



*Franklinton*

## Unified Development Ordinance

Effective Date: 06/15/2021

Date Last Updated: 02/22/2023

# ACKNOWLEDGEMENTS

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Amendments made since adoption			
ORDINANCE#	DATE ADOPTED	TITLE	AFFECTED SECTIONS
TA-2021-1	6.15.21	Hypothetical Text Amendment #1	1.1, 2.1.3

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# HOW TO USE THIS UNIFIED DEVELOPMENT ORDINANCE

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

The draft Unified Development Ordinance is intended to update and consolidate Chapter 153, Subdivisions, and Chapter 154, the Zoning Code of the Town Code of Ordinances into a single consolidated Chapter 156, Unified Development Ordinance. The UDO is regulatory (not advisory) in nature, and compliance with its requirements is mandatory.

This draft document contains 9 articles that consolidate similar kinds of provisions, like: procedures, zoning districts, use standards, infrastructure standards, or development standards. The first pages of each article in this document includes the article’s contents.

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

The top of almost every page includes a listing of the particular article number and name, as well as the appropriate section number and name of the text on that particular page. Users may use the tops of pages to navigate quickly through the document. Page numbers are included at the bottom of each page. Some articles, like Article 156.2: Procedures, also include an introductory section that explains how the regulations in the article are structured and how to use them effectively.

Throughout this draft document, users will see underlined text. Underlined text shows cross references to other sections or subsections in the document. As with the table of contents entries, users of the digital version of this document may click on a cross reference, and the digital document will automatically scroll to the location in the document being cross referenced.

An index of key terms is located at the back of the UDO so that users may quickly find the portion of the desired regulations. In addition to the index, the digital version of this document is fully searchable. The document also includes a number of other features such as procedural flowcharts, a glossary of abbreviations, and tables that summarize information.

# ARTICLE 156.1 GENERAL PROVISIONS

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

#### 1.1.1 UNIFIED DEVELOPMENT ORDINANCE

This Ordinance is officially titled as the “Town of Franklinton Unified Development Ordinance,” and may be referred to as “the UDO,” “this UDO,” or “this Ordinance.”

#### 1.1.2 OFFICIAL ZONING MAP

- A. The zoning map referenced in this Ordinance is officially titled as the “Town of Franklinton Zoning Map,” and may be referred to as “the Official Zoning Map.”
- B. The Official Zoning Map is hereby incorporated by reference and made a part of this Ordinance.

### 1.2 EFFECTIVE DATE

**1.2.1** This Ordinance shall be in full force and effect on June 15, 2021, and repeals and replaces the Zoning Code of the Town of Franklinton, North Carolina, as originally adopted on January 22, 2019, as well as the Subdivision Regulations of the Town of Franklinton, as originally adopted on July 20, 1983, and as subsequently amended.

**1.2.2** The Official Zoning Map shall be in full force and effect as of June 15, 2021.

### 1.3 AUTHORITY<sup>2</sup>

This Ordinance consolidates the Town’s zoning, subdivision, and watershed protection rules, as authorized by the North Carolina General Statutes. It is adopted in accordance with the following:

#### 1.3.1 GENERAL ASSEMBLY

The authority granted to the Town of Franklinton by the General Assembly of the State of North Carolina.

#### 1.3.2 NORTH CAROLINA GENERAL STATUTES

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D (Effective January 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Governing Body of Community Name, North Carolina, does ordain as follows:

The North Carolina General Statutes, including:

- A. Chapter 160A, Article 8 - Police Powers;
- B. Chapter 160A, Article 15 - Streets, Traffic, and Parking;
- C. Chapter 160D, Local Planning and Development Regulation;
- D. Chapter 143, Article 21 - Water and Air Resources; and
- E. Chapter 113a, Article 4 - Sedimentation and Pollution Control.

#### 1.3.3 TOWN CHARTER

The Franklinton Town Charter.

#### 1.3.4 OTHER RELEVANT LAWS

- A. All other relevant laws of the State of North Carolina; and

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<sup>1</sup> Replaces Section 153.01

<sup>2</sup> Replaces Section 153.03

- B.** Any special legislation for the Town of Franklinton enacted by the General Assembly.

## **1.4 APPLICABILITY<sup>3</sup>**

### **1.4.1 TERRITORIAL JURISDICTION**

This Ordinance shall apply to any development that occurs within the corporate limits and extraterritorial jurisdiction (ETJ) of the Town of Franklinton, as shown on the adopted Official Zoning Map, unless expressly provided otherwise by the terms of this Ordinance.

### **1.4.2 APPLICATION TO BONA FIDE FARMS**

Unless exempted from these standards in accordance with NCGS §160D-802, the subdivision standards and requirements of this Ordinance shall apply to the subdivision or re-subdivision of land within a bona fide farm.

### **1.4.3 APPLICATION TO GOVERNMENTAL UNITS**

Except when stated elsewhere in applicable law, this Ordinance applies to the following:

**A. THE TOWN OF FRANKLINTON**

Development by the Town or its agencies or departments.

**B. COUNTY AND STATE GOVERNMENT**

Development of buildings by State or County agencies or departments, public colleges or universities, or other political subdivisions of the State, in accordance with the standards in Section 160D-913 of the North Carolina General Statutes.

**C. THE FEDERAL GOVERNMENT**

Development owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services, to the full extent permitted by federal law. For those activities of the federal government exempted from these regulations, compliance is strongly encouraged.

### **1.4.4 DEVELOPMENT SUBJECT TO THIS ORDINANCE**

The following activities shall be considered development subject to this Ordinance:

- A.** Any construction, reconstruction, erection, installation, placement, relocation, demolition, or alteration in the size or external appearance of a building or other structure on land;
- B.** The establishment of a new use of land, structure, or any change in such use;
- C.** Any change in the intensity of the use of land or a structure, such as:
  - 1.** An increase in the number of businesses, establishments, offices, dwelling units, or lodging units comprising the use;
  - 2.** An increase in the number of products or services provided by the use;
  - 3.** An increase in the volume or characteristics of vehicular traffic generated by the use;
  - 4.** An increase in noise levels, thermal conditions, or emissions of waste materials associated with the use; or
  - 5.** An increase in the duration of a temporary or seasonal use;
- D.** Any land-disturbing activity that increases or changes the amount of impervious or partially impervious cover or that otherwise decreases the infiltration of precipitation into the soil;
- E.** An alteration of the natural topography of land, such as mining, grading, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil; or
- F.** Any alteration of the channel, bank, shore, floodway, or floodplain of a watercourse, body of water, or wetland.

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<sup>3</sup> Replaces Section 153.04



#### **1.4.5 ACTIVITIES EXEMPTED FROM THIS ORDINANCE**

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The following activities do not constitute development subject to this Ordinance, but may be subject to other provisions in the Town Code of Ordinances or other aspects of State law:

- A.** The inspection, maintenance, or repair of an existing transportation facility (roadway, walkway, railroad tracks, bus shelter, traffic control device, etc.) or an existing utility, stormwater control measure, or public service facility (pipe, cable, valve, catch basin, outlet, ditch, basin, bulk refuse container pad, etc.), if no substantial engineering redesign is involved;
- B.** The ordinary maintenance and repair of existing structures, where no activities identified as development in Section 1.4.2, Application to Bona Fide Farms, are involved;
- C.** The ordinary planting or maintenance of vegetative landscaping or gardens;
- D.** A change in the ownership or form of ownership of any parcel or structure;
- E.** The division of land as part of a probated will or in accordance with the intestate succession provisions of Chapter 29 of the North Carolina General Statutes;
- F.** Subdivisions of land identified as exempt by NCGS §160D-802;
- G.** The creation or termination of easements, covenants, condominium titles, or other rights in land or development, where no street right-of-way dedication is involved;
- H.** Agricultural or agricultural-related activities (except for the subdivision of land and development located within a special flood hazard area) taking place on a bona fide farm; or
- I.** Forestry activities taking place on a bona fide farm or in accordance with a state-approved forestry management plan.

#### **1.4.6 NO DEVELOPMENT UNTIL COMPLIANCE WITH THIS ORDINANCE**

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- A. NO LAND DEVELOPED**  
Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable Town, State, and federal regulations.
- B. NO SALE OR TRANSFER**  
No lots in a subdivision may be sold or titles to land transferred until all the requirements of this Ordinance have been met, except as authorized by NCGS §160D-807.
- C. NO GRADING OR EXCAVATION**  
Unless exempted, no land shall be subjected to substantial clearing, grading, filling, or excavation without compliance with this Ordinance and all other applicable Town, State, and federal regulations.
- D. NO USE OR OCCUPANCY**  
No person shall use, occupy, authorize, or permit the use or occupancy of land or a building under their control, except in accordance with this Ordinance.
- E. NO BUILDING OR PUBLIC UTILITIES CONSTRUCTED**  
No building, structure, public utilities, or portion thereof, shall be erected, used, occupied, maintained, moved, or altered except in conformity with the applicable regulations in this Ordinance.
- F. NO DOUBLE COUNTING OF REQUIRED AREAS**  
No land area or other required space counted as part of a required yard, setback, lot area, or similar feature of one lot may be counted towards the requirements of another lot (with the exception of parking areas in accordance with Section 5.1.7, Parking Alternatives).
- G. NO EXCEEDING MAXIMUM LIMITATIONS**  
No building or development shall exceed the maximum height limit or residential density for the zoning district where located.
- H. NO FAILURE TO MEET MINIMUM REQUIREMENTS**  
No lot shall be reduced in area in a manner that results in the failure to comply with the minimum dimensional standards for the zoning district where it is located.

#### **1.4.7 STANDARDS ARE MINIMUM REQUIREMENTS**

All provisions of this Ordinance are minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted under the North Carolina General Statutes.

#### **1.4.8 COVENANTS**

- A.** The Town shall not enforce private covenants or deed restrictions unless a covenant or deed restriction is expressly prohibited or is in conflict with this Ordinance.
- B.** Nothing in this Ordinance shall render private covenants or deed restrictions inoperative unless a covenant or deed restriction is expressly prohibited or is in conflict with this Ordinance.

#### **1.4.9 STATUTE OF LIMITATIONS**

##### **A. ZONING MAP AMENDMENTS AND SPECIAL USE PERMITS**

A cause of action as to the validity of an amendment to the Official Zoning Map or a special use permit issued under this Ordinance, shall accrue upon its adoption and be brought within two months of adoption in accordance with NCGS §1-54.1.

##### **B. UNIFIED DEVELOPMENT ORDINANCE**

- 1.** An action challenging the validity of this Ordinance shall be brought within one year of the accrual of such action. Commencement of the accrual period commences when the person bringing the action first establishes the standing necessary to bring the action.
- 2.** A challenge to an ordinance on the basis of an alleged defect in the adoption process shall be brought within three years after the adoption of the ordinance.

##### **C. GRANDFATHERED PRE-EXISTING USE IN VIOLATION IS TERMINATED**

When a pre-existing use becomes a violation due to adoption of an ordinance, and the pre-existing use is grandfathered upon adoption of the ordinance but is subsequently terminated for any reason, the Town shall bring an enforcement action within 10 years of the date of the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety.

### **1.5 CONSISTENCY WITH ADOPTED PLANS**

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the Town's comprehensive plan, all other applicable policy guidance (like the Franklinton Parks and Recreation Master Plan), and the following requirements:

#### **1.5.1 ADVISORY**

Adopted policy guidance, like the land use or transportation plan, is advisory in nature and does not carry the effect of law. Consistency with adopted policy guidance is not a requirement for the continuing validity of any provision of this Ordinance, except as provided in NCGS §160D-604(d) and §160D-605.

#### **1.5.2 CONSISTENCY**

This Ordinance is intended to ensure that all development within the Town is consistent with the goals, objectives, policies, strategies, and actions contained in the Town's adopted policy guidance.

#### **1.5.3 AMENDMENT UPON INCONSISTENCY**

- A.** To the extent this Ordinance or the Official Zoning Map is or becomes inconsistent with the Town's adopted policy guidance, it should be amended to remain consistent. All amendments to this Ordinance's text or to the Official Zoning Map should maintain and enhance consistency between this Ordinance and adopted policy guidance.
- B.** Consistency with adopted policy guidance is not a prerequisite for approval of a rezoning or planned development application, and the future land use map portion of the Comprehensive Plan shall be deemed amended when the Town Board of Commissioners approves a rezoning or planned development application that is inconsistent with the future land use map in accordance with Section 160D-605 of the North Carolina General Statutes.

## 1.6 CONFLICT<sup>4</sup>

### 1.6.1 CONFLICTS WITH STATE OR FEDERAL LAW

If a provision of this Ordinance is inconsistent with State or Federal law, the more restrictive provision controls, to the extent permitted by law.

### 1.6.2 CONFLICTS WITH OTHER TOWN CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the Town, the more restrictive provision shall govern, unless the terms of the more restrictive provision specify otherwise.

### 1.6.3 CONFLICTS BETWEEN THE STANDARDS IN THIS ORDINANCE

#### A. GENERALLY

In cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.

#### B. AUTHORIZED DEVIATIONS OR INCENTIVES

Development configured in accordance with an allowable deviation, such as an approved administrative adjustment or incentive such as a residential density increase, that is authorized by and established in accordance with this Ordinance shall control and not be considered to conflict with other standards in this Ordinance.

### 1.6.4 CONFLICTS WITH PRIVATE AGREEMENTS

In cases where the standards in this Ordinance conflict with private agreements, covenants, or deed restrictions and the standards in this Ordinance are more restrictive, the standards in this Ordinance shall control.

### 1.6.5 DETERMINATION OF THE MORE RESTRICTIVE STANDARD

The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

## 1.7 GENERAL PURPOSE AND INTENT<sup>5</sup>

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

- 1.7.1 Foster convenient, compatible, and efficient relationships among land uses;
- 1.7.2 Provide for orderly growth and development of the Town's planning jurisdiction;
- 1.7.3 Facilitate the division of land into useable parcels;
- 1.7.4 Ensure the provision of adequate open space between uses for light, air, and fire safety;
- 1.7.5 Promote the aesthetic quality of development;
- 1.7.6 Prevent the overcrowding of land and avoid undue concentrations of population;
- 1.7.7 Coordinate the planned extension of streets and public utilities within the Town's planning jurisdiction;
- 1.7.8 Promote a diverse and balanced economy that provides jobs, goods, and services;
- 1.7.9 Protect property from blighted conditions and depreciation in value;
- 1.7.10 Coordinate the transportation system with land use patterns;
- 1.7.11 Provide adequate recreation resources to residents of the Town;
- 1.7.12 Preserve and protect natural resources and working lands; and

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<sup>4</sup> Replaces Section 153.10

<sup>5</sup> Integrates Section 153.02

- 1.7.13** Provide adequate infrastructure and community facilities (including transportation, water, sewage, schools, parks, and other public requirements) in a fiscally-responsible manner.

## **1.8 TRANSITIONAL PROVISIONS**

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

### **1.8.1 PRIOR VIOLATIONS CONTINUE**

- A.** Violations of the previous ordinance shall continue to be violations under this Ordinance, unless the development complies with this Ordinance and is no longer considered to be in violation, or the Town's ability to address the violation has lapsed in accordance with Section 8.3, Statute of Limitations.
- B.** Any violation of the previous ordinance that does not violate this Ordinance shall not be considered a violation under this Ordinance.
- C.** Violations of this Ordinance shall be subject to the penalties set forth in Article 156.8: ENFORCEMENT, unless the development complies with the express terms of this Ordinance or other applicable ordinances, laws, or statutes.

### **1.8.2 EXISTING NONCONFORMITIES**

- A. GENERALLY**  
If any use, building, structure, lot, sign, or site feature legally existed or has been lawfully established prior to June 15, 2021, but does not fully comply with the standards of this Ordinance, the use, building, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall comply with the requirements in Article 156.7: NONCONFORMITIES.
- B. DIMENSIONAL STANDARDS**  
Any changes to lawfully established existing nonconforming development after June 15, 2021 shall not increase the amount of nonconformity for the zoning district where located.

### **1.8.3 SUITS PRIOR TO ENACTMENT OF ORDINANCE**

All suits at law or in equity and all prosecutions of violations of the previous code now pending in a court of competent jurisdiction shall continue in the same manner as if this Ordinance had not been adopted.

### **1.8.4 PRIOR APPLICATION APPROVALS**

- A.** Any development approvals granted before June 15, 2021 shall remain valid until their expiration date.
- B.** Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.
- C.** If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.
- D.** An applicant shall be deemed to have initiated an approved development upon the subsequent application for and diligent pursuit of other required Town, State, or federal permits or approvals.
- E.** Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.

### **1.8.5 PENDING APPLICATIONS**

- A. FINAL ACTION PENDING**
  - 1.** Any development application submitted and accepted as complete before June 15, 2021, but still pending final action as of that date, may be decided in accordance with either the

regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant.

2. If the development subject to an application approved under the prior ordinance fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

#### **B. COMPLETE APPLICATIONS**

1. Applications accepted as complete prior to June 15, 2021 may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant.
2. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 156.7: NONCONFORMITIES.
3. If the development subject to an approved application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

#### **C. SUBMITTED, BUT NOT COMPLETE APPLICATIONS**

Applications that have been submitted prior to June 15, 2021 but not determined to be complete by the Zoning Administrator as of that date shall be reviewed and decided in accordance with this Ordinance.

### **1.8.6 PRIOR APPROVED SPECIAL USE ZONING<sup>6</sup>**

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#### **A. SUBJECT TO EXISTING CONDITIONS**

Land subject to a special use zoning district approval and associated special use permit approved before June 15, 2021 shall continue to be subject to all conditions in the special use permit despite the translation of the special use zoning district to a corresponding conventional district.

#### **B. AMENDMENT**

The special use permit associated with a special use zoning district designation approved before June 15, 2021 may only be amended through an amendment to the Official Zoning Map in accordance with Section 2.4.13, Rezoning, Section 2.4.11, Planned Development, or Section 2.4.16, Special Use Permit, as appropriate.

### **1.8.7 PRE-EXISTING USE NOW A SPECIAL USE**

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If a use was a lawfully established permitted use before June 15, 2021 and is subsequently made a special use in Table 4.1.7, Principal Use Table, the use shall be considered by the Town as a lawfully-established special use. Any modifications to the use or the site after June 15, 2021 shall require approval of a special use permit in accordance with Section 2.4.16, Special Use Permit.

### **1.8.8 ZONING DISTRICTS**

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On June 15, 2021, land zoned with a zoning district classification from the previous Zoning Ordinance shall be translated or reclassified to one of the zoning district classifications in this Ordinance as set forth in Article 156.3: DISTRICTS. Table 1.8.8, Zoning District Translation, summarizes the translation or reclassification of the zoning districts used in the previous Zoning Ordinance to the zoning districts used in this Zoning Ordinance. For example, the table shows that all lands classified as Residential Multi-family (R-2M) in the previous ordinance (under the column titled “Districts in the Former Ordinance”) are now classified Residential Multi-family (RMF) in this Ordinance (under the column titled “Districts in This Ordinance”).

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<sup>6</sup> Revised for consistency with 160D which bars zoning district designations that have quasi-judicial permits attached to them.

**TABLE 1.8.7: ZONING DISTRICT TRANSLATION**

DISTRICTS IN THE FORMER ORDINANCE		DISTRICTS IN THIS ORDINANCE [1]	
CONVENTIONAL ZONING DISTRICTS			
CR	Conservation Recreation	CR	Conservation Recreation
R-1A	Residential Agricultural	R-1A	Residential Agricultural
R-1S	Residential Single-Family	RSL	Residential Single-family Low
		RSM	Residential Single-family Medium
		RSH	Residential Single-family High
		RSM-A	Residential Single-Family Medium-A
R-1MD	Residential Manufactured Home-Doublewide	RMH	Residential Manufactured Home
R-1MS	Residential Manufactured Home Singlewide		
R-2M	Residential Multi-family	RMF	Residential Multi-family
R-3D	Residential Downtown	RDT	Residential Downtown
MUD	Mixed Use	MUD	Mixed Use
		NC	Neighborhood Commercial
C-2D	Downtown Commercial	C-2D	Downtown Commercial
		GC	General Commercial
C-3H	Highway Commercial	C-3H	Highway Commercial
IL	Light Industrial	LI	Light Industrial
SPECIAL USE DISTRICTS			
CR-SUD	Conservation Recreation Special Use District	Deleted [1]	
R-1A-SUD	Residential Agricultural Special Use District		
R-1S-SUD	Residential Single-Family Special Use District		
R-1MD-SUD	Residential Manufactured Home-Doublewide Special Use District		
R-1MS-SUD	Residential Manufactured Home Singlewide Special Use District		
R-2M-SUD	Residential Multi-family Special Use District		
R-3D-SUD	Residential Downtown Special Use District		
MUD-SUD	Mixed Use Special Use District		
C-2D-SUD	Downtown Commercial Special Use District		
C-3H-SUD	Highway Commercial Special Use District		
IL-SUD	Light Industrial Special Use District		
NOTES:			
[1] Special use districts in existence on June 15, 2021 shall be translated to a corresponding conventional zoning district, but shall continue to be subject to the applicable special use permit. Establishment of new special use districts after June 15, 2021 is prohibited. Changes to development subject to the special use permit associated with a special use district designation shall be processed in accordance with Section 2.4.16I, Amendment.			

## 1.9 VESTED RIGHTS<sup>7</sup>

### 1.9.1 PURPOSE AND INTENT

This section is intended to implement Section 160D-108 of the North Carolina General Statutes with respect to the establishment of zoning vested rights for landowners or applicants who have received a development approval from the Town.

### 1.9.2 VESTED RIGHTS DEFINED

As used in this Ordinance, a zoning vested right is defined as the right to undertake and complete the development and use of land under the terms and conditions of a development approval issued by the Town.

### 1.9.3 SITE-SPECIFIC VESTING PLAN DEFINED

- A.** For the purposes of this section, a site-specific vesting plan is defined as a plan of land development submitted to the Town for purposes of obtaining approval.
- B.** A site-specific vesting plan must provide, with reasonable certainty, all of the following:
  - 1.** The boundaries of the development;
  - 2.** Topographic and natural features affecting the site;
  - 3.** The approximate location of proposed buildings, structures, and other improvements;
  - 4.** The approximate dimensions, including height, of proposed buildings and other structures;
  - 5.** The approximate location of all existing and proposed infrastructure on the site, including water, sewer, streets, and pedestrian ways;
  - 6.** The type or types of proposed land uses; and
  - 7.** The density or intensity of development.
- C.** A variance, plot plan, or any other document that fails to describe with reasonable certainty the type and intensity of use for a specific lot or lots of property shall not constitute a site-specific vesting plan.
- D.** The following development approvals constitute a site-specific vesting plan:
  - 1.** Final plats approved in accordance with Section 2.4.8, Final Plat;
  - 2.** Major site plans approved in accordance with Section 2.4.14, Site Plan, Major;
  - 3.** Planned developments approved in accordance with Section 2.4.11, Planned Development;
  - 4.** Preliminary plats approved in accordance with Section 2.4.12, Preliminary Plat; and
  - 5.** Special use permits approved in accordance with Section 2.4.16, Special Use Permit.

### 1.9.4 ESTABLISHMENT OF A VESTED RIGHT

#### **A. GENERALLY**

A vested right may only be established following an approval of a development application in accordance with this Ordinance and the applicable requirements in the North Carolina General Statutes.

#### **B. COMMON LAW VESTING**

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

- 1.** There is an affirmative governmental act by the Town in the form of an approval of a permit or development approval under this Ordinance; and

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<sup>7</sup> Revised for consistency with 160D.



2. The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and
3. It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.

#### **C. PRE-EXISTING VESTED RIGHTS**

1. Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing vested rights, provided such vested rights are lawfully established prior to June 15, 2021, and provided the rights remain in effect.
2. Vested rights established after June 15, 2021 shall be subject to this Ordinance.

### **1.9.5 PROCESS TO CLAIM VESTED RIGHT**

- A. A landowner seeking to claim a vested right shall submit information to substantiate their claim of vesting status along with an application for a determination in accordance with Section 2.4.10, Interpretation.
- B. Appeal of a decision on a determination application may be filed with the Board of Adjustment in accordance with Section 2.4.3, Appeal.

