises signs on the same side of the road.
    - iii. **Setback.** Ground signs (off-premises) shall be set back from each property line a minimum of fifteen (15) feet.
    - iv. **Distance from Residential Zones.** Ground signs (off-premises) shall be located no closer than the following distances from residentially zoned property:
      - a. Off-premises signs must be located a minimum of 400 feet from any residentially zoned property.
      - b. The distance shall be measured from the nearest point of the sign to the nearest point of the property line that is residentially zoned.
      - c. The right-of-way shall be included as part of the 400 foot requirement.
  - (3) **Size.**
    - i. **Maximum Sign Area.** The maximum sign area of an off-premises ground sign shall be limited, depending on location, as follows:
      - a. On freeways/expressways in the Interstate System, the maximum sign size shall be six hundred seventy-two (672) square feet plus one hundred (100) square feet for extensions.
      - b. On other roads in the National Highway System the maximum sign size shall be three hundred (300) square feet.

- ii. **Height.** Off-premises ground signs shall be limited to a maximum height of thirty-five (35) feet above the roadway to which it is oriented or grade of the site on which the sign is located, whichever is higher.

- (4) **Number of Faces.** Off-premises ground signs shall be permitted to have a maximum of two (2) faces, provided, however, that stacked and/or rooftop locations of off-premises signs shall not be permitted.

**D. On-Premises Signs.**

**1. Ground Signs, Projecting Signs**

- (1) **Zoning Districts.** Ground signs (on-premises) and projecting signs are permitted only in the districts as shown in *Table B.3.6 Loading Space Requirements for Uses Handling Goods in Quantity* or as specified in *Section B.3-1.7(A)(9) On-Premises Ground and Projecting Signs in the XXX Districts.*

- i. **Location and Setbacks.**

- a. All parts of ground signs (on-premises) must be completely out of any public or private right-of-way and any dedicated access easements.
- b. On premises projecting signs that come within six (6) feet of the edge of a right-of-way should be ten feet above the grade and should not extend into the right-of-way.
- c. Ground signs (on-premises) shall be set back a minimum of fifteen (15) feet from any structure used exclusively as a residence.

- (2) **Sign Measurement**

- i. **Maximum Sign Area.** The maximum sign area of ground (on-premises) signs in any zoning district shall be limited in area to a maximum of eighteen (18) square feet. Projecting signs in any zoning district shall not exceed an area of six (6) square feet.
- ii. **Height.** The maximum height of a ground (on-premises) sign shall be five (5) feet, measured from the road to which the sign is oriented or grade of the site, whichever is higher. Where a sign interferes with pedestrian clearance or sight distance, the lowest part of the sign shall be a minimum of nine (9) feet from the grade of the site on which the sign is located. Sign height shall be measured from the highest portion of the copy area.

- (3) **Number of Faces.** Ground signs (on-premises) which contain two (2) faces may contain up to the maximum sign area as computed under size

requirements in this Section, for each face. Signs with three (3) faces shall contain a minimum of fifteen percent (15%) less sign area for each face than the standard maximum. A sign with four (4) faces shall contain a minimum of thirty percent (30%) less sign area for each face than the standard maximum.

(4) **Number.**

- i. **Maximum.** Every zoning lot frontage shall be allowed one on-premises ground or projecting sign per property. If the frontage abuts more than one street, one on-premises ground or projecting sign shall be permitted per street

(5) **Exceptions.**

- i. **Corner Lots and Lots with Two Hundred Fifty (250) Feet of Frontage.** Corner lots and lots with two hundred fifty (250) or more feet of frontage are permitted a fifty percent (50%) addition in maximum ground and projecting sign size for using one sign where two (2) would be allowed.
- ii. **Lots of Three (3) Acres or More.** On zoning lots containing three (3) acres or more, the maximum size of ground and projecting signs shall be that permitted in the zoning district where the sign is permitted, regardless of the amount of road frontage of the lot.
- iii. **Shopping Centers.**
  - a. **Number and Size.** Any shopping center or multiple proprietorships in one building or connected buildings occupied by four (4) or more tenants shall be permitted a fifty percent (50%) increase in ground sign (on-premises) area. If the lot frontage is greater than one hundred fifty (150) feet, two (2) ground signs may be used with seventy-five (75) feet separation between signs and the fifty percent (50%) addition applies to both signs.
  - b. **Freestanding Building Signs.** A freestanding building located within designated shopping center parking lots and containing eight hundred (800) square feet or more shall be permitted one additional ground sign (on-premises) not to exceed thirty-six (36) square feet.
- iv. **Movie Theaters and Performance Halls.** A changeable copy marquee may apply to either a ground or projecting sign with a fifty percent (50%) addition to the maximum size permitted in the district.

Commented [KK6]: How do we define SC?

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(6) **Illumination in RM Districts.** In any RM District, internally illuminated signs are not permitted, except such internally illuminated signs in RM District which existed as of the effective date of this Ordinance.

(7) **On-Premises Ground and Projecting Signs in the XXX Districts.**

- i. **Permitted Districts and Uses.** On-premises ground and projecting signs are allowed with the following uses in the XXX District:
  - a. Agriculture production
  - b. Cemetery, licensed or unlicensed
  - c. Child day care center accessory to a church or school
  - d. Church or Religious Institution, Neighborhood and Community
  - e. Fish hatchery
  - f. Golf course
  - g. Manufactured housing development
  - h. Park and shuttle lot
  - i. Planned residential development and subdivision
  - j. Riding stable
  - k. Shooting range, outdoor
- ii. **Number and Size.** Only one sign per use with a maximum of eighteen (18) square feet per zoning lot per street or right-of-way frontage. If a zoning lot is permitted more than one sign, there shall be at least fifty (50) feet of spacing between each sign.
- iii. **Height.** Fifteen (15) feet maximum, measured from the road or grade of the site to which the sign is oriented, whichever is higher.
- iv. **Illumination.** Internally illuminated signs are not permitted for these uses, except such internally illuminated signs which existed as of the time of the adoption of this Ordinance.

E. **Wall Signs.**

1. **Zoning Districts.** Wall signs are permitted only in the districts as shown in *Table B.3.6 Loading Space Requirements for Uses Handling Goods in Quantity* or as specified in *Section B.3-1.7(B)(5) Wall Signs in the XXX Districts*.
2. **Size.**
  - (1) **Maximum Size.** On-premises wall signs shall be limited to ten percent (10%) of the wall size. In calculating the size of a wall sign, the square footage of the principal building and accessory building(s) may be combined and the wall sign may be located on the wall of the accessory



building; providing, however, the maximum size of such wall sign on the wall of an accessory building shall be no greater than thirty-six (36) square feet in area and not higher than ten (10) feet in height.

i. **Height.**

- a. **Flat Roof Building.** No roof signs are permitted. No wall sign shall project more than fifty percent (50%) of its height above the wall on which it is placed, but in no case shall extend more than two (2) feet above the wall.
- b. **Peaked Roof Building.** Signs shall not extend above the peak of the roof.

ii. **Number.**

- a. **Maximum Number.** Only one wall sign per tenant and per wall shall be permitted.

iii. **Wall Signs in the XXX Districts.** Wall signs are allowed with the following uses in the XXX District:

- a. Agriculture production
- b. Cemetery, licensed or unlicensed
- c. Child day care center accessory to a church or school
- d. Church or Religious Institution, Neighborhood and Community
- e. Golf course or golf driving range
- f. Manufactured housing development
- g. Park and shuttle lot
- h. Planned residential development
- i. Riding stable
- j. Shooting range, outdoor
- k. Utilities

**F. Electronic Changeable Message Signs. Digital and Electronic Changing message signs are permitted on Off-Premise Outdoor Advertising Structures subject to the following provisions.**

1. Electronic changeable message signs may be permitted in commercial zoning districts as well as on a lot with a school, government facility, or religious institution located within a residential zoning district.
2. Static hold times between message changes shall be a minimum of 30 seconds each.
3. The message change sequence must be accomplished within an interval of two seconds or less.

4. Electronic changeable message signs shall be setback a minimum of 25 feet from any property used or zoned for residential purposes.
5. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement or flow of the message, image or display within the sign.
6. The intensity and contrast of light levels shall remain constant throughout the sign face.
7. Each digital sign or electronically changeable message sign shall be equipped with automatic day/night dimming software, to reduce the illumination intensity of the sign from one hour after sunset to one hour prior to sunrise.
8. The conversion of a preexisting nonconforming off-site outdoor advertising structure sign to a digital sign or electronically changeable message sign, including structural improvements related thereto, is permitted and shall not be considered as a removal, replacement, change, expansion, or restoration of a nonconformity. Any necessary modifications to a preexisting nonconforming off-site to a digital sign or electronically changing message sign, including structural alterations, shall be allowed, as long as all dimensions of the sign display shall stay the same as the current dimension of the sign display.
9. Any digital display installation on existing sign structures as of the date of the adoption of this sign ordinance amendment shall be a minimum of 700 ft. from any other digital display facing the same direction.
  - (1) The following are the criteria for lighting standards for digital display signs or electronically changing message signs:
    - i. Lighting Levels will not increase by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance.
    - ii. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each sign size. Measurement distance criteria follow:
      - a. Displays of 300 sq. ft. or less – 150 ft.
      - b. Displays of 378 sq. ft. or less – 200 ft.
      - c. Displays of 672 sq. ft. or less – 250 ft.

- iii. Each digital display or electronically changing message sign shall include a light-sensing device that will adjust the brightness as ambient light conditions change.
- iv. No scrolling text messages.

## 1-8 PERMITTED SIGNS GENERAL APPLICABILITY

### A. Permitted Signs General Applicability.

1. **Design.** Permitted signs are defined in this section with standards provided. All signs shall be constructed in a professional manner and shall be architecturally consistent with the buildings they identify. Signs shall be or appear to be constructed of stone, masonry, metal, ceramic, glass, plastic, or wood. Fluorescent, metal flake or iridescent colors or prohibited. Ground signs shall include base, cap and column in their design.
2. **Landscaping.** Ground signs shall be placed in a landscaped setting appropriate to the size and scale of the sign, and character of the site. Landscaping shall comply with Section XXX: Landscaping.
3. **Illumination.** Outline or strip lighting, neon tube, animated, flashing or changeable illumination shall not be permitted. Illumination in signs may not impair the vision of motor vehicle drivers. All permanent signs may be non-illuminated or illuminated by internal or external illumination.
  - (1) **External Illumination.** Only stationary and shielded light sources directly solely onto the sign are permitted.
  - (2) **Internal Illumination.** Only illumination with a designation of “white” or “daylight” shall be emitted.
  - (3) **Changeable Copy.** Up to 50% of the maximum area for monument or wall signs may be used for changeable copy. No video, animated, scrolling or moving changeable electronic variable message shall be permitted. The standards in this subsection shall not apply to the changeable portion of a changeable copy sign.
  - (4) **Drive-Through Menu Signs.** For each establishment with a lawful, permitted use that utilizes a drive-through lane, a maximum two (2) drive-through menu signs shall be allowed for each drive-through lane.
    - i. Each allowed drive-through sign may be either a freestanding monument sign or an attached sign and shall not exceed forty (40) square feet in sign area and ten (10) feet in height.

- ii. Drive-through signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.
  - iii. Drive-through signs shall require a permit.
- 4. **Sign Construction Standards.** All signs must be erected in compliance with building, electrical, and fire codes, and with the following requirements as applicable:
  - (1) Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.
  - (2) All signs must be designed and constructed to North Carolina Building Code standards.
  - (3) Audio components are prohibited as part of any sign except for drive-through menu signs.
- 5. **Maintenance.** All signs must be maintained to be safe in their approved, permitted state.
- B. **Abandoned and Unsafe Signs.**
  - 1. Abandoned and Unsafe Signs. Any sign that no longer advertises a bona fide business conducted, or a product sold, and/or is deteriorated/broken/damaged as to cause harm to the general public, shall be taken down within thirty (30) days after written notification from the Zoning Administrator or their designee per **Section XXX** Enforcement

## 1-9 PERMITTED SIGN AREA AND NUMBER OF SIGNS

- A. **Building Signs.** Building signs include wall, window, canopy/awning, and projecting/blade signs. For the purposes of this section, the maximum area of all building signs shall not exceed the standards below. Additional specific standards are required for each sign type per **Section XXX**: Sign Type Specific Standards.
- B. **Freestanding Signs.** Freestanding signs include monument and subdivision signs as defined in this section. Freestanding signs shall comply with the size standards below. Additional specific standards are required for each sign type per **Section XXX**: Sign Type Specific Standards.
  - 1. **Residential Districts.**

- (1) Freestanding signs shall be limited to eight (8) square feet on residential single-family lots and a maximum thirty-two (32) square feet on all other lots.
- (2) Freestanding signs shall be limited to a maximum of four (4) feet in height.
- (3) Community/subdivision signs are excluded from this standard and shall comply with the standards in Section XXX: Sign Type Specific Standards.

**2. Non-Residential Districts**

- (1) Freestanding signs shall comply with the specific standards in Section XXX: Sign Type Specific Standards.

C. **Total Number of Signs.** A tenant/business is permitted a maximum number of signs as identified below. A tenant/business shall be defined as an owner or lease holder of the individual building/unit within a building.

1. **Building Signs.** A total of three (3) building signs may be permitted per tenant/business. Such signs shall be permitted only on a building frontage along a public or private roadway, or along a parking lot serving the building.



- (1) **Building Size.** The total maximum area of building signs shall be based only on the linear feet of the building frontage.
- (2) **Local Road.** Building signs may be placed on the portion of the tenant/building space fronting a local road only when that building frontage includes a public entrance.

2. **Freestanding Signs.** A maximum of three (3) freestanding signs are permitted per development, subject to the specific standards for number of street frontages and the type of freestanding sign per Section XXX: Sign Type Specific Standards.

## 1-10 PERMITTED SIGNS BY ZONING DISTRICT

- A. **Permitted Signs.** Signs subject to the standards of this section are permitted in zoning districts per Table C.1.1 Permitted Sign Types By Zoning District

Table C.1.1 Permitted Sign Types By Zoning District

Commented [KG8]: Staff- please advise table

PERMITTED SIGNS		Residential - RA-40	Residential - R-20	Residential - R-10	Residential - RM-10	Mobile Home- RMH		Central Business District - CBD	Central Business District Fringe - B-2	Thoroughfare Business District - TBD	Highway Commercial District - HCD		Industrial - I	Airport- AP	Agricultural- AG
<b>BUILDING SIGNS</b>	RESIDENTIAL DISTRICTS						COMMERCIAL DISTRICTS					OTHER DISTRICTS			
A. Wall		P	P	P	X	X		X	X	X	X				
B. Canopy/Awning		X	X	X	X	X		X	X	P	X				
C. Projecting		X	X	X	X	X		X	P	X	X				
<b>FREESTANDING</b>	RESIDENTIAL DISTRICTS						COMMERCIAL DISTRICTS					OTHER DISTRICTS			
D. Monument		X	X	X	X	X		X	P	X	X			P	
E. Subdivision		P	P	P	P	P		P	P	P	P				
F. Pole/Pylon		X	X	X	X	X		X	P	X	P				
<b>OTHER SIGNS</b>	RESIDENTIAL DISTRICTS						COMMERCIAL DISTRICTS					OTHER DISTRICTS			
G. Sidewalk		P	P	P	P	P		P	P	P	P		P	P	P
H. Window		P	P	P	P	P		P	P	P	P		P	P	P

## 1-11 PERMITTED SIGNS ILLUSTRATIVE EXAMPLES

A. Wall Sign.



B. Canopy/Awning Sign



C. Projecting Sign.



D. Monument Sign.



E. Subdivision Sign.





F. Pole/Pylon Sign.



G. Sidewalk Sign.



H. Window Sign.



## 2. PLACEMAKING

### 2-1 PUBLIC ART REQUIRED

- A. **Intent and Purpose.** It is the intent and purpose of this division to further the commitment of the town to the aesthetic enrichment of the community through the private and public acquisition of works of art so that citizens and visitors to the town will be afforded an opportunity to enjoy and appreciate works of art. The requirements of this division shall be construed to promote the aesthetic values of the entire community, to encourage the preservation and protection of public art in all non-residential zoning districts.
- B. **Applicability.**
1. The requirements of this Section 3-2.1 shall apply to any development subject to site development review, minor design review, or design review that meets one or both of the following criteria:
    - (1) Except as identified below, all residential development projects that propose to develop four (4) or more dwelling units. **This seems low (4 units)... and is this on a total project or by phase or ? SF and MF or no differentiation.**
    - (2) All commercial, office, or industrial development projects with a project valuation or valuations exceeding \$1,000,000.00 in aggregate, based on most recent International Code Council Building valuation data. **Change in use?**
  2. Notwithstanding anything else in this section, the requirements of this Section 3-2.1 shall not apply to:
    - (1) Residential projects with a density equal to or less than four (4) dwelling units per acre.
    - (2) Residential projects that contain income restricted affordable housing units where the value of the restricted unit(s) equals or exceeds the minimum value of the art work that would otherwise be required.
    - (3) Remodeling and/or an addition to existing residential buildings or accessory structures.
    - (4) Remodeling of existing commercial, office, or industrial buildings that do not include any exterior modifications to the building. **Repainting? Adding awnings or other non habitable/structural?**

- (5) Remodeling and/or an addition to existing commercial, office, or industrial buildings for which art work was previously installed, donated, or for which an in lieu fee was paid pursuant to the requirements of this Section, regardless of whether such remodeling and/or addition includes interior modifications, exterior modifications, or both.
- (6) Public school facilities.
- (7) Places of worship.
- (8) Reconstruction of buildings that have been damaged by fire, flood, wind, or other natural disaster, where the reconstructed buildings are substantially similar to the original buildings.
- (9) Wireless communication facilities.

(10) Major utilities (?), federal (i.e., Post Office) or County (County Admin?)

C. **Public Art Contribution.** All development projects subject to this Section 3-2.1 shall provide public art as outlined below:

1. Provide public art on the development site provided that:

- (1) The minimum value of such public art shall meet or exceeds an amount equal to the sum of \$750.00 per residential unit developed and \$1.00 per square foot of commercial, office, or industrial development. Question for Staff: 1. Are you (town) doing this? Is this the right/correct rates?
- (2) Such public art is approved by the mural committee hereinafter established prior to the placement on the site. The mural committee shall be authorized to approve proposed public art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art be in existence and subject to examination at the time of its approval by the mural committee. How is this established? Review criteria? Who verifies \$\$
- (3) Provided however, that building permits for individual condominium units shall not be required to conform to the requirements of this section.
- (4) Provided however, that the town shall not be required to conform to the requirements of this section so long as the town provides public art upon the construction of its public buildings in conformity with the public art program and so long as the public art proposed by the town is approved by the BOC after receiving and considering comments and recommendations of the mural committee.

- (5) All works of art located on private parcels shall be installed outside of any and all buildings and shall be completely visible from the adjacent public right-of-way.
2. Contribute an amount that meets or exceeds an amount equal to the sum of \$750.00 per residential unit developed and \$1.00 per square foot of commercial, office, or industrial development.
3. Donate to the town art work that meets or exceeds the minimum value of the art work; subject to the provisions of Section 3-2.1.2; Donated Art Work.
4. All works of art provided in accordance with subsection (1) above shall be and remain the sole property of the private land owner. The private property owner shall have the sole responsibility for maintenance and insurance of such works of art. All works of art provided in accordance with subsection (3) above shall be and remain the sole property of the town.
5. Any property owner or developer who exercises the option to provide required public art in accordance with section VII-701(3) may request a contribution from the public art fund to be combined with the property owner or developer's private funds to provide public art, provided that:
  - (1) The property owner or developer contributes the maximum amount required by section VII-701(3)(A) so that the private contribution is at least equal to the minimum value of public art required by this section.
  - (2) The contribution from the public art fund is approved by the Town Commission after receiving the recommendation of the mural committee.
  - (3) The public art to be provided satisfies the requirements of section VII-701(3)(B) and is located on either on town-owned property or on property in which the town has an easement allowing public access to the art which has been approved and accepted by the town commission.
  - (4) The town commission and the developer execute a written agreement setting forth the rights and obligations of the town and the developer as to the ownership maintenance and location of the public art and the provision of insurance for the public art.

#### **2-1.1 DONATED ART WORK**

- A. Art work donated to the town pursuant to this chapter must meet the design standards in Section 3-2.1.3 of this section and shall be subject to the final approval and acceptance by the town council, upon recommendation of the

mural committee. Upon final acceptance by the town council, the donated art work shall be the sole property of the town.

- B. If a developer elects to donate art work to the town in lieu of providing art work as required by section 3-2.1.1(C), the donation shall be secured by a cash deposit in an amount that meets or exceeds the required minimum value of the art work or a performance bond for the same amount and in a form approved by the town attorney. The security, regardless of the form, shall become payable to the town and deposited into the town's public art trust fund in the event the developer fails to donate art work acceptable to the town as required by this chapter.

## **2-2 PUBLIC ART DESIGN STANDARDS**

- A. For purposes of this chapter, "art work" means original or limited edition artistic creations, and may include, but is not limited to, sculptures, storytelling, paintings, monuments, water features, glasswork, lighting, ceramics and in exceptional circumstances, landscaping elements.
- B. Media may include, but are not limited to, steel, bronze, wood, stone, tile, concrete, lighting, any other durable materials able to withstand outdoor conditions, or any combination of these, including in exceptional circumstances, plant materials. For these purposes, "durable" means lasting, enduring and highly resistant to deterioration due to weather or the passage of time.
- C. Art work must be of a scale and setting as to complement the subject property and adjacent physical building and improvements.
- D. Art work must be installed in a public place, which means any exterior area on public or private property that is easily accessible to the general public or clearly visible to the general public from adjacent public property, such as a street or other public thoroughfare or sidewalk.
- E. Art work must include the name of the art work, the artist(s), and the date of installation. This information shall be on the artwork or on an accompanied plaque installed in close proximity to the art work.
- F. Art work may be combined with functional elements of the development project (such as bike racks, shade structures, bus shelters, trash receptacles) only if, when the elements are viewed as a whole, the expressive design elements predominate over utilitarian concerns.
- G. The following shall not count towards meeting the public art requirement of this chapter:

1. Mass-produced or "off the shelf" decorative or ornamental items.
  2. Historical or memorial markers or statuary.
- H. Art work must meet the minimum required valuation for the project.
1. The project developer may claim the following expenses in satisfaction of the minimum value of the required art work:
    - (1) Artist's fees;
    - (2) Art materials;
    - (3) Fabrication or manufacturing of the art work;
    - (4) Transportation of the art work;
    - (5) Base, mounting, or pedestal for the art work;
    - (6) Building permits for installation of the art work;
    - (7) Identification plaque for the art work;
    - (8) Lighting instruments specifically lighting the art work;
    - (9) Installation of the art work;
    - (10) Structural engineering for the art work;
    - (11) Motors or subterranean equipment directly necessary for the installation of the art work;
    - (12) Water related costs for the art that includes artist designed water features not to exceed 30 percent of the total value of the art work;
    - (13) Art consultant fees (if applicable) not to exceed a maximum of 15 percent of the value of the art work; and
    - (14) Any fees paid to public art experts (such as art conservators, qualified appraisers, etc.) that are required by the town.
  2. The following expenses shall not be counted toward the minimum value of the required art work:
    - (1) Expenses related to locating the artist, including, but not limited to, airfare, hotel, taxi fares and other travel related expenses;
    - (2) Architect, landscape architect, or other design professional fees;
    - (3) Site preparation for public art installation, including, but not limited to, grading, demolition or removal of items or structures and installation of utilities to the site;
    - (4) Landscaping surrounding the art;
    - (5) Items around the public art that is not conceptualized, designed, and fabricated by the selected artist;
    - (6) Utility fees associated with activating electronic or water generated art;
    - (7) Lighting elements not integral to the illumination of the art;

- (8) Public relations, photographs, educational materials, business letterhead or logos bearing the sculpture's image; or
- (9) Dedication ceremonies, including art unveilings or grand openings.
- I. Architecture and/or landscape architecture may be considered art work on a case-by-case basis based on factors that may include, but shall not be limited to:
  - 1. Whether the architect/landscape architect is recognized by the professional or artistic community as demonstrated by a substantial record of artistic recognition in shows, museums, professional or industry awards or publications.
  - 2. Whether, when the building or landscape architecture is viewed as a whole, the expressive architectural design elements predominate over utilitarian concerns.
  - 3. Whether the architecture/landscape architecture was designed in collaboration with an artist who has:
    - (1) Experience with monumental scale sculpture;
    - (2) Major design control of the portions of the architecture to be considered as art; and
    - (3) Been involved in development of the project from early on in the design process.
- J. Commercial signage and/or artistic lighting may be considered art work on a case-by-case basis based on factors that may include, but shall not be limited to:
  - 1. Whether the sign or lighting is an original work, based on a unique and original design.
  - 2. Whether the designer is recognized by the artistic community as demonstrated by a substantial record of artistic recognition in shows, museums, or publications.
  - 3. Whether, when the sign or lighting is viewed as a whole, the expressive design elements predominate over the commercial message or utilitarian concerns.
  - 4. Whether the sign or lighting was designed in collaboration with a designer who has:
    - (1) Experience designing signs that are unique and original;
    - (2) Substantial control over those portions of the sign to be considered as art; and
    - (3) Been involved in design of the sign from early on in the design process.



### **2-2.1 REMOVAL OR REPLACEMENT OF PUBLIC ART PROHIBITED**

- A. After a work of art has been approved by the mural committee or Town Council in accordance with Section 3-2.1.1, such work of art shall be retained on site in its approved location and shall not be removed without prior approval of the mural committee and Town Council of a reasonably equivalent replacement work of art.
- Minimum time period expected? What about if damaged?

### **2-2.2 ADDITIONAL WORK OF PUBLIC ART PERMITTED**

- A. After public art which meets the requirements of this division has been installed on a development site, nothing herein shall be construed to prohibit the installation and placement of additional works of art on site.
- B. See Section XXX: Fees for fee schedule.

**Commented [JH9]:** I think we need an in lieu fee, perhaps a percentage or set bottom line dollar amount

**Commented [KG10R9]:** Add in lieu fee into fee schedule.

## **2-3 PUBLIC ART FUND**

- A. There is hereby created a public art fund which shall consist of all contributions received pursuant to Section 3-2.1.1(C)(2), cash grants to the town for public art projects from governmental or private sources, and all other funds donated to the town for the provision of public art by private parties. The public art fund shall be used solely for the selection, acquisition, transportation, installation, maintenance and promotion of works of art to be displayed in the town. All expenditures from the fund shall be approved by the Town Council after the recommendation of the mural committee. Any works of art purchased with such funds shall be and remain the sole property of the town. The public art fund shall be kept in an interest bearing account, separate from general revenues and all accrued interest shall be deposited in the public art fund. The cost of insurance for public art located on public property shall be paid from the town's general fund.

## **2-4 SUBMITTALS**

- A. The project developer shall submit, on a form or forms provided by the town, an application for installation of art work on private property or donation of art work to the town that contains the following information as applicable to the project in addition to any other information as may be required by the town to adequately evaluate the proposed the art work:
1. The architect, landscape architect, designer or artists' name(s), qualifications and examples of past work.

2. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed art work and an artist warranty as to the originality of title to the art work.
  3. An appraisal or other evidence of the value of the proposed art work, including acquisition and installation costs, that demonstrates satisfaction of the minimum required value of the art work.
  4. Preliminary plans containing such detailed information as may be required by the town to adequately evaluate the location of the art work and its compatibility with the proposed development project and/or with the character of adjacent developed parcels and the existing neighborhood.
  5. A written statement executed by the property owner and approved by the town attorney that requires the landowner or his or her successors and assigns to defend, indemnify, and hold the town harmless against any liability, loss, damage, costs or expenses (including reasonable attorneys' fees and court costs) arising from any claim, action or liability related to the art work.
  6. If the project developer proposes to satisfy the public art requirement with architecture, it must before its application can be deemed complete submit to the approving authority at a pre-application review:
    - (1) A maquette and other materials that satisfactorily illustrate the proposed conceptual development; and
    - (2) A statement explaining why the architecture should be considered an art work, including, but not limited to, an explanation of the ideas, meaning, cultural significance, or conceptual complexity expressed in the architecture. Nothing in this subsection shall be deemed to require the reviewing authority's approval of the submittal at the pre-application review before the application is deemed complete.
- B. **Applications to donate art work to the town.** Applications for art work donated to the town shall be subject to additional review by the mural committee, which shall make a recommendation to the BOC regarding whether the proposed donation is consistent with the purposes of this chapter.

#### **2-4.1 STANDARDS FOR APPROVAL OR DISAPPROVAL OF PUBLIC ART**

- A. The mural committee shall be governed by the following mandatory and non-mandatory criteria in the exercise of its discretion to approve, approve with conditions or disapprove the proposed installation of public art as required by this section. The mural committee must find that the following have been satisfied:

1. Whether the proposed public art conforms to the definition of public art set forth in Chapter A, Article 2.
2. Whether the proposed public art meets or exceeds the value requirements of Section 3-2.1.1;
3. Whether the proposed public art presents a safety hazard to the public;
4. Whether signs or other encroachments are or should be set back a certain distance from the proposed public art.
5. Whether the proposed public art is appropriate to the site.

#### **2-4.2 OWNERSHIP AND MAINTENANCE OF ART WORK PLACED ON PRIVATE PROPERTY**

- A. All art work installed pursuant to this chapter on the site of a development project shall remain the property of the owner of the site for which the final building permit or certificate of occupancy related to the development project was obtained and the owner's successors and assigns, which owner must provide all maintenance necessary to preserve and maintain the art work in good condition and in the manner approved by the town.
- B. The obligation to maintain the art work shall be enforced as follows:
  1. Prior to the installation of the art work on a development project, the property owner shall record a document with the county recorder setting forth a description of the art work and acknowledging the obligation of the property owner to repair and maintain it. This document and the underlying covenant shall run with the land and provide notice to future property owners of the obligation to repair and maintain the art work and of certain limitations related to any federal, state or local laws governing the rights of the artists including but not limited to rights regarding the alteration, modification or relocation of subject art work. The town shall be a signatory party to this document, and its final form and content shall be approved by the town attorney.
  2. The obligation to maintain the art work shall include, without limitation, preserving the art work in good condition to the satisfaction of the Town of Carthage, protecting, repairing, restoring, or replacing the art work in the event of physical defacement, mutilation, alteration or destruction, and securing and maintaining insurance coverage in an amount to be approved by the town for: (a) flood, wind, or other natural disaster; (b) vandalism; and (c) extended liability.

Commented [JH11]: Emily FYI, do we want this?

3. Any time the town determines that art work has not been maintained in substantial conformity with the manner in which it was originally approved, the town shall require the current property owner to either:
  - (1) Maintain, repair, restore, or replace the art work; or
  - (2) After reasonable notice: (i) pay the lesser of either the costs estimated by the town to be required to maintain, repair, restore, or replace the art work and/or secure and maintain insurance for the art work; and (ii) provide the town or its representatives reasonable access to the property to perform any necessary to maintain, repair, restore, or replace the art work.
- C. If an owner wishes to replace art work required by this Section for any reason, including but not limited to theft, destruction, removal, or personal preference, the replacement art work shall be subject to the review and approval of the original approving authority, which shall determine whether the replacement art work meets the criteria set forth in this chapter.

## 3. ARCHITECTURAL STANDARDS

### 3-1 GENERAL PROVISIONS

A. **Purpose and Intent.** The purpose and intent of this Section is to provide minimum requirements for the design and multifamily (including triplexes and quadplexes) and industrial buildings and developments. These standards are intended to provide the Town's expectations for the quality and appearance of certain development through the use of architectural designs, building features, exterior materials and colors, desirable design elements, and detailing. This Section is intended to provide flexibility in the development of compatible mixed uses and other non-residential areas (i.e. Central Business District). These standards are intended:

1. To encourage clustering of commercial (non-residential), multifamily and industrial activities within specifically designed areas and to discourage strip commercial development along major thoroughfares and non-commercial areas;
2. Provide for orderly development of commercial activities so that adverse impacts on adjacent property(s) and traffic flow can be limited; and
3. Encourage an orderly and systematic development design providing rational placement of activities, parking, circulation, landscaping, pedestrian circulation, loading, and access.

All provided figures, images, and rendered photographs are for illustrative purposes only; the text, dimensions and standards shall apply in all cases where there is a conflict.

B. **Applicability.** This Section is applicable to:

1. New non-residential buildings exceeding five-thousand (5,000) square feet for a single use;
2. New non-residential buildings exceeding fifteen-thousand (15,000) square feet for multiple uses;
3. New multifamily dwelling developments;
4. New industrial developments.

- C. **Timing of Review.** All buildings subject to the standards of this Section shall be reviewed for compliance during the Site and Development plan process, as provided in Chapter A, Article 4: Site Plan Requirements. Artistic renderings or elevation drawings shall be provided to ensure compliance. The Planning Director may require alternative graphics or additional items in order to review the project in conformance with these standards.
- D. **Mixed-Use Zoning Districts.** Mixed-Use zoning district standards, as provided in Chapter B, Article 2: Zoning Regulations, may have unique or stricter design standards and requirements.
1. Where a conflict arises in design or architectural standards, the stricter provision shall apply, this is due to the nature of these developments and the specific standards as to parking placement and peripheral buffer.
  2. When required by this UDO, the BTZ within a multiple building development may be achieved along an internal private street or driveway. In these instances, the private street shall connect to one or more public streets.
- E. **Existing Development and Redevelopment.** Development existing prior to the adopted date of this UDO, as well as redevelopment of buildings commenced prior to the adopted date of this UDO, are encouraged, but not required, to comply with these standards.
- F. **Solar Panels.** Solar Panels are permitted on all structures subject to the following standards:
1. Exposed wire and piping are not permitted.
  2. Flush mounted solar panels are permitted on any roof surface with no limitation on area.
  3. Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than six and one-half (6.5) inches from the roof surface.
  4. Flush mounted solar panels are required to be encased in trim that closely matches the roof color.
  5. Integral solar panels are permitted on any roof surface.
  6. Ground mounted solar panels are permitted within the Industrial zoning district SR-38 on lots greater than two (2) acres if screened from adjacent roadways and properties located within the building envelop.
  7. Ground mounted solar panels are permitted in all non-residential districts if screened from adjacent roadways and properties.

8. All solar panels being located within the Historic Preservation District shall comply with the guidelines and standards for that district and must get appropriate approvals.

## 3-2 SINGLE FAMILY VOLUNTARY DESIGN GUIDELINES

- A. **Intent and Applicability.** The standards in Section 3-3.2 are additional and voluntary design standards for single family structures (detached and attached) and duplexes. These standards are intended to supplement the required zoning district development standards and specific use standards provided in Section 2-6: Permitted Uses and Section 2-7: Use Conditions. In accordance with N.C.G.S. § 160D-702, the standards in this Section 3-3.2 are only applicable when the owner of the property subject to the proposed development voluntarily consents through a submitted consent statement. These design guidelines are intended to:
1. Ensure that single family and duplex homes feature high quality design;
  2. Maintain consistent materials and architectural elements; and
  3. Provide variability in home design to avoid repeated and monotonous developments where dwellings appear identical or very similar.
- B. **Exemptions.** The following single family and duplex developments are encouraged, but not required, to comply with the standards in this Section 3-3.2.
1. Single family and duplex developments that do not voluntarily consent to the standards of this Section 3-3.2.
- C. **Consent.**
1. **Voluntary Consent.** In accordance with N.C.G.S. § 160D-702, the standards of this Section 8.7.2 that regulate “building design elements” (as defined in the statute) do not apply to any single family or duplex structures unless voluntarily consented to by the owners of all the property on which such structure are located during the process for seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval.
  2. **Consent Statement.** If an applicant chooses to comply with the standards of this Section 3-3.2, the applicant shall include the following note on any required application/permit and on the final plat that is signed by the owner of the subject property:  
 “The development depicted herein is subject to the Town of Carthage Single family and Duplex Design Guidelines. I voluntarily consent to the application

**Commented [AF12]:** FYI this is only effective until 1/1/2025, assuming they're going to modify???

**Commented [KK13R12]:** Lets ask and see what staff says

**Commented [JH14R12]:** I believe even if they don't modify the current NCGS 160D-702 (b) says the same thing

**Commented [EY15R12]:** Here is the link to the strikethrough version of that bill. I don't see that they are changing the statutes on this but I still recommend confirming with town attorneys to be sure. [H488v8.pdf \(ncleg.gov\)](#)

**Commented [KG16R12]:** Confirm w town attorney

of these guidelines for all development herein, the acceptance of which shall run with the land regardless of changes in ownership. I recognize that failure to comply with the applicable guidelines following approval is a violation of the Town of Carthage Unified Development Ordinance.”

- D. **Facades.** Facades of single family and duplex structures subject to this Section 3-3.2 shall comply with the following standards:
1. All front, side and rear facades of the building shall incorporate architectural details, windows, and doors (where applicable) that are consistent with the front facade and architectural design or elements.
  2. Blank walls shall not be permitted for facades facing a street. Blank walls shall be understood to refer to portions of an exterior facade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change.
  3. Street-facing building facades shall be articulated with wall offsets, in the form of recesses or projections from the primary facade plane, of at least two (2) feet for every thirty-five (35) linear feet of facade frontage.
- E. **Material Changes.**
1. When two (2) or more materials are used on a facade, any change in material shall occur along horizontal lines where the two (2) materials meet.
  2. Materials may be used as accents along components of a facade, including around windows and doors.
- F. **Prohibited Materials.** The following materials are prohibited to be utilized for single family and duplex buildings that are subject to this Section 3-3.2:
1. Textured plywood;
  2. Smooth-faced concrete block; and
  3. Pre-fabricated steel/metal panels (except where used as an accent material, up to five percent (5%) maximum of the facade).
- G. **Architectural Variability.** The standards below are intended to prevent and avoid repeated and monotonous developments where dwellings appear identical or very similar. A row (i.e. two (2) or more dwellings in a row, including attached townhomes) of identical or near-identical buildings along a block or across the street along a block are prohibited. Buildings shall have varied and distinctly different facades within any phase of development. Single family dwellings and duplexes may qualify as distinctly different if two (2) of the following standards are met:



1. Variation of color and not a variation of hue shall be required and may count toward meeting the requirement of distinctly different facades;
  2. Variation in exterior materials and utilization of materials on facades may count toward meeting the requirement of distinctly different facades;
  3. Variation of habitable space within a dwelling by five-hundred (500) square feet or more;
  4. Change in roof materials; or
  5. Variation in number of building stories.
- H. **Setbacks.** Where a recessed garage or rear access garage is provided, the front yard setback may be reduced to no less than ten (10) feet.
- I. **Street-Facing Garages.** Garages which face a street shall require at least three (3) of the following design components:
1. Transparent or opaque windows built into the garage;
  2. Decorative hinges;
  3. Columns, pilasters, posts, or vertical design features;
  4. High quality materials other than vinyl or aluminum; or
  5. Overhangs, eaves, awning, or similar design element that projects at least twelve (12) inches beyond the facade above the garage door.

### 3-3 MULTIFAMILY DESIGN STANDARDS

- A. **Intent and Applicability.** Multifamily design standards are additional standards intended to supplement the required zoning district development standards, as may be provided, and specific use standards provided in in Section 2-6: Permitted Uses and Section 2-7: Use Conditions. These design standards shall be required for all new multifamily structures (including triplexes and quadplexes) and developments.
- B. **Standards.** Multifamily design standards are intended to:
1. Promote and enhance pedestrian scale;
  2. Feature appropriate levels of building articulation, transparency, and design elements;
  3. Limit undesirable design elements and promote desirable design elements
  4. Screen loading and delivery areas and mechanical use areas, including roof top equipment; and
  5. Position the primary entrance of a building toward a street.

- C. **Prohibited Design Elements.** The following design elements, which do not promote high quality development or redevelopment, are prohibited:
1. Large, monotonous, unarticulated blank wall surfaces;
  2. Exposed and untreated block walls;
  3. False fronts;
- D. **Required Design Elements.** The following design elements, which promote a high-quality development or redevelopment, are required for all multifamily buildings subject to this Section 3-3.3:
1. Consistent architectural style, detail and trim;
  2. Facades which break down large elements of mass and scale where appropriate;
  3. Material changes reflective of function and appropriately placed;
  4. Canopies, porches, stoops, roof overhangs;
  5. Architectural design elements such as cornice lines, columns, arches and articulation; and
  6. Various fenestration and transparency elements.
- E. **Building Orientation and Placement.** The following building orientation and placement features are required for all multifamily buildings subject to this Section 3-3.3:
1. Multifamily buildings shall not be oriented at an angle to the street.
  2. Developments with several multifamily buildings shall cluster buildings along streets or internal rights-of-way to allow for enhanced open space and recreation areas within the area of the development.
  3. Developments with several multifamily buildings shall ensure no more than sixty percent (60%) of the off-street parking area for the entire property is located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and parking lots are screened from view by outparcel development.
- F. **Building Facades.** Building form design shall take into account mass, scale, and articulation. Building facades shall be designed with a consistent architectural style, detail, and trim features. Facades which face a street shall include at minimum four (4) of the following elements:
1. A change in plane, such as an offset, reveal or projecting rib. Such plane projections or recesses shall have a width of no less than six (6) inches (columns, planters, arches, voids, etc.);
  2. Architectural details such as raised bands and cornices;

3. Integrated planters that utilize landscaped areas for decorative details;
  4. Awnings or arcades;
  5. Covered porches, terraces, lanais, or balconies intended for private use by residents of the multifamily structure;
  6. Shutters;
  7. Pillars or posts;
  8. Bay windows;
  9. Roof eaves of at least three (3) inch wide trim;
  10. Complementary change in color; or
  11. Complementary change in material/texture.
- G. **Transparency.** Building facades shall be designed to have a minimum transparency, through the use of windows and doors, on ground floor and upper floors. Transparency standards shall apply to all sides of a buildings facing any public or private street. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public or private street. The minimum transparency for multifamily buildings is thirty percent (30%) unless otherwise provided in this UDO.
- H. **Blank Wall/Articulation Standards.** Blank wall area is an undesirable design feature and shall be limited as set forth herein. Blank wall area standards shall apply to the front and sides of buildings or any portion of a building fronting a residential area or public or private street, and shall comply with the following standards, (Refer to Chapter C, Article 2: Placemaking for public art standards):
1. Blank wall area shall be understood to refer to portions of an exterior facade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change.
  2. Paint shall not be considered a substantial material change.
  3. Blank wall area applies in both a vertical and horizontal direction of the building facade and applies to ground floors and upper floors.
  4. The maximum continuous blank wall area shall be a maximum thirty-five (35) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change.
  5. Except as otherwise provided in this UDO, the maximum permitted blank wall length for the rear of buildings shall be one-hundred (100) feet, or twenty-five (25) percent of the building length, whichever is less. Alternatively, where the facade faces adjacent residential uses an earthen berm shall be installed. The berm shall be no less than six (6) feet in height, containing at a minimum

a double row of evergreen or deciduous trees, planted at intervals of fifteen (15) feet on center.

- I. **Entrances.** The entrances of a residence along the front facade of a multifamily building are the most highly designed side of a building. A primary facade and main building entry shall face the right-of-way, and additional entrances should face local streets, parking lots, plazas, and adjacent buildings to the extent possible. Buildings adjacent to public rights-of-way shall have at least one entrance providing access to the right-of-way. This entrance shall remain in operation and not be closed off to residents. Separate entrances to upper story units shall be prohibited from being visible street rights-of-way. All multifamily development and redevelopment shall provide no less than four (4) of the following items for building entrances:
  1. A change in plane indicating a building entrance;
  2. Building wall projection;
  3. Recess of entry at least three (3) feet;
  4. Architectural features and fenestration;
  5. Variety in color, material, texture orienting pedestrians to the building entrance;
  6. Ornamental doors;
  7. Covered entries including awnings, arcade, or eave;
  8. Windows;
  9. Porches; or
  10. Arches, columns, stoops, cornices.
- J. **Porches/Balconies.**
  1. Porches, including covered porches, stoops, awnings, and bay windows and wings may only extend into the front yard up to five (5) feet. Encroachments may be permitted up to fifty percent (50%) of the total length of the respective facade.
  2. Balconies shall project or recess a minimum of two (2) feet from the facade.
- K. **Accessory Structures.** All accessory structures for multifamily buildings and developments shall comply with the following standards:
  1. Garages, carports, or covered parking areas shall be provided from local streets or alleys. Entrances to parking garages are exempt from this standard and may be accessed from street rights-of-way, alleys or internal courtyards or accesses.

2. Accessory structures shall have similar exterior materials, colors, and roof forms as the principal structure.

**L. Miscellaneous Requirements.**

1. All utility equipment (including meters and conduits) attached to a building shall be painted to match the primary surface color of the wall on which it is attached, painted to match accent colors used on the facade, or be blocked from view (where practicable) through the use of landscaping or screens.
2. More than one (1) access point shall be required.
3. Downspouts shall be painted to match the primary surface color of the wall on which it is attached, be painted to match accent colors used on the facade, or be constructed of materials that complement the architectural style of the structure.
4. Refuse collection areas shall be distributed evenly throughout multiple building multifamily developments.
5. Roofing materials should complement the color and texture of the building facade.

### 3-4 NON-RESIDENTIAL DESIGN STANDARDS

- A. **Intent and Applicability.** Non-residential design standards are additional standards intended to supplement the required zoning district development standards and specific use standards provided in *Section B.2 Uses and Conditions*.

### 3-5 BUILDINGS

- A. **Generally.** Buildings are an integral component of the development for non-residential developments. Buildings set mass, scale, and help define patterns of development. Building designs within the Town of Carthage should complement one another through color, design and building materials. Buildings are not required to use the same components, but shall provide features that reflect their surroundings.
- B. **Standards.** Building design standards for non-residential buildings shall:
1. Promote and enhance pedestrian scale;
  2. Feature appropriate levels of building articulation, transparency, and design elements;
  3. Limit undesirable design elements and promote desirable design elements;

4. Screen loading and delivery areas and mechanical use areas, including those on roofs; and
  5. Position primary entrance of a building toward a street or civic space area.
- C. **Prohibited Design Elements.** The following design elements, which do not promote high quality development or redevelopment, are prohibited:
1. Large, monotonous, unarticulated blank wall surfaces;
  2. Exposed and untreated block walls;
  3. Chain link fences and barbed wires except as otherwise permitted in commercial and industrial zoned properties;
    - (1) Areas used for the parking and or storage of vehicles, materials and or goods may utilize a chain-link fence/barbed wire or similar along the perimeter of those areas. Chain-link fences may not be utilized as part of the required perimeter buffer / screening requirements set forth in Section 3-6 Landscaping and Buffering. Chain-link may only be utilized in the front yard as part of a design alternative. Fencing required as part of a state and or federal requirement (i.e., Federal Aviation Administration, NC-DOT, etc). are exempt from these standards.
  4. Mirror window glazing;
  5. False fronts;
  6. Loading bays or loading doors;
  7. Lack of architectural features; and
  8. Lack of change in materials.
- D. **Required Design Elements.** The following design elements, which promote a high-quality development or redevelopment, are required for all buildings subject to this Section 3-3.4:
1. Consistent architectural style, detail and trim;
  2. Facades which break down large elements of mass and scale where appropriate;
  3. Architectural details and articulation;
  4. Material changes reflective of function and appropriately placed;
  5. Canopies, porches, stoops, roof overhangs or other pedestrian friendly features;
  6. Shade and weather protection for ground floor entrances;
  7. Design elements such as cornice lines, columns, arches; and
  8. Various fenestration and transparency elements.

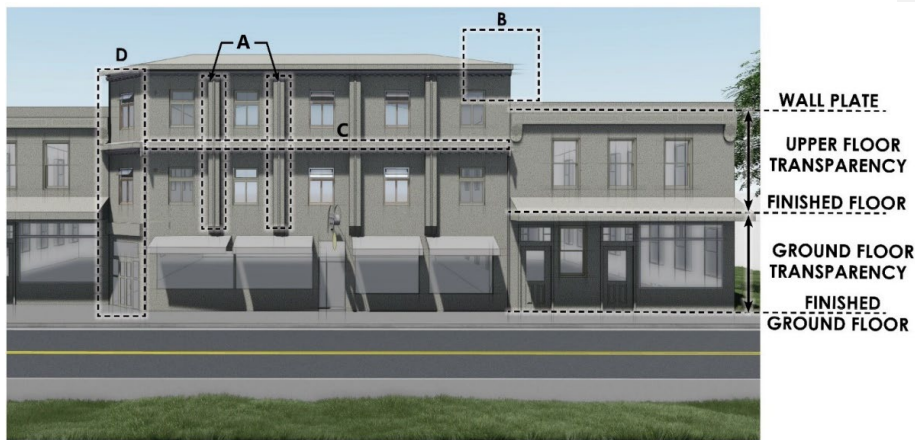
E. **Building Form.** Building form design shall take into account mass, scale, and articulation. Box-like building forms, with little to no variety in design, which do not take into account required design elements, are prohibited.

1. **Required Facade Design Requirements.** Building facades shall be designed with a consistent architectural style, detail, and trim features. **Figure 8.7.1.1 and 8.7.1.2** demonstrates illustrative examples of facades that feature various required design elements. Facades shall also conform to the following standards:

- (1) **\*Insert graphic Wall Offsets.** Facades of sixty (60) or greater feet in width shall incorporate wall offsets of at least one (1) foot of depth a minimum of every forty (40) feet, which is illustrated as "D" in **Figure 8.7.1.1 and 8.7.1.2.**

**\*Insert graphic**

**Figure 8.7.1.1.** Required Facade Design Elements Example



A-D	Required Façade Design Elements
A	Vertical Mass
B	Roof Lines
C	Horizontal Mass
D	Wall Offsets

2. **Transparency.** Building facades shall be designed to have a minimum transparency, through the use of windows and doors, on ground floor and upper floors as illustrated in **Figure 8.7.2: Transparency.** Transparency

applies to all sides of a buildings facing a public or private street.

Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public or private street.

- (1) **Ground Floor Transparency.** Ground floor transparency shall be calculated based on the total facade area located between the finished ground floor level and beginning of the upper floor. All ground floor transparency shall be a minimum thirty-five (35) percent.
- (2) **Upper Floor Transparency.** Upper floor transparency is calculated based on total facade area located between the surface of any floor to the surface of the floor above it. If there is no floor above, then the measurement shall be taken from the surface of the floor to the top of the wall plate. All upper floor transparency shall be a minimum thirty percent (30%).

**Figure 8.7.2. Transparency**



3. **Blank Wall Area.** Blank wall area is an undesirable design feature and shall be limited as follows. Blank wall area standards shall apply to the front and sides of buildings or any portion of a building fronting a residential area or public or private street, and shall comply with the standards below:



- (1) Blank wall area refers to the portions of an exterior facade that do not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change. Blank wall area is illustrated in **Figure 8.7.3: Blank Wall Area**.
- (2) Paint shall not be considered a substantial material change.
- (3) Blank wall area applies in both a vertical and horizontal direction of the building facade and applies to ground floors and upper floors.
- (4) The maximum continuous blank wall area shall be a maximum thirty-five (35) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change.
- (5) Except as otherwise regulated, the maximum permitted blank wall length for the rear of buildings shall be one-hundred (100) feet, or twenty-five percent (25%) of the building length, whichever is less. Alternatively, where the facade faces adjacent residential uses an earthen berm shall be installed. The berm shall be no less than six (6) feet in height, containing at a minimum a double row of evergreen or deciduous trees, planted at intervals of fifteen (15) feet on center. This alternative is not intended for installation along frontage roads.

Figure XXX: Blank Wall Area



4. **Buildings on Corners.** Buildings that exist on a corner lot shall incorporate additional architectural features, utilize massing techniques, or implement other features to emphasize their prominent location and create a visual assist to turn the corner. **Figure 8.7.4: Corner Building**, illustrates massing techniques and architectural treatments to create an inviting pedestrian environment where a building wraps a street corner.

Figure XXX. Corner Building



5. **Outparcel Buildings.** Outparcel buildings, also referred to as liner buildings, are buildings located in front of other buildings along a street within the same development.
  - (1) Outparcel buildings may be permitted within mixed-use zoning districts or within Planned Commerce Development (PCD) in planned developments ten (10) acres or greater and must comply with PCD standards provided in Section 3.4.7: Planned Developments.

- (2) Outparcel buildings shall include a consistent level of architectural detail on all sides of the building and consist of similar exterior materials and compatible colors of the primary building in the development.
- (3) Outparcel buildings, to the maximum extent practicable, shall be clustered along the street in order to define street edges, entry points and promote a pedestrian scale along the public street.

Figure XXX. Outparcel Buildings



Figure XXX. Outparcel Buildings



**6. Multi-Building Developments.**

- (1) Sites comprised of multiple buildings shall be configured such that no more than sixty (60) percent of the provided off-street parking shall be located between a building's primary building façade and the street it faces, unless the principal building(s) and/or parking lots are screened from view by outparcel development.
- (2) Buildings within multiple-building developments shall be clustered to maximize organized open space opportunities.
- (3) Developments with multiple buildings shall break up the development area into a series of distinguishable smaller blocks which include on-site streets, vehicle accessways, pedestrian walkways and features, and provide interior circulation.
- (4) Buildings that abut streets shall be oriented parallel to the street. Buildings shall not be oriented at an angle to the street.

**7. Architectural Styles.**

- (1) In developments with multiple buildings, a consistent level of architectural style shall be maintained including design features such as colors, rooflines, and materials
- (2) Where dissimilar architectural styles are required, building designs shall be made more consistent through the use of consistent architectural features, similar scale and proportion, and consistent location of signage.

- 8. Minimum Design Items.** A minimum of four (4) design items shall be utilized in the development of building design; however it is encouraged to use more.

**Figure 8.7.6: Minimum Design Items** illustrates UDO compliant minimum

design items. The following design items may be chosen to fulfill the minimum requirement:

- (1) A change in plane, such as a projection or recess which shall be a minimum of twelve (12) inches and include such features as columns, arches, planters, voids, etc.;
- (2) Architectural details including cornices or similar details with relief elements;
- (3) Awnings, canopies, arcades, porches, stoops or balconies and similar weather/sun cover features over public entrances;
- (4) Complementary change in materials or texture, which may include the use of a building "base" which is defined as an area extending along the bottom of the building to a height of between thirty (30) inches and forty-eight (48) inches; can include the use of stacked stone, brick, or similar materials;
- (5) Complementary change in color;
- (6) Doors and windows fronting the public street shall include visually prominent sills, shutters, or other such forms of framing;
- (7) Ornamental and structural architectural details that are integrated into the overall design of the building, such as ironwork;
- (8) Parapet height transitions, vertical pilasters, and other similar treatments to soften scale of a building;
- (9) Differing building setbacks or projections to help vary the plane of a building;
  - i. Active use areas; and
  - ii. Other design items to be approved by the Director.

Figure XXX. Minimum Design Items.



### 3-6 PARKING PLACEMENT AND DISTRIBUTION

- A. **Generally.** The purpose of this Section 3-6 is to regulate the placement of parking lots within a non-residential development. Parking lots should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details should be emphasized.
- B. **Parking Placement.** No more than sixty percent (60%) of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and parking lots are screened from view by outparcel buildings and development.

### 3-7 ROOFS

- A. **Generally.** The purpose of this Section 3-7 is to regulate the aesthetics of roofs for non-residential development. The intent is to interrupt expanses of pitched roofs and minimize or prevent the visibility of flat roofs. No part of this Section 3-7 shall be construed to prevent the installation of solar panels or any other type of renewable energy collection or storage method, provided the installation follows

the standards of this UDO. Building rooflines that face a street shall not exceed a linear distance of thirty-five (35) feet without the introduction of a physical articulation of no less than one (1) foot in the vertical direction, including but not limited to parapets, gable roofs, hip roofs, or dormers, which should also be used to conceal flat roofs and roof top equipment from public view. Roofline changes, with aligned wall offset facade material changes, are encouraged.

**B. Design Standards.** The following design standards are required:

1. **Flat Roofs.** Flat roofs shall be concealed from view by using pitched roof features such as gable, hip, shed or mansard roofs, parapets, or a mixture thereof. Where only one (1) elevation has this condition, the parapet or other feature should continue four (4) feet along the adjacent elevation. Minimum roof slope for pitched roofs is 6' (v):12' (h).
2. **Equipment.** Publicly visible mechanical equipment or stacks shall be colored to match the roofing material and screened from public view.
3. **Parapets.** Parapets may extend thirty-six (36) inches above the roof line. Where a parapet intersects with a pitched roof element, there shall be no apparent breaks in the parapet wall. Mansard are prohibited.
4. **Roof Treatments.** Roofs shall have architecturally significant roof treatments including, but not limited to, cornices, brackets, roof overhangs, textured materials, and compatible color materials.
5. **Awnings.** Awnings or canopies which are illuminated from within must be covered or finished with fully opaque material.
6. **Additions.** The roof treatments and design shall be the same for additions as for the existing design.

### 3-8 MATERIALS

- A. **Permitted Exterior Building Materials.** All non-residential buildings must be constructed with a consistent set of brick, stone, stucco or synthetic stucco, fiber cement or similar materials.
- B. **Prohibited Exterior Building Materials.** Except where a building's original finish included such materials, the following materials are prohibited:
  1. Textured plywood;
  2. Vinyl;
  3. Smooth-faced concrete block;?



4. Pre-fabricated steel/metal panels (except where used as an accent material); and
  5. Mirrorized glass. Reflective tint glass is acceptable up to thirty percent (30%) tint.
- C. **Permitted Roof Materials.** All roof materials shall be tile, slate, standing seam metal and manufactured shingles, which give appearance of shingles or other simulated natural material.
- D. **Prohibited Roof Materials.** Membrane, fiberglass, asphalt shingle and all other roof materials not permitted in Section 3 are prohibited.

### 3-9 BUILDING COLORS

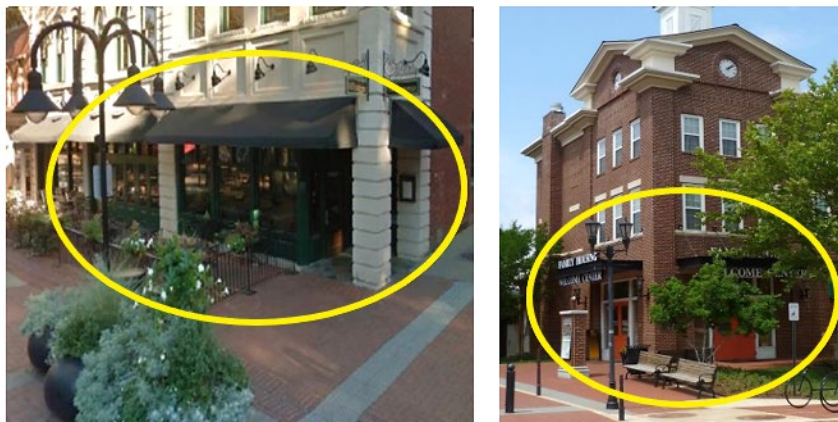
- A. **Generally.** The purpose of this Section 3-3.4.5. is to prevent inordinately bright facades and primary color ranges for non-residential developments. All new construction elements are subject to color requirements, except pavement markings and signage.
- B. **Uniformity.** Colors used for site walls, site lighting and any other outside construction elements (excluding signage) shall be uniform in appearance.
- C. **Facade Colors.** Facade colors shall be low reflectance earth tone, muted, subtle, or neutral colors. Building trim and accent areas may feature brighter colors, as approved during the site plan review process. Traditional and standard franchise colors shall also comply with this Section 3-3.4.5.
- D. **Roofing Colors.** Roofing materials should complement the color and texture of the building facade. Roofing colors should be muted earth tones or a color that is darker than the facade. Stripes and patterns on the roof are strongly discouraged.

#### 3-9.1 PEDESTRIAN CONSIDERATIONS

- A. **Intent.** The design of buildings and pedestrian walkways shall support a safe and attractive pedestrian environment for all non-residential developments. All applicable developments shall ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible. Pedestrian circulation should clearly articulate pedestrian connections and provide connections to public gathering spaces.
- B. **Building Entrances.** The following requirements for building entrances shall be required:

1. A primary facade and main building entry shall face the right-of-way, and additional entrances are encouraged facing local streets, parking lots, plazas, and adjacent buildings. Vehicular openings, such as those for garages, shall not constitute a public entrance.
2. Every primary entrance for a building shall include two of the following elements:
  - (1) Awning or covered entry;
  - (2) Variation in building height;
  - (3) Roof overhang;
  - (4) Arches;
  - (5) Columns;
  - (6) Architectural details other than cornices; and
  - (7) Parapet over the door.
3. All commercial and mixed-use buildings shall accommodate active street level uses on all pedestrian-oriented frontages.
4. Large buildings fronting multiple streets should provide multiple entrances.

Figure XXX. Examples of Building Entries with Required Elements



- C. **Streetwalls.** Streetwalls are required and must meet the below design standards:
1. **Required.**
    - (1) Where surface parking lots abut a public street right-of-way (or sidewalk), a streetwall shall be required on the setback line, or edge of parking lot

pavement, as outlined in each respective district standard. A design alternative may be requested for a hedge.

- (2) Streetwalls are required alongside boundaries of drive aisles along drive-through lanes.

## 2. Streetwall Design Standards.

- (1) Streetwalls shall be constructed of brick, masonry, stone, wrought iron or other solid decorative materials. Wood, fencing, and chain link shall not be considered permitted materials for a streetwall.
- (2) Streetwalls shall be a minimum three (3) feet and a maximum four (4) feet in height.
- (3) Breaks in streetwalls may be permitted to allow for pedestrian or vehicular access, or tree protection.



## D. Pedestrian Access and Flow.

1. A continuous pedestrian path of at least six (6) feet shall be provided from any principal building entrance to the parking area and perimeter public sidewalk serving the building. This requirement shall be fulfilled on private property and not within the right-of-way.
2. Pedestrian paths shall feature landscaping, benches, enhanced pavers, seating areas and similar materials/facilities for a minimum fifty (50) percent of the length of the walk way.

3. If a parking lot separates the principal building from an outparcel building, a pedestrian path or sidewalk shall be provided connecting the two through a direct link as illustrated in **Figure XXX**.
- E. **Pedestrian Crossings.** Street crossings, also referred to as a crosswalk, shall be required whenever a walkway intersects a vehicular area; and/or a pedestrian walkway intersects a vehicular area within a development or along its frontage. Crossings dedicated for pedestrians within vehicle use areas shall be marked in accordance with state and federal law and designed to draw special attention to alert vehicles to its location through:
  1. Physical articulations such as bump-outs;
  2. Signage or crossing light/notification mechanisms;
  3. Change in materials;
  4. Colored paint;
  5. Grade change; and/or
  6. A combination of these elements.

Figure XXX. Crosswalks



**F. Pedestrian Path.**

1. A minimum of one (1) foundation planting bed shall be provided for every two-hundred-and-fifty (250) feet of pedestrian path.
2. Planting beds shall be spaced at regular intervals and located between curbs and buildings.
3. A minimum of one (1) tree and ground covering or mulch shall be installed in each planting bed. Trees shall not restrict sight lines or obscure pedestrian movements.
4. Such beds shall have at least three-hundred (300) square feet of area.
5. All internal pedestrian paths shall be distinguishable from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.

**G. Design Alternative.** If site constraints which make the standards of pedestrian access impractical, the Director may approve a design alternative in which the main primary entrance does not face the right-of-way provided the following standards are met:

1. The main building entrance, when not facing the right-of-way, shall provide a safe and convenient access for pedestrians from the main building entrance to the right-of-way. The pedestrian way must provide additional landscape amenities.

2. Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.
3. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall. Customer entrances must have weather protection features, such as awnings, arcades, or vestibules.

## 3-10 INDUSTRIAL BUILDING DESIGN STANDARDS

- A. **Design Standards.** Due to the nature of industrial uses and their locations, limited design standards are required for buildings housing industrial uses. Only the following design standards are required for buildings used for industrial uses as defined in this UDO:
1. **Industrial Building Facades.** Industrial building facades in any district shall:
    - (1) Include windows and pedestrian features such as roof overhangs over identifiable public entrances to the building. Public entrances should be well defined through the use of projections, recesses, roof structures (such as overhangs or canopies) and other similar design elements.
    - (2) Be faced in a compatible and consistent manner for any elevations fronting on a public or private street or where visible from an existing right-of-way.
  2. **Blank Wall Length.**
    - (1) Maximum permitted blank wall length for industrial buildings shall be one-hundred (100) feet, or twenty-five percent (25%) of the building length, whichever is greater.
    - (2) Blank wall lengths greater than one-hundred (100) feet or twenty-five (25) percent of the building length, whichever is greater, shall require the introduction of physical articulations or material change.
  3. **Lighting.** Industrial use buildings and required parking areas shall not exceed a maximum thirty (30) feet fixture height and one-half (0.5) foot-candle intensity (Refer to Chapter C, Article 7: Lighting for proper measurement).
  4. **Equipment and Loading Areas.** Equipment and loading areas shall comply with the following standards:

- (1) All building roofs are to be uncluttered; cooling towers, HVAC and ventilation fans, mechanical units, etc., should be either screened using a pitched roof facade or parapets, or constructed adjacent to the building and properly screened from view by either landscaping or the use of similar building materials.
  - (2) Ground-mounted equipment and mechanical equipment visible from a public right-of-way shall be screened from view by an opaque wall, landscaping, or a combination thereof.
  - (3) Except where regulated otherwise, walls and landscaping shall have a minimum opacity of eighty-five percent (85%) and shall be the height of the equipment or facility plus six (6) inches.
  - (4) Where the configuration of the building makes it impractical to locate the loading areas in the rear of the building, front or side loading areas may be proposed as a design alternative with additional screening or landscape requirements.
  - (5) Areas used for the parking and or storage of vehicles, materials and or goods may utilize a chain-link fence/barbed wire or similar along the perimeter of those areas. Chain-link fences may not be utilized as part of the required perimeter buffer / screening requirements set forth in Section 3-5 Landscaping and Buffering. Chain-link may only be utilized in the front yard as part of a design alternative. Fencing required as part of a state and or federal requirement (i.e., Federal Aviation Administration, NC-DOT, etc). are exempt from these standards.
5. **Parking.** Parking for industrial use buildings shall comply with the following standards:
- (1) Employee parking should be no more than 25% and located on the sides or rear of buildings where practicable.
  - (2) A design alternative may be requested to allow for employee parking in front.
  - (3) If parking in the front is permitted, a Buffer Type 3, as defined in Chapter C, Article 6: Landscape and Buffer, shall be required. The buffer shall comply with all standards of Chapter C, Article 6: Landscape and Buffer
6. **Foundation Plantings.** Foundation plantings shall be provided as follows:
- (1) Required along a minimum of fifty percent (50%) of the building facing a public or private street.
  - (2) Service and loading areas shall be excluded from these calculations.

- (3) The average width of the foundation planting bed must be a minimum of four (4) feet.
- (4) Plantings shall consist of evergreen and deciduous ornamental shrubs from the approved landscape materials list and must be planted at a minimum size of twenty-four (24) inches at time of installation.

#### XXX. Foundation Plantings



7. **Prohibited Elements.** The following design elements, which do not promote high quality development or redevelopment, are prohibited:
  - (1) Reflective surfaces;
  - (2) Exposed and untreated block walls; and
  - (3) Barbed wire and chain link fencing, unless required by law for security or safety purposes.

## 3-11 DOWNTOWN DISTRICT DESIGN GUIDELINES

- A. **Intent and Applicability.** The Town of Carthage sees the interaction between the built environment and the public as a crucial ingredient in maintaining a certain sense of place. Development standards herein are intended to ensure



that all new development within the Downtown District results in an architecture of high quality, encourages pedestrian activity and interaction with the built environment and provides appropriate transitions in scale while accommodating many types of approved uses, including civic and institutional, commercial retail and business mixed-use, live/work and multi-family/single family residential developments. Architectural aesthetic character shall be designed so as to support and enhance a pedestrian friendly environment and compliment the historical small town unique character of Carthage. The following minimal architectural character standards are to be shown on the applicant's plans and included as conditions for approval of the site plan. Other specific architectural character elements are encouraged which may also be required as conditions for approval of the site plan.