### **1.9.6 EFFECT OF A VESTED RIGHT**

- A. Development approvals that have an established vested right in accordance with Section 160D-108 of the North Carolina General Statutes and this section shall preclude any action by the Town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.
- B. Except when subject to sub-section C below, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested:
  1. Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and Section 143-755 of the North Carolina General Statutes;
  2. Subdivisions of land for which a subdivision application has been submitted and approved in accordance with this Ordinance and Section 143-755 of the North Carolina General Statutes;
  3. A site-specific vesting plan approved in accordance with this Ordinance and Section 160D-108.1 of the North Carolina General Statutes;
  4. A multi-phase development approved in accordance with this Ordinance and Section 160D-108 of the North Carolina General Statutes; and
  5. A vested right established by the terms of an approved development agreement in accordance with this Ordinance and Article 10 of Chapter 160D of the North Carolina General Statutes.
- C. Amendments to this Ordinance shall apply to vested development approvals if:
  1. A change to State or federal law occurs and has a retroactive effect on the development or use;
  2. There is written consent to be subject to the amendment by the landowner;
  3. The development approval expires; or
  4. The development is not undertaken or completed in accordance with the approval.

## **1.10 SEVERABILITY<sup>8</sup>**

**1.10.1** The legislative intent of the Board of Commissioners in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the Town as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of the Town. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, the BOC hereby declares that it would have passed

<sup>8</sup> Replaces Section 153.09



this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.

**1.10.2** Whenever any condition or limitation is included in an order authorizing a development approval under this Ordinance, it shall be conclusively presumed that the review authority considered the condition or limitation necessary to carry out the spirit and purpose of this Ordinance to protect the public health, safety and welfare, and that the review authority would not have granted the approval except in the belief that the condition or limitation was lawful.



# ARTICLE 156.2 PROCEDURES

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## 2.1 HOW TO USE THIS ARTICLE

### 2.1.1 ORGANIZATION

- A.** This article includes all the development application review provisions, and is comprised of the following four sections:
  - 1.** A section setting out the summary table of review procedures;
  - 2.** A section containing a set of common (or standard) procedures;
  - 3.** A section establishing the specific procedures; and
  - 4.** A section detailing the review authorities with responsibilities under this Ordinance.
- B.** The table in Section 2.2, Specific Procedures Table, describes all the specific application review procedures in this Ordinance and the review authorities who decide them.
- C.** Section 2.3, Common Procedures, describes the common procedures, or the set of standardized development review procedures that apply to every type of development application. For example, application submittal, application completeness determination, staff review and report, public notification, public meeting or hearing procedures, and notification of decision steps are essentially identical for each type of development application, and as such, are listed only once. In some cases, there are minor deviations from the common procedures for some types of specific procedures. In those cases, the minor deviations are described in the section on the specific procedure.
- D.** Section 2.4, Specific Procedures, describes the steps in each individual application review process, the review criteria specific to that type of procedure, and any other provisions that apply in addition to or instead of the common procedures.
- E.** Section 2.5, Review Authorities, establishes the review authorities (e.g., the Board of Commissioners, Zoning Administrator, etc.) and their powers and duties under this Ordinance.

### 2.1.2 STEPS IN THE REVIEW PROCESS

An applicant seeking development approval under this Ordinance should first consult the table of specific procedures in Section 2.2, to determine which review authorities are involved with the application. Then, an applicant should review the common procedures in Section 2.3, to understand the steps in the application process. Finally, an applicant should review the provisions for the specific procedure related to their application type in Section 2.4. Applicants who are unsure of how to proceed should contact the Zoning Administrator to better understand the review requirements and procedural steps associated with their particular application.

## Article 156.2 PROCEDURES

### Section 2.2 Specific Procedures Table - Subsection 2.1.2 Steps in the Review Process

## 2.2 SPECIFIC PROCEDURES TABLE<sup>9</sup>

Table 2.2, Specific Procedures Table, lists each of the specific development review procedures under this Ordinance and the review authority (ies) involved in the decision-making process. Review authorities are listed in columns across the top of the table and procedures are listed in rows down the side. Cells in the middle show actions taken by a particular review authority as part of the review process. Blank cells (“.”) indicate that a particular review authority has no role in the particular procedure.

TABLE 2.2: SPECIFIC PROCEDURES TABLE						
R = Recommendation    D = Decision    A = Appeal    = Public Meeting    < > = Legislative Public Hearing    { } = Quasi-Judicial Public Hearing						
PROCEDURE	SECTION	REVIEW PROCESS TYPE [1]	REVIEW AUTHORITIES			
			ZONING ADMINISTRATOR	PLANNING BOARD	BOARD OF COMMISSIONERS [2]	BOARD OF ADJUSTMENT [2]
Administrative Adjustment	<u>2.4.2</u>	1	D	.	.	{A}
Appeal	<u>2.4.3</u>	3	.	.	.	{D}
Conservation Subdivision [3]	<u>2.4.4</u>	1 [4]	D	.	.	{A}
Development Agreement	<u>2.4.5</u>	2	.	.	<D>	.
Exempt Subdivision	<u>2.4.6</u>	1	D	.	.	{A}
Expedited Subdivision	<u>2.4.7</u>	1	D	.	.	.
Final Plat	<u>2.4.8</u>	1	D	.	.	.
Floodplain Development Permit	<u>2.4.9</u>	1	D	.	.	{A}
Interpretation	<u>2.4.10</u>	1	D	.	.	{A}
Planned Development	<u>2.4.11</u>	2	.	.	<D>	.
Preliminary Plat	<u>2.4.12</u>	2 [4]	.	.	{D}	.
Rezoning	<u>2.4.13</u>	2	.	R	<D>	.
Site Plan, Major	<u>2.4.14</u>	2	.	.	D	.
Site Plan, Minor	<u>2.4.15</u>	1	D	.	.	{A}
Special Use Permit	<u>2.4.16</u>	3	.	.	.	{D}
Temporary Use Permit	<u>2.4.17</u>	1	D	.	.	{A}
Text Amendment	<u>2.4.18</u>	2	.	R	<D>	.
Variance	<u>2.4.19</u>	3	.	.	.	{D} [5]
Watershed Protection Permit	<u>2.4.20</u>	1	D	.	.	{A}
Zoning Authorization [6]	<u>2.4.21</u>	1	D	.	.	{A}
Zoning Approval [7]	<u>2.4.22</u>	1	D	.	.	{A}

<sup>9</sup> Table has been revised to incorporate subdivision-related procedures.

**TABLE 2.2: SPECIFIC PROCEDURES TABLE****NOTES:**

- [1] See Section 2.3.11, Review Process, for details on the procedural steps.
- [2] Appeals or challenges of decisions by the BOC or the BOA are made to the Superior Court for Franklin County in accordance with NCGS §160D-1401, §160D-1402, or §160D-1403, as appropriate.
- [3] Follows the procedure for a Preliminary Plat following approval of a conservation and development plan by the Zoning Administrator.
- [4] Also subject to a mandatory pre-application conference prior to application submittal.
- [5] The BOA shall decide minor variances to the watershed standards and forward applications for major variances to the NC Environmental Management Commission.
- [6] A Zoning Authorization is required prior to issuance of a Building Permit by Franklin County.
- [7] A Zoning Approval is required prior to issuance of a Certificate of Occupancy by Franklin County.

## **2.3 COMMON PROCEDURES**

### **2.3.1 OVERVIEW**

- A.** This section describes the common (or standard) procedural steps and rules generally applicable to development applications reviewed under this Ordinance, except where identified in Section 2.4, Specific Procedures.
- B.** The flow charts of specific procedures in Section 2.3.11, Review Process, depict procedural steps that apply to the review of the particular type of development application (i.e., Type 1, 2, or 3).

### **2.3.2 PURPOSE AND INTENT**

This common procedures section establishes the procedures used by the Town for the processing of applications for development permits or approvals. It is the intent of this section to establish a uniform set of processes to foster greater efficiency and predictability for applicants, Town residents, Town staff, and elected and appointed officials during the review of development applications.

### **2.3.3 CONFLICT WITH SPECIFIC PROCEDURES**

In instances where the standards in this section are in conflict with the standards for a specific application review procedure set out in Section 2.4, Specific Procedures, the standards in Section 2.4, Specific Procedures, shall control.

### **2.3.4 APPLICATION FILING AND ACCEPTANCE<sup>10</sup>**

- A. AUTHORITY TO FILE APPLICATIONS**

Development applications reviewed under this Ordinance shall be filed by the landowner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed.
- B. APPLICATION FEES**

No application approval shall be issued until all required application fees are paid in full. Application fees are established by the BOC and amounts are on file in the offices of the Town Hall.
- C. APPLICATION FILED**
  - 1.** Applications shall be filed with the Zoning Administrator in the form established by the Zoning Administrator, along with the appropriate application fee.
  - 2.** Except for applications initiated by the Board of Commissioners, no development application requiring approval by the Board of Commissioners may be filed that includes land subject to a pending appeal being considered by the BOA or the courts.
  - 3.** A filed application shall not be considered submitted until it has been determined to be complete in accordance with Section 2.3.4D, Burden of Presenting Complete Application

<sup>10</sup> This section replaces Section 153.21.E.

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

**4. Completeness Review.**

**D. BURDEN OF PRESENTING COMPLETE APPLICATION**

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

**E. COMPLETENESS REVIEW**

On receiving a development application, the Zoning Administrator shall determine, within 14 days, whether the application is complete or incomplete. A complete application is one that:

- 1.** Contains all information and materials as required for submittal of the particular type of application;
- 2.** Is in the form and number of copies required;
- 3.** Is legible and printed to scale (where appropriate);
- 4.** Is signed by the person with the authority to file the application;
- 5.** Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance; and
- 6.** Is accompanied by the fee established for the particular type of application.

**F. APPLICATION INCOMPLETE**

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

**G. APPLICATION COMPLETE**

On determining that the application is complete, it shall be considered as submitted, and the Zoning Administrator shall commence review in accordance with the procedures and standards of this Ordinance.

**H. DECLARATION OF COMPLETENESS BY APPLICANT**

Following a determination of incompleteness by the Zoning Administrator, the applicant may declare, in writing, the application to be complete regardless of Zoning Administrator's determination of incompleteness. In these instances, the application shall be processed without further addition or substitution from the date the applicant declares the application to be complete.

**I. PERMIT CHOICE**

- 1.** In cases where the applicable provisions of this Ordinance are amended between the time that a development application is declared complete (see Section 2.3.4G, Application Complete) and the time written notification of decision on the application is provided (see Section 2.3.10, Written Notice of Decision), the applicant may choose which version of this Ordinance shall apply to their application, in accordance with NCGS §143-755.
- 2.** The Town shall notify applicants, in writing, when a choice under this section is available, and the applicant shall respond, in writing, with their choice of the applicable provisions. The applicant's decision shall be final, and review under a different set of requirements may only be accomplished through a withdrawal and re-submittal of the application.
- 3.** In cases where an applicant has had an opportunity to exercise permit choice under this section, and subsequently places their application on hold, or fails to respond to requests for further information from the Town for a period of six months or more, review of the application shall be discontinued, and the requirements in effect at the time application review recommences shall apply.



**2.3.5 PRE-APPLICATION CONFERENCE<sup>11</sup>**

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**A. PURPOSE**

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

**B. APPLICABILITY****1. PRE-APPLICATION CONFERENCE REQUIRED**

A pre-application conference between the applicant and Town staff is required before submittal of a preliminary plat application.

**2. PRE-APPLICATION CONFERENCE OPTIONAL**

A pre-application conference between the applicant and Town staff is optional for all applications listed in Table 2.2, Specific Procedures Table, except for preliminary plats, which are subject to a mandatory to a pre-application conference.

**C. SCHEDULING**

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

**D. PROCEDURE**

1. Following receipt of a request for a pre-application conference, the Zoning Administrator shall schedule the conference and notify the applicant of the time and location. During the conference, Town staff members will explain the application review process and any special issues or concerns regarding the subject proposal.
2. The applicant is encouraged, but not required, to submit a conceptual plan showing the potential street layout, lot lines, and approximate building locations, if appropriate, to Town staff prior to or during the pre-application conference.
3. In cases where a pre-application conference is required, the Zoning Administrator shall forward a brief written summary of the issues discussed during the pre-application conference to the applicant for inclusion with the application materials.

**E. EFFECT**

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

**2.3.6 STAFF REVIEW AND ACTION**

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**A. STAFF REVIEW**

1. Applications shall be reviewed during the review cycle in place when the application is determined to be complete.
2. When an application is determined complete, it shall be distributed to all appropriate staff and review agencies for review and comment, and the preparation of a staff report, in accordance with Town policy.

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<sup>11</sup> This section is added as a replacement to the sketch plan approval procedure in Section 153.22. A pre-application conference is optional for all applications types except applications associated with a preliminary plat.

## Article 156.2 PROCEDURES

### Section 2.3 Common Procedures - Subsection 2.3.7 Public Notification

3. If deficiencies in complying with applicable standards of this Ordinance are identified, the designated review authority shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

#### **B. STAFF REPORT AND RECOMMENDATION**

1. The Zoning Administrator shall prepare a written staff report for any application to be decided by the Board of Commissioners or Board of Adjustment.
2. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance, and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, in accordance with Section 2.4, Specific Procedures.
3. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and how adverse effects of the development application might be mitigated.
4. The staff report shall not include a recommendation from Town staff on variance applications or appeals.
5. A staff report is not required for an application decided by Town staff, though one may be prepared if the application is recommended for denial by Town staff.

#### **C. DISTRIBUTION**

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

1. Schedule and ensure any required public notice of the application (if appropriate) is prepared in accordance with Section 2.3.7, Public Notification;
2. Transmit the application, related materials, and staff report to the appropriate review authority (ies);
3. Transmit a copy of the staff report and any related materials to the applicant; and
4. Make the application, related materials, and staff report available for examination by the public.

#### **D. CONFLICT OF INTEREST**

1. A Town staff member shall not make a decision on an application where:
2. The outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on them or a member of their immediate family; or
3. In cases where there is a close familial, business, or other associational relationship with the landowner or applicant.

### **2.3.7 PUBLIC NOTIFICATION**

#### **A. PUBLIC MEETING DISTINGUISHED**

Public meetings conducted in accordance with this Ordinance are not public hearings, and do not require the provision of public notification in accordance with this section.

#### **B. PUBLIC HEARING SCHEDULING**

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

#### **C. NOTICE REQUIREMENTS, GENERALLY**

1. All development applications subject to public notification shall comply with the appropriate standards in NCGS §160D-406, §160D-601, §160D-602, §160D-1005, and other applicable sections, as appropriate.
2. Table 2.3.7, Public Notification Requirements, summarizes the provisions related to public notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

## Article 156.2 PROCEDURES

### Section 2.3 Common Procedures - Subsection 2.3.7 Public Notification

**TABLE 2.3.7: PUBLIC NOTIFICATION REQUIREMENTS**

APPLICATION TYPE	REVIEW AUTHORITY	TYPE OF REQUIRED NOTIFICATION		
		MAILED NOTICE	PUBLISHED NOTICE [2]	POSTED NOTICE [1]
Appeal	BOA	X [3]	X	.
Development Agreement	BOC	X [4]	X	X
Planned Development	BOC	X [4]	X	X
Preliminary Plat	BOC	X [4]	X	X
Rezoning	BOC	X [4]	X	X
Special Use Permit	BOA	X [4]	X	X
Text Amendment	BOC	X [4]	.	.
Variance	BOA	X	X	X
NOTES: [1] Posted notice provided between 10 and 25 calendar days before the hearing. [2] Published notice provided one a week for two successive weeks, with first notice between 10 and 25 calendar days before the hearing. [3] Mailed notice shall only be required in cases where an appeal pertains to a particular lot or site. [4] Mailed notice provided to the applicant, affected landowners, and landowners of abutting land in accordance with Town policy between 10 and 25 calendar days before the hearing.				

### 3. PUBLISHED NOTICE REQUIREMENTS

When the provisions of the North Carolina General Statutes require that public notice be published, the Zoning Administrator shall have the required notice published in a newspaper that is regularly published once per week and has general circulation in the Town.

### 4. MAILED NOTICE REQUIREMENTS <sup>12</sup>

When the provisions of the North Carolina General Statutes require that public notice be mailed, the Zoning Administrator shall provide the required mailed public notice in accordance with the following:

- (a) Mailed notice, when required, shall be provided in accordance with the applicable timing information in Table 2.3.7, Public Notification Requirements.
- (b) Mailed notice specified in Table 2.3.7, Public Notification Requirements, shall be mailed to:
  - (1) The applicant, if different from the landowner; and
  - (2) All landowners entitled to receive notice in accordance with NCGS §160D-602; and
  - (3) Landowners of properties adjacent to the land that is the subject of the application, but located across a street, railroad, or other transportation corridor; and
  - (4) All landowners entitled to receive notice in accordance with Town policy, whose address is known by reference to the latest county tax listing.
- (c) Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid. The content and form of the notice shall comply with Section 2.3.7D, Notice Content.

<sup>12</sup> Revised for consistency with 160D.

- (d) A copy of the mailed notice shall be maintained in the Town offices for public inspection during normal business hours.
- (e) Mailed notice shall not be required when a rezoning includes more than 50 lots or tracts owned by at least 50 different landowners, provided the Town publishes a map (occupying at least ½ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to this subsection.

## **5. POSTED NOTICE REQUIREMENTS**

When the provisions of the North Carolina General Statutes require that public notice be posted, the Zoning Administrator shall provide the required posted public notice in accordance with the following:

- (a) Posted notice, when required, shall be provided in accordance with the applicable timing information in Table 2.3.7, Public Notification Requirements.
- (b) A sign shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way.
- (c) The content and form of the notice shall comply with Section 2.3.7D, Notice Content.

## **D. NOTICE CONTENT**

1. Unless expressly indicated otherwise, all notices, whether done by mail, publication, or posting shall:
  - (a) Identify the date, time, and place of the public hearing;
  - (b) Describe the land involved by county parcel identification number (PIN) and street address or by its relationship to a fronting street and the nearest cross street (if applicable), and its size (except posted notice);
  - (c) Describe the nature and scope of the proposed development or action; and
  - (d) Identify the means to contact a Town official for further information.
2. With respect to development agreements, public notice must include the location of the land subject to the development agreement, the proposed uses on the land, and where a copy of the proposed development agreement may be obtained.

## **E. CONSTRUCTIVE NOTICE**

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

## **2.3.8 PUBLIC MEETINGS AND HEARINGS**

### **A. PUBLIC MEETINGS**

Table 2.2, Specific Procedures Table, identifies the kinds of development applications subject to a required public meeting, which shall be conducted in accordance with the Board's rules of procedure and the following requirements:

#### **1. PROCEDURE**

- (a) Applications subject to a recommendation by the Planning Board, as depicted in Table 2.2, Specific Procedures Table, shall be heard by the Planning Board during a public meeting, not a public hearing.
- (b) The public meeting shall be open to the public.
- (c) There is no requirement to allow public comment or testimony during a public meeting, though it may be allowed at the Chair or other presiding officer's discretion.

## **2. VOTE**

- (a) A decision to recommend approval shall be decided by a simple majority of a quorum present and voting. See Section 2.5.3C, Rules of Procedure, for more details on how a quorum is established.
- (b) A tie vote shall be forwarded without a recommendation.

## **3. TIMING**

Unless an application is deferred or continued in accordance with Section 2.3.12, Continuance, Postponement, or Withdrawal, a recommendation on an application shall be made within 30 days from the date of the initial meeting where it is considered.

## **4. FAILURE TO RECOMMEND**

If the review authority fails to make a recommendation in the time allotted for an application to be reviewed and decided, the application shall be forwarded to the Board of Commissioners without a recommendation.

# **B. LEGISLATIVE PUBLIC HEARINGS**

Table 2.2, Specific Procedures Table, identifies the kinds of development applications decided following a legislative public hearing, which shall be conducted in accordance with the following requirements:

## **1. PROCEDURE**

- (a) Legislative public hearings shall not be conducted until after provision of required public notification in accordance with Section 2.3.7, Public Notification.
- (b) The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public hearings.
- (c) Attendees shall be afforded the opportunity to comment or provide testimony during a public hearing, in accordance with the adopted rules of procedure.

## **2. VOTING**

- (a) The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 2.4, Specific Procedures.
- (b) A review authority member shall recuse themselves from voting on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on them or a member of their immediate family.
- (c) A review authority member shall not vote on an application where the landowner or applicant is a person with whom the member has a close, familial, business, or other associational relationship.

## **3. APPLICATION REVISION**

- (a) An applicant may revise an application during a public hearing in response to recommendations or suggestions of the review authority.
- (b) In cases where a substantial change to an application is proposed following review by the Planning Board, the Board of Commissioners shall not make a decision on the

application until after it is remanded to the Planning Board for consideration of the substantial change.

- (c) The Board of Commissioners may approve an application modified during a public hearing provided that all changes are properly identified in the motion of approval by the Board of Commissioners and that any conditions of approval are consented to, in writing, by the applicant.
- (d) The review authority may approve an application modified during a public hearing provided that any necessary site plans, plats, or other construction documents depicting the modification are approved by the appropriate Town staff.

#### **4. REMAND**

The review authority may remand the application to Town staff or the appropriate body for further consideration of new information or specified issues or concerns, if appropriate.

#### **5. RECORD**

- (a) A recording may be made of all public hearings and the recordings shall be maintained in accordance with Town policy.
- (b) Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

#### **6. CONFLICT OF INTEREST**

- (a) A review authority member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance Section 160D-109 of the North Carolina General Statutes.
- (b) A review authority member shall not vote on an application where the landowner or applicant is a person with whom the member has a close, familial, business, or other associational relationship.
- (c) If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall, by majority vote, rule on the objection.

### **C. QUASI-JUDICIAL PUBLIC HEARINGS**

Table 2.2, Specific Procedures Table, identifies the kinds of development applications decided following a quasi-judicial public hearing, which shall be conducted in accordance with State law, the review authority's rules of procedure, and the following requirements:

#### **1. NOTICE REQUIRED**

Quasi-judicial public hearings shall not be conducted until after provision of required public notification in accordance with Section 2.3.7, Public Notification.

#### **2. OPPORTUNITY TO PRESENT TESTIMONY AND EVIDENCE**

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

#### **3. LIMITATION ON EVIDENCE**

- (a) The Chair or other presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and personal attacks.
- (b) Decisions shall not be based upon hearsay evidence.
- (c) Only evidence presented during the public hearing may be relied upon in making a decision on the application.

#### **4. EX PARTE COMMUNICATION**

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

## **5. VOTING**

### **(a) GENERALLY**

The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 2.4, Specific Procedures.

### **(b) CLEARLY STATE FACTORS FOR DECISION**

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

### **(c) CONFLICTS OF INTEREST**

- (1)** A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.
- (2)** Impermissible violations of due process include, but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; an undisclosed ex parte communication; a close familial, business, or other associational relationship with an affected person; or a direct, substantial, and readily identifiable financial impact on the member.
- (3)** If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall, by majority vote, rule on the objection.

## **6. APPLICATION REVISION**

- (a)** An applicant may revise an application during a public hearing in response to recommendations or suggestions of the review authority.
- (b)** The review authority may approve an application modified during a public hearing provided all changes are properly identified in the motion of approval by the review authority and that any conditions of approval are consented to, in writing, by the applicant.
- (c)** The review authority may approve an application modified during a public hearing provided that any necessary site plans, plats, or other construction documents depicting the modification are approved by the appropriate Town staff.

## **7. REMAND**

The review authority may remand the application to Town staff or the appropriate body for further consideration of new information or specified issues or concerns, if appropriate.

## **8. RECORD**

- (a)** A record shall be made of all public hearings and the recordings shall be maintained in accordance with Town policy.
- (b)** Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

## **2.3.9 CONDITIONS OF APPROVAL<sup>13</sup>**

- A.** Conditions of approval shall be limited in both type and amount to those that address:
- 

<sup>13</sup> Added for compliance with 160D.



1. The conformance of the development to this Ordinance or other applicable Town ordinances;
  2. The conformance of the development to the adopted policy guidance; and
  3. The impacts reasonably expected to be generated by the development on the public and surrounding land.
- B.** Conditions shall be in writing and may be supplemented with text or plans and maps.
- C.** Conditions shall be limited to only those conditions authorized by the North Carolina General Statutes and any special enabling legislation approved for the Town.
- D.** No condition shall be made part of the application which:
  1. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
  2. Establishes a minimum size of a dwelling unit;
  3. Establishes a minimum value of buildings or improvements;
  4. Excludes residents based upon race, religion, or income; or
  5. Obligates the Town to perform in any manner relative to the approval of the application or the development of the land.
- E.** Conditions of approval must be accepted in writing by the applicant prior to issuance of the written notice of decision.
- F.** All conditions of approval shall be expressly set forth in writing in the development permit or approval, and may be subject to appeal in accordance with Section 2.4.3, Appeal.

### **2.3.10 WRITTEN NOTICE OF DECISION<sup>14</sup>**

#### **A. CONTENT**

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

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

#### **B. TIMING**

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

#### **C. COPY OF DECISION**

1. In addition to providing the notification of a decision on an application to an applicant, the Zoning Administrator shall make a copy of the decision available to anyone who submits a written request prior to the issuance of the decision.
2. The Zoning Administrator shall also make a copy of the notice of decision available to the public in the offices of the Planning Department during normal business hours.

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<sup>14</sup> Added for compliance with 160D.



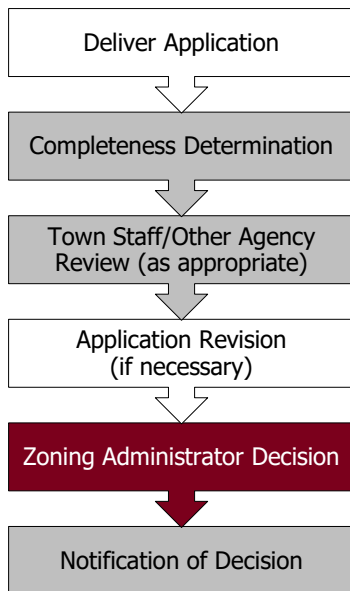
## Article 156.2 PROCEDURES

### Section 2.3 Common Procedures - Subsection 2.3.11 Review Process

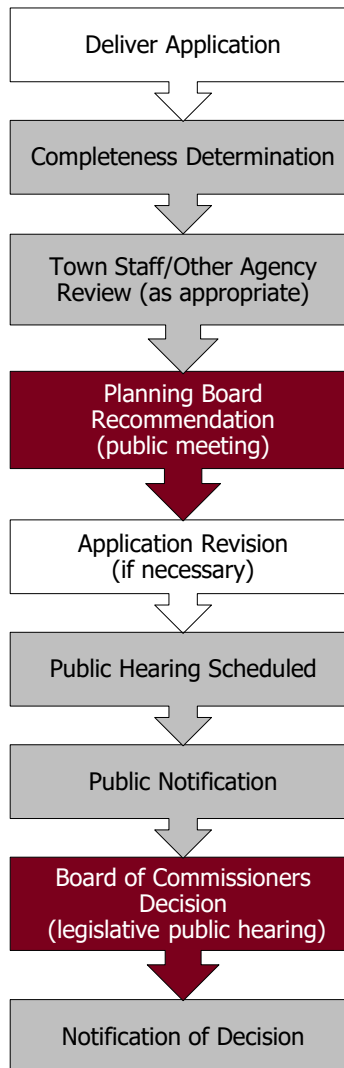
#### 2.3.11 REVIEW PROCESS

- A.** Development applications identified in Section 2.4, Specific Procedures, shall be reviewed and decided in accordance with one of the following three review processes. The type of review process for each specific procedure is identified in Table 2.2, Specific Procedures Table. The flowcharts below depict the procedural steps in each review process type. White boxes show actions of the applicant. Grey boxes show actions of Town staff. Red boxes show actions of review authorities.

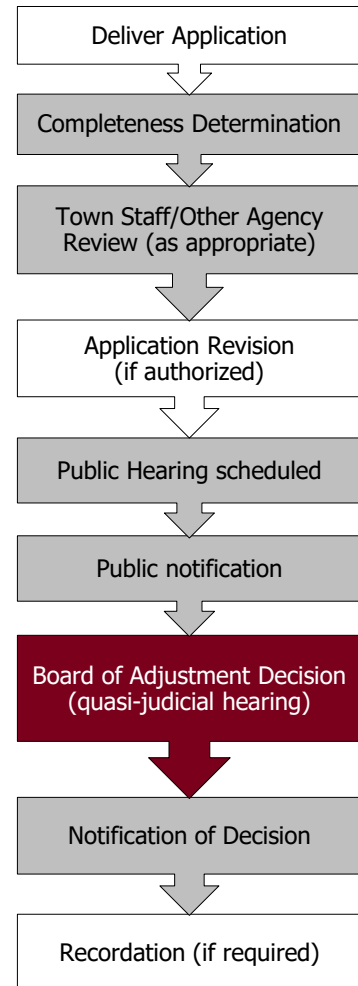
**FIGURE 2.3.8.A.1: TYPE 1 REVIEW PROCESS**



**FIGURE 2.3.8.A.2: TYPE 2 REVIEW PROCESS**



**FIGURE 2.3.8.A.3: TYPE 3 REVIEW PROCESS**



- B.** Applications for development agreements and major site plans follow the Type 2 review process except that the Planning Board does not review or make a recommendation on these kinds of applications.

#### 2.3.12 CONTINUANCE, POSTPONEMENT, OR WITHDRAWAL

An applicant may request that a review authority's consideration of a development application be continued, postponed, or withdrawn by submitting a written request to the appropriate review authority.

**A. PROCEDURE FOR APPLICATIONS SUBJECT TO A PUBLIC HEARING**

1. In cases where an applicant seeks a continuance or postponement of an application subject to a public hearing, but public notification of the hearing has not yet been provided, the Zoning Administrator shall consider and decide the request.
2. If public notification of the pending public hearing has been provided in accordance with this Ordinance prior to the request for a continuance or postponement, the request for continuance or postponement shall be placed on the public hearing agenda and be considered by the review authority.
3. Nothing shall prohibit an applicant from requesting a continuance or postponement during a public meeting or public hearing.
4. A request for continuance or postponement shall be approved only in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, or bring the application into closer alignment with the Town's adopted policy guidance or the requirements of this Ordinance.

**B. WITHDRAWAL**

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

**2.3.13 LIMITATION ON SUBSEQUENT APPLICATIONS**

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**A. APPLICATION DENIED****1. LEGISLATIVE DECISIONS**

If a development application requiring a legislative public hearing is denied, no application proposing the same or similar development on all or part of the same site shall be submitted within one year after the date of denial unless the review authority approves a reduction in this time limit in accordance with subsection (B) below. For the purposes of this section, "the same or similar development" shall mean:

- (a) The same use type(s) in the same approximate location(s) as the denied application;  
or
- (b) The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.

**2. QUASI-JUDICIAL DECISIONS**

There is no time limit on resubmitting an application that is denied during a quasi-judicial public hearing provided that any subsequent application may not be similar or substantially similar to the application that was denied, in the sole discretion of the review authority responsible for the decision.

**B. REDUCTION IN TIME LIMIT**

The applicant may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the Zoning Administrator, who shall transmit the request to the Board of Commissioners. The Board of Commissioners may grant a waiver of the time limit only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application; or
2. New or additional information is available that was not available at the time of review of the prior application; or
3. The new application proposed to be submitted is materially different from the prior application;  
or

4. The final decision on the prior application was based on a material mistake of fact.

## **2.4 SPECIFIC PROCEDURES**

### **2.4.1 HOW TO USE THIS SECTION**

#### **A. GENERALLY**

This section sets out the standards and related procedural information for each of the specific procedures listed in Table 2.2, Specific Procedures Table. Section 2.3, Common Procedures, establishes the generic steps in the application process used for all development applications. Section 2.4, Specific Procedures, establishes the provisions unique to each specific development review procedure. Applicants should review both sections: the common procedures in their entirety and the relevant specific procedure in this section in order to understand the applicable requirements.

#### **B. STRUCTURE OF SPECIFIC PROCEDURES**

1. Specific procedures are listed in alphabetical order in this section.
2. Each of the specific procedures in this section follows a standardized format, including:
  - (a) Purpose for the procedure;
  - (b) Applicability and the types of development exempted from the procedure;
  - (c) The review standards or criteria;
  - (d) How the approved application may be amended (if applicable);
  - (e) If and how the approval may expire; and
  - (f) How decisions on a particular application may be appealed.
3. In addition to the standard subsections described in (b) above, the provisions for a specific procedure may also include additional standards or requirements unique to a particular application.

**2.4.2 ADMINISTRATIVE ADJUSTMENT****A. PURPOSE**

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

**B. APPLICABILITY**

1. Except where otherwise prohibited, an administrative adjustment of up to 15 percent of a required numeric standard may be requested for any of the following:
  - (a) A zoning district dimensional standard in Article 156.3, DISTRICTS;
  - (b) A numeric use-specific standard in Article 156.4, USES;
  - (c) A numeric requirement in Article 156.5, STANDARDS;
  - (d) A numeric requirement in Article 156.6: SUBDIVISION;
  - (e) The required minimum lot area in a zoning district;
  - (f) The minimum required separation distance between two use types; or
  - (g) A numeric standard in another part of the Town Code of Ordinances;
2. In no instance shall an administrative adjustment application seek to reduce any of the following:
  - (a) The maximum allowable residential density on a lot;
  - (b) Minimum street standards or requirements necessary for public safety; or
  - (c) Minimum requirements in the State Building Code or the adopted Fire Code.

**C. ADMINISTRATIVE ADJUSTMENT PROCEDURE**

Administrative adjustments shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.

**D. DECISION BY ZONING ADMINISTRATOR**

The decision on an administrative adjustment shall be made by the Zoning Administrator based on the standards in Section 2.4.2E, Administrative Adjustment Review Standards.

**E. ADMINISTRATIVE ADJUSTMENT REVIEW STANDARDS**

An application for an administrative adjustment may be approved, provided it complies with all the following:

1. The administrative adjustment is consistent with the type and thresholds for an administrative adjustment established in this section;
2. The administrative adjustment:
  - (a) Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
  - (b) Is necessary to allow for proper functioning of infrastructure;
  - (c) Saves healthy existing trees;
  - (d) Helps limit the need for extensive site grading or revision to existing drainage patterns; or
  - (e) Preserves environmentally sensitive lands;
3. The administrative adjustment will not pose a danger to the public health or safety;
4. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and
5. The development standard being adjusted is not the subject of a previously approved administrative adjustment or condition of approval on the same site.

**F. AMENDMENT**

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

**G. EXPIRATION**

If an administrative adjustment is associated with another permit or development approval, the expiration of the administrative adjustment shall be the same as the permit or development approval with which it is associated.

**H. APPEAL**

Appeal of a decision on an administrative adjustment shall be reviewed and decided by the BOA in accordance with NCGS §160D-405, and Section 2.4.3, Appeal.

**2.4.3 APPEAL****A. PURPOSE**

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

**B. APPLICABILITY****1. DECISION BY TOWN STAFF**

Certain appeals of decisions or interpretations by the Zoning Administrator or a Town official made pursuant to this Ordinance shall be reviewed and decided by the Board of Adjustment in accordance with Table 2.2, Specific Procedures Table, and this section..

**2. DECISIONS BY BOARD OF COMMISSIONERS OR BOARD OF ADJUSTMENT**

- (a) Appeals of quasi-judicial decisions made by the Board of Commissioners or the Board of Adjustment shall be taken to the Superior Court for Franklin County, in accordance with NCGS §160D-1401 or §160D-1402.
- (b) Challenges to legislative decisions made by the Board of Commissioners are made through requests for declaratory judgement by the Superior Court for Franklin County, in accordance with NCGS §160D-1401.

**3. ORIGINAL CIVIL ACTIONS**

- (a) Persons with standing, as defined in NCGS §160D-1402 may bring an original civil action in Superior Court without first being heard by the Board of Adjustment for some administrative decisions, determinations of vested rights, and notices of violation in cases where the applicant claims the decision or a provision in this Ordinance is:
  - (1) Unconstitutional;
  - (2) Beyond statutory authority;
  - (3) Pre-empted by State law; or
  - (4) A taking of all property value.
- (b) Direct appeals of interpretations of this Ordinance by a Town official to Superior Court are not permitted and must first be heard by the Board of Adjustment, in accordance with this section.

**C. PROCEDURE**

- 1. Appeals shall be processed as a Type 3 review process in accordance with Section 2.3.11, Review Process.
- 2. The appeals process commences upon the filing of a petition for review by the party appealing a decision.
- 3. Petitions for review must be filed with the Town Clerk by a property owner or other person with standing within 30 days of the date they receive the written notice of decision of the decision being appealed.
- 4. Receipt of written notice provided via first class mail in accordance with NCGS §160D-403(b) shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.
- 5. The Town official or a supervisor shall appear as a witness during the hearing.

**D. DECISION BY BOARD OF ADJUSTMENT**

- 1. The decision shall be based on the competent, material, and substantial evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 2.4.3E, Appeal Review Standards.
- 2. The decision shall be one of the following:
  - (a) Affirmation of the decision or interpretation (in whole or in part);

## Article 156.2 PROCEDURES

### Section 2.4 Specific Procedures - Subsection 2.4.3 Appeal

- (b) Modification of the decision or interpretation (in whole or in part); or
  - (c) Reversal of the decision or interpretation (in whole or in part).
- 3. A vote to reverse or modify a decision or determination shall require approval of a simple majority of all members present and voting. Members who have recused themselves or who are disqualified from voting on a particular matter shall not be counted.
- 4. Each decision shall be made in writing and reflect the Board of Adjustment's determination of contested facts and their application to the standards in this Ordinance.
- 5. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
- 6. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of Town Hall.

#### E. APPEAL REVIEW STANDARDS

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

#### F. EFFECT

- 1. The filing of an appeal shall stay all of the following:
  - (a) Any further proceedings or actions conducted by the applicant except in such cases where such stoppage would cause imminent peril to life or property as determined by the Zoning Administrator;
  - (b) The application of any further remedies for violation of this Ordinance by the Town; and
  - (c) The accumulation of any further fees or fines associated with violation of this Ordinance.
- 2. In the event enforcement proceedings are not stayed by an appeal, the appellant may file a request for an expedited hearing of the appeal in accordance with NCGS §160D-405(f), and the Board of Adjustment shall conduct a meeting to hear the appeal within 15 days of the date the request for an expedited hearing is filed.
- 3. Nothing shall prevent the Board of Adjustment from staying the issuance of any final approval of development applications, including building permits, affected by the issue being appealed in accordance with NCGS §160D-405(f).

#### G. AMENDMENT

A decision on an appeal shall not be amended.

#### H. EXPIRATION

A decision on an appeal shall not expire.

#### I. APPEAL

- 1. A decision by the Board of Adjustment shall be subject to review by the Superior Court of Franklin County by proceedings in the nature of certiorari and in accordance with NCGS §160D-1402.
- 2. The landowner or applicant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. Any other person with standing to appeal shall file a petition for review with the Clerk of Court within 30 days from receipt, by any source, actual or constructive notice of the decision

## Article 156.2 PROCEDURES

### Section 2.4 Specific Procedures - Subsection 2.4.3 Appeal

being appealed. Receipt of written notice provided via first class mail in accordance with NCGS §160D-403(b) shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.



**2.4.4 CONSERVATION SUBDIVISION<sup>15</sup>****A. PURPOSE**

The purpose and intent of this section is to provide landowners in the rural and environmentally sensitive portions of the Town's planning jurisdiction a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects rural character, agricultural activities, or protects sensitive environmental features on the site. This is done in order to:

1. Conserve open land, including those areas containing productive agricultural soils, areas of steep slopes, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature hardwood trees, and watersheds;
2. Promote existing rural character particularly in areas visible from major roadways in the Town;
3. Retain and protect existing environmental, natural, and cultural resources;
4. Create a linked network of open lands; and
5. Provide reasonable economic use of the land.

**B. APPLICABILITY****1. TYPE OF DEVELOPMENT**

This conservation subdivision option shall be limited to development of single-family detached residential dwellings on individual lots in subdivisions of more than three lots. The conservation subdivision option shall not be available for any other form of development or use type.

**2. WHERE PERMITTED**

Single-family detached residential subdivisions of more than three lots in the R-1A, RSL, and PD zoning districts may be developed as a conservation subdivision, in accordance with the standards in this section.

**3. WHERE PROHIBITED**

The conservation subdivision option is not available for use on land in any of the zoning districts other than R-1A, RSL, and PD districts.

**C. CONSERVATION SUBDIVISION PROCEDURE**

1. Establishment of a conservation subdivision requires the approval of a conservation and development plan in accordance with Section 2.4.4E, Conservation and Development Plan.
2. Following approval of a conservation and development plan, the conservation subdivision follows the review procedures in Section 2.4.12, Preliminary Plat.

**D. DECISION BY ZONING ADMINISTRATOR**

The decision on a conservation and development plan shall be made by the Zoning Administrator based on the standards in Section 2.4.4E, Conservation and Development Plan, and Section 2.4.4F, Conservation Subdivision Review Standards.

**E. CONSERVATION AND DEVELOPMENT PLAN**

Prior to review of a preliminary plat for the conservation subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions in accordance with the following steps and the standards in Section 2.4.4F, Conservation Subdivision Review Standards.

**1. STEP 1—SITE ANALYSIS MAP**

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<sup>15</sup> This is a new type of subdivision proposed to replace the cluster subdivision procedure. It allows new subdivisions that may double the allowable density in the zoning district where proposed, but requires 50 percent of the land area to be set aside as open space. It allows much smaller lot sizes but also requires the development to be fully screened from view from adjacent major roadways and existing adjacent residential subdivisions.

The applicant shall prepare a site analysis map that analyzes existing conditions both on the land proposed for the development including land within 500 feet of the site, and submit the site analysis map to the Zoning Administrator. It is the intent of this section that the information required to be presented in the site analysis map be produced from existing sources and maps to ensure the process is economical for the applicant.

## **2. STEP 2—SITE INSPECTION**

After receipt of the site analysis map, the Zoning Administrator shall schedule a mandatory site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a Town staff member. The purpose of this site visit is to:

- (a) Familiarize the staff with the existing site conditions and features of the site;
- (b) Identify potential site development issues, including the best location for the development to minimize its visibility from surrounding areas and major roadways; and
- (c) Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

## **3. STEP 3—CONSERVATION AND DEVELOPMENT PLAN**

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development plan. The conservation and development plan shall include the following:

- (a) A site analysis map;
- (b) A conservation and development areas map that depicts areas intended for conservation and areas intended for development;
- (c) A preliminary site improvements plan, showing proposed site development, including the approximate locations of utilities, streets, other development features, buffers (if applicable), and lot lines in the proposed development area; and
- (d) A plan illustrating how the proposed development areas will be screened from adjacent roadways and existing single-family subdivisions from which the conservation subdivision's development areas may be visible.

## **4. STEP 4-REVIEW BY THE ZONING ADMINISTRATOR**

- (a) The Zoning Administrator shall review the conservation and development plan and approve or deny it based on the standards in Section 2.4.4F, Conservation Subdivision Review Standards.
- (b) The Zoning Administrator may condition approval of the plan on further revisions necessary to bring the conservation and development plan into closer alignment with the standards in Section 2.4.4F, Conservation Subdivision Review Standards, the standards in Section 2.4.4A, Purpose, and the standards in the Town's adopted policy guidance.

## **5. DELINEATION OF CONSERVATION AND DEVELOPMENT AREAS**

The conservation area and development area on the conservation and development areas map shall comply with the following standards:

### **(a) PRIMARY CONSERVATION AREAS**

#### **(1) FEATURES TO BE PRESERVED**

The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

- (i) Areas with existing mature trees around the perimeter of the site;
- (ii) U.S. Army Corps of Engineers designated 404 wetlands;

- (iii) Riparian buffers and other lands within 50 feet of estuarine or other surface waters;
- (iv) Areas with impermeable soils; and
- (v) Habitat utilized by endangered or threatened species or designated Natural Heritage Areas.

**(2) AMOUNT TO BE PRESERVED**

All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:

**(i) PRIMARY CONSERVATION AREA IS LESS THAN MINIMUM REQUIRED**

In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

**(ii) PRIMARY CONSERVATION AREA EXCEEDS THE MINIMUM REQUIRED**

**(-01-)** In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement, priority for retention shall be given to the highest quality portion of the features to be conserved. (For example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of five percent and the minimum required conservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area).

**(-02-)** Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

**(3) ALLOWABLE USES**

Uses located within a primary conservation area shall be limited to:

- (i) Pedestrian trails, walkways, and boardwalks;
- (ii) Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
- (iii) Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or federal laws;
- (iv) Stormwater control measures, where no practicable alternative exists; and
- (v) Docks and other water-dependent features, as allowed in this Ordinance.

**(b) SECONDARY CONSERVATION AREAS****(1) FEATURES TO BE PRESERVED**

In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

- (i) Historic, archeological, and cultural resources;
- (ii) Prime agricultural lands, including existing pastures (whether in use or otherwise);
- (iii) Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);
- (iv) Scenic corridors and views; and
- (v) Areas that could serve to extend existing greenways, trails, parks, or recreation areas.

**(2) AMOUNT TO BE PRESERVED**

All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards:

**(i) PRIMARY CONSERVATION AREA OCCUPIES MORE THAN THAT REQUIRED**

In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

**(ii) PRIMARY CONSERVATION AREA OCCUPIES LESS THAN THAT REQUIRED**

In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order.

**(3) ALLOWABLE USES**

Uses located within a secondary conservation area shall be limited to:

- (i)** All uses allowed in a primary conservation area;
- (ii)** Uses allowed in the Agricultural Use classification in Table 4.1.7, Principal Use Table;
- (iii)** Water supply and septic systems;
- (iv)** Stormwater control measures;
- (v)** Required drainage or other utility easements; and
- (vi)** Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

**F. CONSERVATION SUBDIVISION REVIEW STANDARDS****1. LOCATION**

The conservation subdivision is proposed in a zoning district where such subdivision configuration is permitted by this Ordinance.

**2. SCREENING AND VISIBILITY**

- (a)** The development areas associated with the conservation subdivision are located in such a way as to minimize the visibility of proposed single-family dwellings and associated accessory structures from view by adjacent roadways and existing single-family residential subdivisions.
- (b)** In cases where the development areas are likely to be visible from adjacent roadways outside the conservation subdivision or from lots within an existing single-family residential subdivision, the conservation subdivision shall utilize whatever screening techniques are necessary to minimize the development's visibility, including screening with new and existing vegetation, berms, fencing, or other acceptable techniques.

**3. MINIMUM PROJECT SIZE**

Conservation subdivisions shall be at least five acres in size.

**4. REQUIRED CONSERVATION AREA**

The required conservation area shall occupy at least 50 percent of the total acreage of the conservation subdivision site, but nothing shall limit it from occupying more than 50 percent of a conservation subdivision site.

**5. MAXIMUM PROJECT DENSITY**

A conservation subdivision may establish a maximum residential density that is twice the maximum residential density for lots in the zoning district where located, but in no instance shall the density of a conservation subdivision exceed the maximum density allowable within a designated water supply watershed.

#### **6. DIMENSIONAL REQUIREMENTS FOR BUILDING LOTS**

Lots in a conservation subdivision may deviate from the minimum dimensional requirements for lots in the zoning district where located, provided:

- (a) No lot frontage is less than 20 feet wide;
- (b) Building separation between structures on different lots meets or exceeds the minimum applicable Fire Code provisions; and
- (c) All structures shall comply with required setbacks from streets, wetlands/surface waters, or other protected natural areas.