- B. **Building Mass.** All new building façades, in terms of composition, bulk, scale, proportion, orientation, massing, transparency, articulation, color, and major divisions or rhythms in the façade, shall be of a character that supports and enhances a pedestrian friendly environment and shall relate to existing adjacent buildings. Human scale shall be emphasized. In order to reduce the scale of a building, while exposing and emphasizing the ground-level elements to support pedestrian friendliness, the following shall be required:
1. **Height.** The following requirements apply to height restrictions of structures subject to this Section 3-3.6:
    - (1) Any portion of a structure with a roof pitch between 8:12 and 12:12—The maximum building height shall be forty-eight (48) feet.
    - (2) Any portion of a structure with a roof pitched less than 8:12 may not exceed thirty-two (32) feet.
  2. **Large Scale Buildings.** Large scale buildings understood to be defined as single occupant non-residential uses exceeding 35,000 GSF, or buildings that are large compared to nearby structures, shall apply one (1) or more of the following forms:
    - (1) **Minor Wall Offsets or Wall Setbacks.** This includes "pushing and pulling" a façade to create visual interest and break up the massing of a structure. A minimum offset of twenty-four (24) inches for every thirty-five (35) linear feet of the façade is preferred to have proper impact.
    - (2) **Height Variation.** Differing building roof heights shall be used to add visual interest and reduce boxy building masses.

(3) **Upper Floor Step Backs.** The upper portions of a larger building mass shall be recessed from the street or when the perimeter yard boundary corresponds with the Downtown Overlay boundary and the adjacent property is zoned residential for single family development to reduce looming effects. A recessed story shall be stepped back a minimum of five (5) feet for any structure greater than twenty (20) feet. Step Backs may be required for stories or features above a permitted height within the applicable zoning district. Step Backs shall be applied to buildings exceeding three (3) stories.

- C. **Building Materials.** The predominant materials and finishes for proposed structures must be similar to materials and finishes in the Historic District and Downtown District in terms of composition, scale, pattern, detail, texture, finish, and color.
1. All new building facades shall be constructed of pedestrian scaled brick, wood, stone, cast stone, decorative concrete masonry, exposed architectural concrete, stucco, complimentary non-vinyl siding, or a combination thereof. The combination of materials shall be done so that the materials and colors will complement each other.
  2. Exposed vinyl siding, exposed metal siding, painted concrete, painted brick, painted concrete masonry and standard gray concrete masonry are not acceptable exterior materials.
  3. Roofing materials exposed to view shall be standing seam metal or copper, concrete, slate or clay roof tile, or architectural dimensional asphaltic shingles. Exposed roofing felt and standard 3-tab asphaltic roof shingles are not allowed.
- D. **Roofs.** All roofs of new buildings shall meet the following requirements:
1. Roofs shall meet the height requirements outlined in Chapter B, Article 2-4: Dimensional Standards.
  2. Flat roofs shall be hidden by parapet walls capped with continuous masonry, stone or a decorative stucco element or with a concealing sloped roof.
  3. Low sloped roofs shall be interrupted by the use of gables, dormers, and other roof features to create distinguishing architectural character.
  4. Overhanging eaves are required on all sloped roofs.
  5. All rooftop utility structures and equipment shall be screened from view at any height.

- E. **Façades.** The façades of all new buildings shall be designed to support and enhance a pedestrian friendly environment by integrating pedestrian proportioned features such as recessed entrances, projecting elements, arcades, colonnades, porches, pillars, columns, cornices, patterning of materials and other similar architectural features. Visual balance shall be achieved in the overall building façade composition. Differing buildings, multi-tenant businesses and/or activities within the same development may be distinguished within a consistent architecture by utilizing variations of material, scale, forms, and architectural elements.
1. No wall that faces a street or connecting walkway shall have a blank, uninterrupted area with any length exceeding twenty (20) feet. Delineation between ground and upper floors is encouraged by using architectural elements such as cornices, balconies, arcades, and ornamented belt courses.
  2. The frontage of buildings shall be divided into architecturally distinct sections of no more than sixty (60) feet in width. All sides, including the rear, of the building shall include materials and design characteristics consistent with those of the front.
- F. **Façade Openings.** Transparency through use of windows is encouraged in all new buildings. Transparency of all non-street fronting façades shall be treated similarly so there is no significant changes in aesthetic appearance. Size, orientation, proportion, grouping and detailing of all fenestrations shall be proportioned to relate to human pedestrian scale. Reflective mirrored glazing or glass block windows are not permitted.
1. **Minimum Fenestration Percentages.** Minimum percentages of fenestration for street fronting façades of all new buildings are as follows. Transparency of the ground floor shall be calculated within the first fifteen (15) feet of the building wall, measured vertically at street level.
    - (1) **Commercial and Retail.** Commercial and retail uses shall be fifty percent (50%) of surface area of horizontal wall at the ground floor and twenty percent (20%) of upper floors.
    - (2) **Commercial Non-Retail and Residential.** Commercial non-retail and residential uses shall be thirty-five percent (35%) of surface area of horizontal wall at the ground floor and twenty percent (20%) of upper floors.

- G. **Building Orientation.** All buildings shall be oriented so that the primary user entrance is clearly articulated and abutting a public right of way with no intervening parking area.
1. Adequate sidewalks shall be provided for the safe transition of the pedestrian user from any off-street on-site parking to the primary user entrance.
  2. There shall be a public-private setback zone to each building. This will provide sidewalk activity area for outdoor exhibits, benches, porches, places for conversation, sheltered from weather and pedestrian oriented identity to the specific use of the building. The zone shall be six (6) feet deep and be established beyond the sidewalk along the façade, with fifty percent (50%) of this area free of building to allow the addition of street amenities.
  3. Building walls with street frontage shall emphasize pedestrian-oriented architectural features such as façade articulation, windows, awnings, porticos, and other similar features.
- H. **Covered Walkways.** Awning covered walkways, open colonnades, or similar weather protection structures shall be provided to further articulate pedestrian circulation and shall be encouraged and shall be designed to complement new buildings and the streetscape of the area.
- I. **Exterior Site Improvements.** Pre-approved and selected features such as fences, utilities, outdoor furniture, signage and displays shall be incorporated and shall be compatible with the mass and scale of such other improvements elsewhere in the area and as otherwise governed herein.
- J. **Service and Utility Areas.** Service and utility areas, shipping and receiving areas and trash disposal areas shall be to the rear or side of a building in a visually unobtrusive location and shall be screened from view with adequately sized fencing of appropriate materials.
- K. **Utilities.** New utility service lines to all new buildings from existing utility service source shall be placed underground. Overhead utility crossings are not permitted. Utilities within Town maintained streets and/or NCDOT roads shall be placed underground to the property line. Oversized hotboxes are required to protect larger back-flow valves as required by NFPA-13; however, the preferred installation method is to locate said valves in an approved vault located below ground level where elevations and topography permit.
- L. **Color.** Color schemes for all new buildings shall incorporate a single base color and no more than two (2) compatible secondary minor accent colors. Natural earth tones are encouraged; bright primary colors are discouraged and shall only

be used as accent colors. Color schemes for buildings in the Historic District shall comply with the Color Palettes in Section 3-3.6.1: Historic District Color Palette.

- M. **Lighting.** Internal or external light sources shall be oriented so as to not generate glare. Exterior fixtures shall be selected to aesthetically enhance the existing street lighting. The other standards of Chapter C, Article 7: Lighting shall apply.
- N. **Landscape.** Landscape plantings along front facades are required at a rate of six (6) square feet of planting area for each one (1) foot of horizontal wall. Human scale elements are to be incorporated into large undefined expanses of walls. Plantings are to be located between the building and the parking area(s). Plantings are not required along any frontage that has a required bufferyard.
- O. **Signs.**
  - 1. **Prohibited Signs.**
    - (1) Neon, plastic panel, and plastic panel rear lighted signs.
    - (2) Off-premises signs.
  - 2. **Restrictions on Signs.**
    - (1) Only one (1) on-premises ground sign per zoning lot per street frontage is permitted.
    - (2) Only one (1) of the following signs is permitted for each tenant per each exposed wall: awning, projecting, or wall.
    - (3) The material and design of a sign shall be in keeping with the character of the principle use of the site.
    - (4) Maximum area of awning signs shall be ten (10) square feet.
- P. **Right-of-Way Dedication.** As deemed necessary by NCDOT to accommodate any on-street parking and a seven-foot-wide sidewalk.
- Q. **Parking.** Parking lots shall be designed to allow the safe movement of pedestrians from their vehicles to the building(s). Parking lots shall be located to the rear or side of the primary structure. Outparcel development should be sited so as to create a courtyard-style site plan which surrounds the development's parking. Large parking lots shall be designed to distribute parking throughout the site and developed as a series of smaller, interconnected parking areas separated by driveways, drive aisles, landscape medians, pedestrian corridors, or similar. Any off-street parking, whether located to the front, side or rear of the primary structure, must be screened from the road. "Front" and "Rear" shall be determined, for the purposes of this subsection, by the orientation of the primary

structure(s) to NCDOT Secondary Road, X, or X Road, and not in relation to the location(s) of entrance(s) to the structure(s).

1. **Credits.** On-street parking satisfying the off-street parking requirements is permitted provided the following requirements are met:
  - (1) All parking shall be angled or parallel meeting the requirements of *Table XXX Parking Lot Dimensions* and must be approved by the Town Council, the NCDOT, or other agency, whichever is applicable.
  - (2) Credit shall be limited to all available public on-street parking within a radius of two hundred fifty (250) feet of the midpoint of the subject property's road frontage. Each on-street parking space thus credited may be used in lieu of required off-street parking on a one-for-one basis.
  - (3) Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system; sidewalks shall be a minimum of five (5) feet in width with wider widths encouraged.
  - (4) Developer shall dedicate public right-of-way or public road maintenance easements as recommended by the staff of the Town of Carthage or the North Carolina Department of Transportation and must be approved by the Town Council.
  - (5) Developer shall construct all required improvements within public rights-of-way to applicable public design standards.
2. **Connectivity.** Parking areas shall be designed to allow for connectivity between adjoining lots, except where topographic conditions prohibit a feasible connection, as determined by the Town in its discretion.

### 3-12 WAYFINDING SIGNS

- A. **Purpose and Intent.** Wayfinding signs provide identification of and direction to various destinations in the town. They are to be provided subject to this Section 3-12 and *Section B.1 Signs*.
- B. **Sign Categories.** Wayfinding signs include five (5) sign types:
  1. **Welcome and Direction Signs.** These signs may be located at entrances to the town and major intersections, may feature the names of major destinations, including the downtown district, and will have directional arrows. These signs will be freestanding. These signs may include an area for local nonprofit organizations (e.g., Chamber of Commerce, Rotary Club, etc.).

Each organization may have up to one and one-half (1.5) square feet of sign area.

2. **Downtown Directional Signs.** These signs may direct visitors from a downtown entrance to public parking and include the names of two or three major destinations.
  3. **Local Directional Signs.** These signs may be located at major intersections in the downtown and include the names of businesses in the street block.
  4. **Pedestrian Kiosks.** These kiosks may include a map of the downtown and a building directory.
  5. **Area Identification Sign.** These signs are permanent and used to identify a neighborhood, subdivision, shopping district, industrial district, agricultural district or any special community area.
- C. **Type and Location.** All wayfinding signs may be wall-mounted or freestanding and may be located in the public right-of-way with the approval of the town. Local directional signs may be wall-mounted on any building at a major downtown intersection, with the consent of the property owner.
- D. **Size.** Wayfinding signs shall not exceed six (6) feet in height and two (2) square feet in sign area.
- E. **Design.** Wayfinding systems shall have signs of consistent size, scale, and appearance.

## 4. PARKING AND LOADING

### 4.1. PURPOSE, INTENT, AND APPLICABILITY

- A. **Purpose and Intent.** The purpose of this Section is to ensure the Town is served by adequate parking and loading facilities proportional to market demands and generalized need for parking and loading. This Section intends to:
1. Recognize parking and loading demands of uses;
  2. Provide a range of adequate parking, vehicular and bicycle, and loading standards, receptive to market demand while providing flexibility to developments;
  3. Provide for the safe movement of vehicles and pedestrians through off-street parking areas;
  4. Allow for alternative parking options in certain defined circumstances;
  5. Minimize (reduce) excessive areas of impervious surfaces dedicated to parking;
  6. Provide for compatibility between parking and loading areas and adjacent uses as may be applicable; and
  7. Provide for high quality, safe designs that will add to the aesthetic well-being of the Town.
- B. **Applicability.** No parking area regulated by this Section may be altered, replaced, converted, changed, or modified except in accordance with the requirements of this section. Off-street parking and loading areas must comply with the applicability standards below:
1. Off-street parking and loading areas must be provided in accordance with this UDO for all new development and redevelopment. It is understood that certain minor amendments vs major amendments may be proposed and addressed as part of a particular change in use, expansion or similar and are generally identified in the following. The Director may require based on the nature of the proposed amendment that a major amendment (modification) is required. Minor amendments may be administratively approved providing the materials (application, site plan, ownership verification, etc as deemed



appropriate by the Director are met; major amendments shall meet the provisions of Section **XXX Site Plan.**

2. No permit for new construction or an addition/expansion may be permitted until the parking requirements of this UDO have been met. If there is an increase in floor area, number of dwelling units, or seating capacity exceeding ten (10) percent, the required number of parking spaces and loading areas must be provided according to the requirements of this section are deemed to be a major amendment; improvements requiring less than 10 percent are deemed to be minor.
3. A change in the use of a building must meet the parking requirements for that new use (to be determined as either minor or major based on existing/available parking).
4. Maintenance, repair, restriping and similar providing there is no increase in the number of spaces of more than five (5) percent or 20 spaces, whichever is less, must not require improvement of the existing parking facilities to meet the standards of this UDO. Less than 5 percent or 20 spaces is assumed to be minor.
5. Permitted off-street parking and loading areas must be maintained and continued; modifications must require approval per this section.
6. Off-street parking must be located on the same lot or parcel of land it is intended to serve, unless specifically permitted otherwise in this section.

## 4.2. PARKING DESIGN STANDARDS

### A. General Design Standards

1. **Off-Street Parking Plan.** Each application for a Site Plan submitted to the Administrator as provided for in *Section A.4 Site Plan Requirements* shall include a parking plan with the following information:
  - (1) Number of proposed parking spaces.
  - (2) Location of proposed parking spaces, drive aisles, driveways, and access points.
  - (3) Relation of vehicular use areas, including how parking facilities interface with vehicular, pedestrian, and multi-modal circulation systems.
2. **Arrangement.** Off-street parking shall be arranged so that vehicles may be parked/unparked without moving other vehicles, except for parking structures which may be designed to allow tandem parking and/or valet services

3. **Encroachment.** No parking space may be designed in such a way to encroach or block a public or private roadway, alley, or sidewalk. No parking lot area or driveway shall be located in any required buffer area.
4. **Overhang.** Where parking spaces are located such that the parked vehicle will overhang a sidewalk, and/or landscape buffer, the minimum sidewalk or buffer clear width must be maintained by providing additional sidewalk or buffer width equal to width of the overhang.
5. **Driveways.** Driveways, drive aisles, and joint access easements must not be used for parking vehicles except for single-family and two-family residential.
6. **Wheel Stops.** Wheel stops must be prefabricated, concrete or recycled plastic product manufactured specifically for this use. The use of railroad ties or other non-traditional wheel stops must not be permitted. Facilities must have curbs or motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into adjacent property, or from encroaching into required landscaped areas.
7. **Drainage.** Parking areas must be drained so as not to cause any nuisance on adjoining or nearby properties. Stormwater management facilities must comply with the standards of this UDO.
8. **Access and Maneuvering.** Parking areas must be arranged for convenient access, maneuvering and safety of pedestrians and vehicles. Parking areas must be arranged so that no vehicle must be required to back up from such facilities directly onto designated arterial or collector streets. Parking areas must be designed, maintained and regulated so that no parking or maneuvering incidental to parking must be on any public street, sidewalk, or alley.
9. **Marking of Spaces.** All off-street parking area spaces must be clearly marked.
10. **Lighting.** Lighting shall conform to the requirements of **Sec. 100.61.**
11. **Landscaping and Buffering.** Landscaping and buffering in parking areas must comply with the standards defined in **Section 5.x: Landscaping and Buffering.**
  - (1) Parking is prohibited in the first three (3) feet adjoining the public street of the required front yard setback in all districts except the Central Business District. Such three (3) foot area shall be landscaped with a treatment as provided for in **Sec. 100.60.**

(2) Vehicle use areas shall provide internal vegetation in an amount **equal to ten (10) percent** of the impervious surface area and a perimeter planting area. Such vegetation shall be in the form of islands or peninsulas and shall contain minimum vegetation in accordance with Sec. 100.60. Each island shall contain **a minimum of two-hundred (200) square feet of soil or other permeable surface, shall not be less than ten (10) feet in length,** and shall be surrounded by a six (6) inch raised curb or stop bar. **Required buffer yards, pursuant to Sec. 100.60 shall not be counted for meeting the five (5) percent requirement for interior landscaped areas.**

**Commented [KG17]:** Discuss with Staff and compare with Southern Pines and/or Pinehurst

**Commented [KK18]:** Lets propose the min width and area equal to a parking space minus the end caps which need to be at least the size of 2 spaces

**Commented [KK19R18]:** Justification, the previous standard is too small and nothing will grow there... at least by doing at a min of one parking space, you give the plants a chance

**Commented [KK20]:** Question to staff how they want to address this... some places will allow the buffers to count towards a portion of the VUA

**Commented [KK21R20]:** Still a question for staff - needs to be called out along with the 200 SF above

And the major vs minor lang

(3) Parking aisles shall contain no more than ten (10) consecutive parking spaces without the introduction of an additional interior planted area, in order to avoid long, uninterrupted parking aisles. This requirement is not applicable if a single parking aisle abuts a required buffer yard or an interior landscaped area separates the aisle from a primary traffic lane.

(4) The ends of parking aisles shall be clearly separated and defined by interior planted areas when they abut and are perpendicular to a primary traffic lane. The use of interior planted areas at the end of parking aisles are not required when the aisles abut and are perpendicular to required buffer yards.

12. **Maintenance.** Off-street parking must be maintained in a safe condition and good repair as the use which they serve exists. Parking space lines and markings must also be maintained so that parking spaces are clearly striped.

13. **Pedestrian Paths.** Parking areas containing 100 or more spaces must provide improved pedestrian pathways of at least five (5) feet width, providing access from the parking area to an entrance of the principal use, protected by wheel stops, curb or similar.

B. **Parking Lot Improvement, Design and Location Requirements.** All off-street parking lots for three (3) or more cars including exits, entrances, drives and parking areas, shall:

1. Be designed to allow for traffic movement in accordance with the geometric design principles as stated above.
2. Be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights; be graded, properly drained, stabilized and maintained to prevent dust and erosion.

3. Except where permitted for industrial and or other certain uses, any driveway connecting to a public street from a parking lot for six (6) or more cars shall be paved with a hard surface, such as asphalt or concrete along with the vehicle use areas as required by the Town Engineer. In no case shall gravel or similar be permitted within the first twenty (20) feet of the driveway from the back of the public street travel way.
4. All off-street parking areas shall be separated from walkways, sidewalks, bikeways, streets or any dedicated right-of-way. To prevent vehicles from driving across these areas, except at an approved driveway approach, and to prevent parking or maneuvering vehicles from overhanging upon such areas, there shall be a six (6) inch raised curb or stop bar constructed between such areas and the parking area.
5. Primary traffic lanes are to be clearly defined and shall not provide direct access from individual parking spaces or parking aisles.
6. No access shall be provided from a secondary traffic lane into a primary traffic lane at any point closer to the street right-of-way than twenty (20) feet in addition to the required buffer yard.
7. Mechanical equipment, dumpsters, delivery or service entrances, and similar site elements shall be screened with plant material, by fencing, and/or by site location in such a manner that their visual impact from adjacent street right-of-ways is minimal.
8. Appropriate directional painting and/or traffic control signage shall be used to encourage reasonable vehicular flow. Stop signs shall be required at all points where traffic lanes exit a parking lot greater than 25,000 square feet in area into a public street, unless controlled by other devices. All internal and external traffic signs, markings and devices shall be clearly displayed and conform to North Carolina Department of Transportation (NCDOT) standards.
9. Primary traffic lanes shall be required as follows:
  - (1) One (1) lane for each lot containing one hundred (100) to one hundred ninety-nine (199) parking spaces.
  - (2) A minimum of two (2) primary lanes for lots containing in excess of two hundred (200) parking spaces.
  - (3) Where the parking lot abuts two (2) or more streets, a minimum of one (1) primary lane shall exit the parking lot into each street.

**Commented [KG22]:** Discuss the implications of this with staff

- (4) When the front footage of any building exceeds two hundred fifty (250) feet, a fire lane shall be provided along this frontage. The fire lane shall not be considered as part of the traffic lane, shall be a minimum of ten (10) feet in width and shall be clearly marked.
10. All off-street parking areas for buildings that are subject to the North Carolina State Building Code, Volume I, General Construction, shall comply with all of the requirements set forth therein including those for parking spaces for the physically handicapped.
11. **Driveways.** No centerline of any entrance driveway leading from a major thoroughfare shall be closer than twenty-five (25) feet to a side lot line. Driveway centerlines on any one lot must be separated by at least fifty (50) feet.
12. In the HCD, proposed parking lots shall be connected internally to lots on adjoining property within the HCD or TBD either by connecting to existing lots or by providing driveway stubs to adjoining property zoned TBD or HCD unless the Board of Commissioners finds such connection not to be practical.
13. **Dimensional Standards.**
- (1) Except for parking spaces designed for the disabled as required by the Building Code, each parking space shall be at least nine (9) feet wide and nineteen (19) feet long.
- (2) Parking lot dimensions shall be as follows:

Table X.1 Parking Lot Dimensions

Type of Parking Angle	Minimum Drive Aisle Width (Feet)	
Angle of Parking	One-Way	Two-Way
<b>0 Degrees (Parallel)</b>	13	19
<b>30 Degrees</b>	14	20
<b>45 Degrees</b>	18	21
<b>60 Degrees</b>	20	23
<b>90 Degrees</b>	24	24
<b>Entrance/Exit</b>	24	24

## 4.3. MINIMUM OFF-STREET PARKING REQUIREMENTS

- A. **Parking Requirements.** Except in the Central Business District there shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by **Table XX.2 Off-Street Parking**. Such parking space may be provided in a parking garage or parking lot constructed in accordance with this section. Where a use is not specifically listed, the **Planning and Development Director** is responsible for applying the requirement for the most similar use.
1. **Standard.** Parking standards are to be calculated per 1,000 SF (square feet) of gross floor area of a use, unless otherwise noted. For example, a restaurant has a minimum required 2.0 parking spaces per 1,000 square feet of gross floor area. Fractional calculations shall round to the nearest whole number per **Section 3-4.3(A)(2): Fractional Measurements**.
    - (1) **Gross Floor Area.** Where the parking standards are based on floor area, the following areas are excluded from the parking calculation:
      - i. Common restrooms.
      - ii. Mechanical equipment including elevator structures or similar
      - iii. Parking structures including service areas, ramps or similar.
      - iv. Public corridors and service areas.
  2. **Fractional Measurements.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, then such fraction equal to or greater than one-half shall require a full off-street parking space.
  3. **Minimum and Maximum.** Table XX.2 provides the minimum parking required for permitted uses within the Town. For example, under the “Minimum Required” column, “1.0/Dwelling Unit” must be understood to mean at minimum one (1) parking space per dwelling unit is required. Maximum parking may not exceed 125 percent of the Minimum listed without either obtaining approval as part of an Alternative Parking Plan (APP) outlined in Section 3.4.x below or providing such parking made up of pervious surfaces (not grass or gravel) as approved by the Town Engineer.

4. The parking of vehicles shall not encroach into or across sidewalks, drive aisles or driveways. A minimum twenty-five (25) foot space shall be provided from the back of the sidewalk or the ROW. This distances is measured from face of the garage to the sidewalk/ROW.
5. APP

Table XX.2 Off-Street Parking

Classification	Minimum Required	Additional Standards
<b><u>Residential Uses</u></b>		
Boarding & Rooming Houses	1.0 / Renting Unit	No more than 2 spaces may be in the front yard.
Family Care Home and Family Day Care Homes, 6 or less	2.0 / Dwelling Unit	
Dwelling, Multi-Family	0.75 / Dwelling Unit	The Town may require one (1) additional space is required for every 10 dwellings for guest parking.
Shelter, Emergency Shelter, Homeless	1.5 / 1,000 SF	
Dwelling, Single family Detached	2.0 / Dwelling Unit	Spaces are to be provided exclusive of the garage for these units including attached or any residential unit that provides a garage
Dwelling, Single Family attached	1.5 / Dwelling Unit	
Dwelling, Duplex/Triplex/Quadplex	2.0 / Dwelling Unit	
Mobile Homes	1.0 / Dwelling Unit	
Mobile Home Parks	2.0 / Dwelling Unit	

Classification	Minimum Required	Additional Standards
<b><u>Recreation/Open Space &amp; Entertainment Uses</u></b>		
Recreational Facilities, Indoor	5.0 / 1,000 SF	
Recreational Facilities, Outdoor	5.0 / 1,000 SF	Plus 20 per designated athletic field
Golf courses and Country Clubs	4 per hole	
Cultural, Library and Museum Facility	2.0 / 1,000 SF	
Riding Stables	N/A	
Recreational Vehicle Park/Campsites	Refer to development standards for recreational vehicle parks	
<b><u>Institutional &amp; Public Uses</u></b>		
Fire/Police Stations	2.0 / 1,000 SF	
Religious Institutions	1.0 / 4 seats in main chapel	
College, Universities, and Vocational Schools	4.0 / 1,000 SF	
Correctional Institutions	1.0 / Employee	
Adult Day Care	2.5 / 1,000 SF	
Child Day Care		
Elementary or Secondary Schools	3.0 / Classroom	
Government Institutions	2.0 / 1,000 SF	Based on office/public space
Bar/Taverns/Nightclub	5.0 / 1,000 SF	Only customer service areas and outdoor seating areas must be included in calculation.
<b><u>Business &amp; Personal Services</u></b>		
Automobile Repair Services, Major Automobile Repair	2.0 / 1,000 SF	



TOWN OF CARTHAGE, NC UDO DRAFT

Classification	Minimum Required	Additional Standards
Services, Minor (including boats)		
Bank/Financial Services	2.5 / 1,000 SF	plus stacking for 4 vehicles at each drive thru window or automated teller machine
Car Washes	2.0 / 1,000 SF	Plus stacking for 30 vehicles or 10 per approach lane whichever is greater
Equipment Repair, Heavy	1 per 200 sq. ft.	
Equipment Repair, Light	gross floor area	
Funeral Homes or Crematoriums	2.0 / 1,000 SF	
Hotels and Motels	0.5 / Room	
Kennels	1.0 / 1,000 Office SF	
Laundromats and Dry Cleaning	2.0 / 1,000 SF	
Professional Services	2.5 / 1,000 SF	
Personal Services	2.5 / 1,000 SF	
Truck & Trailer Rental & Leasing, Light	2.5 / 1,000 SF	
Truck & Trailer Rental & Leasing, Heavy		
Restaurants, Conventional	5.0 / 1,000 SF	
Restaurants, Fast Food		
<b><u>Office &amp; Medical</u></b>		
Medical/Dental Facility	3.0 / 1,000 SF	
Animal Care (includes urgent and veterinary services)	3.0 / 1,000 SF	
<b><u>Commercial, Industrial, &amp; Manufacturing</u></b>		
Warehouse (self-storage)	0.5 / 1,000 SF	Only office facilities must be included in calculation
Warehouse (general	1.0 / 1,000 SF	

TOWN OF CARTHAGE, NC UDO DRAFT

Classification	Minimum Required	Additional Standards
storage, enclosed)		
Light Industrial & Manufacturing	0.5 / 1,000 SF	
Heavy Industrial & Manufacturing		
<b>Retail &amp; Wholesale Trade</b>		
General Retail Sales, Less Than 10,000 SF	4.0 / 1,000 SF	
General Retail Sales, 10,000 SF to 25,000 SF	4.0 / 1,000 SF	Shopping centers will be based on an aggregate of square feet to determine parking
General Retail Sales, 25,000 to 100,000 SF	4.0 / 1,000 SF	Shopping centers will be based on an aggregate of square feet to determine parking
General Retail Sales, 100,000 SF or Greater	4.0 / 1,000 SF	Shopping centers will be based on an aggregate of square feet to determine parking
<b>Transportation and Utilities</b>		
Airport, bus, and train terminals	1 per 4 seats for waiting passengers plus 1 per employee on largest shift	
Communication towers, demolition debris landfills, heliports, utility lines or substations	No required parking	

- C. **Parking for New Major Residential Subdivisions.** See *Section E.1-7 Major Subdivisions*. Parking must be provided at the rate of 2.0 spaces per lot. Parking shall be designed such that at least 2 vehicles may be moved in and out of driveways without the need to move vehicles or park vehicles on the street. This

may be accomplished by one or more methods as follows:

1. A double car parking pad may be installed with minimum dimensions of 20' x 20'.
2. A combination of on-street and off-street parking with a minimum of one space provided on site.
3. Remote parking may be used to provide overflow parking for the full development.
4. If a garage is to be used as a required parking space, the developer shall demonstrate adequate HOA restrictions.
5. Driveways in major residential subdivisions shall be paved with concrete.

**D. Combination of Required Parking Space**

1. The required parking spaces for any number of separate uses may be combined in one lot or parking structure, but the required parking spaces assigned to one use may not be assigned to another use at the same time except where approved as part of an APP.

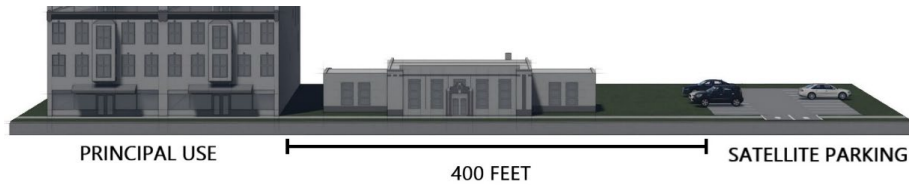
**E. Compact Parking.** Parking areas so designed to serve ten (10) or more vehicles may designate a maximum of ten (10) percent of the space for use by compact cars only.

1. These spaces shall be no smaller than eight (8) feet by eighteen (18) feet. These spaces shall be identified in a manner which will prohibit its occupancy by any larger vehicle.

**F. Satellite Parking**

1. On all off-street parking lots, the required space shall be provided on the same plot with the use or on a lot separated there from by not more than four hundred (400) feet.

Figure XXX. Satellite Parking (Illustrative Example)



2. Where provision of required off-street parking for a building or other uses established subsequent to the adoption of this Section involves one (1) or more parcels or tracts of land that are not a part of the plot on which the principal use is situated, the applicant for a permit for the principal use shall submit with his application for a Development Permit an instrument duly executed and acknowledged, which subjects the parcels or tracts of land to parking uses in connection with the principal use for which it is made available. The applicant shall cause said instrument to be registered in the office of the Register of Deeds upon the issuance of a Development Permit.

G. **Electric Vehicle (EV) Charging Stations.** EV Charging shall conform to the requirements in Section XXX.

H. **Parking on Sidewalks.** Vehicles may not be parked or stored on public sidewalks anywhere in the zoning jurisdiction of the town.

## 4.4. OFF-STREET LOADING REQUIREMENTS

- A. **Generally.** Every structure or building used for trade, business or industry hereafter erected, except in the Central Business District, shall provide space as indicated herein for the loading, unloading and maneuvering space of delivery vehicles off of the street or public alley.
- B. **Loading Area Design Standards.** Loading and unloading areas must be so located and designed as follows:
  1. Such space shall have access to a public alley, private driveway, or if such cannot reasonable be provided, to a public street.
  2. So that vehicles can complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot drive aisle.
  3. Loading areas must be located outside of a public right-of-way when practicable and be indicated through signage.
  4. For the purpose of this Section, an off-street loading space (exclusive of

adequate access drives and maneuvering space) shall have a minimum dimension of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

5. A minimum of one (1) loading space per development is required, however, loading spaces shall be provided per Table XXX. Required Off-Street Loading Spaces, below. Every application for a site and development plan shall demonstrate sufficient numbers of loading spaces is provided.
6. Loading areas that serve commercial delivery trucks, semi-trailers and similar vehicles shall be designed to include screen walls, landscaping, or other treatments to limit visibility of the loading area.

Table XXX. Required Off-Street Loading Spaces

Type of Use	Required Off-Street Loading Spaces
<b>Retail Business</b>	1 space for each 5,000 square feet of gross floor area or fraction thereof, not to exceed 2 spaces
<b>Wholesale and Industries</b>	1 space for each 20,000 square feet of gross floor area or fraction thereof, not to exceed 4 spaces
<b>Office and Institutions</b>	1 space for each 50,000 square feet of gross floor area or fraction thereof, not to exceed 2 spaces

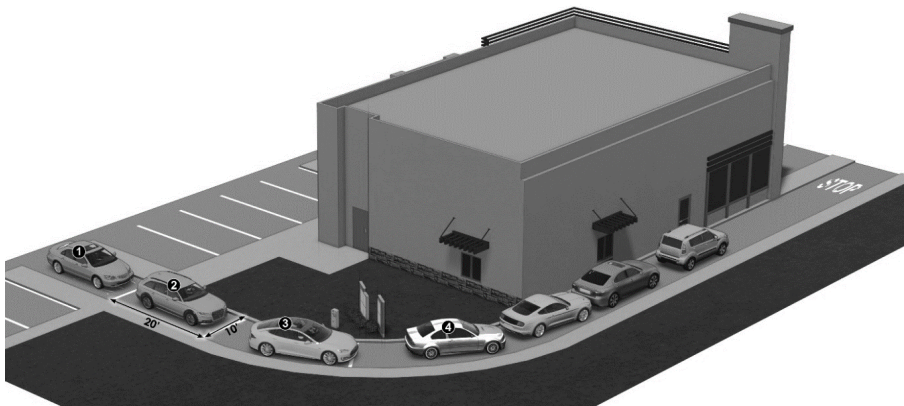
- C. **Area Requirements.** No area allocated to loading and unloading may be used to satisfy the area requirements for off-street parking, nor must any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- D. **Compliance.** For lots with existing structures predating the effective date of this UDO, and for a change in use that does not involve any enlargement of a structure, the loading area requirements of this section need only comply to the extent practicable.