#### **7. LAND USED FOR AGRICULTURE**

Nothing shall limit the ability of an owners' association to lease conservation area for the purposes of agriculture.

### **G. OWNERSHIP OF CONSERVATION AREAS**

#### **1. LANDOWNER OR ASSOCIATION**

A conservation area shall be owned jointly or in common by the owners of the development or through a recognized homeowners or property owners association.

#### **2. NONPROFIT ORGANIZATION**

The landowners may decide to convey a conservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the area will be properly managed and maintained.

#### **3. DEDICATED TO TOWN OR OTHER PUBLIC AGENCY**

In some cases, certain lands designated as conservation areas, such as greenways, may be dedicated to the Town, a nonprofit organization, or other public agency during the development review process, at the landowner's discretion. If offered by the landowner, the Board of Commissioners shall determine whether that land is appropriate for dedication to the Town or other public agency.

### **H. AMENDMENT**

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

### **I. EXPIRATION**

- 1. Approval of a conservation and development plan shall expire if an application for the associated preliminary plat is not filed within two years of its approval.
- 2. In cases when a preliminary plat application associated with a conservation subdivision expires, a new conservation and development plan approval shall be required.

### **J. APPEAL**

Appeal of a decision on a conservation subdivision shall be reviewed and decided by the BOA in accordance with NCGS §160D-405, and Section 2.4.3, Appeal.

**2.4.5 DEVELOPMENT AGREEMENT****A. PURPOSE**

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

1. Provide more regulatory certainty;
2. Establish a schedule for development;
3. Coordinate the provision of public facilities; and
4. Ensure greater community compatibility.

**B. APPLICABILITY**

The Board of Commissioners may enter into a development agreement with a developer for a development of any size and for any duration, provided the boundaries of the development and the duration are specified in the agreement. All development agreements shall be subject to Sections 160D-101 of the North Carolina General Statutes, and the provisions of this section.

**C. DEVELOPMENT AGREEMENT PROCEDURE**

1. Development agreements shall be processed as a Type 2 review process in accordance with Section 2.3.11, Review Process, except that the Planning Board shall not review the application.
2. A development agreement may be considered concurrently with a rezoning, site plan, or subdivision application.

**D. DECISION BY BOARD OF COMMISSIONERS**

1. The decision shall be based on the standards in Section 2.4.5E, Development Agreement Review Standards.
2. The decision shall be one of the following:
  - (a) Enter into the development agreement, as submitted;
  - (b) Enter into the development agreement, subject to changes agreed to in writing by the developer; or
  - (c) Not enter into the development agreement.

**E. DEVELOPMENT AGREEMENT REVIEW STANDARDS**

1. For consideration of the Town to participate in a development agreement, a development subject to the agreement shall comply with the applicable standards in Section 160D-106 of the North Carolina General Statutes.
2. The development shall demonstrate the impact on existing and future provisions of capital improvements by the Town, including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreation, and health systems and facilities.
3. The Town may not exercise any authority or make any commitment that is unauthorized by general or local act, and may not impose any unauthorized tax or fee.

**F. ANNUAL REVIEW**

During any period of time in which a permit or development approval subject to a development agreement is active, the Zoning Administrator shall review the development at least once every year for compliance with the agreement and file a report with the Board of Commissioners.

**G. AMENDMENT****1. MUTUAL CONSENT**

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

**2. MATERIAL CHANGES ARE AMENDMENTS**

Consideration of a proposed material change of a development agreement beyond the scope of a minor change shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a development agreement.

**H. EXPIRATION**

A development agreement shall run for the duration of its term unless the agreement is terminated.

**I. APPEAL**

- 1.** Any decision by the BOC shall be subject to review by the Superior Court of Franklin County in accordance with Section 160D-1401 of the North Carolina General Statutes.
- 2.** The appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3.** Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.



**2.4.6 EXEMPT SUBDIVISION<sup>16</sup>****A. PURPOSE**

The purpose for this exempt subdivision procedure is to establish a clear and predictable procedure for a landowner to document that a proposed division of land is exempted from the subdivision requirements of this Ordinance in accordance with Section 160D-802 of the North Carolina General Statutes. This review is voluntary on the part of the applicant and is provided by the Town as a courtesy.

**B. APPLICABILITY**

1. Requests for determination of an exempt subdivision by the Town in accordance with this section are at the discretion of the landowner proposing the subdivision and shall not be mandated by the Town.
2. The following forms of land division are identified in Section 160D-802 of the North Carolina Statutes as exempt subdivisions:
  - (a) A combination or recombination of portions of previously subdivided and recorded lots that does not increase the total number of lots, and the resultant lots are equal to or exceed the standards of this Ordinance;
  - (b) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
  - (c) Public acquisition involving the purchase of strips of land for the widening or opening of streets;
  - (d) Division of a tract of land in single ownership, where the total area of all land in the land division is no greater than two acres, the division creates no more than three lots, where no street right-of-way dedication is involved, and the resultant lots are equal to or exceed the standards of this Ordinance; or
  - (e) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with Chapter 29 of the North Carolina General Statutes.
3. Divisions of land that are not consistent with these criteria shall not be considered exempt subdivisions and shall be subject to the applicable review procedure and requirements of this Ordinance.

**C. EXEMPT SUBDIVISION PROCEDURE**

Exempt subdivision requests shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.

**D. DECISION BY ZONING ADMINISTRATOR**

The decision on an exempt subdivision request shall be made by the Zoning Administrator based on the standards in Section 2.4.6E, Exempt Subdivision Review Standards.

**E. EXEMPT SUBDIVISION REVIEW STANDARDS**

A division of land shall be certified as an exempt subdivision only if it:

1. Is excluded from the definition of a subdivision in accordance with Section 160D-802 of the North Carolina General Statutes; and
  - (a) If this criteria is met but the other requirements for this procedure are not met such that the subdivision would create nonconforming lots, then it shall be permissible to divide the lots provided that the owner consents to the subdivision.
2. Complies with or exceeds all applicable lot dimensional provisions for the zoning district where it is located in accordance with this Ordinance; and

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<sup>16</sup> This is a new subdivision procedure provided as a courtesy for landowners seeking divide land as a subdivision that is outside the requirements of this Ordinance.



3. Complies with all standards or conditions of any applicable permits or development approvals; and
4. Complies with all other applicable requirements in the Town Code of Ordinances

#### **F. RECORDATION**

If an exempt subdivision plat is prepared by the applicant and approved by the Zoning Administrator in accordance with this section, it shall be certified by the Zoning Administrator, and may be recorded in the office of the Franklin County Register of Deeds.

#### **G. EFFECT**

1. A division of land determined to be an exempt subdivision shall be exempted from the subdivision standards of this Ordinance, but development of land within an exempt subdivision shall remain subject to any applicable requirements for potable water or wastewater from Franklin County, as well as all applicable standards in the Town Code of Ordinances.
2. In the event a division of land does not qualify as an exempt subdivision, it shall be reviewed in accordance with the applicable subdivision procedure and shall be subject to all applicable subdivision standards in this Ordinance.

#### **H. APPEAL**

Appeal of a decision on an exempt subdivision shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.4.3, Appeal.

**2.4.7 EXPEDITED SUBDIVISION<sup>17</sup>****A. PURPOSE**

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

**B. APPLICABILITY**

1. The standards in this section shall apply to divisions of land meeting all the following criteria:
  - (a) The proposed division of land is not exempted from the subdivision standards of this Ordinance in accordance with Section 160D-802 of the North Carolina General Statutes; and
  - (b) The proposed division will not result in more than three lots (including any residual or "parent" parcel); and
  - (c) The area of land subject to the division shall be comprised of at least five acres under common ownership; and
  - (d) No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years; and
  - (e) The use of all lots is in conformity with the zoning district where located; and
  - (f) No extension of public streets is proposed.
2. Divisions of land not meeting all these standards shall be reviewed as a preliminary plat.
3. Lots within an expedited subdivision are not exempted from any applicable zoning district dimensional requirements.

**C. EXPEDITED SUBDIVISION PROCEDURE**

1. Exempt subdivision requests shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.
2. Expedited subdivision plats shall be prepared by a licensed professional authorized by the State to prepare such documents.
3. Applications for an expedited subdivision shall include an evaluation from Franklin County indicating that an on-site wastewater system and on-site potable water system may be used on each lot not connected to the public potable water or sanitary sewer systems.

**D. DECISION BY ZONING ADMINISTRATOR**

The decision on an expedited subdivision shall be made by the Zoning Administrator based on the standards in Section 2.4.7, Expedited Subdivision.

**E. EXPEDITED SUBDIVISION REVIEW STANDARDS**

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

1. The expedited subdivision plat is on a sheet or sheets suitable for recording with the Register of Deeds in Franklin County;
2. The expedited subdivision plat is prepared and sealed by a licensed professional authorized by the State to prepare such documents;
3. The expedited subdivision plat complies with all applicable standards in this Ordinance and Section 47-30 of the North Carolina General Statutes;
4. The expedited subdivision plat includes all required certifications;

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<sup>17</sup> This is a new procedure that recognizes a new kind of subdivision established by the General Assembly in 2017. The expedited subdivision is limited in size and scope and does not include the extension of public utilities. The procedure requires the recordation of plat and has a time limit, but the other requirements typically applied to subdivisions (like open space dedication) may not be applied to an expedited subdivision. This subdivision is proposed to take the place of the monor subdivision in Section 153.21 in the current ordinance.

## Article 156.2 PROCEDURES

### Section 2.4 Specific Procedures - Subsection 2.4.7 Expedited Subdivision

5. The applicant has secured all required County, State, and federal permit approvals;
6. All lots have been certified by Franklin County as capable of accommodating the wastewater generated from the proposed use, in cases when the lots are not served by a public wastewater system;
7. All lots have been certified by Franklin County as served by an acceptable source of potable water in cases when the lots are not served by a public potable water system;
8. All lots in the expedited subdivision comply with the applicable dimensional requirements for the zoning district where located;
9. The lots are served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with Town standards; and
10. No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years.

#### F. RECORDATION

1. Once an expedited subdivision plat is approved, a signed statement by the Zoning Administrator shall be entered on the face of the plat. The expedited subdivision plat may not be recorded without this and all other required certifications.
2. Failure to record the final plat in accordance with Section 2.4.7I, Expiration, shall render the plat null and void.
3. Land may not be conveyed or construction started until the expedited subdivision is recorded.

#### G. EFFECT

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

#### H. AMENDMENT

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

#### I. EXPIRATION

An expedited subdivision plat shall be null and void unless it is recorded in the office of the Franklin County Register of Deeds within 10 days of approval.

#### J. APPEAL

1. Decisions by the Zoning Administrator on an expedited subdivision plat shall be subject to review by the Superior Court of Franklin County in accordance with Section 160D-1403 of the North Carolina General Statutes.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

**2.4.8 FINAL PLAT<sup>18</sup>****A. PURPOSE**

The purpose for this final plat procedure is to ensure proposed subdivisions of land have been completed in substantial conformity with a preliminary plat (as applicable) and all applicable regulations of this Ordinance prior to the conveyance of lots. These standards are intended to ensure preparation and recordation of a plat document of sufficient detail and data so as to enable the Town or another landowner to readily determine and accurately reproduce the location, bearing, radius (as applicable), and length of the elements of a subdivision. The elements include, but shall not be limited to the following:

- 1.** Every street or private accessway;
- 2.** Aspects of public infrastructure such as potable water supply lines, or sanitary sewer lines;
- 3.** Lot lines;
- 4.** Easement boundaries;
- 5.** Lands or resources dedicated or reserved for use by the general public;
- 6.** Land or resources owned in common by residents of the subdivision; and
- 7.** Unbuildable resource or conservation lands.

**B. APPLICABILITY**

- 1.** The standards in this section shall apply to subdivisions subject to a preliminary plat.
- 2.** A landowner shall not submit an application for final plat review until a preliminary plat (see Section 2.4.12 Preliminary Plat) is approved and all required improvements serving the subdivision are installed and inspected by the Town, or the developer provides a performance guarantee for those required improvements in accordance with Section 6.5, Performance Guarantees.

**C. FINAL PLAT PROCEDURE**

Final plats shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.

**D. DECISION BY ZONING ADMINISTRATOR**

The decision on a final plat shall be made by the Zoning Administrator based on the standards in Section 2.4.8E, Final Plat Review Standards.

**E. FINAL PLAT REVIEW STANDARDS**

A final plat shall be approved if it complies with the following:

- 1.** The final plat is on a sheet or sheets suitable for recording with the Franklin County Register of Deeds;
- 2.** The final plat is prepared by a licensed professional authorized by the State to prepare such documents;
- 3.** The final plat complies with the standards in Section 47-30 of the North Carolina General Statutes;
- 4.** The final plat includes all required certifications;
- 5.** All required infrastructure improvements (e.g., streets, sewer lines, water lines, drainage, etc.) depicted on the preliminary plat are installed, inspected, and accepted by the appropriate governmental entity, or are subject to a performance guarantee (see Section 6.5, Performance Guarantees);
- 6.** All required easements and rights-of-way are properly depicted on the final plat;

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<sup>18</sup> Replaces Section 153.29.

## Article 156.2 PROCEDURES

### Section 2.4 Specific Procedures - Subsection 2.4.8 Final Plat

7. If no public wastewater service is associated with the subdivision, all lots have been certified by Franklin County as capable of accommodating the wastewater generated from the proposed use;
8. If no public potable water service is associated with the subdivision, all lots have been certified by Franklin County as served by an acceptable source of potable water;
9. The final plat is in substantial conformance with the preliminary plat;
10. The applicant has secured all required County, State, federal, and other applicable Town permit approvals;
11. The final plat complies with all standards and conditions of any applicable permits and development approvals; and
12. The final plat complies with all other applicable requirements in this Ordinance and the Town Code of Ordinances.
  - (a) In the case where a subdivision would create nonconforming lots, and thus not comply with this ordinance, then it shall be permissible to divide the lots provided that the owner consents to the subdivision.

#### F. RECORDATION

1. Once a final plat is approved, a signed statement by the Zoning Administrator shall be entered on the face of the plat. The final plat may not be recorded without this and all other required certifications.
2. Following certification, the applicant shall record the final plat and all associated protective covenants and deed restrictions in the office of the Franklin County Register of Deeds.
3. Failure to record the final plat in accordance with Section 2.4.8J, Expiration, shall render the plat null and void.

#### G. ACCEPTANCE OF PUBLIC INFRASTRUCTURE

1. The approval of a plat shall not be deemed to constitute the acceptance by the Town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.
2. The Board of Commissioners may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes when the lands or facilities are located within the ETJ.
3. Acceptance of dedication of lands or facilities located within the ETJ but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair or maintain any street, utility line, or other land or facility, and the Town shall not be held responsible in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

#### H. EFFECT

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

#### I. AMENDMENT

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

#### J. EXPIRATION

1. A final plat shall be null and void unless it is recorded in the office of the Franklin County Register of Deeds within 10 days of approval.
2. If a final plat is not recorded within two years of the associated preliminary plat approval, or if there is a lapse of more than two years between the recording of different sections or phases, then the preliminary plat shall expire. In such cases, the Town may record a notice of expiration in the office of the Franklin County Register of Deeds.
3. An expired preliminary plat may be resubmitted in accordance with Section 2.4.12 Preliminary Plat, and shall be reviewed in accordance with the standards of this Ordinance.

**K. APPEAL**

- 1.** Decisions by the Zoning Administrator on a final plat shall be subject to review by the Superior Court of Franklin County by proceedings in the nature of certiorari and in accordance with Section 160D-1403 of the North Carolina General Statutes.
- 2.** An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3.** Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

**2.4.9 FLOODPLAIN DEVELOPMENT PERMIT<sup>19</sup>****A. ESTABLISHMENT**

A Floodplain Development Permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities within the Special Flood Hazard Area Overlay District (see Section 3.4.5, Special Flood Hazard Area Overlay District).

**B. COMPLIANCE**

No structure or land subject to these standards shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section and other applicable requirements of this Ordinance.

**C. INTERPRETATION**

In the interpretation and application of these standards, all provisions shall be:

- 1.** Considered as minimum requirements;
- 2.** Liberally construed in favor of the Town of Franklinton; and
- 3.** Deemed neither to limit nor repeal any other powers granted under the North Carolina General Statutes.

**D. APPLICATION REQUIREMENTS**

An 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. PLOT PLAN**

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

- (a)** 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;
- (b)** The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map, or a statement that the entire lot is within the Special Flood Hazard Area;
- (c)** Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map;
- (d)** The boundary of the floodway(s) or non-encroachment area(s);
- (e)** The Base Flood Elevation (BFE) where provided; and
- (f)** The old and new location of any watercourse that will be altered or relocated as a result of proposed development.

**2. PROPOSED ELEVATION**

Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- (a)** Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
- (b)** Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
- (c)** Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

**3. FLOODPROOFING, IF APPROPRIATE**

<sup>19</sup> This procedure is taken from Article 4, Section B of the 2019 NC Model Floodplain Ordinance (non-coastal regular phase).

If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

#### **4. FOUNDATION PLAN**

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:

- (a) 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); and
- (b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with the applicable standards in Section 3.4.5, Special Flood Hazard Area Overlay District, when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.

#### **5. ADDITIONAL REQUIREMENTS**

- (a) Usage details of any enclosed areas below the lowest floor.
- (b) 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.
- (c) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (d) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 3.4.5, Special Flood Hazard Area Overlay District, are met.
- (e) 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.

#### **E. PERMIT REQUIREMENTS**

The Floodplain Development Permit shall include, but not be limited to:

- 1. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- 2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 3.4.5, Special Flood Hazard Area Overlay District.
- 3. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- 4. The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- 5. All certification submittal requirements with timelines.
- 6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the applicable requirements of Section 3.4.5, Special Flood Hazard Area Overlay District, have been met.
- 7. The flood openings requirements, if in Zones A, AE, AH, AO, A99.
- 8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- 9. A statement, that all materials below BFE/RFPE must be flood resistant materials.



**F. CERTIFICATION REQUIREMENTS****1. ELEVATION CERTIFICATES****(a) PRIOR TO THE START OF CONSTRUCTION**

An Elevation Certificate (FEMA Form 086-0-33) 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 NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

**(b) FOLLOWING ESTABLISHMENT OF REFERENCE LEVEL**

An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven 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 NAVD 1988. Any work done within the seven-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.

**(c) FOLLOWING COMPLETION OF CONSTRUCTION**

A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) 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. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

**2. FLOODPROOFING CERTIFICATE**

**(a)** If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. 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, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be

corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Occupancy.

- (b) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. 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 NAVD 1988. Floodproofing certificate 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, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. 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 deny a Certificate of Compliance/Occupancy.
3. If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 3.4.5, Special Flood Hazard Area Overlay District.
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 Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in subsections (2a) and (2b) above:

- (a) Recreational vehicles meeting requirements of Section 3.4.5I.6(a), Temporary Placement;
- (b) Temporary structures meeting requirements of Section 3.4.5I.7, Temporary Non-Residential Structures; and
- (c) Accessory structures that are 150 recommended square feet or less or \$5,000 recommended or less and meeting requirements of Section 3.4.5I.8, Accessory Structures.

#### **G. DETERMINATIONS FOR EXISTING BUILDING AND STRUCTURES**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Inspector, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

#### **H. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS**

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

**2.4.10 INTERPRETATION<sup>20</sup>**

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**A. PURPOSE**

The purpose for this interpretation procedure is to provide a process where an applicant may request documentation from a Town staff member regarding the meaning of language in this Ordinance, how to address unlisted use types, boundaries on the Official Zoning Map, if a development approval is vested, or conditions of an approval.

**B. APPLICABILITY**

The Zoning Administrator is responsible for written interpretations of all provisions of this Ordinance, including, but not limited to:

1. Interpretations of the meaning of the text;
2. Interpretations of the zoning district boundaries on the Official Zoning Map;
3. Interpretations of whether an unlisted use in Table 4.1.7, Principal Use Table, is comparable to a listed use or not, and should be allowed in a zoning district or prohibited in that district;
4. Interpretations of whether or not a development approval is vested and the duration of the vesting period; and
5. Interpretations of compliance with a condition of approval.

**C. INTERPRETATIONS DISTINGUISHED**

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

**D. INTERPRETATION PROCEDURE**

1. Interpretations shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.
2. Prior to rendering an interpretation, the Zoning Administrator may consult with the Town Attorney and other affected Town officials.

**E. INTERPRETATION REVIEW STANDARDS****1. ZONING DISTRICT MAP BOUNDARIES**

Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the Town's adopted policy guidance, and all of the following:

- (a) Boundaries shown as approximately following a utility line or a street, alley, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way.
- (b) If a street, alley, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the zoning district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
- (c) Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the lot line.

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<sup>20</sup> Replaces Section 153.06. Revised to reflect 160D.

- (d) Boundaries shown as approximately following the centerline of a stream, shoreline, canal, lake, or other waterbody shall be interpreted as following the centerline of the waterbody as it actually exists, and as moving with that centerline to the extent the waterbody moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
- (e) Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.
- (f) If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the Official Zoning Map's scale to determine the boundary's distance from other features shown on the map.
- (g) Where the actual location of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances are not covered by this subsection, the Zoning Administrator shall have the authority to determine the district boundaries.
- (h) Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.

## **2. UNLISTED USES**

Interpretation of whether an unlisted use is similar to a use identified Table 4.1.7, Principal Use Table, shall consider consistency with the Town's adopted policy guidance and all of the following standards:

- (a) The function, product, or physical characteristics of the use;
- (b) The impact on adjacent lands created by the use;
- (c) The type, size, and nature of buildings and structures associated with the use;
- (d) The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
- (e) The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
- (f) The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
- (g) Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
- (h) How the use is treated in the North American Industrial Classification System (NAICS) manual;
- (i) Any dangerous, hazardous, toxic, or explosive materials associated with the use;
- (j) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes; and
- (k) Any prior interpretations made by the Zoning Administrator or decisions made by the BOA.

## **3. UNDEFINED TERMS**

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

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

(g) Other professionally-accepted source.

#### **4. TEXT PROVISIONS**

Interpretation of this text and approved applications shall be based on the standards in Section 9.1, General Rules for Interpretation, and all of the following considerations:

- (a) When the legislative intent of a provision is unclear, the Zoning Administrator shall consider the clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision—as established in Section 9.2, Definitions, and by the common and accepted usage of the term;
- (b) The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
- (c) The general purposes served by this Ordinance, as set forth in Section 1.7, General Purpose and Intent; and
- (d) Consistency with the Town's adopted policy guidance.

#### **5. VESTED RIGHTS**

The determination of whether or not certain development activity or a development application approval is vested from changes in this Ordinance and the duration of the vesting shall be based on the following:

- (a) The standards in Section 160D-108 of the North Carolina General Statutes;
- (b) The standards in Section 1.9, Vested Rights; and
- (c) Prior judicial determination from comparable cases, as determined in the sole discretion of the Zoning Administrator.

### **F. EFFECT**

#### **1. GENERAL**

- (a) A written interpretation shall be binding on subsequent decisions by the Zoning Administrator or other administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the interpretation is modified in accordance with this section, the interpretation is later determined to have been made in error, or the text of this Ordinance is amended.
- (b) The Zoning Administrator shall maintain a record of written interpretations that shall be available in the Town Hall for public inspection, on reasonable request, during normal business hours.

#### **2. ESTABLISHMENT OF UNLISTED USE**

- (a) After the Zoning Administrator determines the use category or use type in which the unlisted use is best classified, then the unlisted use shall be subject to all applicable requirements of that use category or use type.
- (b) In the event the Zoning Administrator determines a proposed use does not fit within an established use category in Section 4.2.2B, Use Categories, then an applicant may propose a text amendment in accordance with Section 2.4.18, Text Amendment, to establish the proposed use. Until final action is taken on the text amendment, the Zoning Administrator's decision shall be binding.

### **G. APPEAL**

Appeal of a decision on an interpretation shall be reviewed and decided in the nature of certiorari by the BOA in accordance with Section 2.4.3, Appeal.