## 4.5. STACKING REQUIREMENTS

- A. **Stacking.** Whenever a structure or use provides for the off-loading of passengers or involves a drive-through (i.e. allows for a use without exiting the vehicle), stacking spaces shall be provided for and marked on the site. The following requirements shall be met:
  1. A stacking space shall be a minimum of ten (10) feet by twenty (20) feet.

2. Stacking spaces shall not obstruct, endanger, or interfere with on-site or off-site access, maneuvering, or traffic patterns.
3. For restaurant drive-through facilities, a minimum of five (5) stacking spaces shall be required. Nothing shall limit providing more than the minimum.
4. For restaurants with double ordering stations, a minimum of 2 additional stacking spaces shall be required.
5. All other uses that involve stacking of vehicles, such as banks, pharmacies, and similar uses, shall require a minimum two (2) stacking spaces per dedicated drive-through lane. Nothing shall limit providing more than the minimum.
6. A design alternative may be approved by the Director for a reduced number of stacking spaces if market demand does not require the minimum stacking spaces required per this Section. A narrative and analysis detailing the proposed use and similar establishments within North Carolina shall be required.

Figure XXX. Stacking Requirements



## 4.6. BICYCLE PARKING

- A. **Bicycle Parking Requirements.** Bicycle parking shall not be required for industrial uses, but shall be provided for all new nonresidential and multifamily developments. Bicycle parking shall meet the following standards:
  1. Bicycle parking shall be located no further than fifty (50) feet from a pedestrian entrance.

2. Bicycle parking shall be publicly accessible and located in a visible and convenient area.
3. Bicycle parking shall be provided in a well-lit area.
4. Bicycle racks shall be permanently fixed to a paved surface.
5. The bicycle racks shall be consistent in style and material of the overall project design.
6. Spacing and layout of bicycle racks shall provide maneuverable access.
7. Bicycle parking and/or racks shall be able to accommodate cable locks and “U” locks commonly used by bicyclists.
8. A minimum of four (4) bicycle parking spaces shall be required for all new nonresidential uses.
9. A minimum of one (1) bicycle parking space shall be provided for every ten (10) dwelling units in multifamily developments, up to a maximum requirement of thirty (30) bicycle parking spaces. This may be achieved through bicycle racks that are not publicly accessible (i.e. not located on the street) and may be installed interior to a parking garage or dedicated bicycle parking room of the multifamily development. Nothing in this subsection shall prevent a greater number of bicycle parking spaces being provided.

#### **4.7. NONCONFORMING LOTS / USES.**

- A. It is understood any prior approvals for a specific use and or lot meeting the requirements of the Town's UDO prior to the adoption of this UDO are understood to be previously approved and grandfathered.

## 5. COMMON RECREATION AREAS AND OPEN SPACE

### 5-1 GENERALLY

- A. This section establishes the applicability and general standards for the recreation and open space facilities in the Town of Carthage. The following standards are put in place to ensure proper open space facilities are provided to service the needs of the residents, businesses, and the public.

### 5-2 DEFINITIONS

**Active Recreation.** Recreational features that include equipment and recreation taking place at prescribed places, sites or fields, which allow for the active needs of residents or users of the development in which they serve.

**Common Open Space.** The open space land held in common ownership by property or unit owners in a development, normally provided for in the declaration or restrictive covenants and normally in common use.

**Improved Trail.** A clearly marked, paved, impervious trail.

**Open Space.** Any land area not occupied by buildings, structures, storage areas, open or enclosed balconies, patios, porches or decks, excluding, however, any land encroaching or located within a right-of-way or easement. Open area in any required setback or land used for sidewalks, landscaping and grassing shall be considered open space.

**Passive Recreation.** Recreational features that do not require prepared facilities such as sports fields or pavilions and require minimal disruption to a site.

**Primitive Trail.** An unpaved, pervious trail, consisting of mulch, crushed stone or similar material.



**Usable Open Space.** Any land area not encumbered with any substantial structure, not devoted to use as a roadway, parking area, or sidewalk.

## 5-3 STANDARDS

- A. The intent of this section is to establish usable open space that encourages the preservation of natural features and provides for recreational opportunities for the citizens of Carthage. Open space adds to the visual character of a development and provides active and passive recreational opportunities for residents, visitors, and users. It is the intent of this section to:
1. Define standards in which all zoning districts shall dedicate a portion of area as open space.
  2. Designate open space sizes, open space types, open space percentages requirements, and open space design standards.
  3. Define the maintenance and ownership requirements for open spaces.
  4. Still in its natural habitat or undisturbed state, except for the cutting of trails for walking or jogging, or is landscaped for ball fields, picnic areas, or similar facilities.
  5. Capable of being uses and enjoyed for purposed of informal and unstructured recreation.
  6. Legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of open space is required per **Section XXX Open Space Standards.**

## 3-4 APPLICABILITY

- A. Unless otherwise explicitly exempted, the standards outlined in this section shall apply to all new development and redevelopment in the Town of Carthage.

## 3-5 OPEN SPACE STANDARDS

### 3-5.1 GENERALLY

- A. Open space standards shall follow the regulations and standards outlined in this section.

### 3-5.2 OPEN SPACE SIZES

- A. Open spaces may generally consist of a variety of different sizes. For this section, open spaces sizes shall be defined as small, medium, and large. Table XXX defines the acreage for each open space category.

Table XXX Open Space Sizes

Open Space Size	Acreage (Range)
<b>Small</b>	500 SF – 1.0 Acres
<b>Medium</b>	1.0 – 2.5 Acres
<b>Large</b>	2.5 Acres or More

### **3-5.3 OPEN SPACE TYPES**

Open spaces may take different forms depending on the natural environment and development surrounding the land in which the open space is established. Open spaces include the following space types, as defined below:

#### **A. Small Open Spaces.**

1. **Pocket Park.** Pocket parks are defined as small open spaces primarily intended to provide active or passive recreation opportunities.

(1) Features may include the following:

- i. Small shade structures;
- ii. Gazebos;
- iii. Seating areas;
- iv. Multi-purpose lawn space;
- v. Playgrounds;
- vi. Community gardens;
- vii. Dog parks;
- viii. Trails; or
- ix. Steams or ponds.

Figure XXX Pocket Park



- B. **Active Use Areas.** Active use areas are defined as small open spaces intended for pedestrian activity within nonresidential developments. Some features may include the following:
1. Outdoor dining;
  2. Small outdoor music venues; or
  3. Flexible urban spaces.

Figure XXX Active Use Area

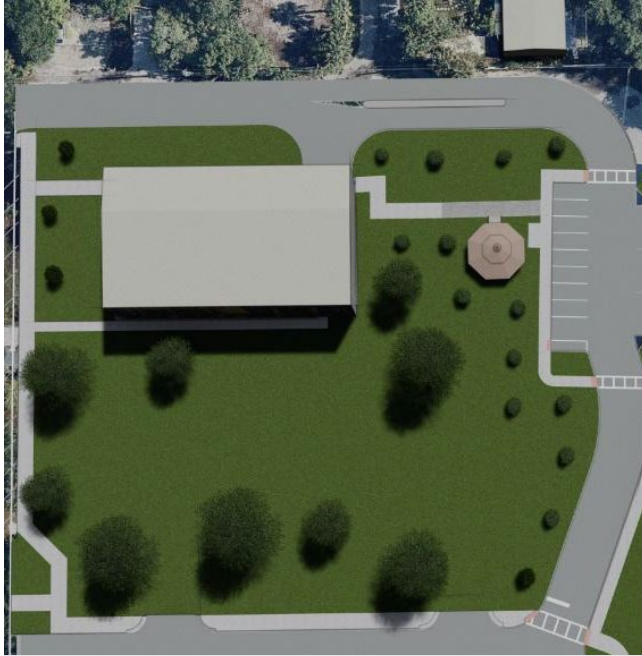


Figure XXX Amenity Centers



- C. **Green.** Greens are defined as small open space in most instances. Greens help provide more informal, natural spaces supporting active or passive recreation opportunities.
1. Greens shall be bounded by rights-of-ways and the fronts of buildings.
  2. Greens may include features such as:
    - (1) Multi-purpose lawn space;
    - (2) Lawn games;
    - (3) Playgrounds;
    - (4) Play spaces; and
    - (5) Small scale recreational facilities such as pickleball or soccer.

Figure XXX Green



- D. **Plaza.** Plazas serve as a gathering place for social, commercial, or civic purposes.
1. Typically located in the front or sides of a building or group of buildings. May not be located in the rear of a building.
  2. Pedestrian features may include:
    - (1) Shade structures;
    - (2) Benches;
    - (3) Tables;
    - (4) Fountains; and
    - (5) Public art.

**Commented [KG23]:** Greer has "Plaza/Square" is there a reason we broke out here?

Figure XXX Plaza



- E. **Square.** Squares serve as a formal open space for social, commercial, or civic purposes.
1. Typically rectilinear in shape and usually bordered on all sides by a vehicular right-of-way.
  2. Features may include:
    - (1) Seating areas;
    - (2) Pedestrian facilities;
    - (3) Play areas;
    - (4) Shade structures;
    - (5) Gazebos;
    - (6) Seating areas;
    - (7) Playgrounds;
    - (8) Public art;
    - (9) Statues; and
    - (10) Monuments.
- F. **Medium Open Spaces.**
1. **Amenity Center.** Amenity Centers are defined as small or medium open spaces that include a combination of enclosed and open spaces. Amenity Centers provide recreational opportunities and may typically be found in residential developments.

(1) Features may include the following:

- i. Pools;
- ii. Splash pads;
- iii. Clubhouse;
- iv. Small scale recreational facilities (i.e., pickleball, soccer, shuffleboard, lawn games); and
- v. Pavilions

(2) Amenity Centers and pavilions shall be designed in similar architecture and material as the residential development.

**G. Large Open Spaces.**

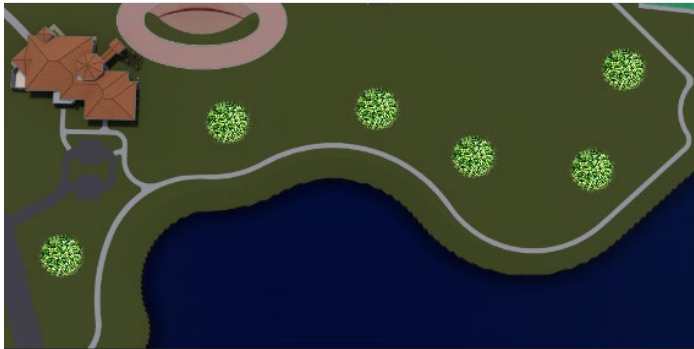
1. **Linear Park.** Linear Parks may provide multimodal or connectivity opportunities for the area.

(1) Linear Parks typically take advantage of scenic environmental attributes and may follow a natural feature such as a stream or wetland system.

(2) Features may include:

- i. Natural environmental features such as streams;
- ii. Benches;
- iii. Picnic tables;
- iv. Lawn games; and
- v. Shade structures.

Figure XXX Linear Park



**H. Neighborhood Parks.** Neighborhood Parks are typically located within a development, and are intended to be a substantial component, providing active and passive recreational activities.

1. Neighborhood Parks usually serve residential subdivisions, planned developments, and mixed-use centers.

Figure XXX Neighborhood Park



### **3-5.4 OPEN SPACE PERCENTAGE REQUIREMENTS**

- A. The general amount of open space required in a development shall comply with the provisions outlined in this section. Any development may provide more open space than what is required, but at minimum shall provided the required open space per district.
- B. The gross square footage of open space area shall be used in the calculation of open space percentage requirements.
- C. Unless strictly outlined in this section, vehicle use areas, streets, driveways, and sidewalks shall not be used toward the open space calculations.
  1. **Residential Zoning Districts.** Table B.7.2 outlines the required open space for residential development.
    - (1) Design alternatives may be permitted by the Planning Director for one (1) large open space type for development less than fifty (50) acres.
    - (2) For developments greater than fifty (50) acres, at least fifty (50) percent of homes shall be within one-half (1/2) mile of a medium or large open space type.
    - (3) Planning Director may modify minimum open space requirements based on size, number and type of units provided, and proximity to public parks and open spaces; however, total must be 100% waived not allowed.

**Commented [RM24]:** Or Town Council?

**Commented [JH25R24]:** This is a transfer of power by the BOC, we will need to bring it to their attention during adoption and let them make this call. Also, we would like to change the 100% waived, to 20% waived for Planning Director, anything above 20% would be considered a major modification and need to go before the BOC

Table XXX Residential Zoning Districts Minimum Open Space Requirements



SIZE OF RESIDENTIAL DEVELOPMENT	USEABLE OPEN SPACE REQUIREMENTS
<b>Less than 10 Acres</b>	<ul style="list-style-type: none"> <li>• Minimum 10% Open Space</li> </ul>
<b>10- 50 Acres</b>	<ul style="list-style-type: none"> <li>• Minimum 10% Open Space; and</li> <li>• One (1) small open space type and one (1) medium open space type</li> </ul>
<b>Greater than 50 Acres*</b>	<ul style="list-style-type: none"> <li>• Minimum 20% Open Space; and</li> <li>• One (1) small or medium open space type and one (1) large open space type</li> <li>• One (1) small open space type and two (2) medium open space types</li> </ul>
*For residential development greater than fifty (50) acres, open space requirements can be one or the other.	

2. **Commercial Zoning Districts.** Table B.7.3 outlines the required open space for all commercial zoning districts.

(1) For all new commercial development and redevelopment, the minimum open space shall be usable, centrally located, and fifteen (15) percent of the total development size.

Table XXX Commercial Zoning Districts Minimum Open Space Requirements

SIZE OF COMMERCIAL DEVELOPMENT	USEABLE OPEN SPACE REQUIREMENTS
<b>Less than 25 Acres</b>	<ul style="list-style-type: none"> <li>• Minimum 5% Open Space; and</li> <li>• One (1) small open space type</li> </ul>
<b>25- 50 Acres</b>	<ul style="list-style-type: none"> <li>• Minimum 10% Open Space; and</li> <li>• One (1) small open space type and one (1) medium open space type</li> </ul>
<b>Greater than 50 Acres*</b>	<ul style="list-style-type: none"> <li>• Minimum 15% Open Space; and</li> <li>• Two (2) small open space types and one (1) medium open space type.</li> </ul>

3. **Planned Unit Development (PUD).** Table B.7.4 outlines the required open space requirements for PUDs.

(1) PUDs shall require a minimum of thirty-five (35) percent open space.

Table XXX Planned Unit Development Minimum Open Space Requirements

SIZE OF PLANNED UNIT DEVELOPMENT	USEABLE OPEN SPACE REQUIREMENTS
<b>Less than 25 Acres</b>	<ul style="list-style-type: none"> <li>Minimum 10% Open Space; and</li> <li>Two (2) small open space types and one (1) medium open space type, and two (2) open space types.</li> </ul>
<b>25- 50 Acres</b>	<ul style="list-style-type: none"> <li>Minimum 15% Open Space; and</li> <li>Two (2) small open space types, two (2) medium open space types, and one (1) large open space type.</li> </ul>
<b>Greater than 50 Acres*</b>	<ul style="list-style-type: none"> <li>Minimum 20% Open Space; and</li> <li>Four (4) open space types, three (3) medium open space types, and one (1) large open space type.</li> </ul>
*At least fifty (50) percent of the homes must be within one-half (1/2) mile of a medium or large open space type.	

### **3-5.5 OPEN SPACE DESIGN STANDARDS**

- A. **Distribution.** Open space shall be evenly distributed throughout the development with respect to environmental considerations and subdivision design.
- B. **Distance.** No two open space types shall be within one-quarter (1/4) mile radius of another open space type.
- C. **Frontage.** All open space shall provide at least one (1) public street within the development in which the open space resides.
- D. **Consolidation.** Required open space requirements shall not be consolidated to meet the standards of this section. This section requires multiple open space types of varying sizes in each development per the standards set forth in Open Space Percentage Requirements.
- E. **Active and Passive Features.** Table B.7.5 outlines active and passive open space features. Active and passive features are not limited to the ones outlined in Table B.7.5.
  1. A minimum of twenty-five percent (25) of all required open space shall be dedicated and designed to allow for active recreation features.

Table XXX Active and Passive Features \*This is not an exhaustive list.

ACTIVE FEATURES	PASSIVE FEATURES
Lawn Games and Concrete Gaming Table	Walking Trails
Hard Courts (Pickleball, Tennis, Etc.)	Boardwalks
Playgrounds	Gardens
Swimming Pools and Splash Pads	Greens
Athletic Fields (Soccer, Baseball, Etc.)	Picnic Areas
Clubhouse, Pavilions, Amenity Centers	Lake and Ponds
Exercise Facilities	Benches and Seating Areas
Plazas	Lawns and Natural Areas
	Greenways

**F. Topography.**

1. The average slope of land for active recreation features shall not exceed seven-and-one-half percent (7.5%).
2. The average slope for passive recreation shall not exceed fifteen percent (15%).

**G. Accessibility.** Open space shall be located and designed to be easily accessible for residents and users of the development in which the open space is located.

1. Open spaces shall provide universal designs that may be enjoyed by different target users and provide for ADA accessibility.

**H. Public Seating.** Public seating shall be adequate for the anticipated demand of the intended use of the open space and reflect the number of dwelling units within a development.**I. Receptacles.** Receptacles shall be required at each entrance and public gathering space for each open space type.**J. Stormwater.** Open space shall meet the requirements in **Section D.3 Stormwater** and the following:

1. A maximum of twenty-five percent (25%) of total required open space may be stormwater facilities.

2. Open space requirements. Only wet stormwater facilities providing accessible features, including trails, along at least fifty percent (50%) of the stormwater frontage may count towards the twenty-five percent (25%) minimum.
  3. Dry pond facilities do not count toward the twenty-five percent (25%) maximum.
  4. Any stormwater facility used toward this requirement shall be publicly accessible and provide a public edge, through improved or primitive trails.
- K. **Environmentally Sensitive Lands and Floodplains.** A maximum of twenty percent (20%) of total required open space is permitted to be environmentally sensitive lands.
1. Such lands can include wetlands, protected stream buffers, and floodplains.
- L. **Ponds and Lakes.**
1. A maximum of five percent (5%) of the total required open space may be ponds and lakes that are not associated with stormwater retention. This shall apply if at least twenty-five percent (25%) of the shoreline is public edge.
  2. Public access shall be provided that is equivalent to the access provided to private landowners around the lake. Public facilities may be required by the Town on a case-by-case basis.
- M. **Parking.**
1. **Small Open Space Types.** Small open space types shall not count any parking as part of its open space calculation.
  2. **Medium Open Space Types.** Medium open space types may count up to five (5) parking spaces as part of its open space calculation.
  3. **Large Open Space Types.** Large Open Space Types may count up to ten (10) parking spaces as part of its open space calculation.
- N. **Multi-Phased Development.** In multi-phased developments, open space shall be provided for each phase in the amount sufficient to satisfy the open space requirements for the subject phase of development and the remainder of the phases thereafter.
- O. **Landscaping Requirements.** Any landscaping of open spaces shall adhere to the provisions of **Section xxx Landscaping and Buffering.**

### **3-5.6 GREENWAYS**

- A. **Landscaping Requirements.** Any landscaping of open spaces shall adhere to the provisions of **Section XXX Landscaping and Buffering.**
- B. Greenways are a way to preserve and create open space, encourage physical fitness, provide alternative transportation means, create opportunities for outdoor recreation, and provide connectivity between useable space.
- C. New development may provide additional greenways and connections to greenways subject to the provisions of this section.
- D. **Greenway Design.** Greenways should be a minimum of ten (10) feet in width located within a dedicated right-of-way or public easement measuring at least twenty (20) feet in width.
  - 1. Greenway connectors shall be a minimum of six (6) feet in width.
- E. **Topography.** Greenways shall be designed to fit the existing natural environment and contours of the land.
  - 1. Significant tree removal shall be minimal in greenway design.
- F. **Accessibility.** Greenways shall be designed to accommodate a variety of users.
- G. **Paving.** Greenways shall be designed as improved trails of impervious materials. The **Planning Director** may approve design alternatives for portions of the greenway to allow for primitive trails. Any proposed design alternatives will need to be submitted to the Planning Director with a written narrative and illustration of the proposed alternative.
- H. **Public Access.** Whether by easement or public access, all greenways and greenways connectors shall be maintained for public access.
- I. **Amenities.** Designated Town greenways shall provide basic amenities for targeted users.
  - 1. Greenways shall provide at least three (3) of the following amenities:
    - (1) Water fountains;
    - (2) Restrooms;
    - (3) Trash receptacles;
    - (4) Benches;
    - (5) Bicycle racks; and
    - (6) Shade structures.

**Commented [JH26]:** This is a transfer of power, the BOC will need to know and agree

2. Any greenway not dedicated to the Town of Carthage are not required to adhere to the amenity requirements.
- J. **Open Space Considerations.** Any land dedicated as greenway shall be credited towards the applicable open space percentage requirements outlined in this article.

### **3-5.7 OWNERSHIP OF OPEN SPACE**

- A. Open space shall be owned and/or administered by one of more of the following methods:
1. Fee simple dedication to a public government entity or a private non-profit land conservancy which public access shall be provided.
  2. Ownership by a homeowner's association (HOA) where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants filed in the Register of Deeds Office. Such conveyances shall be approved by the Town Attorney, subject to the North Carolina Unit Ownership Act / North Carolina Condominium Act, and shall be filed with the Town. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the HOA before any lots are sold. The required organizational documents and by-laws shall include, but are not limited to, the following: Membership shall be mandatory for each buyer and any successive buyer. The developer shall be responsible for all maintenance and other responsibilities of the HOA until 60% of all units to be sold are sold. After 60% of all units are sold, the HOA shall levy assessments and assume its responsibilities. The HOA shall be responsible for liability insurance, taxes and maintenance of all recreational open space facilities, grounds and common areas. Any sums levied by the HOA that remain unpaid shall become a lien on the individual property.
  3. A private landowner may retain ownership of the open space, provided a conservation easement established for that express purpose is recorded in the public records of Moore County prior to the approval of a plat or issuance of a building permit for a vertical building or structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private landowner.

**3-5.8 MAINTENANCE OF OWNERSHIP**

- A. The owner of the open space shall be responsible for the maintenance and upkeep of the facility.
- B. The maintenance and upkeep includes regular maintenance of vegetation and infrastructure components, such as stormwater facilities, paths, impervious surfaces, and amenities.
- C. Failure to maintain the open space in a good and safe condition will result in a Notice of Violation with the potential for fines.

## 6. LANDSCAPE AND BUFFER

### 6-1 PURPOSE, INTENT AND APPLICABILITY

#### 6-1.1 PURPOSE AND INTENT

A. **Purpose and Intent.** This Section is intended to improve the appearance and natural beauty of the Town of Carthage and guarantee a more predictable, controlled pattern of buffering and mitigation. In order to accomplish this intent, this Section requires that landscaping be provided for any new development. The use of landscaped and maintained areas can reduce incompatibilities of adjacent land uses and promote and enhance community image. The standards outlined in this Section are designed to:

1. Increase the compatibility of adjacent uses;
2. Minimize the adverse impacts created by neighboring uses;
3. Reduce excessive heat, glare, and accumulation of dust;
4. Lessen visual pollution;
5. Ensure landscape yards and screening to reduce the negative impacts of noise, trash, odors, lack of privacy, and visual appearances that occur in higher intensity land uses;
6. Safeguard the public health, safety, and welfare; and
7. Ensure the appearance and natural beauty of Carthage contributes positively to its growth and economic prosperity.

#### 6-1.2 APPLICABILITY

- A. **Existing Structures.** Buffers and screening shall be provided as required in this Section. Structures lawfully existing before the passage of this UDO may be repaired or modified without providing landscaping buffers required in this Section, provided there is no increase in floor area or impervious area on the site greater than 20%.
- B. **New Structures.** Prior to obtaining a zoning or building permit for a new principal structure or development, an applicant must submit and receive approval of a sealed landscape plan from the Planning Development Administrator. Detail shall



be provided on the plan showing the required landscaping within a one hundred (100) linear foot section of any buffer. Species of trees and shrubs shall be chosen from the approved plant list as provided in Section 3-5.4.2. Preservation of existing vegetation is encouraged and may be used to meet the requirements of this Section.

- C. **Improvements, Expansions, and Additions.** Any improvements, expansions and additions of an existing structure, outdoor use area, or off-street parking area shall comply with the following standards:
1. For improvements, expansions and additions of fifty percent (50%) or less, the standards of this Section shall only apply to the improved/expanded areas.
  2. For improvements, expansions and additions of greater than fifty percent (50%), the standards of this Section shall apply to the entire lot.
- D. **Landscape Plan.** All developments subject to this Section must submit a landscape plan. A registered landscape architect is required to submit a landscape plan. A landscape plan shall include the following:
1. Title of project;
  2. Dimensions, scale, and north arrow;
  3. All required open space shown on the plan;
  4. A tree/vegetation survey;
  5. All landscaped areas;
  6. Identify all UDO required landscaping;
  7. Vehicular use areas including parking, aisles, and driveways;
  8. Roadways and access points;
  9. Areas of tree preservation;
  10. Overhead and underground utilities; and
  11. A plant schedule including plant scientific names, common names, container size, caliper of trees, and size at installation.
- E. **Exemptions.** The landscaping and buffering requirements set forth in this Section shall not apply in the following instances:
1. **Change in Use.** A change in use does not trigger application of this Section unless there is a specific use standard required for landscaping for the new use.
  2. **Single-Family Detached Dwellings.** These regulations do not apply to new single-family detached dwellings constructed on a single lot or parcel not part

of a new subdivision or planned development. New subdivisions or planned developments shall adhere to these provisions and shall require perimeter buffers.

## **6-2 LANDSCAPE STANDARDS BY LOCATION**

### **6-2.1 PERIMETER BUFFERS**

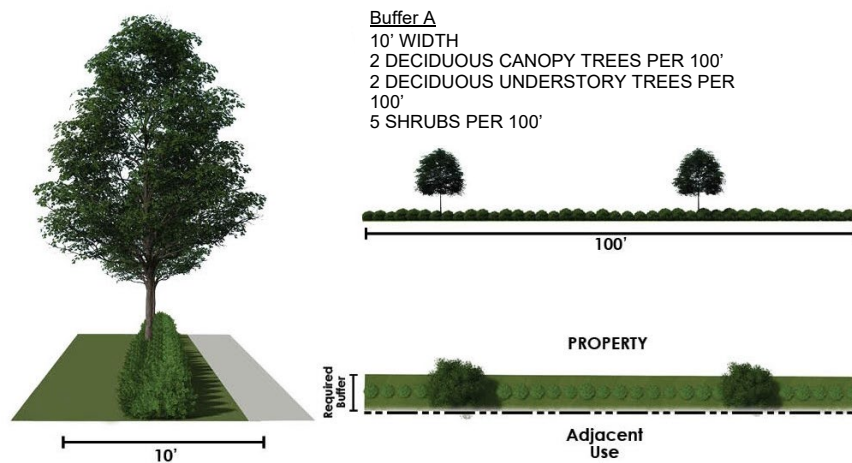
#### **A. Applicability.**

1. Buffers are required along the common property lines between developments in different zoning districts or between developments of different uses established in this Ordinance.
2. Buffer requirements shall not apply when a public street or railroad right-of-way separates applicable zoning districts or uses.
3. For all perimeter buffer types, existing vegetation may be used to satisfy the planting requirements. If existing vegetation does not fully meet the planting requirements, supplemental planting shall be required.

#### **B. Perimeter Buffer Types and Requirements:**

1. Type 'A' Perimeter Buffer
  - (1) Type 'A' perimeter buffers provide minimal visual or sound barriers and is intended for use on developments adjacent to lots with similar uses.
  - (2) Type 'A' perimeter buffers shall be ten (10) feet in width.
  - (3) Two (2) deciduous canopy trees are required per 100 linear feet of buffer.
  - (4) Two (2) deciduous understory trees are required per 100 linear feet of buffer.
  - (5) Five (5) shrubs are required per 100 linear feet of buffer. A minimum of 50% of shrubs shall be evergreen.
  - (6) Existing vegetation may be used to meet buffer requirements.

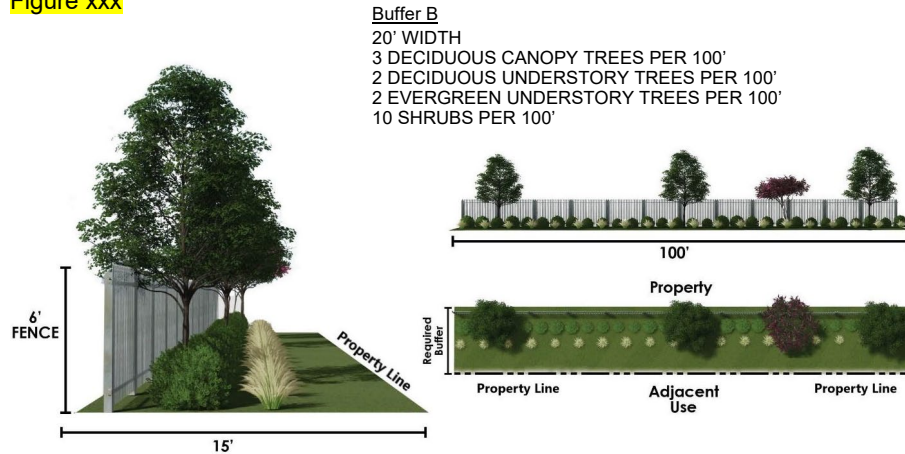
Figure xxx



## 2. Type 'B' Perimeter Buffer

- (1) Type 'B' perimeter buffers provide semi-opaque landscaping to create a partial visual and sound barrier and are intended for use on developments adjacent to lots with similar use intensity, but may contain sound, lights, or operations which may adversely impact the proposed development.
- (2) Type 'B' perimeter buffers shall be twenty (20) feet in width.
- (3) Three (3) deciduous canopy trees are required per 100 linear feet of buffer.
- (4) Two (2) deciduous understory trees are required per 100 linear feet of buffer.
- (5) Two (2) evergreen understory trees are required per 100 linear feet of buffer.
- (6) Ten (10) shrubs are required per 100 linear feet of buffer. A minimum of 75% of shrubs shall be evergreen.

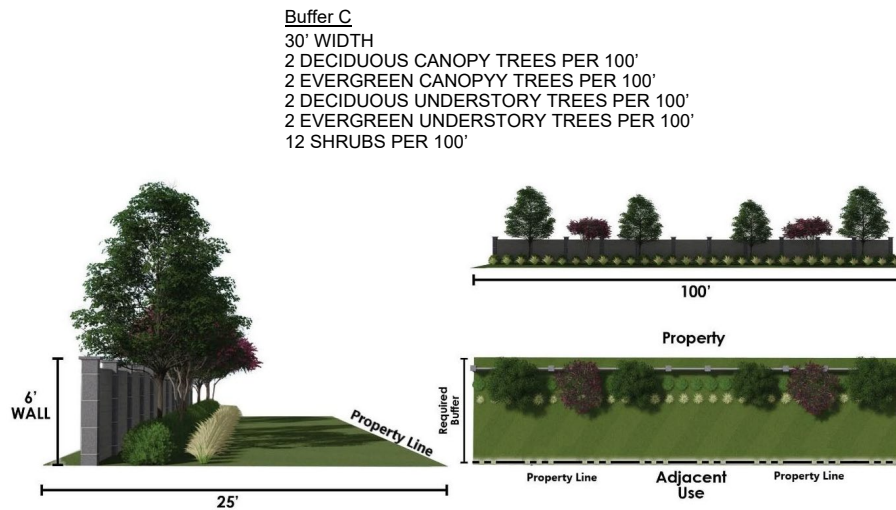
Figure xxx



### 3. Type 'C' Perimeter Buffer

- (1) Type 'C' perimeter buffers provide substantial sound and visual barriers and are intended to be placed on developments adjacent to lots with significant changes in intensity.
- (2) Type 'C' perimeter buffers shall be thirty (30) feet in width.
- (3) Two (2) deciduous canopy trees are required per 100 linear feet of buffer.
- (4) Two (2) evergreen canopy trees are required per 100 linear feet of buffer.
- (5) Two (2) deciduous understory trees are required per 100 linear feet of buffer.
- (6) Two (2) evergreen understory trees are required per 100 linear feet of buffer.
- (7) Twelve (12) shrubs are required per 100 linear feet of buffer. A minimum of 75% of shrubs shall be evergreen.

Figure xxx



#### 4. Permitted Activity within Perimeter Buffers

- (1) Selective thinning of existing vegetation up to one (1) inch caliper, removal of dead vegetation, and removal of invasive species shall be permitted.
- (2) Driveways, sidewalks, and utilities with associated easements may cross a perimeter buffer at as near a perpendicular angle as possible. When utilities are required to cross a perimeter buffer, they shall be grouped together to create as few buffer crossings as practicable.

- C. 3-5.2.2 street trees All subdivisions, developments subject to Site Plan Approval, and planned developments shall provide street trees along any frontage adjacent to public streets.
- D. Street tree species shall be selected from the list of recommended species in Section 3-5.5.1. Alternative species may be planted with approval from the Planning Director. No species from the Prohibited Species list (Section 3-5.5.2) or species listed on the USDA Noxious and Invasive Plant List may be used to satisfy Street Tree Requirements.

- E. Street trees shall be planted at a rate of one (1) deciduous canopy tree per forty (40) linear feet of property line abutting a public street.
- F. When overhead utility lines are present, street trees shall be planted at a rate of one (1) deciduous understory tree per twenty (20) linear feet of property line abutting a public street.
- G. Trees used to meet perimeter buffer requirements or parking lot landscaping requirements may be used to satisfy street tree requirements, if they are located within twenty (20) feet of a street.