**2.4.11 PLANNED DEVELOPMENT****A. PURPOSE**

The purpose for this planned development procedure is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district. The Planned Development district creates opportunities for master planned development that is developed under unified control in accordance with more flexible standards that are conducive to creating mixed-use, pedestrian-oriented development that makes efficient use of land while protecting natural resources. It is the intent of these standards to allow an applicant to propose a wide variety of allowable uses and to allow the flexible application of some of the development standards in Article 156.5: STANDARDS, in return for a higher quality of development with more amenities than might otherwise result from a strict application of the standards in this Ordinance.

**B. APPLICABILITY**

A planned development district may be established on any land in the Town's planning jurisdiction of at least five acres in area.

**C. PLANNED DEVELOPMENT PROCEDURE**

Planned development applications shall be treated as a rezoning and processed as a Type 2 review process in accordance with Section 2.3.11, Review Process.

**D. APPLICATION**

1. The application shall include a master plan depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing.
2. The application shall also include a statement of terms and conditions document that identifies how the proposed development will meet or exceed the standards in Section 3.3, Planned Development District, the range of uses to be located within the planned development, how any required environmental mitigation will take place, and how public facilities will be provided to serve the planned development.

**E. DECISION BY BOARD OF COMMISSIONERS<sup>21</sup>**

1. The decision shall be based on the standards in Section 2.4.11F, Planned Development Review Standards.
2. The decision shall be one of the following:
  - (a) Adoption of the planned development district as proposed;
  - (b) Adoption of a revised planned development district;
  - (c) Denial of the planned development district; or
3. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
  - (a) Whether the planned development application (and associated rezoning) is approved, denied, or remanded; and
  - (b) The degree to which the planned development application (and associated rezoning) is or is not consistent with the Town's adopted policy guidance and the future land use map included within the Town's adopted policy guidance; and
  - (c) An explanation of why the action taken is reasonable.
4. In cases where a planned development (and associated rezoning) application that is inconsistent with the Town's future land use map is approved, the future land use map shall be deemed to be amended in accordance with the planned development approval and the future land use map shall be supplemented with annotation indicating the approval.

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<sup>21</sup> Revised to reflect 160D.



**F. PLANNED DEVELOPMENT REVIEW STANDARDS**

The advisability of amending the Official Zoning Map to establish a planned development district is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a planned development, the Board of Commissioners may consider the standards in Section 2.4.13H, Rezoning Review Standards, and the standards for the PD district in Section 3.3, Planned Development District.

**G. DESIGNATION ON OFFICIAL ZONING MAP**

1. The Zoning Administrator shall make changes to the Official Zoning Map, and the future land use map in the Comprehensive Plan, if applicable, promptly after approval of a planned development application by the Board of Commissioners.
2. Designation of a PD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

**H. EFFECT**

1. Lands rezoned to a PD district shall be subject to the approved PD master plan and the approved PD terms and conditions.
2. The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map.
3. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the PD master plan in accordance with the appropriate procedures and standards set forth in this Ordinance.
4. Any permits or approvals shall comply with the PD master plan and the PD terms and conditions.
5. Only those portions of the development subject to an approved PD master plan and PD terms and conditions shall be included in development activities.
6. The preliminary and final plat approval process for lands rezoned to a Planned Development District with an approved Planned Development Master Plan shall be subject to a Type 1 Review Process. (Am. Ord. passed 12-20-22)

**I. AMENDMENT****1. MINOR CHANGES**

- (a) Subsequent plans and permits for development within a planned development district may include minor changes to the approved master plan map or statement of terms and conditions, provided the development continues to meet the minimum requirements of this Ordinance. Minor changes are limited to changes that have no material effect on the character of the planned development or changes that address technical considerations that could not reasonably be anticipated at the time of the planned development approval.
- (b) The following minor changes may be approved by the Zoning Administrator:
  - (1) Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
  - (2) Changes to the configuration of parking areas;
  - (3) Changes to the configuration or location of open space or placement of required amenities;
  - (4) Changes to the configuration of landscape yards, including types of materials;
  - (5) Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character;
  - (6) Changes in the proportion of housing types by up to 15 percent; and
  - (7) Changes to the arrangement or location of buildings provided there is no increase in the number of buildings or size.
  - (8) Reductions in densities of permitted residential types.



**2. SIGNIFICANT CHANGES CONSIDERED AMENDMENTS**

- (a)** Changes that materially affect the basic concept of the planned development master plan map or basic parameters establishing the terms and conditions or that exceed the scope of a minor change are considered amendments. Amendments include, but are not limited to:
  - (1)** Changes in use designations;
  - (2)** Density/intensity increases;
  - (3)** Decreases in open space;
  - (4)** Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);
  - (5)** Change in the location of any public easement; or
  - (6)** Change in the proportion of housing types by more than 15 percent.
- (b)** Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a planned development application.

**J. EXPIRATION**

A planned development district designation shall not expire. However, if no application for approval of a preliminary plat or site plan for any part of an approved PD master plan is submitted within two years after approval of the planned development, the Town may, in its sole discretion, initiate a rezoning application to rezone the land from planned development back to its prior zoning classification or any other general zoning classification, as determined to be appropriate. Such time period shall not be extended with transfer of ownership.

**K. APPEAL**

- 1.** Any decision by the BOC shall be subject to review by the Superior Court of Franklin County.
- 2.** Appellants shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3.** Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

**2.4.12 PRELIMINARY PLAT<sup>22</sup>****A. PURPOSE**

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

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

**B. APPLICABILITY**

Unless exempted by Section 160D-802 of the North Carolina General Statutes, all divisions of land involving two or more lots along with the provision of or changes to streets or other public infrastructure shall be considered preliminary plats subject to the standards of this section.

**C. PRELIMINARY PLAT PROCEDURE**

1. A pre-application conference conducted in accordance with Section 2.3.5, Pre-Application Conference, is required prior to submittal of an application for a preliminary plat.
2. Preliminary plats shall be processed as a Type 2 review process in accordance with Section 2.3.11, Review Process, except that the Board of Commissioners shall decide the application during a public meeting rather than a noticed public hearing.
3. Preliminary plats associated with a Planned Development District with an approved Development master Plan shall be subject to a Type 1 Review Process.  
(Am. Ord. passed 12-20-22)

**D. DECISION BY BOARD OF COMMISSIONERS**

1. The decision shall be based on the standards in Section 2.4.12E, Preliminary Plat Review Standards.
2. The decision shall be one of the following:
  - (a) Approval of the preliminary plat, as submitted;
  - (b) Approval of a revised preliminary plat; or
  - (c) Denial of the preliminary plat.
3. Following approval of a preliminary plat by the Board of Commissioners, the applicant may proceed with an application to undertake land disturbing activities, or installation of public utilities, as appropriate.

**E. PRELIMINARY PLAT REVIEW STANDARDS**

An application for a preliminary plat shall be approved, if it complies with the following:

1. The preliminary plat is prepared and sealed by a licensed professional authorized by the State to prepare such documents;
2. The preliminary plat complies with the applicable standards in Section 47-30 of the North Carolina General Statutes;
3. The preliminary plat includes all required certifications and other pertinent information as required by the Town;

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<sup>22</sup> This section replaces Section 153.23, but there is no associated special use permit associated with the subdivision review. Another change is that the construction plans showing streets and other infrastructure are not required until after the preliminary plat application has been approved.

## Article 156.2 PROCEDURES

### Section 2.4 Specific Procedures - Subsection 2.4.12 Preliminary Plat

4. All lots shall be served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT or Town standards, as appropriate;
5. Street names used in the subdivision shall not duplicate or be similar to the names of streets in an existing subdivision in Franklinton or Franklin County;
6. All standards or conditions of any prior applicable permits and development approvals; and
7. The preliminary plat complies with all other applicable requirements in this Ordinance and the Town Code of Ordinances.

#### F. EFFECT

##### 1. GENERALLY

- (a) Approval of a required preliminary plat shall not constitute the approval for recording a subdivision with the Register of Deeds, or approval for the conveyance of lots.
- (b) Approval of a required preliminary plat authorizes the submittal of street and utility construction plans, and soil erosion and sedimentation control plans.

##### 2. LANDS OUTSIDE THE CORPORATE LIMITS

Preliminary plats for development located outside the corporate limits shall comply with any ordinances and Town policies related annexation.

##### 3. CONSTRUCTION PLANS

- (a) Construction plans for all public improvements associated with the preliminary plat shall be approved by all appropriate agencies prior to street and utility construction and prior to the approval of a final plat in accordance with the applicable standards this Ordinance.
- (b) In the case of a multi-phase subdivision, street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

#### G. PERFORMANCE GUARANTEES

All public improvements that have not been installed by the developer, and inspected and accepted by the Town shall comply with the requirements in Section 6.5, Performance Guarantees, prior to the recordation of a final plat.

#### H. AS-BUILT PLANS

As-built plans for all public improvements shall be submitted in accordance with Section 6.9.1, As-Built Plans Required.

#### I. AMENDMENT

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

#### J. EXPIRATION

An approved preliminary plat shall be valid for one year from the date of approval. Failure to record a final plat for land subject to an approved preliminary plat within two years of the date the preliminary plat is approved shall render the preliminary plat approval null and void.

#### K. APPEAL

1. Decisions by the Board of Commissioners on a preliminary plat shall be subject to review by the Superior Court of Franklin County by proceedings in the nature of certiorari and in accordance with Section 160D-1403 of the North Carolina General Statutes.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

## Article 156.2 PROCEDURES

### Section 2.4 Specific Procedures - Subsection 2.4.12 Preliminary Plat

3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

**2.4.13 REZONING****A. PURPOSE**

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

**B. APPLICABILITY**

This procedure sets out the requirements for amendments to the zoning district designation of land within the Town's planning jurisdiction as well as for land coming into the Town's planning jurisdiction via annexation in accordance with the standards in Sections 160D-701 through 160D-706 of the North Carolina General Statutes.

**C. REZONING PROCEDURES DISTINGUISHED**

1. This rezoning procedure shall be used in the consideration of conventional rezoning applications.
2. Conditional rezoning applications are rezoning applications that include conditions suggested by the applicant. Conditional rezoning applications shall not be processed by the Town.

**D. REZONING PROCEDURE**

Rezoning applications shall be processed as a Type 2 review process in accordance with Section 2.3.11, Review Process.

**E. APPLICATIONS, GENERALLY**

A rezoning application may be filed by anyone in accordance with Section 2.3.4A, Authority to File Applications. In no instance shall the Town accept third-party rezoning applications from persons who do not have the authority to file an application for a rezoning.

**F. CHANGES TO APPLICATION**

The applicant may make changes, including changes recommended by the Planning Board or the Board of Commissioners, to the rezoning application at any time prior to the BOC's decision. The applicant may only propose changes in accordance with the following:

1. Changes shall be made in writing to the Zoning Administrator; and
2. Changes shall be signed by all landowners or their agents.

**G. DECISION BY BOARD OF COMMISSIONERS**

1. The decision shall be based on the recommendation of the Planning Board and the standards in Section 2.4.13H, Rezoning Review Standards.
2. The decision shall be one of the following:
  - (a) Adoption of the rezoning as proposed;
  - (b) Adoption of a revised rezoning application;
  - (c) Adoption of a rezoning to a zoning district of lesser intensity;
  - (d) Denial of the rezoning; or
  - (e) Remand of the rezoning application to the Planning Board for further consideration.
3. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:<sup>23</sup>
  - (a) Whether the rezoning is approved, denied, or remanded; and
  - (b) The degree to which the rezoning is or is not consistent with the future land use map included within the Town's adopted policy guidance; and
  - (c) An explanation of why the action taken is reasonable.

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<sup>23</sup> Revised to reflect 160D.

4. In cases where a rezoning application that is inconsistent with the Town's future land use map is approved, the future land use map shall be deemed to be amended in accordance with the rezoning approval and the future land use map shall be supplemented with a notation indicating the approval.

#### **H. REZONING REVIEW STANDARDS**

The advisability of modifying the Official Zoning Map through approval of a rezoning application is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining to approve or deny a rezoning, the BOC may consider the following standards:

1. Whether and the extent to which the proposed rezoning is appropriate for its proposed location, and is consistent with the Town's adopted policy guidance;
2. Whether an approval of the rezoning is reasonable and in the public interest;
3. Whether there have been changes in the type or nature of development in the area of the proposed rezoning that support the application;
4. Whether the proposed rezoning will likely result in development that promotes a logical, preferred, and orderly development pattern; and
5. Any other factor deemed appropriate by the Board of Commissioners.

#### **I. DESIGNATION ON THE OFFICIAL ZONING MAP**

The Zoning Administrator shall make changes to the Official Zoning Map, and the future land use map in the Comprehensive Plan, if applicable, promptly after approval of a rezoning application by the Board of Commissioners.

#### **J. EFFECT**

Rezonings are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map, and may only be changed in accordance with the procedure established in Section 2.4.13, Rezoning, or Section 2.4.11, Planned Development.

#### **K. AMENDMENT**

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

#### **L. APPEAL**

1. Any decision by the BOC shall be subject to review by the Superior Court of Franklin County.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

**2.4.14 SITE PLAN, MAJOR****A. PURPOSE**

The purpose for the major site plan procedure is to establish a consistent and predictable process for the review of proposed complex forms of development through a graphical representation of the proposal.

**B. APPLICABILITY**

1. Major site plan review is required for the following forms of development:

- (a) New non-residential or mixed-use development;
- (b) New multi-family residential development;
- (c) New single-family attached residential development;
- (d) Establishment or expansion of an existing manufactured home park; or
- (e) Expansions to existing non-residential, mixed-use, or multi-family residential development that exceed 20 percent of existing floor or outdoor use area or that require additional off-street parking or landscaping.

2. All other forms of development are subject to the standards in Section 2.4.15, Site Plan, Minor.

**C. PROCEDURE**

Major site plans shall be processed as a Type 2 review process in accordance with Section 2.3.11, Review Process, except that the Planning Board shall not review the application.

**D. DECISION BY BOARD OF COMMISSIONERS**

1. The decision shall be based on the standards in Section 2.4.14E, Major Site Plan Review Standards.
2. The decision shall be one of the following:
  - (a) Approval of the major site plan, as submitted;
  - (b) Approval of a revised major site plan; or
  - (c) Denial of the major site plan.

**E. MAJOR SITE PLAN REVIEW STANDARDS**

An application for a major site plan shall be approved, provided it complies with all of the following:

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

**F. EFFECT****1. GENERAL**

Approval of a major site plan authorizes the submittal of construction plans for public infrastructure, if applicable, and the submittal of an application for a zoning authorization, in accordance with Section 2.4.21, Zoning Authorization.

**2. PHASED DEVELOPMENT**

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

**3. PERFORMANCE GUARANTEES**

All public or required private improvements (like stormwater management facilities) that have not been installed by the developer, inspected, and accepted (as appropriate) shall be subject to the standards for a performance guarantee in accordance with Section 6.5, Performance Guarantees.

## **G. AMENDMENT**

### **1. MINOR MODIFICATIONS**

- (a) Subsequent revisions to approved site plans may include minor modifications, provided the development continues to meet the minimum requirements of this Ordinance. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the site plan approval.
- (b) The following minor modifications may be approved by the Zoning Administrator:
  - (1) Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
  - (2) Changes to the configuration of parking areas, but not the number of parking spaces;
  - (3) Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
  - (4) Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
  - (5) Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character; and
  - (6) Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

### **2. MAJOR MODIFICATIONS CONSIDERED AMENDMENTS**

- (a) Changes that materially affect the basic concept of the development or that exceed the scope of a minor modifications in the opinion of the Zoning Administrator are considered major modifications. Major modifications shall be reviewed in accordance with the procedure used to approve the major site plan, and shall include, but are not limited to:
  - (1) Changes in use designations;
  - (2) Density/intensity increases;
  - (3) Decreases in open space;
  - (4) Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); or
  - (5) Change in the location of any public easement.
- (b) Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a site plan application.

## **H. EXPIRATION**

Major site plan approval shall expire and become null and void if the development approved in the major site plan does not commence within two years of issuance of the site plan approval.

## **I. APPEAL**

- 1. Any decision by the BOC shall be subject to review by the Superior Court of Franklin County by proceedings in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes.
- 2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal



## Article 156.2 PROCEDURES

### Section 2.4 Specific Procedures - Subsection 2.4.14 Site Plan, Major

delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

**2.4.15 SITE PLAN, MINOR****A. PURPOSE**

The purpose for the minor site plan procedure is to establish a consistent and predictable process for the review of proposed development through a graphical representation of the proposal.

**B. APPLICABILITY**

Minor site plan review is required for the following forms of development:

1. New duplex, triplex, or quadraplex development; and
2. Expansions to existing non-residential, mixed-use, or multi-family development of 20 percent or less of existing floor or outdoor use area.

**C. EXEMPTIONS**

1. The following forms of development are exempted from minor site plan review (but not exempted from other required development approvals):
  - (a) Construction of a single-family detached residential dwelling on an individual lot;
  - (b) Establishment of an accessory use or structure associated with a residential use; and
  - (c) Changes of use that do not result in the need for additional parking spaces, additional screening, differing stormwater practices, or additional landscaping.
2. Development exempted from minor site plan review shall obtain a zoning authorization (see Section 2.4.21, Zoning Authorization) and a building permit in accordance with the State Building Code, and is still subject to other provisions of this Ordinance, as appropriate.

**D. PROCEDURE**

Minor site plans shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.

**E. DECISION BY ZONING ADMINISTRATOR**

The decision on a minor site plan shall be made by the Zoning Administrator based on the standards in Section 2.4.15F, Minor Site Plan Review Standards.

**F. MINOR SITE PLAN REVIEW STANDARDS**

An application for a minor site plan shall be approved, provided it complies with all of the following:

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

**G. EFFECT**

Approval of a minor site plan authorizes the submittal of construction plans for public infrastructure, if applicable, and the submittal of an application for a zoning authorization, in accordance with Section 2.4.21, Zoning Authorization.

**H. AMENDMENT**

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

**I. EXPIRATION**

Minor site plan approval shall expire and become null and void if the development approved in the minor site plan does not commence within two years of issuance of the site plan approval.

#### **J. APPEAL**

Appeal of a decision on a minor site plan shall be reviewed and decided in the nature of certiorari by the BOA in accordance with Section 2.4.3, Appeal.

**2.4.16 SPECIAL USE PERMIT****A. PURPOSE**

This section sets out the procedure for consideration of an application for a special use permit. A special use is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

**B. APPLICABILITY**

Uses identified as requiring a special use in Table 4.1.7 Principal Use Table, shall be approved as a special use in accordance with the procedures and standards of this section, prior to development.

**C. SPECIAL USE PERMIT PROCEDURE**

Applications for a special use permit shall be processed as a Type 3 review process in accordance with Section 2.3.11, Review Process.

**D. SITE PLAN REQUIRED**

1. An application for a special use permit shall include a site plan (prepared in accordance with Section 2.4.14, Site Plan, Major) depicting the proposed use and site configuration.
2. The site plan shall be approved prior to a decision on the special use permit application by the Board of Adjustment. In the event the special use permit approval requires amendment to the site plan, the amendment shall be processed in accordance with Section 2.4.14G, Amendment.

**E. DECISION BY BOARD OF ADJUSTMENT**

1. The decision shall be based on the competent, material, and substantial evidence in the record, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 2.4.16F, Special Use Permit Review Standards.
2. The decision shall be one of the following:
  - (a) Approval of the special use permit, as submitted;
  - (b) Approval of a revised special use permit; or
  - (c) Denial of the special use permit.

**F. SPECIAL USE PERMIT REVIEW STANDARDS**

A special use permit shall be approved upon a finding that the applicant demonstrates the proposed special use:

1. Will not materially endanger the public health or safety if located where proposed; and
2. Complies with all required standards, conditions, and specifications of this Ordinance, including Article 156.4, USES; and
3. Will not substantially injure the value of the abutting land, or the special use is a public necessity; and
4. Will be in harmony with the area in which it is to be located; and
5. Is in general conformity with the Town's adopted policy guidance; and
6. Is configured to ensure pedestrian and vehicular safety; and
7. Does not result in conditions where public facilities and services are inadequate to serve the proposed use.

**G. CONDITIONS OF APPROVAL**

1. The BOA may apply conditions of approval in accordance with Section 2.3.9, Conditions of Approval, to assure that the use will be harmonious with the area where proposed and consistent with the purpose and intent of this Ordinance.
2. The BOA may apply conditions limiting the permit to a specified duration or may place limits on the availability of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities.

- 3.** All conditions shall be identified in the approval, the notice of decision, and on any associated site plans.

**H. EFFECT**

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

**I. AMENDMENT**

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

**J. EXPIRATION**

Special use permit approval shall expire and become null and void if a zoning authorization (see Section 2.4.21, Zoning Authorization) is not obtained within six months of issuance of the approval, unless a longer term is specified in the conditions of approval.

**K. APPEAL**

- 1.** Any decision by the BOA shall be subject to review by the Superior Court of Franklin County by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.
- 2.** An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3.** Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

**2.4.17 TEMPORARY USE PERMIT****A. PURPOSE**

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of the established time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

**B. APPLICABILITY**

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction.

**C. TEMPORARY USE PERMIT PROCEDURE**

Temporary use permits shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.

**D. DECISION BY ZONING ADMINISTRATOR**

The decision on a temporary use permit shall be made by the Zoning Administrator based on the standards in Section 2.4.17E, Temporary Use Permit Review Standards.

**E. TEMPORARY USE PERMIT REVIEW STANDARDS**

An application for a temporary use permit shall be approved, provided it complies with all of the following:

1. The applicant has written permission from the landowner, or is otherwise authorized to make use of the land;
2. The applicant has obtained the appropriate permits from the Town and other agencies;
3. The temporary use complies with the requirements for temporary signs in Section 5.5, Signage (if signage is proposed);
4. The temporary use meets public utility and Town requirements for proper connection to water, sewer, electrical, and other utility service connections, as applicable;
5. The temporary use does not violate the applicable conditions of approval that apply to a site or use on the site;
6. The temporary use does not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
7. The proposed site contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands; and
8. The temporary use is located outside a special flood hazard area.

**F. AMENDMENT**

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

**G. EXPIRATION**

An approval of a temporary use permit is valid for not more than six months.

**H. APPEAL**

Appeal of a decision on a temporary use permit shall be reviewed and decided in the nature of certiorari by the BOA in accordance with Section 2.4.3, Appeal.

**2.4.18 TEXT AMENDMENT****A. PURPOSE**

This section provides a uniform means for amending the text of this Ordinance whenever the Board of Commissioners determines it is necessary to do so.

**B. APPLICABILITY**

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

**C. TEXT AMENDMENT PROCEDURE**

Text amendments shall be processed as a Type 2 review process in accordance with Section 2.3.11, Review Process.

**D. DECISION BY BOARD OF COMMISSIONERS**

1. The decision shall be based on the recommendation of the Planning Board, and the standards in Section 2.4.18E, Text Amendment Review Standards.
2. The decision shall be one of the following:
  - (a) Adoption of the text amendment as proposed;
  - (b) Adoption of a revised text amendment application;
  - (c) Denial of the text amendment; or
  - (d) Remand of the text amendment application to the Planning Board for further consideration.
3. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
  - (a) Whether the text amendment is approved, denied, or remanded; and
  - (b) The degree to which the text amendment is or is not consistent with the Town's adopted policy guidance; and
  - (c) An explanation of why the action taken is reasonable.

**E. TEXT AMENDMENT REVIEW STANDARDS**

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

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

**F. REVISIONS TO THIS ORDINANCE**

The Zoning Administrator shall make changes to the text of this Ordinance promptly after approval of a text amendment application by the Board of Commissioners.

**G. AMENDMENT**

A text amendment shall not be further amended.

**H. EXPIRATION**

A text amendment shall not expire.

**I. APPEAL**

- 1.** Any decision by the Board of Commissioners shall be subject to review by the Superior Court of Franklin County.
- 2.** An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3.** Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.