#### **6-2.2 PARKING LOT LANDSCAPING**

- A. Parking Lot Perimeter Landscaping
  - 1. Parking lot perimeter landscaping shall be planted between new surface parking areas and property boundaries, excluding driveways and sight distance triangles.
  - 2. Parking lot perimeter landscaping areas shall be a minimum of six (6) feet in width.
  - 3. At a minimum, one (1) deciduous canopy tree shall be planted per thirty (30) linear feet of parking lot perimeter. Where overhead power lines are present, understory trees may be substituted for canopy trees.
  - 4. At a minimum, one (1) evergreen shrub shall be planted per four (4) linear feet of parking lot perimeter. Shrubs must be expected to attain a minimum height of three (3) feet within three years of installation.
  - 5. A masonry wall may be substituted for shrubs. Masonry walls used to satisfy parking lot perimeter landscaping requirements shall be between three and five feet in height and constructed from brick or stone.
- B. Parking Lot Interior Landscaping
  - 1. All parking areas shall include at least one interior landscape island per 10 parking spaces, or fraction thereof. Space devoted to interior landscape islands shall be in addition to any required Perimeter Buffer or Parking Lot Perimeter landscape requirements.
    - (1) Landscape islands shall be a minimum of 8 feet in width and 17 feet in length, measured from back of curb.
    - (2) Landscape islands shall contain a minimum of one deciduous canopy tree and three evergreen shrubs. All trees and shrubs shall comply with the minimum size at planting required in this Chapter.

- (3) Landscape islands shall be spaced such that no parking space is located further than fifty feet from a canopy tree.
- 2. A landscape median island shall be provided between every six (6) single parking rows.
  - (1) Landscape median islands shall be a minimum of six feet in width.
  - (2) A median island may also serve as the location for a sidewalk. If a sidewalk is included, the median island shall be a minimum of ten feet in width.
  - (3) Median islands shall be planted with one (1) deciduous canopy tree per thirty (30) linear feet and one evergreen shrub per four (4) linear feet.

### **6-2.3 FOUNDATION PLANTINGS**

- A. Foundation plantings shall be required along a minimum of 50% of the building facing a public or private street.
- B. Service and loading areas shall be excluded from foundation planting calculations.
- C. Foundation planting beds shall be a minimum of four (4) feet in width.
- D. Plantings shall consist of evergreen and deciduous shrubs selected from the list of recommended species in Section XXX. Alternative species may be planted with approval from the Planning Director. No species from the Prohibited Species list (Section XXX) or species listed on the USDA Noxious and Invasive Plant List may be used to satisfy Street Tree Requirements.

## **6-3 SCREENING**

### **6-3.1 LOADING AREAS**

- A. Outdoor loading areas 50 square feet or larger not screened by an intervening building must be screened from view from adjacent property or public street right-of-way for their entire length.
- B. Enclosed loading areas must be screened with a roll down door or other opaque screen.
- C. Screening may be accomplished with evergreen plant material that can be expected to reach a mature height of 6-feet with a spread of 4-feet within three years of planting.

### **6-3.2 SERVICE AREAS**

- A. Trash collection, trash compaction, recycling collection, utility service areas, and other similar service areas shall be located to the side or rear of buildings and must be screened from view from adjacent property or public street right-of-way.
- B. Service areas that are fully integrated into a building must be screened with a roll down door or other opaque screen.
- C. Screening is not required for utility service areas located more than 50 feet from an adjacent property or a public right-of-way.

### **6-3.3 MECHANICAL EQUIPMENT**

- A. Roof-Mounted Equipment:
  - 1. Roof-Mounted equipment shall be screened from ground level view from adjacent property or adjacent public right-of-way.
  - 2. Parapet walls shall be constructed to screen roof mounted equipment from view.
  - 3. For existing buildings with no or low parapet walls, roof mounted equipment shall be screened on all sides by an opaque screen compatible with the material of the principal building.
- B. Ground-Mounted Equipment:
  - 1. Ground Mounted Equipment shall be screened by evergreen plant material or an opaque screen as high as the highest point of the equipment.

## **6-4 INSTALLATION AND MAINTENANCE**

### **6-4.1 INSTALLATION**

- A. **Installation Required.** All landscaping areas required by this Section shall be installed prior to commencement of the Use on the Lot or the issuance of a Certificate of UDO Compliance. If seasons and weather conditions are not appropriate for the installation of landscaping immediately prior to commencement of the Use or the issuance of a Certificate of UDO Compliance, a performance bond, or other surety acceptable to the Town, shall be provided to the Administrator. All landscaping required by this Section shall be installed within the first 3 months of the next planting season after the Use of the Lot is commenced.



- B. **Live Vegetation.** All landscape materials installed as required by this Section shall be living vegetation.
- C. **Landscape Material Size at Installation.** Materials for all landscape plans under the requirements of this UDO shall comply with the minimum size as shown in Table XXX at time of planting.

Table XXX Required Plant Sizes

Required Plant Sizes	
Landscape Material	Minimum Size
Deciduous Canopy Trees	2 ½" Caliper
Deciduous Understory Trees	1 ½" Caliper
Evergreen Canopy Trees	8' Height
Evergreen Understory Trees	5' Height
Screening Shrubs	36" Height
All Other Shrubs	18" Height

- D. **Certificate of Installation.** Within 30 days of the installation of plant materials, a registered landscape architect shall submit written certification to the Administrator stating that healthy plant material was properly installed in accordance with the locations, quantities, minimum sizes, and species indicated on the approved landscaped plan.
- E. **Required 1-Year Warranty.** All landscape materials, including Street trees, that do not live for 1 year after installation shall be replaced. The installer shall provide the Town with a maintenance bond.

#### **6-4.2 MAINTENANCE**

A. **The Owner shall be responsible for:**

1. The maintenance of all required landscaping by keeping lawns mowed, all plants maintained as disease-free, all planting beds groomed and kept weed free (except in areas of preserved existing natural vegetation (i.e., thickets), and kept free from trash, debris and other objectionable materials;
2. The replacement of any required planting, which is removed or dies after the date of planting. Such replacement shall occur during the next planting season; and,

3. The replacement of any tree in a Tree Preservation Area which is removed or dies after the date of approval of a Landscape Plan. Such replacement shall occur during the next planting season.
  4. Maintenance that damages plant material is prohibited.
  5. Tree topping is prohibited.
- A. Failure to maintain required landscape areas shall constitute noncompliance of this UDO.

## 6-5 PROHIBITED SPECIES

### 6-5.1 PROHIBITED SPECIES

The following species are prohibited:

Table XXX Prohibited Species

Prohibited Species	
Scientific Name	Common Name
<b>Ailanthus altissima</b>	Tree of Heaven
Albizia julibrissin	Mimosa
Alliaria petiolate	Garlic-mustard
Alternanthera philoxeroides	Alligatorweed
Ampelopsis brevipedunculata	Porcelain berry
Bambusa spp.	Bamboo
Celastrus orbiculatus	Asian bittersweet
Clematis terniflora	Leatherleaf clematis
Eichhornia crassipes	Water-hyacinth
Elaeagnus angustifolia	Russian Olive
Elaeagnus umbellata	Autumn Olive
Euonymus alata	Burning bush
Hedera helix	English Ivy

TOWN OF CARTHAGE, NC UDO DRAFT

Hydrilla verticillate	Hydrilla
Lespedeza bicolor	Lespedeza
Ligustrum japonicum	Japanese privet
Ligustrum sinense	Chinese Privet
Lonicera fragrantissima	Fragrant honeysuckle
Lonicera japonica	Japanese honeysuckle
Microstegium vimineum	Japanese stilt-grass
Murdannia keisak	Asian spiderwort
Myriophyllum aquaticum	parrotfeather
Nandina domestica	Nandina
Paulownia tomentosa	Princess tree
Persicaria perfoliate	Mile-a-minute vine
Phragmites australis	Common reed
Phyllostachys spp.	Exotic Bamboo
Pyrus calleryana	Bradford pear
Reynoutria japonica	Japanese knotweed
Pueraria montana	Kudzu
Rosa multiflora	Multiflora rose
Salvinia molesta	Aquarium water-moss
Vitex rotundifolia	Beach vitex
Wisteria floribunda	Japanese wisteria
Wisteria sinensis	Chinese wisteria
Xanthium strumarium	Common cocklebur

## 7. FENCING

### 7-1 FENCES, WALLS, AND BERMS

#### A. General Standards.

1. Fences and walls must be constructed of high-quality materials including brick and stone, stucco over concrete masonry blocks, treated wood, wrought iron, composite fencing, PVC vinyl, and other like materials as approved by the Planning Department.
2. The maximum required fence height shall be eight (8) feet above ground level when the proposed project zoning type is classified as an industrial zoning type.
3. The maximum required fence height shall be six (6) feet above ground level when the proposed project zoning type is classified as any zoning type except those classified as industrial.
4. Fences in the Central Business District shall be limited to three (3) feet in height.
5. All fence support structures must be located on the inside of the fence covering material.
6. Where a fence or wall is used as part of the required screening, all required vegetation shall be planted on the exterior side of the fence or wall.
7. Where the fence option is used to screen multifamily residential zoning types form more intense zoning, the required vegetation may be planted on the interior side of the fence or wall.
8. Bright colors including orange, yellow and red are not permitted for permanent fences.
9. Fences must be placed two (2) feet from the Right-of-Way or from any sidewalk unless an encroachment permit is obtained by administrative approval. Placing a fence in Right-of-way or within two (2) feet from sidewalk, an encroachment permit is needed.
10. Fences, walls and berms may encroach into required yards

#### B. Electric Fences.

Electric fences are only permitted in conjunction with agricultural activities and industrial activities in the AG district, by right in the I district, and by special use permit in the commercial districts. Electric fences must abide by the following standards:

1. Electric fences must be driven only by a commercial storage battery not to exceed twelve (12) volts DC.

2. Warning signs shall be required on all electric fences and meet all safety and emergency services requirements.
- C. **Barbed Wire Fences.** Barbed wire fencing is only permitted in conjunction with agriculture activities and industrial activities in the AG and I districts. Barbed wire may be approved by special use permit in other districts in accordance with the required standards of review in Section XXX: Special Use Permits and if deemed necessary to protect health and safety in association with utility structures, landfills, airports or similar civic uses.
- D. **Earthen Berms.** Earthen berms six (6) feet high or greater, or earthen berms with combined evergreen shrub plantings reaching a minimum height of six (6) feet, may be used in lieu of not more than fifty percent (50%) of the evergreen buffer yard plantings providing the following conditions are met:
  1. **Berms In Required Yards.** Berms may be located in required yards.
  2. **Grading of Berms.** Berms shall not exceed a grade of (1) foot of rise in three (3) feet of length.
  3. **Live Vegetation.** The entire berm shall be planted and covered with live vegetation.
  4. **Evergreen Shrubs.** On berms less than six (6) feet in height, evergreen shrubs, if used, shall be a minimum of one foot in height at installation and shall be placed no greater than eighteen (18) inches edge to edge.
  5. **Landscaping.** Berms, which may also feature walls as permitted in Section XXX shall be landscaped and meet all landscape requirements.
  6. **Shape.** Berms shall be natural shaped, shall have a minimum crown width of two (2) feet, and shall have side sloped stabilized to sedimentations and erosion control standards.
  7. **Height.** Berms shall not exceed a total of eight (8) feet above the toe of the berm.
  8. **Drainage.** Berms shall not drain onto neighboring yards and cause undue pooling of water. Runoff shall be directed into appropriate drainage easements or facilities.

Figure XXX Berms and Walls

TOWN OF CARTHAGE, NC UDO DRAFT



## 8. LIGHTING

### 8-1 GENERAL

- A. **Purpose and Intent.** The purpose of this Section is to regulate the intensity of outdoor and exterior lighting and establish standards to minimize the adverse impacts of excessive light intensity. The intent of these standards is to:
1. Prevent light from non-residential and commercial developments from excessively illuminating other properties and street rights-of-way;
  2. Create and maintain a minimum standard for outdoor lighting; and
  3. Provide visibility for the safety of motor vehicles and pedestrians.
- B. **Applicability.** The standards of this Section shall apply to all new non-residential and commercial developments and redevelopment, except those in 8.2. The following shall also apply in instances of repairs, renovations, and/or additions:
1. **Minor.** When a building site is improved by twenty-five percent (25%) or less of the building or site's gross square footage, lighting subject if there is no lighting currently on the site to the standards of this Section is required only for the additional improved site area.
  2. **Major.** When a building or site is improved by greater than twenty-five percent (25%) of the building or site's gross square footage, both the additional area and existing area must conform to the standards in this Section.

### 8-2 EXEMPTIONS

- A. The following are exempted from the standards of this Section:
1. Lighting exempt under state or federal law;
  2. FAA required lighting used by emergency services;
  3. Security lighting which is controlled by activity centers; so long as the duration is fifteen (15) minutes or less;
  4. Lighting used underwater for swimming pools, fountains, or spas; and
  5. Temporary or emergency lighting.

### 8-3 LIGHTING INTENSITY STANDARDS

- A. Figure XXX: Specific Lighting Standards, defines specific standards for lighting intensity based upon the involved land use. Values are presented in foot-candles

(fc) maintained at grade (measured horizontally) and are to be averaged throughout the site to ensure minimum intensity at the edge of the development area. Where a single development occupies multiple lots, the maximum illumination shall be required around the perimeter of the development.

Figure XXX Specific Lighting Standards

Use	Minimum	Maximum
<b>Pedestrian areas/sidewalks</b>	0.2 fc	1.0 fc
<b>Building entries</b>	1.0 fc	10.0 fc
<b>Street lighting</b>	0.2 fc	1.0 fc
<b>Open parking areas</b>	0.2 to 0.9 fc	3.6 fc
<b>Playgrounds</b>	NA	5.0 fc
<b>Site perimeter</b>	NA	0.5 fc

- B. Lighting intensity shall be determined using a foot candle meter with a pre-set distance.

## 8-4 LIGHTING PLAN

- A. All applicable development per this Section shall provide a lighting plan to be reviewed in conjunction with a site plan for all commercial development. Lighting plans, required to be provided by a licensed engineer, at minimum shall comply with the following:
1. All proposed and existing buildings on the site.
  2. Pedestrian and vehicular areas.
  3. Other above-ground improvements.
  4. The horizontal location of all proposed and existing outdoor lighting fixtures, including pole and wall-mounted fixtures.
  5. Mounting heights of each fixture.
  6. Overall height of each pole above grade.
  7. Fixture details.
  8. Location of externally illuminated signs and associated fixtures.
  9. The location of all architectural and landscape lighting fixtures.
  10. A foot-candle plan that provides typical foot-candle contours and a point photometric grid that indicates foot-candle levels measured at grade across the site and measuring up to 3 feet off site.



11. Maximum, average, and minimum site foot-candles, uniformity ratio (average and minimum), and depreciation factors are also required.
12. The plan must show horizontal illuminance values in foot-candles for the area to be illuminated.
13. Values must be calculated at grade and include contributions from all on-site fixtures.
14. The plan must plot foot-candles of illumination at ground level to the nearest tenth of a foot-candle, and at horizontal grid intervals of no more than ten (10) feet.
15. The plan shall show illumination levels at the lot line (or perimeter of a development, if applicable) to ensure maximum illumination levels are not exceeded.
16. The manufacturer's cut sheets (specifications) for each proposed fixture.
17. Fixture type, including the manufacturer's product identification catalog number, and fixture mounting height.

## 8-5 GENERAL DESIGN STANDARDS

### A. Height.

1. Light fixtures shall be a maximum of thirty (30) feet in height for the lighting of vehicle use areas (such as parking lots or streets) transitioning to XX height at the perimeter of the parking area. Taller fixtures are to be located closer to buildings with transitioning heights outward.
2. The Town may require shielding or other such lighting mitigation measures as it deems appropriate based on the location of the lighting and the adjacent use(s).
3. Light fixtures shall be twelve (12) to fifteen (15) feet in height for pedestrian oriented areas (such as sidewalks, pathways, plazas, and public gathering spaces).

### B. Lighting location.

1. Lighting fixtures shall be located within landscaped areas when practical, and may not impede pedestrian and or vehicular flows, and be placed to ensure a consistent pattern of light.
2. All new non-residential developments must provide parking lighting every twenty (20) spaces, subject to the standards of this Section.

**Commented [JH27]:** What height should we insert here? for mixed use buildings perhaps?

**Commented [KG28R27]:** 11.2. Mounting Heights. Outdoor lighting, except sports and athletic field lighting, shall be mounted at heights no greater than fifteen (15) feet for non-cutoff lights; and no greater than thirty-five (35) feet for full cutoff lights.

3. Outdoor lighting shall be located and operated to minimize the spillover of obtrusive light beyond the boundaries of the property or parcel on which the lighting is sited to prevent annoyance, discomfort, and/or distraction to persons on the other property or parcel.
4. All outdoor lighting fixtures, except for temporary and emergency lighting, that would otherwise cause glare or obtrusive spill over shall be shielded, recessed or otherwise oriented or treated in such a way to prevent glare or obtrusive spill over.
5. Outdoor lighting shall be placed on the exterior of buildings, along public sidewalks, and at parking lot and building entrances.

## 8-6 SPECIFIC DESIGN STANDARDS

- A. **External Building Lighting Standards.** External building lighting shall comply with the following standards (See 3-8.11 for prohibited lighting):
  1. Fixtures that decoratively light a building or wall may not light above the parapet of the building or the top of the wall.
  2. Landscape and decorative lights are hereby made exempt from this subsection.
  3. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features.
  4. On-site lighting may be used to accent architectural elements but not used to illuminate entire portions of building(s) or sign(s).
  5. Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 3.0 foot-candles.
  6. Building façade and accent lighting will not be approved unless the light fixtures are carefully selected, located, aimed, and shielded so that light is directed only onto the building façade and spillover light is negligible.
  7. Motion-activated lighting shall go on only when activated and turn off within five (5) minutes of activation. Motion-activated lighting shall not be triggered by movement off the property.
- B. **Parking Area Lighting Standards.**
  1. Parking area lighting fixtures may be required to stagger the heights of light fixtures so that the tallest fixtures are in the center of the parking lot, and the lowest heights are at the perimeter of the parking lot.

2. Light fixtures height shall not exceed thirty (30) feet within the center of a parking area and shall decrease height to twelve (12) to fifteen (15) feet at the boundary of the parking area.
  3. To avoid conflict in layout, parking lot lighting must be coordinated with parking area landscaping.
  4. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
- C. **Pedestrian Lighting Standards.** Pedestrian lighting is required and includes lighting along internal sidewalks, multimodal paths, civic spaces, and public gathering spaces; street lighting is excluded from these standards. Bollard or path lighting shall not exceed four (4) feet in height. Pedestrian lighting shall provide at least 1.0 foot-candle of illumination and shall not exceed 2.0 foot-candles.
- D. **Sign Lighting Standards.** All external lighting for signs shall be designed and located to assure there is no spillover light. Signs shall be in compliance with Section X.X: Signs.

## 8-7 GENERAL AESTHETIC STANDARDS

### Duke Energy Progress

1. Lighting shall be designed to be uniform throughout a subdivision or development, including the design of light structure and light color.

## 3-8 GLARE AND INTERFERENCE

Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

- A. Unless otherwise permitted, all lighting shall be beamed downward and away from neighboring property and public streets.
- B. All lighting shall be located so that glare and interference with other parcels does not occur.
- C. All outdoor lighting fixtures, including display lights, shall be turned off after close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum necessary.

## 3-9 DEVELOPMENT

An outdoor lighting plan shall be included in all site plan submittals for commercial, major subdivisions, and non-residential properties.

- A. The spacing of light shall be provided in the lighting plan submitted by the developer in cooperation with the electric utility company.
- B. All proposed outdoor lighting shall be beamed down and away from adjoining property and streets unless a modification is approved by the Board of Commissioners.

### 3-10 LIGHTING STANDARDS FOR UNIQUE USES

- A. **Sports fields.** Lighting for sports fields and outdoor courts is typically in excess of general outdoor lighting levels. Recreation lighting levels established by the *Illuminating Engineering Society of North America* (IESNA) are to be used as the standard. Higher lighting levels for tournament or high league play are sometimes required and must be approved by the Town Planner. All sports fields or tennis/pickleball/basketball courts must meet the following minimum standards:
  - 1. Fixtures must be fitted with manufacturer's glare control package.
  - 2. Lighting shall be extinguished no later than one (1) hour after the event ends.
  - 3. Fixtures must be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.
  - 4. Sports fields may have lighting fixtures a maximum eighty (80) feet in height.
  - 5. Spillover illumination levels at the field property lines shall not exceed 0.5 foot-candles.
- B. **Convenience store with fuel pumps.** For convenience stores with fuel pumps (i.e. gas station), all light fixtures mounted on the lower surface of canopies must be fully shielded in and of themselves (canopy edges do not qualify as shielding). Light fixtures mounted on canopies may be recessed so that lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to seventy degrees (70°) or less from vertical.
  - 1. The light source shall be metal halide, low-pressure sodium, or high-pressure sodium (maximum of 150 watts).

2. Lighting levels shall be no greater than 20 lumens (20.0 fc) under the canopy and no greater than fifteen (15.0) foot-candles at the edge of the canopy.
3. Areas outside service station pump island canopy shall be illuminated so that the maximum horizontal luminance at grade level is no more than ten lumens (10.0 fc).

### 3-11 PROHIBITED LIGHTING

- A. **Flashing Lights.** Lights that flash, move, rotate, blink, flicker, vary in intensity or color, or use intermittent electrical pulses are prohibited. Such techniques used for signs that are internal to a building and located behind windows are exempt from this requirement.
- B. **Floodlights.** Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the site plan.
- C. **Tube Lighting.** Tube lighting in the form of neon or rope lighting is prohibited on building exteriors and along façade trims where it defines a window, door, or elevation. The utilization of tube lighting behind windows is exempt from this requirement.
- D. **Traffic Control.** Lighting that is similar to or could be confused as being a traffic control device are prohibited.

## 9. ACCESSORY DWELLING UNITS (ADUs)

### 9-1 GENERALLY

- A. **Purpose and Intent.** The Accessory Dwelling Unit (ADU) housing pattern provides for the development of accessory dwelling units on a lot as an accessory use to a principal use.
- B. **Definition.** An ADU is a self-contained dwelling unit - includes a sleeping area, kitchen, and bathroom, as well as its own external entrance - that is constructed on a lot in addition to an existing single-family residence. The ADU use is subordinate to the principal dwelling and can function autonomously if necessary. ADUs may also be referred to as granny flats and mother-in-law suites, but not limited to these names.
- C. **ADU Standards.** In accordance with this section, an ADU shall conform with the following development standards:
  - 1. An ADU shall be located on the same lot as a principal dwelling and meet both of the following:
    - (1) The gross floor area of the ADU shall be less than the gross floor area of the total principal dwelling; and
    - (2) Shall be affixed to or constructed on a permanent foundation and not be a manufactured home or moveable structure except as specified below.
  - 2. There shall be no more than one ADU on the same lot as a principal dwelling;
  - 3. There shall be one (1) parking spot;
  - 4. It shall be accessed by a lockable external entrance;
  - 5. Ownership of an ADU shall not be transferred apart from its principal dwelling unit;
  - 6. It shall meet all relevant standards and requirements of the UDO provided and N.C. § 160D-917.
  - 7. Unless attached thereto by a common wall, an ADU must be separated by at least 6' from any other building on the lot.
  - 8. Encroachments into setbacks are permitted pursuant to Section XXX.
  - 9. Vertical encroachments are permitted pursuant to Section XXX.

D. **Dimensional Requirements.** All ADUs shall conform to the dimensional requirements in the table below.

Table XXX ADU Dimensional Standards

Lot Area		Greater than 40,000 sf	10,000 sf to 40,000 sf	Less than 10,000 sf
Building Specifications				
Gross Floor Area (Max) <sup>1</sup>		1,000 sf	800 sf	800 sf
Detached ADU Setbacks				
Setbacks (Min)	From primary street	Must be located at or behind the front wall of the house		
	From side street	20'	20'	10'
	From side lot line	10'	5'	5'
	From rear lot line	10'	5'	5'
From Alley (Min)		4' without parking / 20' with parking	4' without parking / 20' with parking	4' without parking / 20' with parking
Height (Max)		26'	26'	26'
<sup>1</sup> Gross floor area shall include all conditioned space. Attached unconditioned space shall be included in the calculation of accessory structure floor area.				

## 9-2 PROCEDURE

### A. New Accessory Structures and Additions.

1. **Application Materials for Submission.** Prepare all necessary application materials for approval of a newly developed ADU, including:
  - (1) Residential Permit Application
  - (2) Residential Site Plan
  - (3) All contractor information (General contractor and sub- contractors)
  - (4) Owner Exemption Affidavit (if substituting homeowner for contractor)
  - (5) Approval by Board of Adjustment (if variance is requested)
  - (6) Survey indicating the proposed work on the property (if necessary)
  - (7) Elevation drawings
  - (8) Structural Plans (if applicable as stated in *Section 9-2(B) Change of Use*).
2. **Project Review and Permitting.**
  - (1) Submit the applications(s) for review.
  - (2) Conduct an initial review of the project.
  - (3) Request client resubmission if necessary.
  - (4) Perform a final review. Note: Plans ready for permit issuance without contractor information will be considered invalid, and the application will be void after six (6) months.
3. **Paying Fees.**
  - (1) A Plan Review Fee is due prior to project review.
  - (2) All other fees are due when permits are ready for issuance.

### B. Change of Use.

1. **Application Materials for Submission.** Prepare all necessary application materials for approval of an ADU change of use including:
  - (1) General contractor information
  - (2) Authorized Agent Form Approval by Board of Adjustment (if variance is requested)
  - (3) Floor Plan (to scale) that includes egress and all fire rating/separation requirements
  - (4) General construction drawings
  - (5) Structural Plans (if applicable)
2. **Project Review and Permitting.**
  - (1) Submit the application(s) for review.
  - (2) Conduct an initial review of the project.



- (3) Request client resubmission if necessary.
- (4) Perform a final review. Note: Plans ready for permit issuance without contractor information will be considered invalid, and the application will be void after six (6) months.

3. **Paying Fees.**

- (1) A Plan Review Fee is due prior to project review.
- (2) All other fees are due when permits are ready for issuance.

# 10. EV CHARGING

## 10-1 GENERALLY

### 10-1.1 APPLICABILITY

- A. Electric Vehicle Charging as established by this Section shall comply with all of the general and specific requirements of this Ordinance and in particular shall comply with the following standards and requirements:
1. General and Dimensional Standards
  2. Signs
  3. Buffer yards/Landscaping
  4. Outdoor Lighting
  5. Appearance
  6. Flood Damage Prevention
  7. Site Plan

### 10-1.2 DEFINITIONS

- A. **Accessible Electric Vehicle Charging Station.** An electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
- B. **Battery Charging Station.** An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- C. **Charging Levels.** The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms Level 1, Level 2, and Level 3 (or DC Fast Charge) are the most common charging levels with the following specifications:
1. Level 1 is considered slow charging. It operates on 120 volt/15-20 amps and generally charges at about 3-5 miles per hour.
  2. Level 2 is considered medium charging. It operates on 208-240 volt/40-100 amps and generally charges at about 12-60 miles per hour.
  3. Level 3 or DC Fast Charge is considered fast charging. It operates on 480 volt/60 amps or higher three phase circuit with special grounding equipment.

Level 3 stations are typically used for commercial and public applications and generally charges at 100-300 miles in 30 minutes.

- D. **Plug-in Electric Vehicle** shall have the same meaning as that term is defined in Section 62-3, General Statutes.
- E. **Electric Vehicle Capable (also Electric Vehicle Ready).** Dedicated electrical capacity in the service panel and conduit installed to support future EV charging. While no station is added with this option, it would prevent nearly all electric and site work costs when installing a charging station.
- F. **Electric Vehicle Charging Station.** A public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.
- G. **Electric Vehicle Charging Station – Private Restricted Use.** An electric vehicle charging station that is:
  - 1. Privately owned with restricted access. For example, single-family homes, executive parking, or designated employee parking.
  - 2. Publicly owned with restricted access. For example, fleet parking with no access to the general public.
- H. **Electric Vehicle Charging Station – Public Use.** An electric vehicle charging station that is:
  - 1. Publicly owned and publicly available.
  - 2. Privately owned and available to visitors of the use.
- I. **Electric Vehicle Supply Equipment (EVSE).** Any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicle.
- J. **Electric Vehicle Ready.** See Electric Vehicle Capable.
- K. **Electric Vehicle Infrastructure.** Conduit and wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- L. **Electric vehicle parking space.** Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- M. **Neighborhood electric vehicle.** A small, four-wheeled electric vehicle designed for low-speed travel, typically within residential areas or communities
- N. **Non-electric vehicle.** Any motor vehicle that does not meet the definition or requirements of an Electric Vehicle.

### **10-1.3 RESTRICTIONS**

- A. **Restrictions on Placement in the Right-Of-Way.** Electric vehicle charging stations are not permitted within the Town Right-Of-Way unless authorized by the Public Works Director or their designee.
- B. **Electric Vehicle Supply Equipment (EVSE) in Certain Zoning Districts.** Level 1 and Level 2 Electric Vehicle Charging Stations are permitted in all zoning districts. Level 3 or DC Fast Charge Electric Vehicle Charging Stations are permitted only in the following zoning districts: B-2 Central Business District Fringe, TBD Thoroughfare Business District, HCD Highway Commercial District, and I Industrial District.
- C. **Electric Vehicle Parking Space Restrictions.**
1. Except when located on individually owned single-family lots, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.
  2. No person shall park or stand any non-electric vehicle in a publicly designated electric vehicle charging space.
  3. No person shall park or stand an electric vehicle in a publicly designated electric vehicle charging space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted if any.

**Commented [JH29]:** Why not in the CBD? Why not in residential if homeowner wants to put there?

**Commented [KG30R29]:** Discuss further

#### **10-1.4 EXEMPTIONS**

A development may request a reduction in the EVSE requirement if the cost of installing the required EVSE would exceed five (5) percent of the total project cost. The property owner or applicant shall provide cost estimates of installation to the Town for consideration with the request. When Town Council approval of the project is not required, the Planning Director or their designee may administratively approve a reduction to limit the EVSE installation costs to not more than five (5) percent of the total project cost.

#### **10-1.5 APPROVAL**

- A. A Zoning Compliance Permit is required to construct an Electric Vehicle Charging Station. In addition to the requirements found in Section XX, the following is required for submittal:
1. A Permit fee required by the fee schedule per **Section XXX: Fees**
  2. Site Plan detailing the location of the EVSE Installation

**Commented [FA31]:** Process and approval section reference

**Commented [AW32R31]:** Permit fee required by the fee schedule

3. Signage Plan that includes dimensions of the signs to be provided for the Charging Stations and wayfinding to the Charging Stations Refer to *Section C.1 Signs*.
4. Lighting Plan

#### **10-1.6 EXPIRATION OF APPROVAL**

- A. It is the responsibility of the owner of the Electric Vehicle Charging Station to keep the station operational at all times.
- B. When a charging station is not operational for 90 days, it shall be considered to have been removed from service and a new Zoning Compliance Permit is required.
- C. If a reduced number of parking spaces was permitted because of the installation of a Charging Station, additional parking spaces shall be required to be installed as required by the district regulations.

## **10-2 ELECTRIC VEHICLE MAKE-READY STANDARDS**

- A. New developments shall install appropriate electrical capacity and conduits to support the future installation of EVSE.
- B. A residential unit with a garage, carport, or driveway shall provide a 220-240 volt/40 amp outlet on a dedicated circuit, in close proximity to designated vehicle parking, to accommodate the future installation of a Level-2 Electric Vehicle Charger.
- C. The main electrical switchgear shall be installed with sufficient space and capacity to support the amount of Electric Vehicle Capable charging spaces, per Table XXX in Section X; at 220-240 volt/40 amp per space, with a dedicated circuit and overcurrent protection device per space.
- D. Structured parking shall preinstall the electrical conduit and subpanels throughout to allow Level-2 Charging equipment to be connected in the future.

## **10-3 INSTALLATION AND DESIGN STANDARDS**

- A. **Compliance.**
  1. Electric Vehicle Supply Equipment (EVSE) Infrastructure shall be installed in per the requirements of the National Electrical Code (NFPA 70), as amended

from time to time, and as adopted by the State of North Carolina for enforcement by the Town of Carthage.

2. EVSE Infrastructure shall also comply with the requirements for Electric Vehicle Charging in the North Carolina General Statutes.

#### **10-3.1 INSTALLATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT**

A. **Generally.** Installation of all Electric Vehicle Supply Equipment (EVSE) Infrastructure shall comply with the following general requirements as well as the applicable specific requirements.

1. **Single Family Development Installation.** Individually owned single-family lots that install EVSE for personal use only are exempt from these requirements.
2. EVSE pedestals shall be designed to minimize potential damage by accidents, vandalism, and to be safe for use in inclement weather.
3. Station Outlets and Connector Devices shall be mounted to comply with all relevant American with Disabilities Act (ADA) requirements.
4. Equipment shall be protected by concrete filled bollards. Curbing or wheel stops may be used in lieu of bollards, if the EVSE is installed at least 24 inches away from the face of the curb.
5. The Town Manager or their designee can develop and enforce additional standards for the design and construction of electric vehicle charging stations.

B. **Multi-Family Development Installation.** Multi-Family Developments that are for sale, or for rent, shall comply with the following installation standards.

1. EVSE installed for the use of residents of the development shall not be concentrated to a single portion of the site and shall be distributed around the development.

C. **Nonresidential Development Installation.**

#### **10-3.2 PARKING SPACE DESIGN**

- A. Parking spaces associated with an Electric Vehicle Charging Station shall be clearly marked for Electric Vehicle Parking and/or Electric Vehicle Charging only.
- B. Spaces for Electric Vehicle Parking and Charging shall have a green stripe within the white parking stripe to designate the space. See Figure XX for an example of the parking stripe.
- C. The parking space shall also have painted letters identifying the space as either for "EV Charging Only" or "Electric Vehicle Parking Only" in white paint. The

letters shall be twelve (12) inches high by sixty-six (66) inches wide. See Figure XX for an example of the required stencil.

Figure XXX. Electric Vehicle Parking Space Example



### **10-3.3 SIGNAGE**

In addition to the signage requirements in Section XX, Developments providing EVSE shall comply with the following Signage Standards.