**2.4.19 VARIANCE<sup>24</sup>****A. PURPOSE**

The purpose of this section is to allow certain deviations from the dimensional standards of this Ordinance (such as height, setback, lot coverage, or similar numerical standards) or other provisions of the watershed protection standards when the landowner demonstrates that, due to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

**B. APPLICABILITY**

1. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
2. The standards in this section shall be used in the consideration of variance requests from the standards in Section 3.4.6 Watershed Overlay District.
3. No variance may be sought for uses not allowed in a zoning district.

**C. VARIANCE PROCEDURE**

1. Variances (including minor watershed variances) shall be processed as a Type 3 review process in accordance with Section 2.3.11, Review Process.
2. Major watershed variance requests shall be forwarded to the NC Environmental Management Commission for final decision following review by the BOA in accordance with this section.
3. In cases where the BOA denies a major watershed variance application, the application shall not be forwarded to the NC Environmental Management Commission.

**D. DECISION BY BOARD OF ADJUSTMENT**

1. The concurring vote of four-fifths of the BOA shall be necessary to grant a variance.
2. The decision shall be based on the competent, material, and substantial evidence in the record as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 2.4.19E, Variance Review Standards.
3. The decision shall be one of the following:
  - (a) Approval of the variance as proposed;
  - (b) Approval of the variance with revisions; or
  - (c) Denial of the variance.
4. Each decision shall be made in writing and reflect the BOA's determination of contested facts and their application to the standards in this Ordinance.
5. The written decision shall be signed by the Chair or other duly authorized member of the BOA.
6. The decision of the BOA shall be effective upon the filing of the written decision.

**E. VARIANCE REVIEW STANDARDS****1. GENERALLY****(a) REQUIRED FINDINGS**

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

- (1) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

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<sup>24</sup> Replaces Section 153.12 and designates the BOA as the body to hear variances.

- (2) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the landowner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.
- (5) When requested as part of the subdivision of land, the variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

**(b) NOT USED AS A BASIS FOR APPROVAL**

None of the following may be used as the basis for approving a variance:

- (1) Hardships resulting from factors other than application of the relevant standards of this Ordinance;
- (2) The fact that land or a structure may be utilized more profitably or be more marketable with a variance; or
- (3) Financial hardship.

**2. WATERSHED VARIANCES****(a) WATERSHED VARIANCES DISTINGUISHED**

- (1) Variances from the watershed standards shall take the form of a minor variance or a major variance.
- (2) Major variances pertain to any of the following:
  - (i) The relaxation, by a factor greater than 10 percent, of any management requirement under the low density option;
  - (ii) The relaxation, by a factor greater than five percent, of any buffer, density or built upon area requirement under the high density option; or
  - (iii) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.
- (3) Minor variances pertain to a relaxation, by a factor of up to ten percent of any buffer, density, or built-upon area requirement under the low density option.

**(b) REQUIRED FINDINGS**

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

- (1) The applicant can make no reasonable use of, or return from, their property if the provisions of the Ordinance are strictly adhered to;
- (2) The hardship results from application of this ordinance to the property rather than from other factors such as deed restrictions or other hardship;
- (3) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this ordinance would not allow reasonable use of the property;
- (4) The applicant did not cause the hardship by knowingly or unknowingly violating this ordinance;
- (5) The variance is in harmony with the general purpose and intent of the State's water supply watershed requirements and this Ordinance and preserves its spirit; and
- (6) In granting the water-related variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

**3. SPECIAL FLOOD HAZARD AREA VARIANCES**

**(a) STANDARDS THAT MAY BE VARIED**

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, provided the conditions for variances (see Section 2.4.19E.3(d), Conditions for Variances) have been satisfied, and provided such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
- (3) Any other type of development provided it meets the applicable requirements.

**(b) STANDARDS OF REVIEW**

In considering a variance application, the BOA shall consider all technical evaluations, all relevant factors, all standards specified in Section 3.4.5, Special Flood Hazard Area Overlay District, and the following:

- (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.

**(c) WRITTEN REPORT FROM APPLICANT REQUIRED**

A written report addressing each of the above factors shall be submitted with the application for a variance.

**(d) CONDITIONS FOR VARIANCES**

Upon consideration of the factors listed above and the purposes of this Ordinance, the BOA may attach conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Ordinance.

- (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:
- (i) A showing of good and sufficient cause;
  - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
  - (iii) 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.

**(e) ADDITIONAL REQUIREMENTS FOR SOME USES**

A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following conditions are met.

- (1) The use serves a critical need in the community.
- (2) No feasible location exists for the use outside the special flood hazard area.
- (3) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
- (4) The use complies with all other applicable federal, state and local laws.
- (5) The Town of Franklinton has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

**(6) NOTICE TO APPLICANT**

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may 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.

**(7) MAINTENANCE OF RECORDS**

The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.

**F. CONDITIONS OF APPROVAL**

- 1. In granting a variance the BOA may prescribe conditions of approval in accordance with Section 2.3.9, Conditions of Approval, that are reasonably related to the variance to ensure compliance with the standards of this Ordinance and to address any impacts reasonably expected to be generated by the development.
- 2. All conditions shall be identified in the approval, the notice of decision, and on any associated site plans or preliminary plats.
- 3. If a violation or invalidation of a condition of approval occurs, the BOA may revoke the zoning approval for the development subject to the variance.

**G. RECORDATION**

One a variance application is approved, a notice of decision identifying the amount of the approved variance and all applicable conditions of approval shall be recorded in the office of the Register of Deeds for Franklin County.

**H. EFFECT**

**1. GENERALLY**

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

## **2. WATERSHED VARIANCE**

Approval of a major watershed variance application by the BOA authorizes the BOA to transmit the record of the decision and associated materials to the NC Environmental Management Commission for review and final decision on the application.

### **I. AMENDMENT**

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

### **J. EXPIRATION**

#### **1. GENERALLY**

A variance shall not expire.

#### **2. WATERSHED VARIANCE**

A watershed variance shall expire and become null and void if a zoning authorization for the proposed development is not obtained within six months following approval of the watershed variance.

### **K. APPEAL**

- 1.** Any decision by the BOA shall be subject to review by the Superior Court of Franklin County by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.
- 2.** An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3.** Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

**2.4.20 WATERSHED PROTECTION PERMIT****A. PURPOSE**

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

**B. APPLICABILITY**

Except for development exempted in accordance with Section 2.4.20C, Exemptions, the following forms of development located on land within a designated water supply watershed on the Official Zoning Map shall be subject to the standards in this section:

1. New principal or accessory buildings or structures;
2. Moving or enlarging an existing building or structure;
3. Grading or deposition of fill; or
4. Changes of use.

**C. EXEMPTIONS**

The following forms of development on lands located within a designated water supply watershed shall be exempted from the requirements of this section:

1. Continued operation of development established prior to October 1, 1993;
2. Normal or routine maintenance, but not including expansion;
3. Construction of a single-family detached dwelling on a vacant lot established prior to October 1, 1993.

**D. WATERSHED PROTECTION PERMIT PROCEDURE**

Watershed protection permits shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.

**E. DECISION BY STORMWATER ADMINISTRATOR**

The decision on a watershed protection permit shall be made by the Watershed Administrator based on the standards in Section 2.4.20F, Watershed Protection Permit Review Standards.

**F. WATERSHED PROTECTION PERMIT REVIEW STANDARDS**

A watershed protection permit shall be approved, provided the application complies with all of the following:

1. The standards in Section 3.4.6 Watershed Overlay District;
2. All standards or conditions of any prior applicable permits and development approvals;
3. All applicable requirements of this Ordinance and the Town Code of Ordinances; and
4. All applicable County, State, and federal requirements.

**G. EFFECT**

1. Approval of watershed protection permit authorizes an applicant to apply for a zoning authorization in accordance with Section 2.4.21, Zoning Authorization.
2. The Watershed Administrator shall certify that development approved under a watershed protection permit complies with all applicable requirements of this ordinance prior to issuance of a zoning approval to occupy the use, building, or structure.

**H. AMENDMENT**

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

**I. EXPIRATION**

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

#### **J. APPEAL**

Appeal of a decision on a watershed protection permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.4.3, Appeal.



**2.4.21 ZONING AUTHORIZATION****A. PURPOSE**

The purpose of this zoning authorization section is to establish a procedure for review of development by the Zoning Administrator to ensure compliance with the requirements of this Ordinance and any applicable conditions of approval prior to review of a building permit application by Franklin County.

**B. APPLICABILITY**

Except for development exempted in accordance with Section 2.4.21C, Exemptions, the establishment, erection, extension, movement, or alteration of any building or structure within the Town's planning jurisdiction (including fences and signs) shall be subject to the standards in this section, prior to issuance of a building permit.

**C. EXEMPTIONS**

The following forms of development shall be exempted from the requirements to obtain a zoning authorization:

- 1.** Mailboxes, excluding cluster mailboxes serving four or more dwelling units;
- 2.** Clotheslines;
- 3.** Well houses, dog houses, and birdhouses (but not chicken coops, which are prohibited);
- 4.** Bird baths, fountains, and ornamental ponds of 24 inches in depth or less;
- 5.** Flag poles and light poles, as part of a residential use;
- 6.** Greenhouses and prefabricated storage sheds of 200 square feet or less, on the same lot as a single-family residential use, and located behind the dwelling outside of the side or rear yards;
- 7.** Shade cloth structures (but not membrane structures, which require building permits);
- 8.** Play structures for children on the same lot as a single-family residential use;
- 9.** Prefabricated, above ground swimming pools, of 24 inches in depth or less and located in the side or rear yard only;
- 10.** Above ground water tanks of 100 gallons or less;
- 11.** Signage exempted from the sign regulations of this Ordinance; and
- 12.** Agricultural structures and principal dwelling units on land classified as a bona fide farm.

**D. PROCEDURE**

Zoning authorizations shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.

**E. SUBMITTAL REQUIREMENTS****1. BASIC REQUIREMENTS**

All applications shall include a plot or site plan drawn to scale, which shall clearly show all of the following:

- (a)** The actual shape and dimensions of the lot to be built upon or used and total acreage in the lot;
- (b)** The location of the proposed structure or use on the lot;
- (c)** The exact location and size of existing structures and uses;
- (d)** The existing and intended use of each structure or part of structure;
- (e)** The number of dwelling units the building is designed to accommodate, if applicable;
- (f)** The height and number of stories of the structure;
- (g)** The location and design of any off-street parking and/or loading;
- (h)** The location and dimensions of driveways; (driveway approval procedures are as required by the North Carolina Department of Transportation);
- (i)** Name of plan preparer and date of plan preparation;
- (j)** Location and description of landscaping, buffering, and signs; and



- (k) Such other information as may be necessary for determining whether the provisions of this section are being met.

**2. ADDITIONAL REQUIREMENTS FOR MULTI-BUILDING DEVELOPMENTS**

In addition to the information required in (1) above, any use, which involves the grouping of more than one principal building, or use on the same lot shall also include all of the following information:

- (a) A vicinity map showing the relationship of the proposed development to the surrounding area;
- (b) North arrow and declination;
- (c) Detailed layouts for all utilities, rights-of-way, roads, and other public infrastructure;
- (d) Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other similar features affecting the site;
- (e) A copy of any proposed deed restrictions or similar covenants;
- (f) For projects over an acre in size, or if otherwise required by the Zoning Administrator, a topographic map showing vertical contours every two feet; and
- (g) The names, addresses and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects and professional engineers responsible for the development.

**F. ZONING AUTHORIZATION REVIEW STANDARDS**

A zoning authorization shall be approved, provided the application complies with all of the following:

- 1. All standards or conditions of any prior applicable permits and development approvals;
- 2. The applicable requirements of the County health department; and
- 3. All applicable requirements of this Ordinance and in the Town Code of Ordinances.

**G. EFFECT**

- 1. Approval of a zoning authorization allows an applicant to file an application for a building permit with Franklin County.
- 2. Copies of approved zoning authorizations shall be maintained in the office of the Zoning Administrator and shall be available for public inspection during normal business hours.

**H. AMENDMENT**

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

**I. EXPIRATION**

A zoning authorization shall expire and become null and void if the work authorized is not commenced within six months of its approval or if the work authorized is suspended or abandoned for a period in excess of one year.

**J. APPEAL**

- 1. Appeal of a decision on a zoning authorization shall be reviewed and decided in the nature of certiorari by the BOA in accordance with Section 2.4.3, Appeal.
- 2. An appeal pertaining to a State Building Code issue shall be filed with the North Carolina Commissioner of Insurance in accordance with Section 160D-1125 of the North Carolina General Statutes.

**2.4.22 ZONING APPROVAL**

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**A. PURPOSE**

The purpose for this zoning approval procedure is to establish a consistent and standardized method to document a development's compliance (or pending compliance) with all applicable building codes and Town requirements prior to occupancy or initiation.

**B. APPLICABILITY**

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

**C. PROCEDURE**

Zoning approvals shall be processed as a Type 1 review process in accordance with Section 2.3.11, Review Process.

**D. ZONING APPROVAL REVIEW STANDARDS**

A zoning approval shall be approved if the land, building, structure, or proposed use complies with all of the following:

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

**E. EFFECT**

1. Approval of a zoning approval allows an applicant to file an application for a certificate of occupancy with Franklin County.
2. Copies of zoning approvals shall be maintained in the office of the Zoning Administrator and shall be available for public inspection during normal business hours.

**F. AMENDMENT**

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

**G. EXPIRATION**

A zoning approval shall expire and become null and void if a certificate of occupancy is not obtained from Franklin County within six months of its approval.

**H. APPEAL**

1. Appeal of a decision on a zoning approval shall be reviewed and decided in the nature of certiorari by the BOA in accordance with Section 2.4.3, Appeal.
2. An appeal pertaining to a State Building Code issue shall be filed with to the North Carolina Commissioner of Insurance in accordance with Section 160D-1125 of the North Carolina General Statutes.

## **2.5 REVIEW AUTHORITIES**

### **2.5.1 OVERVIEW**

As identified in Table 2.2, Specific Procedures Table, the following review authorities have powers and responsibilities for administering this Ordinance, especially with regard to procedures related to development applications:

- A.** Board of Commissioners;
- B.** Planning Board;
- C.** Board of Adjustment (BOA); and
- D.** Zoning Administrator.

### **2.5.2 BOARD OF COMMISSIONERS**

In order to exercise the authority granted to the Board of Commissioners by State law, the Board of Commissioners shall have the following powers and duties under this Ordinance:

#### **A. POWERS AND DUTIES**

##### **1. REVIEW AND DECISION**

The Board of Commissioners shall review and decide applications for:

- (a)** Development Agreements;
- (b)** Major Site Plans;
- (c)** Planned Developments;
- (d)** Preliminary Plats;
- (e)** Rezoning; and
- (f)** Text Amendments.

##### **2. OTHER POWERS AND DUTIES**

The Board of Commissioners shall have the following other powers and duties:

- (a)** To approve a schedule of fees for both permit applications and civil penalties; and
- (b)** To take any other action, not delegated by this Ordinance to others, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

### **2.5.3 PLANNING BOARD**

The Planning Board is hereby established in accordance with Sections 160D-301, 160D-307, and 160D-604 of the North Carolina General Statutes. The following sections set out the Planning Board's powers and duties, composition, and rules of procedure:

#### **A. POWERS AND DUTIES**

The Planning Board shall have the following powers and duties under this Ordinance:

##### **1. REVIEW AND RECOMMEND**

To review and make recommendations to the Board of Commissioners on the following applications:

- (a)** Rezoning; and
- (b)** Text Amendments.

##### **2. OTHER POWERS AND DUTIES**

The Planning Board shall have the following other powers and duties:

- (a)** To make studies of the area within its jurisdiction and surrounding areas;
- (b)** To determine objectives to be sought in the development of the Town;
- (c)** To prepare and adopt plans for achieving objectives;

- (d) To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (e) To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
- (f) To exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners of the Town may direct;
- (g) To perform any other related duties that the Board of Commissioners of the Town may direct;
- (h) To conduct such public meetings as may be required to gather information necessary for the drafting, establishment, and maintenance of a development plan for the Town; and
- (i) To promote public interest in and an understanding of its recommendations by publishing and distributing copies of its recommendations, and employ such other means of publicity and education as deemed necessary.

## **B. COMPOSITION**

### **1. MEMBERSHIP**

The Planning Board shall consist of five members.

### **2. COMPENSATION**

Members of the Planning Board shall receive no compensation for their services.

### **3. RESIDENCE LOCATION AND APPOINTMENT**

- (a) Three members shall reside within the Town limits and shall be appointed by the Board of Commissioners;
- (b) Two members shall reside outside the Town limits but within the extraterritorial jurisdictional boundaries of the Town and shall be appointed by the Franklin County Board of County Commissioners.

### **4. MEMBER TERMS**

- (a) Initial terms shall be as follows:
  - (1) In-Town members:
    - (i) One member shall be appointed for a term of one year.
    - (ii) Two members shall be appointed for terms of two years.
  - (2) Extraterritorial jurisdiction members. Two members shall be appointed for terms of three years.
- (b) Their successors shall be appointed for terms of three years. Terms shall expire on June 30. Members shall serve until the expiration of their terms or until their successors have been appointed.

### **5. VACANCIES**

Vacancies in the membership of the Planning Board occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term either by the Board of Commissioners or the Board of County Commissioners, depending upon the area represented.

### **6. ATTENDANCE**

Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Board. Unexcused absence from three consecutive meetings shall be deemed adequate reason for termination of membership on the Planning Board.

### **7. OFFICERS**

- (a) The Planning Board shall elect a Chairperson and may create and fill such other offices as it may deem necessary.

- (b) The term of officers shall be one year or until successors shall have been elected and installed, with eligibility for reelection.
- (c) Vacancies in officers' positions prior to expiration of terms shall be filled for the period of unexpired term by the Planning Board.

## **C. RULES OF PROCEDURE**

### **1. GENERALLY**

The Planning Board shall adopt rules necessary to conduct its affairs and establish its organization, committees, procedures, meeting notice, and meeting conduct. The Planning Board's rules of procedure shall be posted on the Town's website.

### **2. SCHEDULE**

- (a) The Planning Board shall establish a regular meeting time and place.
- (b) The Planning Board may elect to change and/or delete meeting dates, times and/or locations of its regular meetings.

### **3. OPEN MEETINGS**

All meetings shall be open to the public.

### **4. OATH OF OFFICE<sup>25</sup>**

Each Planning Board member shall be administered the oath of office prior to commencing their duties in accordance with Article 6, Section 7 of the North Carolina Constitution by a person authorized to administer the oath. The Town Clerk shall maintain a record of the oath's administration.

### **5. OFFICIAL RECORD**

- (a) The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.
- (b) The Planning Board shall keep records of its examinations and other official actions.
- (c) Unless otherwise provided by law, all records and minutes shall be public record.

### **6. QUORUM**

- (a) No official business of the Planning Board may be conducted without a quorum present.
- (b) For taking action on any matter pertaining to the extraterritorial zoning area, there shall be present a quorum of three members present.

### **7. VOTING**

- (a) An affirmative vote of the majority of Planning Board members constituting a quorum is required for all decisions.
- (b) The Chair shall vote as any other member.

### **8. MAINTENANCE<sup>26</sup>**

Rules of procedure shall be maintained by the Planning Board or the Town Clerk.

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<sup>25</sup> Required by 160D.

<sup>26</sup> Required by 160D.

**D. ANNUAL REPORT AND BUDGET REQUEST**

The Planning Board shall annually submit to the Board of Commissioners a written report of its activities, an analysis of the expenditures to date for the current fiscal year, and its requested budget of funds needed for operation during the ensuing fiscal year. The Planning Board is authorized to appoint such committees and to authorize such expenditures within its approved budget as it may see fit, subject to limitations of the fund provided for the Planning Board by the Board of Commissioners.

**2.5.4 BOARD OF ADJUSTMENT**

The Board of Adjustment is hereby established in accordance with Section 160D-302 of the North Carolina General Statutes. The following sections set out the BOA's powers and duties, composition, and rules of procedure:

**A. POWERS AND DUTIES**

The BOA shall have the following powers and duties under this Ordinance:

**1. APPLICATION REVIEW AND DECISION**

To review and decide applications for:

- (a) Appeals of decisions by Town staff members deciding applications under this Ordinance;
- (b) Special Use Permits; and
- (c) Variances.

**2. OTHER POWERS AND DUTIES**

To exercise other powers and authority provided to it by the Board of Commissioners, this Ordinance, or State law.

**B. COMPOSITION****1. MEMBERSHIP**

The BOA shall consist of five regular members and two alternate members.

**2. BOARD OF COMMISSIONERS MAY SERVE**

In the event a Board of Adjustment is not appointed, the Town of Franklinton Board of Commissioners may serve as the Board of Adjustment. When serving as the Board of Adjustment, the Board of Commissioners shall act in accordance with this section, the Board of Adjustment's rules of procedures, and Section 160D-302 of the North Carolina General Statutes.

**3. COMPENSATION**

Members of the Board of Adjustment shall receive no compensation for their services.

**4. RESIDENCE LOCATION AND APPOINTMENT**

- (a) Three regular members and one alternate member shall be residents of the Town and shall be appointed by the Board of Commissioners;
- (b) Two regular members and one alternate members shall reside outside the Town limits but within the extraterritorial jurisdictional boundaries of the Town and shall be appointed by the Franklin County Board of County Commissioners.
- (c) If the Board of Franklin County Commissioners fails to appoint the extraterritorial members within 90 days after receiving a resolution from the Town of Franklinton Board of Commissioners requesting that these appointments be made, the Town of Franklinton Board of Commissioners may make them.
- (d) These standards shall not apply when the Board of Commissioners is serving as the Board of Adjustment.

**5. ALTERNATE MEMBERS**

In addition to the regular members, the Board of Adjustment shall have two alternate members.

- (a)** Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.
- (b)** Each alternate member, while attending any regular or special meeting of the BOA and serving in the absence of any regular member, shall exercise all the powers and duties of a regular member.
- (c)** Town alternate members shall only replace regular Town members and extraterritorial alternate members shall only replace regular extraterritorial members.
- (d)** These standards shall not apply when the Board of Commissioners is serving as the Board of Adjustment.

## **6. MEMBER TERMS**

### **(a) INITIAL TERMS**

One regular member shall be appointed for a three-year term, one regular member shall be appointed for a two-year term, and one regular member shall be appointed for a one-year term so that staggered terms may be instituted.

### **(b) SUBSEQUENT TERMS**

All subsequent terms shall be for three years.

## **7. OFFICERS**

The BOA shall elect a Chair and Vice-Chair and create and fill such other offices as it may determine. The term of the Chair and other officers shall be one year, with eligibility for re-election.

## **C. RULES OF PROCEDURE**

### **1. GENERALLY**

The BOA shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be a public record. The BOA's rules of procedure shall be posted on the Town's website.

### **2. SCHEDULE**

- (a)** The BOA shall establish a regular meeting time and place.
- (b)** Unless there is no business to be conducted, the BOA shall hold at least one meeting monthly.
- (c)** The BOA may elect to change and/or delete meeting dates, times and/or locations of its regular meetings.

### **3. OPEN MEETINGS**

All meetings and hearings shall be open to the public.

### **4. OATH OF OFFICE<sup>27</sup>**

Each Board of Adjustment member shall be administered the oath of office prior to commencing their duties in accordance with Article 6, Section 7 of the North Carolina Constitution by a person authorized to administer the oath. The Town Clerk shall maintain a record of the oath's administration.

### **5. OFFICIAL RECORD**

- (a)** The BOA shall keep minutes of its proceedings showing the vote of each member upon each question and the absence or failure of any member to vote.

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<sup>27</sup> Required by 160D.

(b) Unless otherwise provided by law, all records and minutes shall be public record.

## **6. QUORUM**

(a) No official business of the BOA may be conducted without a quorum present.

(b) For taking action on any quasi-judicial matter, there shall be present a quorum of at least five members from the entire BOA.

(c) For taking action on any matter pertaining to non-quasi-judicial matters, there shall be present a quorum of at least four members from the entire BOA.

## **7. VOTING**

(a) The concurring vote of four-fifths of the BOA members shall be necessary to grant a variance.

(b) A simple majority of the BOA members shall be required to decide any other matter.

(c) Members who are recused from voting due to a conflict of interest shall not be counted towards a simple or super majority.

## **8. MAINTENANCE<sup>28</sup>**

Rules of procedure shall be maintained by the BOA or the Town Clerk.

### **2.5.5 ZONING ADMINISTRATOR**

The Town Manager shall appoint a Zoning Administrator, who shall have the following powers and duties under this Ordinance:

#### **A. POWERS AND DUTIES**

##### **1. APPLICATION REVIEW AND DECISION**

The Zoning Administrator shall review and decide applications for the following:

- (a) Administrative Adjustments;
- (b) Conservation and development plans associated with a conservation subdivision;
- (c) Determinations of an exempt subdivision;
- (d) Expedited Subdivisions;
- (e) Final Plats;
- (f) Interpretations;
- (g) Minor Site Plans;
- (h) Temporary Use Permits;
- (i) Watershed Protection Permits;
- (j) Zoning Authorizations; and
- (k) Zoning Approvals.

##### **2. OTHER POWERS AND DUTIES<sup>29</sup>**

The Zoning Administrator shall have the following other powers:

- (a) To serve as the Subdivision Administrator;
- (b) To serve as the Watershed Administrator;
- (c) To serve as the Floodplain Administrator;
- (d) To establish application content requirements and a submission schedule for review of applications and appeals;
- (e) To conduct meetings with applicants for development approval as necessary or appropriate;

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<sup>28</sup> Required by 160D.

<sup>29</sup> Replaces Section 153.05



- (f) To review development applications for compliance with this Ordinance and submit staff reports to decision-making bodies;
- (g) To ensure proper public notification regarding pending development applications is provided in accordance with state law;
- (h) To provide expertise and technical assistance to Town staff and decision-making bodies, upon request;
- (i) To maintain the Official Zoning Map and related materials;
- (j) To maintain all records pertaining to the provisions of this Ordinance and make records available for public inspection;
- (k) To investigate violations and enforce this Ordinance; and
- (l) To perform any other related duties that the Town Manager may direct.

### **3. CONFLICT OF INTEREST<sup>30</sup>**

- (a) No Town staff member shall make a final decision on an approval required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.
- (b) If a Town staff member has a conflict of interest, the decision shall be assigned to their supervisor.
- (c) No Town staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved.
- (d) No Town staff member or other individual or an employee of a company contracting with the Town to provide staff support shall engage in any work that is inconsistent with the interest of Town.

## **2.5.6 FLOODPLAIN ADMINISTRATOR**

### **A. DESIGNATION**

The Zoning Administrator is appointed as Floodplain Administrator in order to administer and implement the special flood hazard area-related provisions of this Ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this Ordinance.

### **B. DUTIES AND RESPONSIBILITIES**

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. Review all proposed development within special flood hazard areas to assure that all necessary local, State, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the North Carolina Department of 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).

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<sup>30</sup> Required by 160D.

## Article 156.2 PROCEDURES

### Section 2.5 Review Authorities - Subsection 2.5.6 Floodplain Administrator

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 3.4.5L, Floodways and Non-encroachment Areas, are met.
6. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures located within a special flood hazard area.
7. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities located within a special flood hazard area .
8. Obtain actual elevation (in relation to NAVD 1988) of all public utilities located within a special flood hazard area.
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of this Ordinance.
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Area Overlay District, floodways, or non-encroachment 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 Ordinance.
11. When BFE data has not been provided in accordance with these provisions, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, State, or other source in order to administer the provisions of this Ordinance.
12. When BFE data is provided but no floodway or non-encroachment area data has been provided, 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 floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the 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, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
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 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 or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
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, and 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.

## Article 156.2 PROCEDURES

### Section 2.5 Review Authorities - Subsection 2.5.6 Floodplain Administrator

- 18.** Make periodic inspections throughout the special flood hazard areas within the planning jurisdiction. The Floodplain Administrator and members of the 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 in accordance with Article 156.8:ENFORCEMENT.
- 20.** Review, provide input, and make recommendations for variance requests.
- 21.** Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with these provisions, 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-Fs) and Letters of Map Revision (LOMRs).



# ARTICLE 156.3 DISTRICTS

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## **3.1 INTRODUCTORY PROVISIONS**

### **3.1.1 TYPES OF ZONING DISTRICTS**

Land within the Town is generally classified by this Ordinance to be in one of a number of conventional or planned development zoning districts. Land in any general district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying zoning district.

### **3.1.2 COMPLIANCE WITH DISTRICT STANDARDS**

- A.** Land in the Town shall not be developed except in accordance with the zoning district regulations in this article.
- B.** Land shall only be classified or reclassified into a zoning district in accordance with the procedures and requirements set forth in Section 2.4.13, Rezoning, or Section 2.4.11, Planned Development, as appropriate.

### **3.1.3 OFFICIAL ZONING MAP**

#### **A. GENERAL**

- 1.** The Official Zoning Map designates the location and boundaries of the various zoning districts established in this Ordinance. The Official Zoning Map shall be maintained in the offices of the Zoning Administrator and is available for public inspection during normal business hours.
- 2.** The Official Zoning Map shall bear the Town Seal and the attestation by the Town Clerk.
- 3.** The Official Zoning Map shall be the final authority as to the status of the current zoning district classification of land in the Town's planning jurisdiction, and shall only be amended in accordance with Section 2.4.13, Rezoning, or Section 2.4.11, Planned Development, as appropriate.
- 4.** The Zoning Administrator shall maintain copies of superseded versions of the Official Zoning Map for historical reference, as appropriate.
- 5.** Copies of the Official Zoning Map may be purchased from the Town and paper copies of the map that are certified by the Zoning Administrator in accordance with Section 160A-79 of the North Carolina General Statutes shall be admissible in evidence and have the same force of effect as the original map.

#### **B. INCORPORATED BY REFERENCE**

- 1.** The Official Zoning Map is incorporated herein by reference and made part of this Ordinance.
- 2.** The Watershed Protection Map of Franklinton, North Carolina, is incorporated herein by reference and made part of this Ordinance.

#### **C. DIGITAL FORMAT**

The Town's Official Zoning Map shall be maintained as a digital file. Paper copies of the Official Zoning Map are available for inspection in Town Hall during business hours.

#### **D. REPLACEMENT**

- 1.** When the Official Zoning Map is replaced, the prior zoning map shall be preserved together with records pertaining to its adoption or amendment, unless the prior zoning map has been lost or destroyed.
- 2.** Prior versions of the Official Zoning Map shall be retained by the Town and shall be available for public inspection during business hours.<sup>31</sup>

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<sup>31</sup> Required by 160D.

**E. CHANGES TO OFFICIAL ZONING MAP**

Changes made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Ordinance. Changes shall be entered on the Official Zoning Map by the Zoning Administrator promptly after the amendment is approved by the Board of Commissioners. Entries include the date of amendment approval.

**3.1.4 GENERALLY APPLICABLE DIMENSIONAL REQUIREMENTS**

The following dimensional requirements shall apply to all development in Town in addition to the dimensional standards in each individual zoning district.

**A. LOT AREA****1. REDUCTION IN LOT AREA PROHIBITED**

Except where otherwise authorized by this Ordinance, no lot shall be reduced in area below the minimum requirements for the district where located.

**2. LOT AREA IN THE ABSENCE OF PUBLIC WATER OR SEWER**

In cases where development is proposed on a lot that is not served by public water or sewer, the lot shall maintain a suitable on-site source of potable water and an on-site septic system for the treatment of wastewater. Regardless of the dimensional requirements in Table 3.2, Conventional Zoning District Standards, the minimum lot size shall be in accordance with the following:

**(a) LOT AREA WITH NO CONNECTION TO PUBLIC WATER AND SEWER**

Lots not served by public water and sewer shall maintain a minimum lot area in accordance with the Franklin County Health Department's requirements, or 30,000 square feet, whichever is larger.

**(b) LOT AREA WHEN CONNECTED TO PUBLIC WATER BUT NOT SEWER**

In cases where a lot is served by public water but not public sewer, the minimum lot area may be reduced in accordance with Franklin County Health Department requirements and Town standards, but in no instance shall the lot area be reduced by more than 10,000 square feet from the lot area that would be required in cases where there is no connection to public water and sewer.

**B. LOT WIDTH****1. MINIMUM LOT WIDTH FOR ALL LOTS**

Except as provided in subsection (2) below, no principal building, structure, or use may be erected or established on any lot without 20 linear feet of frontage on either of the following:

- (a)** A public street maintained by either the Town or the North Carolina Department of Transportation; or
- (b)** A street constructed to the standards of the Town or the North Carolina Department of Transportation with a written agreement concerning maintenance of the street.

**2. LOT MEASUREMENT ON CUL-DE-SAC LOTS**

Lot width on lots which front on the turnaround circle of a cul-de-sac may be measured at the line formed by connecting the midpoint of the side lot line of the shorter side with a point on the longer side lot line which is the same distance from the front lot line as the midpoint of the shorter side, or if both side lot lines are the same length, at the line connecting the midpoints of the side lot lines. All yard requirements must be met on such lots. If a lot has more than two sides, the side lot lines to be used are the two, which connect with the front lot line.

**C. MAXIMUM NUMBER OF BUILDINGS PER LOT**

1. Only one principal building per lot shall be allowed unless otherwise authorized by this Ordinance.
2. No more than one principal building devoted to a residential use shall be allowed on a lot except as part of a multi-family development.
3. Two or more principal structures devoted to a non-residential use or uses, may be located on the same lot, provided that:
  - (a) Access to each structure is directly available from a public street or private access easement.
  - (b) The non-residential use is not in the Neighborhood Commercial (NC) District.
  - (c) If the principal structures and uses are independently operated that each structure conforms to the necessary Commercial Building Codes.

**D. REQUIRED YARDS AND SETBACKS****1. GENERALLY**

- (a) The land area between a lot line and the boundary of a setback is considered as a required yard.
- (b) The location of front, side, or rear yards on irregularly-shaped lots shall be determined by the Zoning Administrator. Wherever possible, the Zoning Administrator shall interpret these boundaries in ways that minimize nonconformities.
- (c) Except where otherwise provided in Section 3.1.4D.3, Allowable Encroachments into Required Yards, required yards shall not be subject to encroachment by a building, structure, or outdoor use area.
- (d) In no instance shall a required yard for one lot be used to meet the yard requirements for another lot.

**2. AVERAGE FRONT SETBACKS FOR DWELLINGS**

- (a) The minimum front yard standards in Table 3.2, Conventional Zoning District Standards, shall not apply to a single-family detached residential dwelling on any lot where the average front yard of existing dwellings located within 100 feet on each side of the lot fronting the same street, within the same block, and within the same zoning district is less than the minimum required front yard for the district where located.
- (b) In these cases, the front yard of the developing use may be less than the required front yard for the zoning district, but not less than that of the adjacent dwelling with the greatest front yard depth or the average front yard of existing dwellings located wholly or in part within 100 feet on each side, whichever is greater.

**3. ALLOWABLE ENCROACHMENTS INTO REQUIRED YARDS**

- (a) Uncovered stairs, landings, terraces, porches, balconies and fire escapes may project into any yard, but such projection may not exceed six feet, and may not be closer than 10 feet to any lot line.
- (b) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed three feet.

**E. HEIGHT EXCEPTIONS**

Structures such as church spires, belfries, cupolas, domes, monuments, water towers, observation towers, electrical transmission towers, chimneys, smokestacks, conveyors, flag poles, and masts not intended for human occupancy shall be exempted from the height limits of this article. Towers or other vertical projections used for telecommunication purposes are subject to the standards in Section 4.3.2F, Telecommunications Facilities.



## Article 156.3 DISTRICTS

### Section 3.1 Introductory Provisions

#### F. VISIBILITY AT INTERSECTIONS TO BE MAINTAINED

Nothing shall be erected, placed, planted, or allowed to grow on corner lots in such a manner as to impede vision between a height of two and one-half and 10 feet in a triangular area formed by a diagonal line between two points on intersecting the right-of-way lines, 20 feet from where they intersect.

#### G. MULTI-BUILDING DEVELOPMENTS

Developments with more than one principal building on a single lot shall comply with all the following standards:

1. Use types shall be limited to those permitted within the zoning district in which the project is located, and all applicable regulations of this Ordinance shall be met;
2. The overall intensity of land use shall be no higher, and the standard of open space no lower than that permitted in the district in which the project is located;
3. The distance of every building from the nearest adjacent lot line shall meet the front and side yard requirements of the district in which the project is located, or 50 feet whichever is greater;
4. The building heights shall not exceed the height limits permitted in the district in which the project is located;
5. The buildings shall be located so as to provide access for emergency vehicles; and
6. The minimum spacing between buildings in a complex shall be in accordance with the yard requirements of the district in which the project is located.

#### 3.1.5 ZONING DISTRICTS ESTABLISHED

For the purpose of regulating and restricting the use of land within the territorial jurisdiction of the Town, the following conventional and planned development zoning districts are established. All lands within the planning jurisdiction of the Town of Franklinton shall be divided into at least one of the zoning districts in Table 3.1.5, Districts Established.

TABLE 3.1.5: DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
CONVENTIONAL ZONING DISTRICTS	
Conservation Recreation	CR
Residential Agricultural	R-1A
Residential Single-family Low	RSL
Residential Single-family Medium	RSM
Residential Single-family Medium-A	RSM-A
Residential Single-family High	RSH
Residential Manufactured Home	RMH
Residential Multi-family	RMF
Residential Downtown	RDT
Mixed Use District	MUD
Neighborhood Commercial	NC
Downtown Commercial	C-2D
General Commercial	GC
Highway Commercial	C-3H
Light Industrial	IL
PLANNED DEVELOPMENT DISTRICTS	
Planned Development	PD



## Article 156.3 DISTRICTS

### Section 3.2 General Zoning Districts

## 3.2 GENERAL ZONING DISTRICTS

Table 3.2, Conventional Zoning District Standards, sets out the purpose statements and dimensional requirements for each of the general zoning districts on the Official Zoning Map.

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <u>Section 3.4.6, Watershed Overlay District</u> .			
<b>3.2.1 CONSERVATION RECREATION (CR) DISTRICT</b>			
The CR district is established to preserve and protect identifiable natural resources in and around Franklinton. The district is used to protect watercourses from erosion and sedimentation; retain open spaces and protect their environmentally-sensitive character; preserve wildlife and plant life habitats and protect them from the intrusions of urbanization; provide for park and recreation facilities; and preserve and maintain the aesthetic qualities and appearance of the Town. The district also discourages development that creates risks for loss of life or property from normal natural processes and events in natural hazard areas (e.g., floodplains).			
	Minimum Lot Area (sq. ft.)	None	
	Minimum Lot Width (ft.)	20	Measured at the edge of a street right-of-way.
	Minimum Lot Depth (ft.)	None	
	Minimum Front Yard (ft.)	30	Measured from the edge of a protected street right-of-way, if present.
	Minimum Side Yard (ft.)	15	
	Minimum Rear Yard (ft.)	25	Minimum side yards are 25 feet on corner lots.
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	25	
<b>3.2.2 RESIDENTIAL AGRICULTURAL (R-1A) DISTRICT</b>			
The R-1A district is established to accommodate agricultural uses, open space, and very low density residential development on large lots that are not served by public water or sewer. The district is intended to preserve rural character and to protect land for agricultural and forestry uses, while also providing a transition between preservation areas and areas of low density development.			
	Maximum Residential Density (units/acre)	0.5	May increase to 1 in a conservation subdivision.
	Minimum Lot Area (sq. ft.)	21,780	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> . No lot area requirement in a conservation subdivision.
	Minimum Lot Width (ft.)	100	May be reduced to 20 in a conservation subdivision.
	Minimum Lot Depth (ft.)	125	No lot depth requirement in a conservation subdivision.
	Minimum Front Yard (ft.)	30	

# Article 156.3 DISTRICTS

## Section 3.2 General Zoning Districts

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <u>Section 3.4.6, Watershed Overlay District</u> .			
	Minimum Side Yard (ft.)	15	Measured from the edge of a protected street right-of-way, if present.
	Minimum Rear Yard (ft.)	25	Minimum side yards are 25 feet on corner lots. May be reduced in a conservation subdivision, but must comply with Fire Code requirements.
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	40 Residential; 50 All Other Uses	May be increased in a conservation subdivision, subject to watershed protection requirements.

### 3.2.3 RESIDENTIAL SINGLE-FAMILY LOW (RSL) DISTRICT

The RSL district is established to accommodate primarily single-family detached residential dwellings in neighborhood settings, along with complimentary accessory and neighborhood uses such as churches, schools, and parks at low densities. District regulations discourage any use that interferes with the development of single-family detached dwellings or that is detrimental to the residential nature of the district.

	Maximum Residential Density (units/acre)	0.5	May increase to 1 in a conservation subdivision.
	Minimum Lot Area (sq. ft.)	21,780	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> . No lot area requirement in a conservation subdivision.
	Minimum Lot Width (ft.)	100	May be reduced to 20 in a conservation subdivision.
	Minimum Lot Depth (ft.)	125	No lot depth requirement in a conservation subdivision.
	Minimum Front Yard (ft.)	30	Measured from the edge of a protected street right-of-way, if present.
	Minimum Side Yard (ft.)	15	Minimum side yards are 25 feet on corner lots.
	Minimum Rear Yard (ft.)	25	May be reduced in a conservation subdivision, but must comply with Fire Code requirements.
	Maximum Height (ft.)	35	

# Article 156.3 DISTRICTS

## Section 3.2 General Zoning Districts

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <u>Section 3.4.6, Watershed Overlay District</u> .			
	Maximum Lot Coverage (% of lot area)	40 Residential; 50 All Other Uses	May be increased in a conservation subdivision, subject to watershed protection requirements.

### 3.2.4 RESIDENTIAL SINGLE-FAMILY MEDIUM (RSM) DISTRICT

The RSM district is established to accommodate primarily single-family detached residential dwellings in neighborhood settings, along with complimentary accessory and neighborhood uses such as churches, schools, and parks at medium or moderate densities. District regulations discourage any use that interferes with the development of single-family detached dwellings or that is detrimental to the residential nature of the district.

	Maximum Residential Density (units/acre)	6.92	
	Minimum Lot Area (sq. ft.)	10,000 for Single-family; 15,000 for Two-family; 20,000 All Other Uses	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> .
	Minimum Lot Width (ft.)	80	
	Minimum Lot Depth (ft.)	100	
	Minimum Front Yard (ft.)	25	Measured from the edge of a protected street right-of-way, if present. Minimum side yards are 25 feet on corner lots.
	Minimum Side Yard (ft.)	15	
	Minimum Rear Yard (ft.)	20	
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	60	

### 3.2.5 RESIDENTIAL SINGLE-FAMILY MEDIUM -A (RSM-A) DISTRICT

The RSM-A district is primarily designed to provide a residential development option designed to encourage single-family and/or two-family attached(duplex) development and to prohibit multi-family development within the underlying RSM District included within the overlay.

	Maximum Residential Density (units/acre)	6.92	
	Minimum Lot Area (sq. ft.)	10,000	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> .
	Minimum Lot Width (ft.)	80	
	Minimum Lot Depth (ft.)	100	
	Minimum Front Yard (ft.)	25	
	Minimum Side Yard (ft.)	15	

# Article 156.3 DISTRICTS

## Section 3.2 General Zoning Districts

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <u>Section 3.4.6, Watershed Overlay District</u> .			
	Minimum Rear Yard (ft.)	20	Measured from the edge of a protected street right-of-way, if present. Minimum side yards are 25 feet on corner lots.
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	60	
<b>3.2.6 RESIDENTIAL SINGLE-FAMILY HIGH (RSH) DISTRICT</b>			
The RSH district is established to accommodate primarily single-family detached residential dwellings in neighborhood settings, along with complimentary accessory and neighborhood uses such as churches, schools, and parks at high densities. District regulations discourage any use that interferes with the development of single-family detached dwellings or that is detrimental to the residential nature of the district.			
	Maximum Residential Density (units/acre)	8.11	
	Minimum Lot Area (sq. ft.)	8,000 for Single-family; 10,000 for Two-family; 15,000 All Other Uses	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> .
	Minimum Lot Width (ft.)	60	
	Minimum Lot Depth (ft.)	100	
	Minimum Front Yard (ft.)	25	Measured from the edge of a protected street right-of-way, if present. Minimum side yards are 25 feet on corner lots.
	Minimum Side Yard (ft.)	10	
	Minimum Rear Yard (ft.)	20	
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	70	
<b>3.2.7 RESIDENTIAL MANUFACTURED HOME (RMH) DISTRICT</b>			
The RMH district provides a location for the establishment of manufactured homes on individual lots in addition to other forms of single-family detached residential dwelling units and associated complementary uses. Lawfully established single-wide homes in place on June 15, 2021 are legal nonconforming uses that may remain and be maintained. New singlewide manufactured homes are prohibited in the RMH district. An existing singlewide manufactured home may be replaced by a site-built single-family home, a modular home, or a doublewide manufactured home. District regulations discourage any use that interferes with the development of residential dwellings or that is detrimental to the residential nature of the district.			
	Maximum Residential Density (units/acre)	2.32	

# Article 156.3 DISTRICTS

## Section 3.2 General Zoning Districts

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <u>Section 3.4.6, Watershed Overlay District</u> .			
	Minimum Lot Area (sq. ft.)	15,000 for Single-family; 18,750 All Other Uses	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> .
	Minimum Lot Width (ft.)	80	
	Minimum Lot Depth (ft.)	125	
	Minimum Front Yard (ft.)	30	
	Minimum Side Yard (ft.)	15	Minimum side yards are 25 feet on corner lots.
	Minimum Rear Yard (ft.)	25	
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	50	

### 3.2.8 RESIDENTIAL MULTI-FAMILY (RMF) DISTRICT

The RMF district is established to accommodate a wide range of residential uses, including single-family detached, duplex, and multi-family housing, along with parks, open space, and complimentary institutional uses in neighborhood settings.

	Maximum Residential Density (units/acre)	9	
	Minimum Lot Area (sq. ft.)	10,000 for Single-Family; 15,000 Two-Family; 20,000 Multi-family & Townhouse; 20,000 Nonresidential & Mixed Use	Multi-family and townhouse development shall require an additional 6,000 sf of lot area for each unit beyond 3
	Minimum Lot Width (ft.)	80	
	Minimum Lot Depth (ft.)	100	
	Minimum Front Yard (ft.)	25	All yards for multifamily buildings of three or more units shall be 50 feet from the lot perimeter. Minimum side yards are 25 feet on corner lots.
	Minimum Side Yard (ft.)	15	
	Minimum Rear Yard (ft.)	20	
	Minimum Spacing Between Buildings on Same Lot (ft.)	10	See <u>Section 4.3.1C, Multi-family Development</u> .
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	60	

# Article 156.3 DISTRICTS

## Section 3.2 General Zoning Districts

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <a href="#">Section 3.4.6, Watershed Overlay District</a> .			
<b>3.2.9 NEIGHBORHOOD COMMERCIAL (NC) DISTRICT</b>			
The NC district is primarily designed to accommodate convenient shopping facilities consisting primarily of necessary goods and personal services required to serve a neighborhood.			
	Minimum Lot Area (sq. ft.)	10,000	
	Minimum Lot Width (ft.)	60	
	Minimum Lot Depth (ft.)	100	
	Minimum Front Yard (ft.)	40	
	Minimum Side Yard (ft.)	10	
	Minimum Rear Yard (ft.)	15	
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	None	
<b>3.2.10 RESIDENTIAL DOWNTOWN (RDT) DISTRICT</b>			
The RDT district allows a blend of residential uses and complimentary institutional uses in ways that contribute to a vibrant and functioning urban neighborhood within and around downtown Franklinton.			
	Maximum Residential Density (units/acre)	8.11	
	Minimum Lot Area (sq. ft.)	8,000 for Single-Family; 10,000 Two-Family; 15,000 Nonresidential & Mixed Use	
	Minimum Lot Width (ft.)	60	
	Minimum Lot Depth (ft.)	100	
	Minimum Front Yard (ft.)	25	All yards for multifamily buildings of three or more units shall be 50 feet from the lot perimeter. Minimum side yards are 25 feet on corner lots.
	Minimum Side Yard (ft.)	10	
	Minimum Rear Yard (ft.)	20	
	Minimum Spacing Between Principal Buildings on Same Lot (ft.)	10	See <a href="#">Section 4.3.1C, Multi-family Development</a> .
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	70	
	Parking Location	All vehicular parking in the RDT district shall be located in the Town's municipal parking lot.	