- A. Signage shall be posted for each Electric Vehicle Charging Station indicating the parking space is only for electric vehicle charging.
  - 1. Signs shall be consistent with the requirements of the Manual on Uniform Traffic Control Devices (MUTCD).
- B. In addition to the signage indicating parking spaces are only for electric vehicle charging, the following information shall be posted at all charging stations:
  - 1. Voltage and Amperage levels
  - 2. Hours of Operations, if time limits for charging or tow-away provisions are to be enforced by the property owner
    - (1) If the property owner is enforcing time limits for charging, they shall provide signage indicating the maximum time an electric vehicle can be parked at a charging station.
  - 3. Usage fees
  - 4. Safety information
  - 5. Contact information for reporting nonoperational equipment or other issues

## **10-4. PARKING REQUIREMENTS**

- A. Electric Vehicle parking space(s) shall be located in the same lot as the principal use.
- B. The installation of an EVSE shall not reduce the parking space's length to below the size and standards required in **Chapter C, Article 4: Parking and Loading.**
- C. Parking Requirements for EVSE and EV Capable Spaces
  - 1. New developments shall install EVSE's and provide EV-Capable Spaces per Table X.
  - 2. It is encouraged that developments that are proposing a change of use or modification to existing parking lots provide EVSE and EV-Capable Spaces per Table X.

Table X. Requirement for EVSE and EV Capable Parking Spaces

Total Number of Provided Off-Street Parking Spaces	EV-Capable Parking Spaces	EVSE-Installed Parking Spaces
0-9 spaces	None	None
10-25 spaces	20% of spaces	None
26-50 spaces	20% of spaces	1 space
More than 50 spaces	20% of spaces	2% of spaces

- 3. Accessible EVSE Parking Spaces.
  - (1) A minimum of one (1) accessible electric vehicle parking space is required in any parking facility that is required to have at least one electric vehicle parking space. This accessible electric vehicle parking space shall be van accessible.
  - (2) An additional accessible electric vehicle parking space shall be provided for each 25 electric vehicle parking spaces. At least one accessible electric vehicle parking space shall be van accessible.
- D. Parking Reductions.
  - 1. All electric vehicle parking spaces shall count towards the minimum off-street parking requirement as required by Section XX.
  - 2. If the provision of EVSE-Installed Parking spaces exceeds the minimum number required by Table X, a parking reduction of up to 10% can be approved by the Planning Director or their Designee.



# 11. WIRELESS TELECOMMUNICATION

## 11-1 GENERALLY

### 11-1.1 INTRODUCTION

- A. This section establishes the applicability and general standards to provide for the health, safety, and welfare of the public. The following standards are in place to ensure adequate access to reliable wireless communications services are offered to residents, businesses, and the public.
- B. “Wireless telecommunications facilities” includes traditional cell towers (lattice type structural steel and monopoles, for example. Unlike the definition of “wireless facility” in N.C.G.S 160D-931, in this ordinance wireless telecommunications facilities includes small wireless facilities and micro wireless facilities as defined in *Section 11-1.1 Definitions*.

### 11-1.2 DEFINITIONS

Definitions contained herein are specific to Section 11.1 Wireless Telecommunication

- 1. **Antenna.** Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
- 2. **Antenna Element Replacement** shall mean the replacement of any part or all of an antenna or antenna array with a model of the same manufacturer and model type or close specification.
- 3. **Applicable Codes.** The N.C. State Building Code uniform fire, building, electrical, plumbing or mechanical codes adopted by a recognized national code organization together with State, Moore County or Town of Carthage amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

4. **Application.** A request that is submitted by an applicant to the town for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, including town utility poles, or a wireless support structure.

5. **Base Station.** A station at a specific site authorized to communicate with mobiles stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

6. **Collocation.** The placement, installation, maintenance, modification, operation or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities.

7. **Communications facility.** The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

8. **Communications service.** Cable service as defined in 47 U.S.C. § 522(6) (The one-way transmission to subscribers of video programming, or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service), and information service as defined in 47 U.S.C. § 153(24) (The term “information service” means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of telecommunications system or the management of a telecommunications service), and telecommunications service as defined in 47 U.S.C. § 153(53) (The term “telecommunications service” means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.), or wireless services.

9. **Eligible Facilities Request.** A request for a modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

10. **Equipment Compound.** An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

11. **Expansion of an Existing Antenna Array** shall mean the addition of an antenna or antenna array with a new manufacturer and/or model type and/or increases the bandwidth of the antenna or antenna array.

12. **Fall Zone.** The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

13. **Micro wireless facility.** A small wireless facility that is no longer in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

14. **Routine Maintenance.** Activities associated with regular and general upkeep of transmission equipment, including the replacement of existing wireless facilities with wireless facilities of the same size.

15. **Search Ring.** The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

16. **Small Wireless Facility.** A wireless facility that meets both of the following qualifications: (1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet. (2) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, and cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

17. **Substantial Modification.** The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.

(i). Increasing the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.

(ii) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the

body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (a) more than 20 feet or (b) more than the width of the wireless support structure at the level of the appurtenance.

(iii.) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

18. **Town right-of-way.** A right-of-way owned, leased, or operated by a town, including any public street or alley that is not a part of the State highway system.

19. **Town utility pole.** A pole owned by a town in the town right-of-way that provides lighting, traffic control, or a similar function.

20. **Utility pole.** A structure that is designed for and used to carry lines, cables, wires, lighting facilities or small wireless facilities for telephone, cable television, or electricity, or to provide lighting or wireless services.

21. **Water tower.** A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

22. **Wireless telecommunication facility.** Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term shall not include any of the following: (i) The structure or improvements on, under, within, or adjacent to which the equipment is collocated. (ii) Wireless backhaul facilities. (iii) Coaxial or fiber optic cable that is between wireless structures or utility poles or town utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. This definition does not include small and micro wireless facilities.

23. **Wireless Infrastructure Provider.** Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

24. **Wireless Services.** Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

25. **Wireless Services Provider.** A person who provides wireless services.

26. **Wireless support structure.** A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole, including town utility poles are not a wireless support structure. Wireless support structures are sometimes referred to as towers in this ordinance.

### **11-1.3 APPLICABILITY**

- A. **Distinguished Wireless Telecommunications Facilities.** The standards shall apply to the facilities listed in **Table XX**. Exempt facilities are outlined in this ordinance and are not required to adhere to the provisions of this section.

Table XXX Type of Wireless Telecommunications Facilities

<b>Type of Wireless Telecommunications Facilities</b>
New and replacement major telecommunications towers of 101 feet in height or taller.
New and replacement minor telecommunications towers of up to 100 feet in height.
Stealth or concealed telecommunications towers, antennae, or telecommunications equipment.
Major collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections.
Minor collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections.
The installation of small wireless facilities on land outside of a public street right-of-way.

- B. **General Applicability Standards.** The standards outlined in this section shall apply to all development activities including installation, construction, or modification of the wireless communications facilities.
1. **Building Permit Required.** All wireless telecommunications facilities shall receive a building permit in accordance with the provisions of this section, prior to installation or modification.
  2. **Compliance with Federal Regulations.** All wireless telecommunications facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other

application federal agency that regulates wireless telecommunications facilities.

3. **Compliance with State Regulations.** All wireless telecommunications facilities shall comply with or exceed the current standards and regulations of the State of North Carolina pertaining to telecommunications facilities NCGS Sections 160D-930 through 160D-938.
4. **Interference.** No wireless telecommunications facility should disturb, diminish, or interfere with public safety, radio, TV, or other wireless telecommunications facilities signals, compliant with FCC requirements.
5. **Structurally Sound.** All wireless telecommunications facilities should demonstrate that the equipment and the structure supporting the equipment is structurally sound and can accommodate the proposed equipment.
6. **Sight Distance at Intersections.** Every element of the wireless telecommunications facility shall be located outside of, and in no way obstruct, required sight distance triangles. This requirement shall apply to existing and future street intersections that have been designed or where right-of-way is currently being protected by the State.
7. **Unauthorized Access Prohibited.** Telecommunications towers and vertical projections containing telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the telecommunications facility by means of walls or fencing with a minimum height of six (6) feet above adjacent grade, or anti-climbing devices.
8. **Nonconforming Telecommunications Facilities.**
  - (1) Wireless telecommunications facilities in operation prior to November 15, 2022, that do not comply with these standards may remain and operate as nonconforming uses.
  - (2) In the event of a conflict between the standards of this section and the standards in *Article 3 Nonconforming Uses*, the standards in this section shall control with respect to wireless telecommunications.
  - (3) Routine maintenance may be performed on a nonconforming wireless telecommunications facility.

**Commented [RM33]:** This is the date that Moore County Standards uses, let's discuss what date we need for this.

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- (4) Minor collocation of antenna-support structures, and related telecommunications equipment is allowed, given that the overall height of the existing nonconforming wireless telecommunications facility remains unchanged or is reduced.
  - (5) In no instance shall a collocation result in an increased overall height or require substantial modification be permitted on a nonconforming wireless communications facility.
9. **Cessation.** See section XXX Abandonment.
10. **Removal. (Not applicable to small / micro wireless facilities. See section XXX below.)** See section XXX Abandonment.
11. **Liability Insurance.**
- (1) The permit holder for wireless communications facilities shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage, and umbrella insurance coverage, until the tower is removed from the site, in amounts as set forth below:
    - i. Commercial general liability covering personal injuries, death, and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
    - ii. Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate; and
    - iii. Worker's compensation and disability: statutory amounts.
  - (2) The commercial general liability insurance policy shall specifically include the City and consultants as an additional named insured.
  - (3) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
  - (4) The insurance policies shall contain an endorsement obligating the insurance company to furnish the town with at least 30 days' prior written notice in advance of the cancellation of the insurance.
  - (5) Renewal or replacement policies or certificates shall be delivered to the County at least 15 days before the expiration of the insurance that such policies are to renew or replace.
  - (6) Before construction of a permitted wireless communications facility is initiated, but in no case later than fifteen (15) days after issuance

of the zoning permit, the permit holder shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

#### **11-1.4 INTENT**

The Board of Commissioners of the Town of Carthage intend to achieve the following goals with this Ordinance:

- A. Provide applicants with the appropriate information needed to minimize the impacts of Wireless Telecommunications Facilities on surrounding properties by establishing standards for location, structural integrity, and compatibility.
- B. Encourage the location and collocation of equipment on existing structures.
- C. Minimize the visual, aesthetic, and public safety impacts and effects upon the historic and natural environment and reduce the need for additional antenna support structures.
- D. Encourage coordination between the Wireless Telecommunications Facilities developers and providers of Wireless Telecommunications Facilities services.
- E. Establish predictable and balanced codes governing the construction and location of wireless communications facilities, within the confines of permissible local regulations.
- F. Establish technical and land use review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon with a reasonable period.
- G. Protect the character of the town while meeting the needs of its citizens to enjoy the benefits of wireless communications services.
- H. Ensure the compatibility with the goals and objectives of the Town of Carthage Land Use Plan.
- I. Follow the N.C. General Statutes and facilitate the creation of Small/Micro Wireless Facilities.

#### **11-1.5 EXEMPTIONS**

The following are exempt from the provisions of this section but must comply with any other provisions contained in the Town of Carthage Development Ordinance.

- A. Amateur radio station antennas.



- B. Satellite earth stations that are one (1) meter (39.37 inches) or less in diameter and two meters (78.74 inches) or less and not greater than thirty-five (35) feet above ground level.
- C. A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government except that such facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.
- D. A town-owned wireless communications facility erected for the purposed of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- E. A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government except that such facility must comply with all federal and state requirements. The wireless telecommunications facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency, or determination of public necessity by the town. This provision may be extended in additional three (3) month increments by the Board of Commissioners.
- F. Routine maintenance. See 13.3.11 Maintenance Standards.
- G. Permits may be issued for up to one week for temporary facilities needed in conjunction with scheduled special events at specific locales that are likely to generate a need for additional capacity at the even that is expected to exceed existing installed capacity. A maximum of four (4) consecutive one-week permits may be issued by the Ordinance Administrator or his/her agent(s) for a temporary facility. Temporary facilities requiring a temporary permit for longer than four (4) weeks must receive approval from the Carthage Board of Commissioners.

## **11-2 APPLICATION REQUIREMENTS**

### **11-2.1 GENERAL APPLICATION REQUIREMENTS**

The items listed in this section are required for submittal of all applications subject to review by the Zoning Administrator.

- A. If applicable, proof that a property and/or antenna support structure owner's agent has appropriate authorization to act on behalf of the owner will need to be provided with the application.

- B. For all applications, the applicant must supply a statement as to all the potential visual and aesthetic impacts of the proposed facility on all adjacent residential districts.
- C. Certification from the applicant that it complies with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and all other federal statutory and regulatory requirements relating to radio frequency interference.
- D. Completed checklist demonstrating compliance with the National Environmental Policy Act (NEPA), if applicable. If the United States Fish and Wildlife Service require the applicant to submit any information to them concerning the proposed wireless communications facility, the applicant shall also furnish a copy of any material submitted to the United States Fish and Wildlife Service to the County as part of the application package.
- E. If the proposed facility is subject to FAA regulation, then prior to issuance of a building permit, a copy of any such FAA approval.
- F. Proof that the proposed facility meets the N.C. State Building Code and any other applicable codes.

#### **11-2.2 ADDITIONAL SUBMITTAL REQUIREMENTS**

In addition to the general requirements found in this section, the following specific information must be submitted for all wireless telecommunications facilities.

- A. Certification furnished by a Registered Professional Engineer licensed in the State of North Carolina, that the facility has sufficient structural integrity to accommodate the required number of proposed collocations.
- B. A written statement by a Registered Professional Engineer licensed by the State of North Carolina specifying the design structure failure modes of the proposed facility, if applicable.
- C. Identification of the intended service providers of the facility, if known.
- D. Master Site Plan including fall zone radius labeled as a NO BUILD ZONE.
- E. Proposed maximum height of the proposed facility, including measurement of the base of the antenna support structure, less the lighting rod.
- F. The applicant shall provide a visual impact study including, but not limited to simulated photographic evidence of the proposed facility's appearance from

all public and private roadways, homes, businesses, and institutions, parks and designated historic structures located within one-half mile of the center point of the proposed tower site including the facility types the applicant has considered and the impact on adjacent properties including:

1. Overall height;
  2. Configuration;
  3. Physical location;
  4. Mass and scale;
  5. Materials and color;
  6. Nighttime illumination;
  7. Architectural design;
- G. Three (3) sets (24" x 36") of signed and sealed site plans, including antenna support structure elevations.
- H. Technical data included in the report shall include certification by a Registered Professional Engineer licensed in the State of North Carolina or other qualified professional, whose qualifications shall be included with the report, regarding service gaps or service expansions that are addressed by the proposed facility and accompanying maps and calculations demonstrating the need for the proposed facility.

### **11-2.3 SCHEDULE FOR PERMIT REVIEW**

Table XXX Schedule For Permit Review

Facility Requested	Time to Deem Application Complete (days)	Time to Decision After Application is Complete (days)	Total Time to Decide (days)
Collocation	45	45	90
Small Wireless Facility Collocation	30	45	75
New WCF, Substantial Modification, or small wireless facility (not a collocation)	90	150	150

## **11-3 GENERAL DEVELOPMENT STANDARDS FOR WIRELESS TELECOMMUNICATIONS TOWERS**

### **11-3.1 EQUIPMENT CABINETS**

- A. Cabinets shall not be visible from public view.
- B. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

### **11-3.2 GENERATORS**

- A. Generators may be used as a primary principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- B. Backup generators shall only be operated during power outages and for testing and maintenance purposes.
- C. All generators used for wireless communications purposed under this Article shall control the noise level by use of a silencer or other device that will reduce the noise level to no more than 70db.
- D. Testing and maintenance shall only take place on weekdays between the hours of 8:30am and 4:30 pm.
- E. Generators may be used for temporary power prior to receipt of Certificate of Occupancy and not to exceed thirty (30) days.

### **11-3.3 FENCING**

- A. All equipment compounds shall be enclosed with a six (6) foot high vinyl coated (vinyl color to be black, brown, or green) chain link fence with earth tone colored privacy slats, a brick or other masonry-type wall, or wooden stockade fence in all zoning districts except the Industrial (I) zoning district which shall be enclosed within a security fence consisting of chain-link with opaque stripping at least eight (8) feet in height topped with barbed wire.
- B. Maintenance of fencing or wall shall be the responsibility of the tower owner for which the fence or wall is required. Fencing or wall shall be maintained in good condition always until all components within the fenced or walled area have been removed and properly abandoned per this section.

#### **11-3.4 ACCESS**

- A. Access to the wireless telecommunications facilities' equipment compound shall be graded and stoned in a manner that will allow access by police and fire/rescue units.
- B. The applicant shall prominently display and maintain an assigned address on a post at the driveway intersection.

#### **11-3.5 SIGNAGE**

- A. Attaching commercial messages for off-site and on-site advertising shall be prohibited.
- B. The only signage that is permitted upon a non-concealed antenna support structure, equipment cabinet, or fence shall be informational, safety-based, and for the purpose of identifying (1) the antenna support structure (such as ASR registration number); (2) the party responsible for the operation and maintenance of the facility; (3) its current address and telephone number; (4) security or safety signs; (5) property manager signs (if applicable); and (6) signage appropriate to warn the general public as to the use of the facility for radiofrequency transmissions. The total size of all signs can be no more than thirty-two (32) square feet; No single sign can exceed sixteen (16) square feet.
- C. Where signs are otherwise permitted, a wireless telecommunications facility may be concealed inside such signage, provided that all applicable standards for both the signage and the concealed wireless telecommunications facilities are met.

#### **11-3.6 LIGHTING**

- A. Lighting on wireless telecommunications facilities, if required by the Federal Aviation Administration (FAA), shall not exceed the FAA minimum standards.
- B. Any Strobe lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA, and shall utilize allowed downward shielding to minimize visual impact to pedestrians and reduce the potential attraction to migratory birds.

- C. Dual lighting standards shall be used in the following manner: strobe lights during daylight hours and red lights during nighttime hours unless specifically prohibited by the FAA.
- D. A wireless telecommunications facility may utilize a security light controlled by a motion-detector sensor at or near the entrance to the facility.
- E. Ground lighting used to respectfully illuminate the American flag on a concealed Wireless Telecommunications Facilities flagpole shall be permitted.

### **11-3.7 LANDSCAPING**

All non-concealed wireless telecommunications facilities must comply with the following landscaping requirements.

- A. For towers one hundred fifty (150) feet or less in height, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided with individual plantings spaced not more than five (5) feet apart and at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and spaced not more than twenty-five (25) feet apart shall be provided within fifteen (15) feet of the perimeter of the setback area. Refer to Section 3-6 Landscape and Buffer.
- B. For towers more than one hundred fifty (150) feet in height, in addition to the requirements for landscaping above, one (1) row of deciduous trees, with a minimum caliper of two and one-half (2 1/2) inches at time of planting and spaced no more than forty (40) feet apart shall be provided within twenty-five (25) feet of the perimeter of the setback area.
- C. In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items a. and b. above but may deviate from the specific requirements set forth, and it shall be determined by the Zoning Administrator that the public interest will be equally served by such plan.

- D. All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- E. No certificate of occupancy shall be issued until the required landscaping is completed in accordance with the approved landscape plan as certified by an on-site inspection by the Zoning Administrator. When the occupancy of a structure is desired prior to the completions of the required landscaping, a certificate of occupancy shall be issued only if the owner or developer provides to the Town a form of surety bond in an amount equal to the remaining plant materials, related materials and installation costs.
  - 1. All required landscaping must be installed and approved by the first planting season following issuance of the certificate of occupancy or the surety bond will be forfeited to the Town.
- F. The owners and their agents shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing conditions, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever comes first.

#### **11-3.8 EQUIPMENT COMPOUND**

- A. The equipment compound shall not be used for the storage of any equipment or materials not needed for the operation or for hazardous materials (e.g., discarded batteries).
- B. No outdoor storage yards shall be allowed in a wireless telecommunication facility's equipment compound. In addition, the equipment compound shall not contain a habitable space.

#### **11-3.9 ABANDONMENT**

- A. Per NC G.S. 160D-935(g), a wireless facility shall be deemed abandoned at the earlier of the date that the wireless service provider indicates that it is abandoning said facility or the date that is 180 days after the date that said wireless facility ceases to transmit a signal, unless the wireless service provider gives the Town reasonable evidence that it is diligently working to place said facility back in service.
- B. **Removal.**
  - 1. Should the wireless service provider fail to timely remove the abandoned wireless facility, the Town may cause such wireless facility

to be removed and may recover the actual cost of such removal, including any legal fees, if any, from the wireless service provider.

2. Per NC G.S. 160D-935(g), the Town may require a wireless service provider to remove an abandoned wireless facility within 180 days of abandonment.

### **11-3.10 MAINTENANCE STANDARDS**

- A. Any repair or replacement of an existing antenna or antenna array with another of like manufacturer model, type, and number, and which will not alter the structural integrity of the support structure, in any way, or alter the American National Standards Institute standards regarding radiation exposure shall be exempted from further review provided that a notarized certification shall be submitted by a North Carolina Registered Professional Engineer stating that the replacement will not alter the structural integrity of the support structure, and that any changes will not affect electrical specifications.
- B. Compliant with NC G.S. 160D-935(h), a Town shall not require an application or permit or charge fees for:
  1. Routine maintenance,
  2. The replacement of small wireless facilities with small wireless facilities that are the same size or smaller, or
  3. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles or city utility poles in compliance with applicable codes by or for a communications service provider authorized to occupy the city rights-of-way and who is remitting taxes under G.S. 105-164.4(a)(4c) or G.S. 105-164.4(a)(6).

### **11-3.11 SUPPLEMENTAL REVIEW**

The Town reserves the right to require a supplemental review for any type of wireless telecommunications facilities as determined necessary subject to the following.

- A. Where due to the complexity of the methodology or analysis required to review an application for a wireless telecommunications facility, the town may require the applicant to pay for a technical review by a third-party expert, the



cost of which shall be borne by the applicant and be in addition to other applicable fees.

- B. The fee(s) for such applications shall be established in the Town of Carthage Fee Schedule and shall not exceed the maximum allowed by state statute.
- C. Based on the results of expert review, the approving authority may require changes to the applicant's application or submittals.
- D. The supplemental review may address any or all of the following.
  - 1. Accuracy and completeness of the application and accompanying documentation.
  - 2. Questions regarding a determination of substantial modification.
  - 3. The applicability of analysis techniques and methodologies.
  - 4. The validity of conclusions reached.
  - 5. Consistency with approval criteria set forth in this section of the Town of Carthage Land Use Plan.

## **11-4 STANDARDS FOR COLLOCATION OF ANTENNAE (NOT INCLUDING SMALL/MICRO)**

### **11-4.1 COLLOCATION(S) DISTINGUISHED**

All collocations shall be distinguished as either a major collocation or a minor collocation subject to the following provisions:

- A. A major collocation includes placement of wireless support structures, on any of the following:
  - 1. A building's structure;
  - 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 telecommunications services;
  - 4. An existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and NCGS Section 160D-931.
- B. A minor collocation includes the placement of antennas and related telecommunications equipment on:

a. An existing or replacement telecommunications tower. Provided there is no substantial modification, as defined in these standards and NCGS Section 160D-931, is required.

1. A structure's roof
2. A structure's wall,
3. A vertical projection – continue w/ c. above here
4. A minor collocation may also be referred to as an "eligible facility," as defined in these standards and NCGS Section 160D-931.

#### **11-4.2 SUBSTANTIAL MODIFICATION**

A substantial modification shall be considered for any collocation on an existing or replacement telecommunications tower that requires any of the following:

- A. An increase in the overall height of the telecommunications tower by the greater of: twenty (20) feet or more than ten (10) percent; or
- B. The addition of an appurtenance to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of: more than the width of the telecommunications tower at the height of the appurtenance, or more than twenty (20) feet from the edge of the tower; or
- C. The square footage of existing equipment compound is increased by more than 2,500 square feet.
- D. 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 forty (40) feet shall result in a review as a new telecommunication tower.

#### **11-4.3 MAXIMUM HEIGHT**

- A. Antenna-support structures and/or other telecommunications equipped associated with a major collocation on a building wall or roof shall adhere to the following height provisions for Wireless Telecommunications Towers:
  1. On buildings above 50 feet the maximum height of the Wireless Telecommunication Towers must be no more than 20 feet.

#### **11-4.4 APPEARANCE WITH CONCEALED**

In the instance of a proposed collocation on a concealed telecommunications tower, the collocation shall be configured in the manner necessary to ensure the tower's concealment is not compromised or adversely impacted.

## **11-5 STANDARDS FOR TELECOMMUNICATIONS TOWER, MAJOR**

### **11-5.1 TOWERS DISTINGUISHED**

- A. Major telecommunications towers are towers with a height of 101 feet or more above grade.
- B. Minor telecommunications towers are towers with a height of 100 feet or less above grade.

### **11-5.2 SETBACKS**

- A. Towers and their associated antennas shall be set back according to the following:
  - 1. Front: At least one (1) foot for each foot of overall tower height.
  - 2. Side: At least one (1) foot for each foot of overall tower height.
  - 3. Rear: At least one (1) foot for each foot of overall tower height.
- B. When an existing wireless support structure / tower's height is increased or replaced by a substantial modification, the existing or replacement tower shall comply with the setbacks listed herein.

### **11-5.3 MAXIMUM HEIGHT**

- A. For any new, replaced, or collocated telecommunications tower (including antenna or other appurtenances): 300 feet.

### **11-5.4 COLLOCATION REQUIRED**

- A. Telecommunications towers should be designed to accommodate the present and future needs of the owner and the collocation of additional equipment, in accordance with the following:
  - 1. Towers 50 to 80 feet in height shall be constructed to accommodate the collocation of at least two telecommunications service provider's equipment.

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

## **11-6 STANDARDS FOR TELECOMMUNICATION TOWER, MINOR AND CONCEALED**

### **11-6.1 TOWERS DISTINGUISHED**

- A. A concealed telecommunications tower is a wireless support structure and associated equipment that is designed to appear as something other than the standard wireless telecommunications facility.
- B. A minor telecommunications tower is a use that has a maximum height of less than thirty (30) feet above grade.

### **11-6.2 APPEARANCE OF A CONCEALED TELECOMMUNICATIONS TOWER**

- A. A concealed telecommunications tower shall be constructed to conceal the presence of the tower, antennas, antenna-support structures, and related telecommunications equipment.
- B. Allowable configurations include, but are not limited to:
  1. Bell towers;
  2. Clock towers;
  3. Water towers;
  4. Silos;
  5. Chimneys;
  6. Steeples;
  7. Light poles up to 50 feet in height;
  8. Flag poles;
  9. Evergreen trees.
- C. Antenna, 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.
- D. Maximum Height

1. Concealed telecommunication towers and associated secondary structures  
(1) 200 feet.
2. Minor telecommunication towers:  
(1) 100 feet.

### **11-6.3 SETBACKS**

- A. Concealed and minor telecommunications towers and their associated secondary structures shall comply with the applicable dimensional requirements for non-residential uses in the zoning district where the tower is located.
- B. Concealed and minor telecommunications towers shall not be exempt from the minimum applicable setback requirements for non-residential uses.
- C. In any instance where an existing concealed telecommunications tower's height is increased or where an existing concealed telecommunications tower is replaced for the purpose of a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements outlined in this section.

### **11-6.4 COLLOCATION**

- A. Concealed major and minor telecommunications towers are encouraged to support the collocation of other antennae.
- B. Collocations of equipment on a minor telecommunications tower shall not exceed the threshold of a substantial modification.
- C. Any action that results in an increase in tower height by more than ten (10) feet shall require the minor telecommunications tower to be reviewed as a major telecommunications tower.
- D. Any collocated equipment on a concealed telecommunications tower shall maintain the appearance of the facility as a concealed telecommunications tower.

### **11-6.5 LANDSCAPING**

- A. All concealed wireless telecommunications facilities must provide landscaping in accordance with its concealing use as shown on the approved landscape plan.

- B. Landscaping shall meet the requirement of *Section C.6: Landscape and Buffer*.

## **11-7 SMALL WIRELESS FACILITIES**

### **11-7.1 APPLICABILITY**

The placement of small wireless facilities (including micro wireless facilities) in all cases are subject to the standards of this UDO and require a zoning permit, per Section XXX: Zoning Permit.

### **11-7.2 STANDARDS**

- A. The small wireless facility shall not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law.
- B. The small wireless facility shall comply with any applicable FCC emissions standards.
- C. The small wireless facility shall comply with any applicable local building codes in terms of design, construction and installation; and
- D. The small wireless facility shall not contain any commercial advertising.

### **11-7.3 RIGHT-OF-WAY USE PERMIT**

- A. Interferes with the safe operation of traffic control equipment.
- B. Interferes with sight visibility lines for transportation or pedestrians.
- C. Interferes with compliance of the Americans with Disabilities Act or similar federal or state mandated provisions regarding pedestrian access of movement; or
- D. Fails to comply with applicable standards of this UDO and Standard Specification and Detail Manual.

## 12. RADIO/TV/COMMUNICATION TOWERS

### 12-1 STANDARDS

Radio/TV/Communication Towers which are principal or accessory uses shall meet the following requirements. Please see Section XXX Wireless Telecommunication Facilities for all that do not apply to this use.

- A. **Districts.** Radio/TV/Communication Towers shall be permitted as a special use in RA-40 and I Districts south.
- B. **Fencing.** Opaque security fencing at least six (6) feet in height shall be installed around the tower and any ground equipment or buildings.
- C. **Setback.** The tower shall be set back a minimum one hundred (100) feet from any adjacent zoning lot and a minimum forty (40) feet from any other adjacent zoning lot or public street. Buildings must meet the setback requirements for principal structures of the underlying district.
- D. **Signage.** No business signs, billboards, or other advertising shall be installed on the tower.
- E. **Bufferyard.** Where the Radio/TV/Communication Tower is located within two hundred (200) feet of an adjacent zoning lot or street and there is no intervening structure to block the view of the tower base and improvements, a type IV bufferyard as described in Section XXX shall be installed around the outside of all improvements on the site, including the tower, any ground buildings or equipment, and security fencing, so as to provide spatial separation and create a visual block from adjacent properties and streets.
- F. **Control of Land.** All land necessary for improvements, including the Radio/TV/Communication Towers, buildings, fencing, and landscaping, shall be in ownership of or under lease by the tower operator.
- G. **Exemptions.**

1. **Attached or Incorporated in a Structure.** Radio/TV/Communication Towers located on nonresidential structures or incorporated into other structures, which structures are devoted to a use not related to the Radio/TV/Communication Towers, are exempt from the security fencing, setback, bufferyard, and control of land requirements of this section. All ground equipment or buildings shall be placed underground or screened from view.
  2. **Utilities Rights-of-Way.** Radio/TV/Communication Towers located within electrical utility company right-of-way are exempt from the setback and bufferyard requirements of this section.
- H. **Co-Location.**
1. **Other Structures.** Co-location of antennas of more than one service provider on individual Radio/TV/Communication Towers is encouraged, subject to the verified structural and mechanical capabilities of the tower. If no other towers, buildings, or other structures exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or configuration of antennas or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, then satisfactory evidence to that effect shall be submitted by a qualified expert at the time of application for the earliest required approval.
  2. **Other Users.** All Radio/TV/Communication Towers installed after the effective date of this Ordinance shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one user/transmitter, unless the tower is incapable of supporting more than one user/transmitter due to the design of the tower which is incorporated into another structure in compliance with **Section B.2-5.79(H)**. Certification as to the tower's structural and mechanical capability to accommodate colocation shall be provided by a professional engineer or other qualified professional.
  3. **Access.** Access to available technical feasible space on any towers shall not be denied to any competitive users or service provider.
  4. **Nonconforming Uses.** Requirements for co-location on Radio/TV/Communication Towers which are nonconforming are contained in Section XXX.
- I. **Termination of Use.** A tower that is no longer used for communication purposes must be removed within 120 days of the date it is taken out of service.



- J. **Easement for Public Facilities.** At the request of the local jurisdiction, an easement shall be granted to the jurisdiction to place cameras, monitors, two-way mobile radio equipment, or other desired telecommunications devices; however such devices may be restricted so as not to affect the functioning of the antenna or array of antennas of the tower operator or service provider.
- K. **Placement on or Within Large Structures.** Notwithstanding the requirements of Table XXX, Radio/TV/Communication Towers meeting the provisions of Section B.2-5.73(H) or located on large, non-habitable public or utilities structures, including but not limited to trestles of major electrical distribution lines but excluding water towers, are permitted under the following conditions:
1. **Zoning Permit.** A zoning permit from the Zoning Officer is required.
  2. **Compliance with Use Conditions.** Use conditions regarding signage must be complied with.
- L. **State Plane Coordinates.** All site plans submitted in conjunction with requests for Radio/TV/Communication Towers shall include the location of the proposed tower by State Plane Coordinates and above ground level and sea level elevations, based on 1983 North America datum. All towers operated by the applicant in Moore County and within one-quarter ( $\frac{1}{4}$ ) mile of its borders shall also be similarly located and submitted with the site plan.
- M. **Color, Finish, Lighting.** Unless otherwise required by the Federal Aviation Administration (FAA), the finish of the Radio/TV/Communication Tower shall be non-shiny or glossy; any painted color shall be muted or neutral; and no lights or strobe lights shall be placed on the tower. If lights are required by the FAA, the least obtrusive lighting option available under FAA guidelines shall be installed; white strobe lights are discouraged from use.
- N. **Type of Structure.** Only monopole tower structures with a maximum height of less than two hundred (200) feet are allowed within the Town of Carthage, except for government operated towers reasonably necessary for emergency services provided no other such tower is located within two (2) miles whether inside or outside town limits.

## 13. RECREATIONAL VEHICLE PARKS/CAMPSITES

### 13-1 STANDARDS

- A. **Prohibited Districts.** Recreational Vehicle Parks shall not be permitted as a principal or accessory use in R-10 and RM-10 Districts.
- B. **General Use Conditions.**
  - 1. **Bufferyards.** In addition to the bufferyard requirements of Section 3-5 Landscape and Buffering, a type I bufferyard is required adjacent to public rights-of-way.
  - 2. **Setbacks.** All recreational vehicle spaces shall be located a minimum of one hundred (100) feet from all adjacent property lines and public rights-of-way.
  - 3. **Access.** Recreational vehicle parks shall have direct access to a major or minor thoroughfare. Recreational vehicle spaces shall only have direct access to an internal private street which accesses a public street. No recreational vehicle space shall have direct vehicular access to a public street.
  - 4. **Floodplains.** No recreational vehicle sites shall be located in the floodplain.
  - 5. **Landscaping.** Each recreational vehicle space shall have a planting area containing at least one deciduous or evergreen tree with a minimum height of eight (8) feet and a diameter of two (2) inches measured six (6) feet above ground level at the time of installation. Each planting area shall be a minimum of one hundred fifty (150) feet with a minimum radius of seven (7) feet. The use of existing trees when possible to meet these landscaping requirements is encouraged.
  - 6. **Sanitary Facilities, Sewage and Garbage Disposal.** Adequate sanitary facilities, sewage and garbage disposal shall be provided and shall conform with all applicable codes.
  - 7. **Length of Stay.** No recreational vehicle shall be used as a permanent place of residence. Occupancy extending beyond three (3) months in any twelve (12) month period shall be presumed to be permanent occupancy and is prohibited in a recreational vehicle park.

8. **Accessory Uses.** Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures incidental to the operation of a recreational vehicle park are permitted as accessory uses to the park. In addition, other uses may be permitted as accessory uses in the district where such uses are not allowed as principal uses, subject to the following restrictions:
- (1) **Size.** Such establishments and the parking areas related to their operations shall not occupy more than five percent (5%) of the gross area of the park. Refer to Section 3-1 Signage for sign standards.
  - (2) **Clientele.** Such establishments shall be restricted in their use to the occupants of the park.
  - (3) **Visibility.** Such establishments shall present no visible evidence from any street outside the park of a commercial nature which would attract customers other than occupants of the park.
  - (4) **Access.** Such establishments shall not be directly accessible from any public street, but shall be accessible only from a street within the park.
9. **Manufactured Homes.** No manufactured home may be parked or stored in a recreational vehicle park, except that one manufactured home may be located within the park for the exclusive use as the principal dwelling unit for the park manager or operator.

# 14 MOBILE HOME PARKS

## 14-1 STANDARDS

- A. **Applicability.** The following shall apply to all mobile home parks in the zoning district which the use is permitted in.
- B. **Existing Mobile Home Parks.** Removal and replacement of units on existing lots or spaces, existing at the time of adoption of this Ordinance, are permitted.
- C. **Lighting.** Adequate lighting for the safe movement of vehicles and pedestrians at night shall be provided for all common areas, streets, walkways, and dead-end streets.
- D. **Occupancy.**
  - 1. No building permits shall be issued until the park has completed construction per the approved site plan.
  - 2. In addition, the following shall be complete before a building permit for a manufacture home or accessory building is issued, as approved by the Administrator:
    - (1) There shall be a minimum of three improved manufactured home spaces at first occupancy.
    - (2) The entrance either abuts an NCDOT street or shall be constructed pursuant to NCDOT's Subdivision Roads Minimum Construction Standards Manual before a building permit is issued.
- E. **Permitted Accessory Uses.** Accessory uses commonly found are administrative offices and storage buildings.
- F. **Phasing.** When a park is to be developed in phases, the proposed plan must be submitted for the entire development, and application for a zoning permit shall be made for each phase and spaces may then be rented upon issuance of the building permit.
- G. **Site Plan.**
  - 1. A site plan depicting the proposed general design and arrangement of uses and buildings shall be prepared by a licensed engineer, architect, or surveyor.
  - 2. The site plan shall be submitted and reviewed in accordance with Section XXX Site Plans.

3. The following features shall be depicted on the site plan:

- (1) Lighting plan;
- (2) Streets;
- (3) Peripheral buffer;
- (4) Home spaces;
- (5) Phase lines; and
- (6) Land contours.

H. **Streets.**

1. All roadways within a park shall be located outside of the home space.
2. No space shall have direct access to a public street.
3. A park having five or more spaces shall have paved roadways designed and constructed in compliance with NCDOT's Subdivision Roads Minimum Construction Standards as certified by a professional NC Engineer.
4. Unpaved roadways shall be graveled to a minimum width of 20 feet, depth of four inches, with a minimum vertical clearance of 13 feet six inches for accessibility by service and emergency vehicles before a Certificate of Occupancy is issued.
5. All dead-end roadways shall be provided with a turn-around.
6. Permanent roadway name signs and stop signs shall be installed at intersections to all internal roadways. Refer to 3-14.3.1.G.3 for site plan requirements.
7. Maintenance of all internal streets and corresponding drainage facilities shall be the responsibility of the owner(s) of the park.

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I. **Utilities.** All utilities shall be located underground.

1. There shall be easements dedicated for utilities including, but not limited to water, sewer, gas, and electrical as shown on the site plan.
2. All mobile home parks with access to public water and sewer shall connect to public water and wastewater, so long as the cost to connect is not greater than the cost to implement septic system.
3. All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality.

## CHAPTER D. ENVIRONMENTAL

# 1. General Environmental Standards

- A. The Board of Commissioners may require the developer to prepare an Environmental Impact Statement (EIS) pursuant to NCGS 113A-8 as part of the plan for any subdivision or development of two (2 ) acres or more where the Board of Commissioner's opinion or any environmental factor, is a significant issue regarding the particular subdivision or development. The Board of Commissioners may waive the EIS where an EIS or equivalent document is required by a state or federal agency for the same or essentially the same factor(s)
- B. The Board of Commissioners may require the developer to prepare an Environmental Impact Statement (EIS) pursuant to NCGS 113A-8 as part of the plan for any subdivision or development of two (2 ) acres or more where the Board of Commissioner's opinion or any environmental factor, is a significant issue regarding the particular subdivision or development. The Board of Commissioners may waive the EIS where an EIS or equivalent document is required by a state or federal agency for the same or essentially the same factor(s)

# 2. Flood Damage Prevention Standards

The Flood Damage Prevention Ordinance adopted by the Town of Carthage shall serve as the Flood Damage Prevention Standards for this Ordinance, provided, in no case shall a development be permitted unless it is in conformance with the standards of this Ordinance.

## 2-1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

- A. **Statutory Authorization.** The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Chapter 160D; and Article 1 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Board of Commissioners of the Town of Carthage, North Carolina, on this the \_\_\_\_ day of \_\_\_\_, 2008 does ordain as follows:

### 2-1.1 FINDINGS OF FACT

- A. The flood prone areas within the jurisdiction of The Town of Carthage are subject to periodic inundation which could result in the 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.

### 2-1.2 STATEMENT OF PURPOSE

It is the purpose of this ordinance 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 floodwaters;



- 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 flood waters or which may increase flood hazards to other lands.

### 2-1.3 OBJECTIVES

The objectives of this ordinance are:

- 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 Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

## 2-2. DEFINITIONS

- A. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.
  - 1. **Accessory Structure (Appurtenant Structure)** means 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.
  - 2. **Addition (to an existing building)** means an extension or increase in the floor area or height of a building or structure.
  - 3. **Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

4. **Area of Shallow Flooding** means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
5. **Area of Special Flood Hazard** see "Special Flood Hazard Area (SFHA)"
6. **Basement** means any area of the building having its floor subgrade (below ground level) on all sides.
7. **Base Flood** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
8. **Base Flood Elevation (BFE)** means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".
9. **Building** see "Structure"
10. **Chemical Storage Facility** means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
11. **Development** means 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 or drilling operations, or storage of equipment or materials.
12. **Disposal** means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
13. **Elevated Building** means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
14. **Encroachment** means 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.

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15. **Existing Manufactured Home Park or Manufactured Home Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.
16. **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters; and/or
  - (2) The unusual and rapid accumulation of runoff of surface waters from any source.
17. **Flood Boundary and Floodway Map (FBFM)** means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
18. **Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
19. **Flood Insurance** means the insurance coverage provided under the National Flood Insurance Program.
20. **Flood Insurance Rate Map (FIRM)** means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
21. **Flood Insurance Study (FIS)** means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
22. **Flood Prone Area** see "Floodplain"
23. **Floodplain** means any land area susceptible to being inundated by water from any source.

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24. **Floodplain Administrator** is the individual appointed to administer and enforce the floodplain management regulations.
25. **Floodplain Development Permit** means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.
26. **Floodplain Management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
27. **Floodplain Management Regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
28. **Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
29. **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
30. **Flood Zone** means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
31. **Freeboard** means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".
32. **Functionally Dependent Facility** means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or

passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

33. **Hazardous Waste Facility** means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
34. **Highest Adjacent Grade (HAG)** means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
35. **Historic Structure** means any structure that is:
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
  - (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;
  - (3) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
  - (4) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

36. **Lowest Adjacent Grade (LAG)** means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
37. **Manufactured Home** means 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 and contains a HUD label. The term "manufactured home" does not include a "recreational vehicle".

38. **Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
39. **Market Value** means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
40. **Mean Sea Level** means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.
41. **New Construction** means structures for which the “start of construction” commenced on or after the effective date of the original version of the community’s Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.
42. **Non-Encroachment Area** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
43. **Post-FIRM** means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.
44. **Pre-FIRM** means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for the area.
45. **Principally Above Ground** means that at least 51% of the actual cash value of the structure is above ground.
46. **“Public Safety” and/or “Nuisance”** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
47. **“Recreational Vehicle (RV)”** means a vehicle, which is:

- (1) Built on a single chassis;
  - (2) 400 square feet or less when measured at the largest horizontal projection;
  - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
  - (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use;
  - (5) This definition includes vehicles such as travel trailers, motor homes, and campers.
48. **Reference Level** is the bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all Special Flood Hazard Areas.
49. **Regulatory Flood Protection Elevation** means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
50. **Remedy a Violation** means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
51. **Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
52. **Salvage Yard** means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
53. **Solid Waste Disposal Facility** means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.
54. **Solid Waste Disposal Site** means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

55. **Special Flood Hazard Area (SFHA)** means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.
56. **Start of Construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
57. **Structure** means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
58. **Substantial Damage** means 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 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
59. **Substantial Improvement** means 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 either:

- (1) 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,
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

60. **Variance** is a grant of relief from the requirements of this ordinance.

61. **Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

62. **Water Surface Elevation (WSE)** means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

63. **Watercourse** means 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.

## 2-3. GENERAL PROVISIONS

### 2-3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra- Territorial Jurisdictions (ETJ) of The Town of Carthage.

### 2-3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

- A. 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 Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Moore County dated January 2, 2008 that apply to the jurisdiction of the Town of Carthage, which are adopted by reference and declared to be a part of this ordinance.

- B. The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Moore County Unincorporated Area, dated December 15, 1989, Town of Carthage, dated October 17, 2006

### **2-3.3 ESTABLISHMENT OF FLOODPLAIN AND DEVELOPMENT PERMIT**

A Town of Carthage Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with **Article 3, Section B** of this ordinance.

### **2-3.4 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.

### **2-3.5 ABROGATION AND GREATER RESTRICTIONS**

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

### **2-3.6 INTERPRETATION**

- A. In the interpretation and application of this ordinance Article, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under State statutes.

### **2-3.7 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of The Town of Carthage or by any officer or employee thereof for any flood damages that result

from reliance on this ordinance, or any administrative decision lawfully made hereunder.

### **2-3.7 PENALTIES FOR VIOLATIONS**

- A. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall subject the offender to civil penalties. Each day such violation continues shall be considered a separate offense.
- B. Nothing herein contained shall prevent The Town of Carthage from taking such other lawful action as is necessary to prevent or remedy any violation.

## **2-4. ADMINISTRATION**

### **2-4.1 DESIGNATION OF FLOODPLAIN ADMINISTRATOR**

The Development Administrator or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this Ordinance.

### **2-4.2 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS**

- A. **Application Requirements.** 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 shall be presented to the floodplain administrator to apply for a floodplain development permit:
  - 1. 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 Article 3, Section B, 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 Article 3, Section B;
  - (4) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
  - (5) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C(11 & 12); or Article 5, Section D;
  - (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.
2. 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 in Zone AE, A or AO will be flood-proofed; and
    - (3) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
  3. If floodproofing, a Floodproofing Certificate (*FEMA Form 81-65*) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
  4. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
    - (1) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
    - (2) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
  5. Usage details of any enclosed areas below the regulatory flood protection elevation.
  6. 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;

7. Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
  8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Article 5, Sections B(6 & 7) of this ordinance are met.
  9. 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.
- B. Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:
1. A description of the development to be permitted under the floodplain development permit.
  2. A description of the development to be permitted under the floodplain development permit.
  3. The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section B.
  4. The regulatory flood protection elevation required for the reference level and all attendant utilities.
  5. The regulatory flood protection elevation required for the protection of all public utilities.
  6. All certification submittal requirements with timelines.
  7. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
  8. The flood openings requirements, if in Zones A, AO, AE or A1-30.
- C. Certification Requirements.**
1. **Elevation Certificates**
    - (1) An Elevation Certificate (FEMA Form 81-31) 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, in relation to mean sea level. 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.

- (2) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. . Any work done within the seven (7) 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 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.

- (3) A final as-built Elevation Certificate (FEMA Form 81-31) 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 of the reference level and all attendant utilities. 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 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.

## 2. Floodproofing Certificate.

- (1) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, 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 floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review

the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

3. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Article 5, Section B(3).
4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
5. Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
  - (1) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
  - (2) Temporary Structures meeting requirements of Article 5, Section B(7); and
  - (3) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

#### **2-4.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

- A. The Floodplain Administrator shall perform, but not be limited to, the following duties:
  1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
  2. Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.
  3. 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 (FEMA).

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section E are met.
6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Article 4, Section B(3).
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Article 4, Section B(3).
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Article 4, Section B(3).
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section B(3) and Article 5, Section B(2).
10. 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 article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, 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 Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3, Section B, 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 ordinance.



13. When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.
15. 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.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, 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 and/or the property owner. 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.
17. 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.
18. 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.

19. Follow through with corrective procedures of Article 4, Section D.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

#### **2-4.4 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 cited in such notification.
- 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 (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
  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, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred and eighty (180) calendar days. Where the floodplain

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

- D. **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

#### **2-4.5 VARIANCE PROCEDURES**

- A. The Board of Adjustment as established by The Town of Carthage, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- 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 Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.
  - 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 ordinance, 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 defined under Article 2 of this ordinance 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 floodwaters 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 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 ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- G. 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 that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in

increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

- H. 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. Conditions for Variances.
  - 1. Variances shall 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 not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
  - 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - 4. Variances shall only be issued prior to development permit approval.
  - 5. Variances shall only be issued upon:
    - (1) A showing of good and sufficient cause;
    - (2) A determination that failure to grant the variance would result in exceptional hardship; and
    - (3) 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.

## **2-5. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **2-5.1 GENERAL STANDARDS**

- A. In all Special Flood Hazard Areas the following provisions are required:
  - 1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
  - 2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. 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/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
9. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in a special flood hazard area. No variances shall be granted for these facilities. A structure or tank for chemical or fuel storage incidental 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 Article 4, Section B(3) of this ordinance.

11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
  12. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  14. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- C. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

#### **2-5.2 SPECIFIC STANDARDS**

- A. In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to Article 5, Section A, are required:
1. **Residential Construction.**
    - (1) New construction and 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 Article 2 of this ordinance.
    - (2) Subdivisions approved after the effective date of this Ordinance shall not plat lots for residential development located within the Special Flood Hazard Areas. Lots that will contain common uses such as club houses, golf courses etc. are permitted to be located within the Special Flood Hazard Area as long as the development that occurs on them meet all other applicable regulations of this ordinance.
  2. **Non-Residential Construction.** New construction and 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, as defined in Article 2 of this ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G(2). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans.

**3. Manufactured Homes.**

- (1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (3) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4)(a), (b), and (c).
- (4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

**4. Elevated Buildings.** Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:



- (1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned 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, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
  - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - iv. The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
  - v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

**5. Additions/Improvements.**

- (1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- i. 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.
  - ii. 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 other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
  - ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- 6. **Recreational Vehicles.** Recreational vehicles 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.
- 7. **Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;
  - (1) A specified time period for which the temporary use will be permitted.  
Time specified may not exceed three months, renewable up to 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 the entity responsible for physical removal of the structure; and
  - (5) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
8. **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 working, sleeping, living, cooking or restroom areas);
  - (2) Accessory structures shall not be temperature-controlled;
  - (3) Accessory structures shall be designed to have low flood damage potential;
  - (4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  - (5) Accessory structures shall be firmly anchored in accordance with Article 5, Section A(1);
  - (6) All service facilities such as electrical shall be installed in accordance with Article 5, Section A(4); and
  - (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Article 5, Section B(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

### **2-5.3 RESERVED**

### **2-5.4 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS**

- A. Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Article 5, Sections A and B, shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (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.
2. The BFE used in determining the regulatory flood protection 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 ordinance and shall be elevated or floodproofed in accordance with standards in **Article 5, Sections A and B.**
  - (2) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of **Article 5, Sections B and F.**
  - (3) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per **Article 3, Section B** to be utilized in implementing this ordinance.
3. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other sources as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

#### **2-5.5 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS**

- A. Along rivers and streams where 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 report, the following requirements shall apply to all development within such areas:
  1. Standards outlined in Article 5, Sections A and B; and

2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

#### **2-5.6 FLOODWAYS AND NON-ENCROACHMENT AREAS**

- A. Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. 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, in addition to standards outlined in **Article 5, Sections A and B**, shall apply to all development within such areas:
  1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
    - (1) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
    - (2) A Conditional Letter of Map Revision has been approved by FEMA. A Letter of Map Revision must also be obtained upon completion of the proposed encroachment.
  2. If **Article 5, Section F(1)** is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
  3. 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 Article 5, Section B(3); and
    - (2) The no encroachment standard of Article 5, Section F(1).

#### **2-5.7 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)**

- A. Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Section A, all new construction and substantial improvements shall meet the following requirements:
1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade plus a freeboard of one (1) foot if no depth number is specified.
  2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Article 4, Section B(3) and Article 5, Section B(2).
  3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

## **2-6. LEGAL STATUS PROVISIONS**

### **2-6.1 SEVERABILITY**

If any section, clause, sentence or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

### **2-6.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS**

- A. The Special Flood Hazard Areas are those identified under the Cooperating Technical State agreement between the State of North Carolina and FEMA in its Flood Insurance Study for Moore County dated October 17, 2006 and the accompanying Flood Insurance Rate Map Panels for the Town of Carthage (8564J, 8565J, 8567J, 8568J, 8574J, 8575J, 8576J, 8586J, 8588J), which are adopted by reference and declared to be a part of this ordinance.

- B. The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Moore County Unincorporated Area, dated December 15, 1989. Town of Carthage, dated October 17, 2006.

#### **2-6.3 EFFECTIVE DATE**

This ordinance shall become effective upon adoption.

#### **2-6.4 ADOPTION CERTIFICATION**

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of the Town of Carthage, North Carolina, on the \_\_\_\_ day of \_\_\_\_\_, 2008.

WITNESS my hand and the official seal of the Town of Carthage, this the \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
*Melissa P. Adams, CMC Town Clerk*

## **3. Soil Erosion and Sedimentation Control Standards**

- A. The Board of Commissioners may require the developer to prepare an Environmental Impact Statement (EIS) pursuant to NCGS 113A-8 as part of the plan for any subdivision or development of two (2) acres or more where the Board of Commissioner's opinion or any environmental factor, is a significant issue regarding the particular subdivision or development. The Board of Commissioners may waive the EIS where an EIS or equivalent document is required by a state or federal agency for the same or essentially the same factor(s).
- B. The Board of Commissioners may require the developer to prepare an Environmental Impact Statement (EIS) pursuant to NCGS 113A-8 as part of the plan for any subdivision or development of two (2) acres or more where the Board of Commissioner's opinion or any environmental factor, is a significant issue regarding the particular subdivision or development. The Board of Commissioners may waive the EIS where an EIS or equivalent document is

required by a state or federal agency for the same or essentially the same factor(s).

- C. The Board of Commissioners may require the developer to prepare an Environmental Impact Statement (EIS) pursuant to NCGS 113A-8 as part of the plan for any subdivision or development of two (2) acres or more where the Board of Commissioner's opinion or any environmental factor, is a significant issue regarding the particular subdivision or development. The Board of Commissioners may waive the EIS where an EIS or equivalent document is required by a state or federal agency for the same or essentially the same factor(s).
- D. The Board of Commissioners may require the developer to prepare an Environmental Impact Statement (EIS) pursuant to NCGS 113A-8 as part of the plan for any subdivision or development of two (2) acres or more where the Board of Commissioner's opinion or any environmental factor, is a significant issue regarding the particular subdivision or development. The Board of Commissioners may waive the EIS where an EIS or equivalent document is required by a state or federal agency for the same or essentially the same factor(s).



## CHAPTER E. SUBDIVISION ORDINANCE

The subdivision ordinance addresses the design and development standards for proposed subdivision within the Town of Carthage. This Section provides for both Residential and Non-Residential standards. Specific (additional) standards for Industrial and Commercial Subdivisions are provided in *Section D.8 Industrial and Commercial Subdivisions* of this Chapter.

# 1. GENERAL PROVISIONS

## AND ADMINISTRATION

- A. **Status of Subdivision Requirements.** These subdivision requirements are adopted as part of the UDO by the Town Council of the Town of Carthage.
- B. **Purpose and Adoption.** The purpose of this Subdivision Ordinance is to provide for the orderly development of the Town of Carthage; for the coordination of streets within proposed subdivisions with existing or planned streets and other public facilities; for the dedication or reservation of rights-of-way or easements for street utility and other public purposes; for the avoidance of congestion and overcrowding; and the development of efficient circulation patterns; and for the creation of conditions essential to public health, safety, and general welfare of the community. By adopting these rules and ordinances, the Town Council can administer land subdivision approvals vested by Chapter 677, 1947 Session Laws of North Carolina, as revised by Chapter 777, 1953 Session Laws.
- C. **Applicability.** These rules and ordinances shall apply to the subdivision of land anywhere in the Town of Carthage.
- D. **General Definition of a Subdivision.** For the purpose of this ordinance, subdivision shall mean all divisions and recombination's of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or 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. This general definition will be further defined in this ordinance as:
  - 1. Subdivisions exempt by State law or court judgments;
  - 2. Expedited Subdivisions;
  - 3. Minor Subdivisions;
  - 4. Major Subdivisions; and
  - 5. Industrial or commercial subdivisions.
- E. **Approving Authority and Planning Director.** The Board of Commissioners and Planning Director shall be the approving authorities for various sections of these ordinances. The Board of Commissioners shall approve preliminary and final major subdivision maps. The Planning Director is authorized to approve minor or

exempt plats and extensions of preliminary major subdivision approvals. No subdivision shall be created anywhere in the Town of Carthage until said plat has been approved by the authorized agent or body.

- F. **Penalties for Transferring Lots in Unapproved Subdivisions.** In accordance with G.S. § 160D-807, "Penalties for Transferring Lots in Unapproved Subdivisions", any person who, being the owner or agent of the owner of any land located within the jurisdiction of the town, subdivides his land in violation of the subdivision requirements set forth in the Town's Unified Development Ordinance, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved in accordance with the UDO and recorded in the office of the Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the UDO.
1. The Town of Carthage may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.
  2. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided.
- G. **Pre-Existing Subdivisions.** None of the provisions of these ordinances shall apply to subdivision plats or deeds recorded with the Register of Deeds prior to the effective date of this ordinance, provided the lots met the requirements of the *Zoning Ordinance* or any other local or State land regulatory ordinances which were in effect at the time the lots were recorded.
- H. **Administration.** The Board of Commissioners are the authority for establishing the provisions contained in the *Subdivision Ordinance*. These provisions shall be considered the minimum requirements for the protection of the public health, safety, and welfare. The Board of Commissioners reserves the right to modify or to extend this ordinance as may be deemed necessary to provide reasonable service to the public.
- I. **Amendments.** Before the adoption of any amendment to this ordinance, the Board of Commissioners shall hold a legislative hearing. Notice of the hearing shall be given consistent with the public notice requirements for UDO

Amendments in *Section XX Public Meeting and Hearing Notice Requirements*.

The required published notice shall consist of a reference to the section(s) of the ordinance which will change and a general description of the proposed amendment.

- J. **Denial of Subdivision.** The reason(s) for the denial of any subdivision controlled under any section of this ordinance shall be provided in writing to the owner or the owner's agent by either the Planning Director or the Board of Commissioners whichever is the approving authority.
- K. **Appeal of Planning Director Denial of Subdivision.** The denial of any subdivision plat controlled by this ordinance and subject to the administrative authority of the Planning Director may be appealed to the Zoning Board of Adjustment according to the procedures described in Section A. The appeal request must be submitted to the Planning Director within thirty (30) days of receiving written notification of the decision. Application requirements include a survey map prepared by a licensed surveyor, a letter explaining the reasons for the appeal request, and a fee as determined by the current fee schedule at the time. Once the application is complete, the appeal request will be placed on the next agenda for the regularly scheduled meeting of the Zoning Board of Adjustment. The Planning Director will present a report at the meeting. The owner or owner's agent shall present the appeal request and the reasons for such request to the Zoning Board of Adjustment. In deciding on the appeal, the Zoning Board of Adjustment shall provide written statements, prepared by the Planning Director detailing the reasons for the decision. The Zoning Board of Adjustment may require conditions of approval as deemed necessary, according to the terms of this ordinance.
- L. **Mapping of Environmental Features.** All preliminary and final plats are subject to Chapter C of this UDO, the *Environmental Ordinance*. Depictions of features including watercourses, wetlands, flood hazard areas, watershed boundaries, permanent stormwater controls and other provisions described in Chapter C shall be included on the face of all maps and plats, as required by the Planning Director and/or the authorizing body.
- M. **Other Applicable Definitions.** Any terms not defined in these ordinances will be assumed to have the same or similar definition(s) found in the *Unified Development Ordinance* or any other local ordinances, codes, or State law.

## 2. STREETS AND EASEMENTS

### A. Access Easement, Private Off-Site

1. **Applicability.** Access easements and private roads are allowed only for uses or structures permissible in each respective zoning district or as part of an approved subdivision, planned residential or multi-family development. Any other types of access easements or private roads are subject to the requirements for special use permits described in *Section XX Administration and Amendments*.
2. **Conditional Zoning Districts.** Notwithstanding the requirements of *Section XX Access Easement, Private Off-Site Applicability* a private access easement established pursuant to *Section XX Administration and Amendments* may serve more than one zoning lot or special use district zone.
3. **Standards.** Private access easements requiring the issuance of a special use permit in *Section XX Access Easement, Private Off-Site Applicability* must be designed in conformity with the minimum standards for public streets established by the North Carolina Department of Transportation (NCDOT).

### B. Width of Private Access Easements and Private Streets.

All access easements and private streets approved according to the terms of this Ordinance shall be not less than twenty-five (25) feet in width and shall be shown on the face of a plat recorded in the office of the Register of Deeds. No zoning permit shall be issued for a principal use not served by a public street or a private access easement or street which complies with provisions of this ordinance. These requirements do not apply to driveways or alleys.

### C. Utility Easements.

No part of any building shall be constructed within the boundaries of a utility easement unless authorized to do so by the grantor of such easement in writing and recorded in the office of the Register of Deeds.

## 3. SUBDIVISIONS EXEMPTED BY STATE LAW OR COURT JUDGMENTS

- A. **Definition.** A subdivision exempted by State law or court judgments is a division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development, including the recombination of previously divided tracts or parcels of land. All lots must comply with the size and area requirements of the *Zoning Ordinance* or any other applicable local or State land regulatory ordinances and meet any one of the following definitions:
1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Carthage UDO subdivision regulations.
  2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
  3. The public acquisition by purchase of strips of land for the widening or opening of streets.
  4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no public or private street right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of the Carthage UDO subdivision regulations.
  5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with interstate succession under Chapter 29 of the General Statutes.
  6. The Town of Carthage also considers subdivisions of land to create or dedicate private cemeteries on individual lots to be exempt from the requirements of this ordinance and the dimensional requirements of the Zoning Ordinance.
- B. **Application and Approval Requirements.** The following are the application requirements for approval of subdivisions exempted by State law or court judgments:
1. Submission of a preliminary survey map plat to the Planning Director, prepared by a land surveyor licensed to practice in the State of North Carolina. Submission may be electronic by email (preferred) or in full-size paper form.
  2. Once submitted the Planning Director will have 14 days to review the plat and provide approval or determine if more information is needed. If additional

information is required, the 14-day period will restart after the Planning Director has received it.

3. When the preliminary plat has been approved, a final survey plat may be submitted to the Planning Director according to Section D.
4. The Planning Director will provide approval by signature on the face of the plat.
5. Payment of the exempt plat review fee as determined in the current schedule of fees.
6. Once the plat has been approved and fees paid, the plat may be recorded in the office of the Register of Deeds. Unless exempted by law, no plat may be recoded with the Register of Deeds without approval from a plat review officer appointed by the Forsyth County Board of Commissioners.

## 4. EXPEDITED SUBDIVISIONS

- A. Subdivisions qualifying for expedited plat approval per G.S. 160D-802(c), as stated below, shall be reviewed and approved in the same manner as Exempt Subdivisions. Only a plat is required for recordation for the division of a tract or parcel of land in single ownership if all the following criteria are met to qualify for expedited review:
  1. The tract or parcel to be divided is/was not exempt according to the provisions of this Ordinance;
  2. No part of the tract or parcel to be divided has been divided under this subsection in the ten (10) years prior to division;
  3. The entire area of the tract or parcel to be divided is greater than five (5) acres;
  4. After division, no more than three (3) lots result from the division; and,
  5. After division, all resultant lots comply with all of the following:
    - (1) All size and dimensional requirements for lots as described in this Ordinance;
    - (2) The use of the lots is in conformity with applicable zoning requirements, if any; and,
    - (3) A permanent means of ingress and egress is recorded for each lot in compliance with this Ordinance.

## 5. MINOR SUBDIVISIONS

- A. **Definition.** A minor subdivision shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development. All lots must comply with the lot size, dimensional requirements, any other development standards contained in the *Unified Development Ordinance*, or any other applicable local or State land regulatory ordinances and meet any one of the following criteria:
1. Is a division of land where the entire area is greater than two (2) acres into not more than a total of three (3) lots, where no street right-of-way dedication is involved (see exception for industrial and commercial subdivisions in *Section D.6(C) Private Street Subdivisions*);
  2. Is created by a private access easement established in compliance with the standards of this UDO and consists of no more than a total of three (3) lots which do not front on a public street (see exception for industrial and commercial subdivisions in *Section D.6(C) Private Street Subdivisions*); or,
  3. Is created by lots, all of which front an existing public street, provided that the subdivision would not impair ingress and egress to or from the rear or side of the subject tract or any adjacent property. Lots which are approved must front on a public street with right-of-way which meets the standards of the North Carolina Department of Transportation and/or Carthage.
  4. The dedication of standard right-of-way and additional right-of-way for future widening of roads may be required, subject to the provisions of G.S. 136-66.10 and as may be amended.
- B. **Standards for Approval.** The following are the standards for approval of minor subdivisions:
1. Minor subdivisions may be approved provided that the subdivision:
    - (1) Does not violate any adopted plan, policy, or ordinance of Carthage;
    - (2) Does not create any new public streets;
    - (3) Does not block or impede the extension of a public street located within a subdivision recorded on a final plat in the office of the Register of Deeds or a public street shown on a preliminary subdivision plat which has been approved by the authorizing agent or body, unless such extension is determined by Staff to be unnecessary under one or more of the following circumstances:



- i. The road cannot physically be extended due to topography;
  - ii. The road cannot be logically extended due to current lotting patterns;
  - iii. If Staff determines improvements at the end of the street are needed, Staff may require a standard or temporary turnaround in accordance with the North Carolina Department of Transportation (NCDOT), the Carthage Fire Department, or other appropriate jurisdiction requirements;
  - iv. If Staff determine that a street closure petition is necessary, Staff may require proper street closure application documents be filed with the Board of Commissioners.
- (4) Is not located within the corridors of any planned or proposed street as shown on the Future Transportation Plan of Carthage;
- (5) Does not leave an implied division of property which would not meet the requirements of the *Zoning Ordinance* or any other land regulatory ordinances; or,
- (6) Does not land lock any tract of land.
- 2. If a minor subdivision is included in a preliminary subdivision which has been approved by the Board of Commissioners then official action must be taken by the Board of Commissioners to withdraw the subdivision or any portion thereof in accordance with *Section D.5(G) Withdrawal of Preliminary Subdivision Approval* before a minor subdivision can be approved.
- 3. Flag lots may be created according to the following standards:
  - (1) The maximum "pole" length may not exceed 150 feet and may not account for more than twenty-five (25%) of the total property area.
  - (2) The pole may not be used for either lot area or yard calculation of any other lot; and,
  - (3) If more than one flag lot is proposed to the rear of another lot or "stacked" off the street, a special use permit from the Zoning Board of Adjustment is required.
- 4. Where more than one property accesses a public road via a private access easement, said easement shall conform with the sight distance requirements of the NC DOT at the point of access to the public road.
- C. **Application and Approval Requirements.**
  - 1. Submission of a preliminary survey map plat to the Planning Director, prepared by a land surveyor licensed to practice in the State of North

Carolina. Submission may be electronic by email (preferred) or in full-size paper form.

2. Once submitted the Planning Director will have 14 days to review the minor subdivision and provide approval or determine if more information is needed. If additional information is required, the 14 period will restart after the Planning Director has received it.
  3. When the minor subdivision has been approved, a final survey plat may be submitted to the Planning Director according to (the appropriate section of the Ordinance).
  4. The Planning Director will provide approval by signature on the face of the plat.
  5. Payment of the exempt plat review fee as determined in the current schedule of fees.
  6. Once the subdivision has been approved and fees paid, the subdivision may be recorded in the office of the Register of Deeds. Unless exempted by law, no plat may be recoded with the Register of Deeds without approval from a plat review officer appointed by the Moore County Board of Commissioners.
- D. **Public Recordation of Landfills.** A record of the use of any site for a landfill and a rehabilitation/reuse plan for the site shall be recorded with the Register of Deeds, prior to the issuance of a zoning or grading permit.

## 6. MAJOR SUBDIVISIONS

- A. **Definition.** A major subdivision of land whether in single or multiple ownership shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development where new public streets rights-of-way will be dedicated new public streets constructed. Large Lot Subdivisions are those otherwise defined as Major Subdivisions where the average density equals no more than one home per 80,000 square feet and where no individual residential lot is smaller than 40,000 square feet. All lots must comply with the lot size, dimensional requirements and any other development standards contained in the *Unified Development Ordinance*, or any other applicable local or state land regulatory ordinances. Preliminary subdivision approval of a plat in accordance with *Section D.5(C) Approval Process for Preliminary Subdivision Approval* is required by the Town

Council. Final plats must be recorded in the office of the Register of Deeds in accordance with *Section D.5(H) Recording Final Plats* when all the requirements of this Ordinance have been met for the subdivision.

**B. Development Standards and Requirements for Preliminary Subdivision**

**Approval.** This section lists development standards and requirements for preliminary Major Subdivision approval. Anyone proposing a new Major Subdivision is encouraged to meet with the Planning Director before preparing or submitting a preliminary subdivision plat.

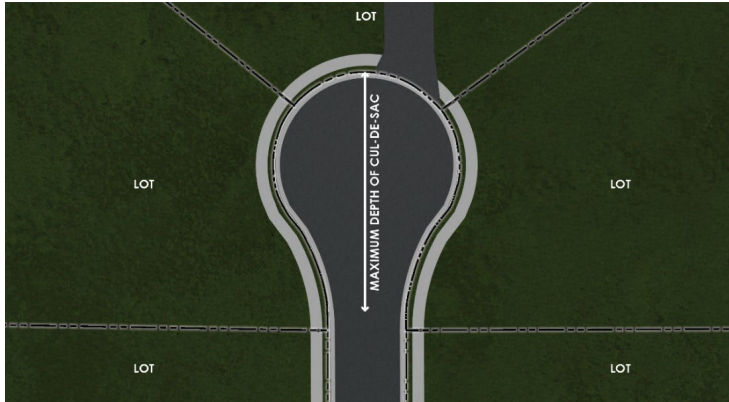
**1. Streets or Roads.**

- (1) All streets or roads shall be designed to integrate with the road system of Carthage, as shown on the Future Transportation Plan. These streets or roads shall be coterminous with adjoining links in said system.
- (2) The principal point(s) of access to all Major and Large Lot residential subdivisions, and Planned Residential Developments (PRDs) shall be public streets. All interior streets Major Subdivisions with final plats shall be public streets.
- (3) Dedication of additional rights-of-way, widenings, or other improvements to existing public streets may be required.
- (4) All streets proposed to become Town of Carthage streets shall meet or exceed the minimum standards of the North Carolina Department of Transportation. Greater street widths may be required for residential or nonresidential collector streets where deemed to be necessary for public safety, welfare, or health or in coordination with the North Carolina Department of Transportation. Street standards within the corporate limits of Carthage shall permit narrower widths with slower design speeds than are conventionally required. Design speeds may be reduced to twenty (20) miles per hour on local residential streets. Local residential street widths may be reduced to twenty (20) feet without parking, twenty-six (26) feet with one side parking and thirty-two (32) feet with two (2) side parking. Residential collector streets may be reduced to thirty-two (32) feet in width, with a design speed of twenty-five (25) miles per hour. Preliminary plats shall demonstrate sight distance conformance with the terms of this ordinance. Roadway width and geometry may be revised to promote public health, safety and general welfare. Utilities may be placed under the roadway. All new public residential streets within the Town of

Carthage shall require curb and gutter types allowed by NC DOT minimum standards.

- (5) Where streams, variable topography or other physical challenges to street connectivity might exist, exemptions from or alternatives to required inter-connectivity standards may be considered by the authorizing agent or body. Exemption requests must be accompanied by a written report from a Professional Engineer (PE) detailing the barriers to connectivity and why it is impracticable. Any exemption granted shall be considered an administrative determination made by the authorizing agent or body.
- (6) All subdivisions shall dedicate rights-of-way and construct stub streets to all adjoining properties. All stub streets shall meet the design and construction criteria required by the Town of Carthage and/or NC DOT and shall be constructed to the property line. Otherwise, stub streets are subject to an approved financial guarantee with the Town or NC DOT before final plats are approved for the sections of the subdivision where said streets are located. All stub streets shall be designed, constructed, and placed in locations which will permit the future extension of these streets. Any developments proposed adjacent to recorded but unbuilt stub streets shall construct the stub street through to the nearest public street inside the adjacent development. Any exemption shall be subject to the standards noted in D.6(B)1.6 above.
- (7) Blocks, or the distance between street intersections, shall not be less than six hundred (600) feet nor more than one thousand two hundred (1,200) feet in length.
- (8) Any type of dead-end street designed to remain permanent, shall not be longer than one thousand two hundred (1,200) feet and shall have either a cul-de-sac or a T-shaped turnaround installed at the end. Cul-de-sacs and T-shaped turnarounds shall conform to the minimum standards of NC DOT and the Carthage Fire Department.

Figure D.6.1 Cul-de-sac Illustration



- (9) Sidewalks shall be required in all residential subdivisions where curb and gutter streets are required. Sidewalks shall be placed three (3) feet back of curb and shall be designed and constructed to meet the minimum standards of the NC DOT. Only those roadways that meet the NC DOT standards are eligible to be dedicated to the Town and subject to the Town's acceptance. Sidewalks shall be placed on both sides of all residential streets with curb and gutter. Additional sidewalks may be required where any Major Subdivision is also subject to the requirements of an overlay as described in Section B.. All curbing and sidewalks shall conform with the minimum NCDOT requirements for the Americans with Disabilities Act (ADA) requirements. The landowner, developer, HOA or other responsible entity is responsible for ensuring that all sidewalks adhere to ADA requirements. All new Major Subdivisions shall provide sidewalks, at a ratio of two (2) linear feet of sidewalk per linear, centerline foot of public streets (2:1). Large Lot Subdivisions shall provide sidewalks or greenways that will accommodate pedestrian and bicycle traffic at a ratio of one (1) linear foot per centerline of public streets (1:1). Alleys and private drives associated with minor subdivisions are exempt from linear foot calculations. The exact location and type of pedestrian connections shall be determined during the site plan and subdivision review process. All pedestrian access segments not defined as sidewalks shall meet or exceed ADA standards and shall be constructed with all-weather surfaces. New residential developments that adjoin a public-school site

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(or proposed site) shall create a system of pedestrian sidewalks, paths and/or greenways that provide interconnectivity to the school. Said connectivity shall provide for safe and secure pedestrian movement protected from automobile traffic.

(10) Half-streets.

- i. New half streets are prohibited except when essential to the reasonable progression of the subdivision or other development in conformity with the other requirements of these regulations and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided or otherwise developed.
- ii. Whenever an existing half street is adjacent to a tract of land to be subdivided or otherwise developed, the other half of the street shall be dedicated and constructed unless no access to the street from the development is permitted.
- iii. In cases where access to an adjacent half street is not permitted, then the land corresponding to the other half of the street shall be reserved and included within an easement for conditional future dedication within the new subdivision or other development.

(11) Reserve strips of land adjoining public rights-of-way are prohibited.

(12) Streets shall be designed so as to intersect in conformance with minimum NC DOT standards.

(13) All new subdivisions will have triangular sight distance easements shown in dashed lines at all street intersections and so noted on the final plat map. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. Sight easements shall conform with minimum NC DOT standards.

(14) All new public streets shall include a ten (10) foot utility easement on both sides of the street reserved for the installation and maintenance of water, sewer, electricity, telephone, gas, cable, or any other public utility, where adequate space within the street right-of-way is unavailable.

(15) Street names shall be approved by the Planning Director, according to the Addressing and Street Naming Guidelines and Procedures Manual for the Town of Carthage, as may be amended. Street names shall be shown on all preliminary and final subdivision plats.

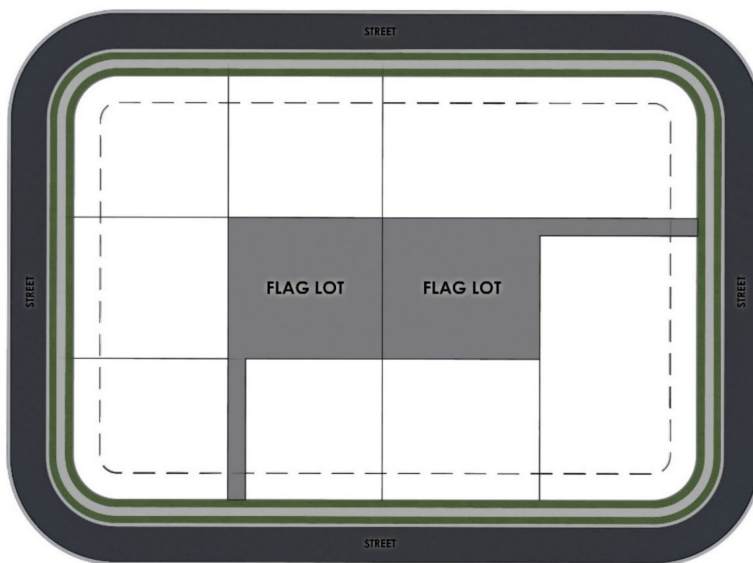
- (16) One tree must be planted within the boundaries of each lot within a Major Subdivision, Large Lot Subdivision or PRD. Additionally, street trees shall be required subject to the following:
  - i. Street trees shall be provided at a rate of one (1) tree per forty-five (45) linear feet of street frontage along both sides of the right-of-way.
  - ii. Street trees shall be setback from the curb or sidewalk. Small variety trees shall be setback a minimum of four (4) feet and medium variety trees shall be setback a minimum of six (6) feet. Large variety trees shall not be used for street tree plantings.
- (17) Any local subdivision or residential collector street section measuring more than twenty-four (24) feet wide and having an uninterrupted distance of more than seven hundred fifty (750) feet without significant curvature shall provide center traffic islands. All islands shall be a minimum eight (8) feet wide and a minimum of fifty (50) feet in length. All traffic islands shall be landscaped with evergreen shrubs having a minimum height of eighteen (18) inches at installation, reaching a mature height of thirty-six (36) inches within three (3) years. Shrubs must be locally adapted species, selected from the recommended planting material described in *Section B.3-3.10 Suggested Plant Materials List*. The entire island shall be landscaped.

## 2. Lots.

- (1) Lots shall conform to the *Zoning Ordinance* and any other applicable local or state land regulatory ordinances.
- (2) Subdivisions shall be designed to exclude any road frontage lots on major or minor thoroughfares as shown on the Future Transportation Plan (if Town adopts a Transportation Plan please follow). Said lots shall be served internally by local residential subdivision roads, consistent with the driveway policy of both the Town of Carthage and the North Carolina Department of Transportation.
- (3) Along major/minor thoroughfares or at thoroughfare intersections into or within the subdivision, negative access easements are required to prevent access onto thoroughfares from corner lots. Access must instead be provided to the lot on the non-thoroughfare street at the intersection. These negative access easements shall be shown on the final plat. See illustration for acceptable example in *Section D.5.(B)(2) Lots*.

- (4) In all rectangular lots, and so far as possible in all other lots, side lot lines shall be at right angles or radial to the streets each lot faces. Flag lots or lots which only have a narrow strip of land fronting the lot on a public street will only be approved according to the provisions detailed in Section D.6(B)1.6. If such lots are approved, the minimum frontage of the lot on the public street will be twenty-five (25) feet.
- (5) Flag lots may be created according to the following standards:
  - i. The maximum "pole" length may not exceed 150 feet and may not account for more than twenty-five (25%) of the total property area.
  - ii. The pole may not be used for either lot area or yard calculation of any other lot; and,
  - iii. If more than one flag lot is proposed to the rear of another lot or "stacked" off the street, a special use permit from the Zoning Board of Adjustment is required.

Figure D.6.2 Flag Lot



- (6) Where streams, variable topography or other physical challenges to street connectivity might exist, exemptions from or alternatives to required inter-connectivity standards may be considered by the authorizing agent or body. Exemption requests must be accompanied by a written report



from a Professional Engineer (PE) detailing the barriers to connectivity and why it is impracticable. Any exemption granted shall be considered an administrative determination made by the authorizing agent or body.

**3. Public or Private Utilities.**

**(1) Water.**

- i. All subdivisions of land within one thousand (1,000) feet of public water shall be required to provide public water to the subdivision and install fire hydrants in accordance with Fire Department of Carthage standards. The preliminary subdivision plat shall indicate that public water is to be used.
- ii. If public water is not available or required, the preliminary subdivision plat shall indicate the type of private water system to be used.
- iii. If fire hydrants are installed as part of a private water system, the system and fire hydrants shall be approved by the Fire Department of Carthage.

**(2) Sewerage and Septage.**

- i. The preliminary subdivision plat shall indicate if public sewer is to be used.
- ii. If public sewer is not available or required, the preliminary subdivision plat shall indicate the private sewer or septic systems to be used.
- iii. No private package sewer treatment plants shall be allowed in areas identified as Rural Residential according to the Carthage Comprehensive Plan and Future Land Use Map.

**(3) Drainage.**

- i. The preliminary subdivision plat shall depict any areas with special drainage requirements. Drainage easements shall be shown on the final plat.
- ii. If a post-construction stormwater retention or detention system is required by this Ordinance or other local or State ordinance, the proposed location of all devices to be used in the system shall be shown on the preliminary subdivision plat.

**(4) Other Public Utilities.** All distribution lines and lines providing direct service to individual properties for public utilities shall be installed underground, unless required by the utility provider to be placed aboveground.

**4. Other.**

- (1) The preliminary subdivision plat shall conform to such plan or plans for Carthage or portions thereof, as shall have been prepared and adopted by the Town Council.
- (2) Where the plan for the subdivision includes a lake or pond of one acre or more in size, existing or to be constructed, the preliminary subdivision plat shall show the location of dams, spillways, and other structures and the location and extent of inundation at full pond.
- (3) All signs, monuments, or markers indicating the name of any residential development are subject to the permitting standards for signs described in Section B.. The final plat shall depict the locations of these features.
- (4) Where a proposed greenway, park, playground or other public facility (or use) is included in any plan officially adopted by the Town of Carthage, the Planning Director or authorizing body may administratively require reservation of areas for such facilities or uses or may require easement dedication for such facilities or uses.
- (5) Tree preservation planting areas shall be cordoned off during construction and protected from encroachment. The minimum area to be cordoned off shall consist of the critical root zone of the tree or an area ten (10) feet from the tree's trunk in all directions, whichever is the greater area (see Section C.). The protection measures shall be properly maintained during site development and shall not be removed prior to final landscaping. For the purposes of this section, encroachment is defined as the ground surface disturbance caused by grading; impervious surface cover; equipment, material, or earth storage; or by temporary or permanent construction vehicle access or circulation.
- (6) Statements of fact for items of information deemed appropriate by the Planning Director to be placed on the final plats may be required during the review and approval of the preliminary subdivision plat. Such information or statements of fact may include:
  - i. The location of any proposed or planned thoroughfare. If the location of such thoroughfare has not been determined, a statement as to which lots may be affected or that the entire subdivision may be affected by the thoroughfare under study may be required.
  - ii. Planned public facilities identified in the Capital Improvement Program of Carthage or other plans of Carthage;
  - iii. Other information deemed to be in the public interest.

- (7) A Type III bufferyard is required adjacent to all thoroughfares and collector streets, except collector streets interior to the subdivision, and all railroad rights-of-way. Use of earthen berms as described in *Section B.3-4.2(B)(4) Earthen Berms* is encouraged. The bufferyard shall be clearly delineated on preliminary and final plats.

**C. Approval Process for Preliminary Subdivision.** The following is the process for preliminary subdivision approval (reference *Section A.6-6 Subdivisions*):

1. Application by the owner or owner's agent shall be made at the office of the Board of Commissioners at least twenty-seven (27) days prior to the date on which the Board of Commissioners holds a regular monthly meeting. The Board of Commissioners shall act on the preliminary subdivision plat within a reasonable period of time but shall not exceed ninety (90) days from the date of application without the written consent of the subdivider.
2. Applications for preliminary subdivision approval shall be reviewed by the Planning Director site plan committee, the interdepartmental site plan committee, and/or the Board of Commissioners site plan subcommittee. Recommendations that result from this consideration will be forwarded to the Town Council.
3. Modifications to the original preliminary subdivision plat may be required by the Planning Director prior to the Board of Commissioners meeting. Revised plats must be received no later than fifteen (15) days prior to the Board of Commissioners meeting.
4. The Board of Commissioners shall give careful study to the preliminary subdivision plat taking into consideration the applicable recommendations of the Comprehensive Land Use Plan, requirements of the UDO, and community character.
5. The Board of Commissioners may approve a preliminary subdivision plat as submitted by the applicant, approve the subdivision with conditions as authorized in *Section A.7-2.1(A) Approval and Conditions*, or deny the subdivision. If the conditions on the subdivision are accepted by the applicant, they shall become binding on the development of the subdivision. Otherwise, the subdivision shall be denied. Failure to comply with any conditions of approval set by the Board of Commissioners shall result in the preliminary subdivision approval becoming null and void.
6. The Board of Commissioners may approve preliminary subdivisions with changes to the plat at the meeting. Such changes shall be made to the plat

and new plats submitted to the Planning Director no later than thirty (30) days after the meeting at which the plat was approved. Failure of the owner or owner's agent to submit corrected copies of the plat within the thirty (30) day period shall result in the approval by the Board of Commissioners being null and void.

7. A preliminary subdivision plat being reviewed by the Board of Commissioners in which the owner or owner's agent contest a recommendation, or requirement may be continued to the next regularly scheduled meeting or public hearing at the discretion of the Town Council.
8. Preliminary subdivision approval by the Board of Commissioners shall constitute approval of the general widths and alignments of streets, the general dimensions and shapes of lots, and the type of public or private utilities to be used. The approval shall be valid for two (2) years and in accordance with GS 160D-108.1 regarding site specific vesting rights. The Planning Director will distribute the approved preliminary subdivision plats to applicable governmental agencies.

**D. Application Requirements for Preliminary Subdivision Approval.** The following are the application requirements for preliminary subdivision approval:

1. Application form for preliminary subdivisions approval completed in full.
2. **Fees.** Payment of any required fees per the adopted fee schedule.
3. **Existing Features and Development Map for Preliminary Subdivision Approval.** Ten (10) copies of a plat are required, at a scale not smaller than one (1) inch represents one hundred (100) feet (1" to 100'). Any other scale must be approved by the Planning Director. All paper and electronic copies shall be marked "PRELIMINARY". Additional copies of the preliminary subdivision map shall be required if modifications are made to the original submission during the review and approval process. Additionally, an electronic version in a format readable by the Planning Director and designees shall be submitted. Two (2) physical copies, at a minimum, shall be provided. Preliminary plats for Major Subdivisions shall include the following elements:
  - (1) Location Map at a scale not smaller than one (1) inch represents two thousand (2,000) feet (1" to 2,000'), indicating the location of the site and showing:
    - i. The intersection of at least two (2) public streets nearest to the property; and,

- ii. North arrow.
- (2) Title Block to appear in the lower right-hand corner of the plat:
  - i. Development name;
  - ii. Name and address of owner, applicant and/or developer (if different);
  - iii. Name and address person or firm who prepared the plat;
  - iv. Date survey was made; and,
  - v. Scale, date, and north arrow.
- (3) Legend.
- (4) Property Boundaries with bearings and distances.
- (5) Adjacent Property Lines with ownership indicated according to current deed or tax records.
- (6) Natural features — existing and proposed:
  - i. Streams, drainage ways, any flood hazard areas, and elevations;
  - ii. Topography at four-foot intervals unless unavailable. Distinction between existing and proposed topography lines to be shown according to the following; existing - light dashed lines; proposed - thin solid lines. This may require the submission of separate maps; and,
  - iii. A landscape plan shall be included in the submittal for preliminary subdivision approval. The landscape plan shall include wooded areas and natural features to be left undisturbed and preserved during construction in accordance with *Section D.5(B)(4)(8) Other*, existing and proposed plantings in buffer areas, street trees and any other plantings as required.
  - iv. Landscape plans shall take into consideration placement of driveways, utilities, street tree setback requirements, distance between trees, sight distance at intersections, signage, and any street lighting.
  - v. If plantings are to be delayed, a planting schedule shall be submitted in accordance with *Section B.3-3.2(B)(1) Completion Schedule*.
  - vi. All plantings, existing or proposed, intended to meet landscape or bufferyard requirements shall be warranted by the developer or their designee. The developer will be responsible for maintaining all required plant materials in good health. Any plant material becoming

dead, diseased, or missing within one (1) year from the date of planting shall be replaced.

(7) Constructed Features - existing and proposed:

- i. Rights-of-way and easements with type and widths indicated and an indication of whether public or private;
- ii. Private and public drives including pavement widths, names and an indication of whether public or private, (access drives and parking areas to be shaded in);
- iii. All major public serving utility lines visible on the site including water, sewer, power, telephone, gas, cable, or any other public utility;
- iv. Public/private water and sewer systems to be used;
- v. All other easements, parklands, playgrounds, sidewalks, and other common or public areas;
- vi. Lot lines, dimensions, and lot numbers;
- vii. Finished elevations on all center lines of new streets and of any stub streets shall be specified both on the site and at connection with adjacent property(s); and,
- viii. All streets, driveways, etc. (including pavement and right-of-way) within one hundred (100) feet of the project site.

**E. Continuing validity of Preliminary Subdivision Approval**

1. Within twenty-four (24) months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one section of the Major Subdivision, otherwise the preliminary plat shall be null and void.
2. For multi-phase developments greater than twenty-five (25) acres, the preliminary plat shall expire seven (7) years after approval and is subject to the requirements of G.S. 160D-108(d). As phases continue to receive development approval or site specific vesting plans, the vesting period may extend past the initial seven (7) year period according to the standards for those approvals.
3. For preliminary plats approved as part of Conditional Zoning Districts, the preliminary plat does not expire and runs with the land, or until a subsequent rezoning changes the district.
4. Where more than one vested right may be in effect, the longer time period applies.
5. At its discretion, upon application from a property owner or affected party, or with reasonable cause the Board of Commissioners may pass a resolution

extending the period of vested rights for any given development project beyond the requirements of G.S. 160D-108. The resolution shall set forth the terms, conditions, duration of the extension and any other relevant information.

- F. **Withdrawal of Preliminary Subdivision Approval.** Any owner or applicant may withdraw an approved preliminary subdivision by providing a written request to the Planning Director by the filing deadline for the next Board of Commissioners meeting. The withdrawal request shall be placed on the Board of Commissioners agenda. If the withdrawal request is approved by the Board of Commissioners the owner or owner's agent may apply or reapply to subdivide the property in accordance with the provisions of this Ordinance.
- G. **Approval Process for Final Plats.** The final subdivision plat shall be prepared and submitted to the Planning Director. Once the final plat is approved by the authorized agent or body, it may be recorded in the office of the Register of Deeds within two (2) years, or within the time frames allowed by GS 160D-108(d). Plat(s) shall be signed by the Review Officer when all the following requirements have been met:
1. **Conformance of Final Plat.** The final plat shall conform to the conditions as approved by the authorizing agent or body, the recording requirements of State law and shall meet the requirements as listed in G.S. 47-30, as amended.
  2. **Required Information and Certifications.** Final plats will not be signed by the Review Officer only after all required improvements have been installed or guaranteed by a financial instrument. The following information or certifications are required:
    - (1) **Street Improvements.** No final plat shall receive approval from the Planning Director until the completion of all street and sidewalk improvements has been certified to the Planning Director by the Director of Public Works and/or the NC DOT, if applicable. In lieu of improvements being completed prior to signing the final plats, the following may be provided:
      - i. **Financial Guarantees.** For subdivisions within the corporate limits of Carthage, final plats may be approved when the subdivision owner(s) or agent(s) have filed with the Carthage Finance Officer a financial guarantee with corporate seal, as described below only after approval from the Planning Director, Town Attorney and/or Town Council.

Financial guarantees may be performance bonds, surety bonds, or letters of credit.

- a. The financial guarantee shall be made payable to the Town of Carthage and shall be in an amount equal to one hundred twenty-five (125%) percent the entire cost of completion, as determined by the sealed estimate of a Professional Engineer (PE). The duration of the Financial Guarantee shall be for one (1) year, unless it is determined that the scope of work of the required improvements necessitates a longer duration.
  - b. Such financial guarantee shall provide terms by which an action may be instituted by the Town of Carthage for breach of any term(s) or condition(s) by the failure of the principal to perform the obligation(s) in all respects within one year from the end of the stipulated period during which the work required is to be performed. The financial guarantee may be released by Carthage when the specified improvements covered by the guarantee have been completed and approved by the Director of Public Works as being in accordance with Carthage's standards and specifications. Notwithstanding the above requirements, if a development is financed in whole or in part through aid from the Federal Housing Authority or another agency of the federal or State governments, and said federal or State agency requires the filing of performance and payment bonds, or similar financial guarantee, to ensure completion of the specified improvements in accordance with approved plans, the filing of said performance and payment bonds is to be accepted in lieu of the financial guarantee described above.
- ii. **Performance Surety.** For subdivisions within applicable areas of Carthage, the provisions of *Section D.5(H)(2)(a)(i) Financial Guarantee* for final plat approval and performance surety shall apply, except that the estimated amount of the surety adequate to cover the total cost of street improvements specified therein shall be provided by Public Works Department of the Town of Carthage. Such surety shall be made payable to Carthage and held through by the Carthage Finance Officer. The surety may be released when the street



improvements covered by it have been completed and approved by the Public Works Department of the Town of Carthage.

- (2) **Public or Private Utilities.** No final plat shall receive approval unless the following public or private utilities have either been constructed or, if applicable, upon receipt of a financial guarantee as discussed in *Section D.5(H)(2)(a)(i) Financial Guarantees*.
  - i. **Required Utilities.**
    - a. For all subdivisions which propose to use public water or public sewer facilities, such facilities shall be installed in conformance with standards specified by the Moore County Utilities Commission.
    - b. For all subdivision developments where private well water systems and private septic systems will be used, these must be installed in conformance Moore County Division of Environmental Health. Improvement Permits must be issued for each buildable lot. Proposed lots which have been determined unsuitable for septic facilities shall be hashed out on the final plat. Where private systems will be used, larger lot sizes may be required environmental health, local or state land regulatory ordinances
    - c. For all new subdivisions which propose to use private water systems or private sewerage systems, those lines and facilities shall be installed in conformance with the standards of the Moore County Utility Commission.
- (3) **Statement.** A signed statement by the Planning Director shall be entered on the face of the plat. The Final Plat may not be recorded without this and all other required certifications.
- (4) **Platting Urban Residential Buildings.** Urban residential buildings with all units retained in common ownership may be platted without individual units defined.
- (5) **Flood Hazard Areas.** All flood hazard areas and base flood elevations shall be accurately delineated and identified on the final plats according to the Federal Emergency Management Agency (FEMA) maps, where available.
- (6) **Wetlands.** Any areas delineated by the United States Army Corps of Engineers as *Wetlands* shall be accurately identified on the final plat.

- (7) **Utility or Other Easements.** All public or private utility easements, drainage easements, sight distance easements, and sign easements for subdivision markers shall be shown on the final plat.
- (8) **Greenway or Other Public Easements or Dedication of Public Lands.** Any greenway or other public easements or fee simple dedication of public lands or public right-of-way required as a condition of preliminary subdivision approval shall be accurately delineated on the final plat.
- (9) **Existing Trees to be Retained.** Any existing trees to be retained shall be shown on the final plat and protected in accordance with *Section D.5(B)(4)(8) Other*.
- (10) **Statements of Fact.** Any statements of fact required in *Section D.5(B)(4) Other* and made a condition of preliminary subdivision approval, shall be shown on the final plat. Any statements of fact which may become obsolete or are no longer required for public notification, may be removed by the Planning Director from the final plat after notification of the Town Council. A new final plat must be recorded to remove these statements of fact.
- (11) **Street Traffic Signs.** Street traffic signs (e.g., stop signs, etc.) shall be installed in accordance with the specifications of either the Public Works Department of the Town of Carthage, or the North Carolina Department of Transportation, whichever is the appropriate agency, prior to signing final plats. If bonds are posted for street construction in the subdivision these bonds shall not be released until said street traffic signs are installed to the specifications of either the Public Works Department of the Town of Carthage or the North Carolina Department of Transportation.
- (12) **Street Name Signs.** Street name signs shall be installed in the subdivision in accordance with the specifications of the Manual On Uniform Traffic Control Devices (MUTCD)/Carthage Retro reflectivity Policy, the Town's addressing policy, and provisions made with Staff for the installation of said signs prior to signing final plats. If bonds are posted for street construction in the subdivision, these bonds shall not be released until said street name signs are installed to the specifications of the Town's Public Works Department.
- (13) **Subdivision Phasing and Illogical Phasing Determinations by the Planning Director.** The final plat shall represent the full plan of development for the subdivision or phase(s) thereof. If developed in

phases or sections, each plat shall denote phase or section numbers in numerical order as the subdivision is developed. The Planning Director may determine that a phase or section of the development is illogical due to its proximity to adjoining property or for other valid reasons. The reasons for any illogical phasing determination by the Planning Director shall be provided in writing to the owner or owner's agent. The owner or owner's agent may appeal the Planning Director's illogical phasing determination in accordance with *Section D.1(K) Appeal of Planning Staff Denial of Subdivision*.

(14) **Public Recordation of Landfill.** Any portion of a site used for a landfill.

3. **Final Plat Application Requirements.** The following are the application requirements for final plats:

(1) **Preliminary Review.** Three (3) paper print copies of the proposed final plat shall be submitted to the Planning Director at least three (3) days prior to the desired recording date. An electronic copy of the plat is also required, submitted in a format readable by the Planning Director. If applicable, after the preliminary review, the Planning Director will return to the applicant a copy of the proposed plat with any changes marked along with any other information needed to approve the final plat (see Section D.5(H)). The applicant shall return the marked copy to the Planning Director when the final plat is brought in for recording to ensure all necessary corrections have been made.

(2) **Final Plat.** One (1) archival Mylar and three (3) paper print copies of the final plat shall be submitted for approval to the Planning Director. An electronic copy of the plat must also be submitted in a format readable by the Planning Director. The final plat shall contain all the changes, corrections, and information required by the Planning Director and shall conform to all the requirements of these ordinances and any other recording requirements of local or State law.

(3) **Application Fee.** Application fee per the current fee schedule.

4. **Effect of Approving and Recording the Final Plat.** Approval of the final plat by the Review Officer and subsequent filing of such plat in the office of the Register of Deeds shall be deemed a dedication of all streets and other public areas for public use or public easements as shown on the plat. Recording the final plat shall have the effect of transferring:

(1) Proposed public areas other than streets in fee simple to Carthage;

- (2) Proposed streets in fee simple to Carthage; and,
- (3) Proposed streets to the purchasers of the property and to the general public in areas outside the corporate limits or areas being annexed into the corporate limits of Carthage.

5. **Acceptance of Streets for Town Maintenance.** Acceptance of streets by the Town of Carthage for maintenance may be obtained by application as provided in Chapter 31-4 and 31-5 of the Carthage Town Code.

#### H. **Modifications to an Approved Plat.**

##### 1. **Minor Modifications.**

- (1) **Preliminary Plat.** Minor modifications to an approved preliminary plat shall be reviewed and approved by the Planning Director if the proposed changes are within the scope and intent of the original approval, meet all other standards of this chapter, and meet the criteria below. Such revisions may include but not be limited to:

- i. Reducing the lot count or dwelling unit count up to ten percent (10%);
- ii. Modifying phase lines; and
- iii. Minor internal adjustments to lot or street locations no more than fifty (50) feet in any direction.

- (2) **Final Plat.** A final plat may be rerecorded to:

- i. Revise or correct dimensions;
- ii. Change street names;
- iii. Add, delete, or modify easements or private covenants; or
- iv. Change subdivision name.

##### (3) **Procedures.**

##### i. **Preliminary Plat.**

- a. Application for a revised preliminary subdivision approval shall be submitted to the Planning Director delineating the revisions and requesting authorization for administrative revision. The Planning Director shall, within five (5) working days after an application is received, grant or deny the revised preliminary subdivision approval. If granted, the final plat may be submitted in accordance with the revisions.
- b. The Planning Director will distribute the revised preliminary subdivision plats to applicable governmental agencies and the owner or owner's agent.

- c. This process may also be used to make minor changes or modifications to previously approved preliminary subdivision plats that could not be granted an extension of preliminary subdivision approval under *Section D.5(E) Extension of Preliminary Subdivision Approval*.
- ii. **Final Plat.**
  - a. Application for a revised final subdivision approval shall be submitted to the Planning Director delineating the revisions and requesting authorization for administrative revision. In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Planning Director for processing and rerecording the revised plat. The Planning Director shall, within five (5) working days after an application is received, grant or deny the revised preliminary subdivision approval.
  - b. If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Planning Director signature, and date of signing.
  - c. If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, and owner's and notary's certificates shall be provided on the plat for each current owner.
  - d. The Planning Director will distribute the revised final subdivision plats to applicable governmental agencies and the owner or owner's agent.
- 2. **Major Modifications.** Proposed modifications to an approved plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this section.

## 7. INDUSTRIAL AND COMMERCIAL SUBDIVISIONS

- A. **Definition.** An industrial or commercial subdivision of land whether in single or multiple ownership shall mean all divisions of a tract or parcel of land into two (2)

or more lots, building sites, or other divisions for the purpose of a gift, sale, or industrial or commercial building development. These subdivisions may construct new public or private streets to access new lots. All lots must comply with the size and area requirements of the *Zoning Ordinance* or any other applicable local or state land regulatory ordinances.

- B. **Public Street Subdivisions.** Preliminary subdivision approval of a plat of the Board of Commissioners is required if new public streets are proposed. The subdivision must follow the same process and procedures as in *Section D.5 Major Subdivisions* however, only the applicable development standards and other requirements in that section will apply to industrial or commercial subdivisions. Final plats must be recorded in the office of the Register of Deeds when all the requirements have been met for the subdivision in accordance with *Section D.5(H) Recording Final Plats*.
- C. **Private Street Subdivisions.** Private street industrial or commercial subdivisions shall follow the same process and procedures as in *Section D.4 Minor Subdivisions*. These subdivisions will not be limited to the requirement of no more than three (3) lots off private access easements as found in *Section XXX Definition*.