# Article 156.3 DISTRICTS

## Section 3.2 General Zoning Districts

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <u>Section 3.4.6, Watershed Overlay District</u> .			
<b>3.2.11 MIXED USE DISTRICT (MUD) DISTRICT</b>			
The MUD district allows a blend of residential uses, institutional uses, and neighborhood-serving commercial uses both on individual sites and within individual buildings. It allows housing, shopping, working, and recreational options in close proximity to one another, allowing residents to meet some of their daily needs without need for an automobile.			
	Maximum Residential Density (units/acre)	7 for Single-family; 4.35 All Other Uses	
	Minimum Lot Area (sq. ft.)	8,000 for Single-family; 10,000 All Other Uses	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> .
	Minimum Lot Width (ft.)	20	
	Minimum Lot Depth (ft.)	None	
	Minimum Front Yard (ft.)	25	
	Minimum Side Yard (ft.)	10	
	Minimum Rear Yard (ft.)	20	
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	None	
<b>3.2.12 DOWNTOWN COMMERCIAL (C-2D) DISTRICT</b>			
The C-2D district is intended to provide shopping and service opportunities for local residents and visitors within the downtown business district of Franklinton; while allowing flexibility in design that will allow new development to be compatible with buildings in the traditional downtown district.			
	Minimum Lot Area (sq. ft.)	None	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> .
	Minimum Lot Width (ft.)	20	
	Minimum Lot Depth (ft.)	None	
	Minimum Front Yard (ft.)	None	
	Minimum Side Yard (ft.)	None required; 5 if provided	Side yard of 10 feet required adjacent to lots in a residential district.
	Minimum Rear Yard (ft.)	None	
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	None	
	Parking Location	On-street parking on Main Street in the C-2D district is prohibited.	

# Article 156.3 DISTRICTS

## Section 3.2 General Zoning Districts

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <u>Section 3.4.6, Watershed Overlay District</u> .			
<b>3.2.13 GENERAL COMMERCIAL (GC) DISTRICT</b>			
The GC district is primarily designed to accommodate a variety of commercial and service activities on an individual lot-by-lot basis and in a planned center setting.			
	Minimum Lot Area (sq. ft.)	20,000	
	Minimum Lot Width (ft.)	60	
	Minimum Lot Depth (ft.)	100	
	Minimum Front Yard (ft.)	40	
	Minimum Side Yard (ft.)	10	
	Minimum Rear Yard (ft.)	15	
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	None	
<b>3.2.14 HIGHWAY COMMERCIAL (C-3H) DISTRICT</b>			
The C-3H district is intended to provide areas for the development of commercial establishments and centers that service the needs of the community and surrounding region but located outside the downtown business district. Commercial activities may involve outdoor storage and substantial delivery activities and are better suited for location along major thoroughfares.			
	Minimum Lot Area (sq. ft.)	50,000	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> .
	Minimum Lot Width (ft.)	20	
	Minimum Lot Depth (ft.)	None	
	Minimum Front Yard (ft.)	30	Gasoline pumps and associated canopies shall not encroach into the front, side, or rear yard.
	Minimum Side Yard (ft.)	10	
	Minimum Rear Yard (ft.)	20	
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	None	
<b>3.2.15 LIGHT INDUSTRIAL (IL) DISTRICT</b>			
The IL district is intended to provide for light manufacturing, warehousing, and other industrial activities that can be a nuisance (noise, smoke, odor, etc.) on the surrounding residential and commercial areas, are conducted primarily indoors, and have limited outdoor storage. Heavy industry and uses that would substantially interfere with light industrial development are prohibited in the district.			

# Article 156.3 DISTRICTS

## Section 3.2 General Zoning Districts

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <u>Section 3.4.6, Watershed Overlay District</u> .			
	Minimum Lot Area (sq. ft.)	40,000	Lots with no public water and sewer subject to <u>Section 3.1.4A.2, Lot Area in the Absence of Public Water or Sewer</u> .
	Minimum Lot Width (ft.)	20	
	Minimum Lot Depth (ft.)	150	
	Minimum Front Yard (ft.)	30	No off-street parking allowed within the front yard.
	Minimum Side Yard (ft.)	15	
	Minimum Rear Yard (ft.)	20	
	Maximum Height (ft.)	35	
	Maximum Lot Coverage (% of lot area)	No limit	
<b>3.2.16 LIFE SCIENCES AND BIOTECHNOLOGY ZONING DISTRICT</b>			
The LSB district is intended to provide for a variety of life science research, development, and production activities including biotechnology research, design, manufacturing, and warehousing along with other similar related uses. Uses in this district should be designed to limit off-site impacts to the maximum extent feasible however, nuisances associated with (noise, odors, vibrations, etc.) are possible. (Am. Ord. Passed 10-18-22)			
	Minimum Lot Area (Acres)	5 Acres	
	Minimum Lot Width (ft.)	100	
	Minimum Lot Depth (ft.)	100	
	Minimum Front Yard Setback (ft.)	30	
	Minimum Side Yard Setback (ft.)	30	
	Minimum Rear Yard Setback (ft.)	30	
	Maximum Height (ft.)	50	Excludes smokestacks, vents, chimneys, water towers, and associated features
	Maximum Lot Coverage (% of lot area)	No limit	
<b>3.2.17 CIVIC, RECREATIONAL, AND INSTITUTIONAL ZONING DISTRICT</b>			
Uses in this district include uses that are oriented around recreation, nature, wellness, civic clubs, culture, community gathering places, governmental uses, sporting uses, bed and breakfasts/hotels, lodging, or educational uses. (Am. Ord. passed 12-20-22)			
	Minimum Lot Area (Acres)	8 acres	
	Minimum Lot Width (ft.)	100	
	Minimum Lot Depth (ft.)	100	
	Minimum Front Yard Setback (ft.)	25	

## Article 156.3 DISTRICTS

### Section 3.2 General Zoning Districts

**TABLE 3.2: CONVENTIONAL ZONING DISTRICT STANDARDS**

PURPOSE STATEMENT	DIMENSIONAL REQUIREMENTS		
	FEATURE	REQUIREMENT	NOTES
Development located within a watershed overlay district shall be subject to the standards in <u>Section 3.4.6, Watershed Overlay District</u> .			
	Minimum Side Yard Setback (ft.)	25	
	Minimum Rear Yard Setback (ft.)	25	
	Maximum Height (ft.)	40	
	Maximum Lot Coverage (% of lot area)	No limit	

### **3.3 PLANNED DEVELOPMENT DISTRICT**

#### **3.3.1 PURPOSE AND INTENT**

The Planned Development (PD) district is intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other Town goals and objectives by:

- A.** Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
- B.** Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
- C.** Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
- D.** Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
- E.** Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, water features, and historic features.

#### **3.3.2 CLASSIFICATION**

Land shall only be classified into a planned development zoning district only in accordance with the procedures and requirements set forth in Section 2.4.11, Planned Development.

#### **3.3.3 GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS**

Before approving an application to establish a PD district, the Board of Commissioners shall find that the application complies with the following standards:

##### **A. PLANNED DEVELOPMENT MASTER PLAN**

The master plan shall:

- 1.** Include a statement of planning objectives for the district;
- 2.** Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- 3.** Depict the general configuration and relationship of the principal elements of the proposed development, including general building types;
- 4.** Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- 5.** Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;
- 6.** Identify the location of environmentally sensitive lands, wildlife habitat, and resource protection lands;
- 7.** Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, pedestrian and vehicular circulation features, and how they will connect with existing and planned systems;
- 8.** Identify the general location of on-site potable water and wastewater facilities, and how they will connect to public systems;
- 9.** Identify the general location of on-site stormwater management facilities, and how they will connect to existing systems; and
- 10.** Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, and solid waste management.

**B. DENSITIES/INTENSITIES**

1. The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the master plan, and shall be consistent with the Town's adopted policy guidance.
2. Dwelling units within a PD district may be concentrated or evenly distributed throughout the development, provided the maximum allowable density for the development as a whole is not exceeded.

**C. DIMENSIONAL STANDARDS****1. MINIMUM DEVELOPMENT SIZE**

A PD district shall be at least 2.5 acres in area.

**2. MINIMUM LOT SIZE FOR SINGLE-FAMILY DETACHED DWELLINGS**

Lots intended for single-family detached dwellings shall contain at least 6,000 square feet in area.

**3. ZERO LOT LINES AUTHORIZED**

A zero lot line on up to one side of a single-family detached dwelling is authorized.

**4. DOCUMENTATION REQUIRED**

The dimensional standards applicable in each development area of a PD district shall be as established in the master plan, and shall include the following:

- (a) Minimum lot area;
- (b) Minimum lot width;
- (c) Minimum and maximum setbacks;
- (d) Maximum lot coverage;
- (e) Maximum building height;
- (f) Maximum individual building size; and
- (g) Minimum setbacks from adjoining residential development or residential zoning districts.

**D. DEVELOPMENT AND SUBDIVISION STANDARDS**

All development in a PD district shall comply with the development standards in Article 156.5: STANDARDS, and all applicable subdivision standards in Article 156.6: SUBDIVISION.

**E. CONSERVATION SUBDIVISION**

Single-family detached residential development located within a PD district may be configured as a conservation subdivision in accordance with the standards in Section 2.4.4, Conservation Subdivision.

**F. COMPATIBILITY WITH SURROUNDING AREAS**

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the master plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, or other aspects identified by the Board of Commissioners.

**G. DEVELOPMENT PHASING PLAN**

If development in the PD district is proposed to be phased, the master plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the Town's capital improvements program.

**H. CONVERSION SCHEDULE**

The master plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use or one type of nonresidential use may be converted to another type of nonresidential use (i.e., residential to residential, or nonresidential to nonresidential). These conversions may occur within development areas and between development areas, as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

**I. USES**

The types of uses allowed in a PD district are identified with an “A” in Table 4.1.7, Principal Use Table. The full range of use types anticipated in a PD district shall be listed in the master plan or the terms and conditions statement. Only those uses listed in a PD master plan or corresponding terms and conditions statement shall be allowed in a particular PD district.

**J. HOMEOWNERS’ ASSOCIATION REQUIRED**

1. A planned development shall include a homeowners’ or property owners’ association, subject to the following standards:
  - (a) The association shall be established before the homes, buildings, or uses are sold.
  - (b) Membership in the association shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Board of Commissioners, which adequately protects the interests of the Town and the owners.
  - (c) The association shall be responsible for the liability insurance, local taxes, and maintenance of recreation and other facilities.
  - (d) Any sums levied by the association that remain unpaid shall become a lien on the individual owner’s property, which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Board of Commissioners which adequately protects the interests of the Town and the owners.
  - (e) An owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association.
  - (f) Uses of common property shall be appropriately limited.
2. Prior to issuance of the final certificate of occupancy, the developer or owner of a planned development shall file with the Zoning Administrator, and record in the Franklin County Register of Deeds office, a declaration of covenants and restrictions, as well as regulations and bylaws that will govern the open space and shared resources in the development. Provisions shall include, but not be limited to the following:
  - (a) The name of the association;
  - (b) The manner in which directors of the association are to be selected;
  - (c) The post office address of the initial registered office;
  - (d) The name of the Town and County in which the registered office is located; and
  - (e) The number of directors constituting the initial board of directors.

**K. PLANNED DEVELOPMENT TERMS AND CONDITIONS STATEMENT**

A planned development terms and conditions statement shall accompany the planned development master plan and shall include, but not be limited to, the following:

1. Conditions related to approval of the application for the PD zoning district;
2. The list of anticipated use types;
3. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development;
4. Provisions related to environmental protection and monitoring; and
5. Any other provisions the Board of Commissioners determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.

## **3.4 OVERLAY ZONING DISTRICTS**

### **3.4.1 PURPOSE AND INTENT**

Overlay zoning districts are superimposed over one or more underlying conventional or planned development zoning districts and apply additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

### **3.4.2 OVERLAY DISTRICTS ESTABLISHED**

Table 3.4.2, Overlay Zoning Districts Established, sets out the overlay zoning districts established by this Ordinance.

<b>TABLE 3.4.2: OVERLAY DISTRICTS ESTABLISHED</b>		
<b>OVERLAY DISTRICT NAME</b>		<b>DISTRICT ABBREVIATION</b>
Special Flood Hazard Overlay District		SFO
Watershed Overlay District		WSO
	Critical Area	-II-CA
	Balance of Watershed	-II-BW
	Protected Area	-IV-PA

### **3.4.3 CLASSIFICATION**

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.4.13, Rezoning.

### **3.4.4 RELATIONSHIP TO UNDERLYING DISTRICTS**

- A.** Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying zoning district, unless otherwise expressly stated.
- B.** If the standards governing an overlay zoning district expressly conflict with those governing an underlying zoning district, the standards governing the overlay district shall control, unless otherwise stated.
- C.** Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the more restrictive standard shall apply.

### **3.4.5 SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT**

#### **A. FINDINGS OF FACT**

- 1.** The flood prone areas within the jurisdiction of Community Name are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- 2.** 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.



**B. 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:

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

**C. OBJECTIVES**

The objectives of this ordinance are to:

1. Protect human life, safety, and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
6. Minimize damage to private and public property due to flooding;
7. Make flood insurance available to the community through the National Flood Insurance Program;
8. Maintain the natural and beneficial functions of floodplains;
9. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
10. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

**D. APPLICABILITY**

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), as allowed by law, [if applicable] of Community Name.

1. The standards in this section shall apply to all lands within the special flood hazard area, as depicted in the Flood Insurance Rate Map for Unincorporated Franklin County (FHBM) dated September 15, 1978, which, with accompanying supporting data, Letters of Map Amendment or Revision, or any amendments thereto, are adopted and incorporated by reference into this Ordinance.
2. The standards in this section shall also apply to areas defined through standard engineering analysis for private development or government agencies, but that are not yet incorporated into the FHBM.

**E. BASIS FOR ADOPTION**

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 most-recently adopted FIS as shown on FIS for Franklin County and associated DFIRM panels, including any digital data developed as part of the FIS, and all revisions thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this Ordinance.

**F. 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 Franklinton 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.

**G. EFFECTIVE DATE**

This Ordinance shall become effective June 15, 2021.

**H. GENERAL STANDARDS**

The following general standards are required in all special flood hazard areas:

- 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 in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.
- 3.** All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- 4.** All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
  - (a)** Replacement, as part of a substantial improvement, of electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
  - (b)** Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- 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.** Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of these standards 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.
- 9.** New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 2.4.19E.3, Special Flood Hazard Area Variances. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with Section 2.4.9F, Certification Requirements.

- 10.** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- 11.** 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.
- 12.** All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 13.** 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.
- 14.** 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.
- 15.** 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 BFE shall apply.
- 16.** Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F).

#### **I. SPECIFIC STANDARDS**

In all special flood hazard areas where BFE data has been provided, the following provisions, in addition to the general standards of sub-section (H) above, are required:

##### **1. RESIDENTIAL CONSTRUCTION**

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 Section 9.2, Definitions.

##### **2. NON-RESIDENTIAL CONSTRUCTION**

- (a)** 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 Section 9.2, Definitions.
- (b)** Structures located in Zones A, AE, AH, AO, A99 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.
- (c)** For AO Zones, the floodproofing elevation shall be in accordance with Section 3.4.5M, Standards for Areas of Shallow Flooding. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 2.4.9F, Certification Requirements, along with the operational plan and the inspection and maintenance plan.

##### **3. MANUFACTURED HOMES.**

- (a)** New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Section 9.2, Definitions.
- (b)** Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the

Commissioner of Insurance pursuant to Section 143-143.15 of the North Carolina General Statutes. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Section 3.4.5I.4, Elevated Buildings.
- (d) 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 areas, of new construction and substantially improved structures, which are below the lowest floor:

- (a) 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;
- (b) Shall not be temperature-controlled or conditioned;
- (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- (d) Shall include, in Zones A, AE, AH, AO, A99 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:
  - (1) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - (2) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
  - (3) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - (4) The bottom of all required flood openings shall be no higher than one foot above the higher of the interior or exterior adjacent grade;
  - (5) 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
  - (6) 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**

- (a) 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:
  - (1) 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.
  - (2) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a

doorway, both the existing structure and the addition must comply with the standards for new construction.

- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements 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.
- (c) 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:
  - (1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
  - (2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
  - (d) Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of these standards. 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. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
    - (1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the Building Inspector and that are the minimum necessary to assume safe living conditions.
    - (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

## **6. RECREATIONAL VEHICLES**

Placement of recreational vehicles shall be either:

### **(a) TEMPORARY PLACEMENT**

- (1) Be on site for fewer than 180 consecutive days; or
- (2) 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.)

### **(b) PERMANENT PLACEMENT**

Recreational vehicles that do not meet the limitations of Temporary Placement shall 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:

- (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

- (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (c) 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);
- (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (e) 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:

- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with the provisions of Section 3.4.5H, General Standards;
- (f) All service facilities such as electrical shall be installed in accordance with the provisions of Section 3.4.5H, General Standards; and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 3.4.5I, Specific Standards.
- (h) An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$5,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 3.4.5I.2, Non-Residential Construction. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 2.4.9F, Certification Requirements.

## **9. TANKS**

When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

### **(a) UNDERGROUND TANKS**

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

### **(b) ABOVE-GROUND TANKS, ELEVATED**

Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

### **(c) ABOVE-GROUND TANKS, NOT ELEVATED**

Above-ground tanks that do not meet the elevation requirements of sub-section (b) above shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.



**(d) TANK INLETS AND VENTS**

Tank inlets, fill openings, outlets and vents shall be:

- (1)** At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2)** Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**10. OTHER DEVELOPMENT**

- (a)** Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 3.4.5L, Floodways and Non-encroachment Areas.
- (b)** Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3.4.5L, Floodways and Non-encroachment Areas.
- (c)** Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 3.4.5L, Floodways and Non-encroachment Areas.
- (d)** Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

**J. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS**

Within the Special Flood Hazard Areas designated as Approximate Zone A where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Section 3.4.5H, General Standards, shall apply:

- 1.** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2.** The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
  - (a)** When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Section 3.4.5H, General Standards, and Section 3.4.5I, Specific Standards.
  - (b)** 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 Section 3.4.5I, Specific Standards, and Section 3.4.5L, Floodways and Non-encroachment Areas.
  - (c)** All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such BFE data shall be adopted by reference and utilized in implementing these standards.
  - (d)** When BFE data is not available from a federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to or above the Regulatory Flood Protection Elevation. All other applicable provisions of Section 3.4.5I, Specific Standards, shall also apply.

**K. STANDARDS FOR RIVERINE FLOODPLAINS WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS**

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of Section 3.4.5H, General Standards, and Section 3.4.5I, Specific Standards; 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.

**L. FLOODWAYS AND NON-ENCROACHMENT AREAS**

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in Section 3.4.5E, Basis for Adoption. 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 in Section 3.4.5H, General Standards, and Section 3.4.5I, Specific Standards, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
  - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, 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
  - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
2. If the provisions in Section 3.4.5L, Floodways and Non-encroachment Areas, are satisfied, all development shall comply with all applicable flood hazard reduction provisions of these standards.
3. Manufactured homes may be permitted provided the following provisions are met:
  - (a) The anchoring and the elevation standards of Section 3.4.5I.3, Manufactured Homes.; and
  - (b) The encroachment standards Section 3.4.5L, Floodways and Non-encroachment Areas.

**M. STANDARDS FOR AREAS OF SHALLOW FLOODING****1. ZONE AO**

Located within the special flood hazard areas are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one-to-three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to the standards in Section 3.4.5H, General Standards, and Section 3.4.5I, Specific Standards, all new construction and substantial improvements shall meet the following requirements:

- (a) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of four feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade if no depth number is specified.



- (b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 3.4.5I.2, Non-Residential Construction, 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 in accordance with Section 2.4.9F, Certification Requirements.
- (c) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

## **2. ZONE AH**

Located within the special flood hazard areas are areas designated as shallow flooding areas. These areas are subject to inundation by one-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one-to-three feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Section 3.4.5H, General Standards, and Section 3.4.5I, Specific Standards, all new construction and substantial improvements shall meet the following requirements:

- (a) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

## **N. EFFECT ON RIGHTS AND LIABILITIES UNDER EXISTING ORDINANCE**

These standards come forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted by the Town of Franklinton on September 15, 1978, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of these standards shall not affect any action, suit, or proceeding instituted or pending. All provisions of the flood damage prevention standards of the Town of Franklinton enacted on September 15, 1978, as amended, which are not reenacted herein are repealed.

## **3.4.6 WATERSHED OVERLAY DISTRICT**

### **A. PURPOSE**

The purpose of a Watershed Overlay (WSO) district is to ensure the availability of public water supplies at a safe and acceptable level of water quality, to ensure protection of public water supplies for recreational and aesthetic purposes, to minimize sedimentation of streams, and to protect the public health, safety, and welfare of the residents of the Town. More specifically, these standards are intended to:

1. Ensure compliance with all applicable federal and State laws governing the protection of water supply watersheds and the provision of stormwater management to protect, maintain and enhance the public health, safety, environment and general welfare;
2. Protect those portions of designated water supply watersheds which lie closest to existing and proposed water supply reservoirs from activities which could degrade water quality in the reservoirs;
3. Minimize pollution entering municipal reservoirs to assure the public health and the public provision of a continued supply of safe drinking water thereby protecting the water quality of these water supply reservoirs and promoting public awareness; and
4. Encourage a low intensity of land development in the most sensitive portions of the water supply watersheds (i.e., Critical Areas) thereby reducing the risks to water quality posed by higher density residential and nonresidential uses.

### **B. WATERSHED SUB-AREAS DISTINGUISHED**

Lands within a WSO district shall also be within one of the following sub-areas:

1. Watershed Overlay District Critical Area (WSO-CA);

2. Watershed Overlay District Protected Area (WSO-PA); and
3. Watershed Overlay District Balance of Watershed (WSO-BW).

**C. GENERAL REQUIREMENTS**

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

1. Inadequate on-site sewage systems which utilize ground absorption;
2. Inadequate sedimentation and erosion control measures;
3. The improper storage or disposal of junk, trash or other refuse within a buffer area;
4. The absence of improper implementation of a spill containment plan for toxic and hazardous materials;
5. The improper management of storm water runoff; or
6. Any other situation found to pose a threat to water quality.

**D. STANDARDS APPLIED TO CRITICAL AREAS (WSO-II-CA)****1. ALLOWED USES****(a) AGRICULTURAL USES**

- (1) Agricultural uses are permitted subject to the provisions of the Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
- (2) Agricultural activities conducted after January 1, 1993 shall maintain a minimum of ten foot vegetative buffer or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial streams indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies.
- (3) Animal operations including more than 100 animal units shall employ the best management practices recommended by the Soil and Water Conservation Commission by July 1, 1994.

**(b) SILVICULTURE**

Silviculture is permitted, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

**(c) RESIDENTIAL DEVELOPMENT**

- (1) Residential development, including single-family detached and all other forms of residential development are permitted.
- (2) In order to maintain a predominantly undeveloped land use intensity pattern, single-family residential uses shall be allowed at a maximum six percent built-upon area.

**(d) NON-RESIDENTIAL DEVELOPMENT**

- (1) Non-residential development is permitted, but excluding the following:
  - (i) The storage of toxic and hazardous materials, unless a spill containment plan is implemented;
  - (ii) Landfills; and
  - (iii) Sites for land application of sludge/residuals or petroleum contaminated soils.
- (2) New industrial development is required to incorporate adequately designed, constructed, and maintained spill containment structures if hazardous materials are either used, stored, or manufactured on the premises.

**2. DIMENSIONAL REQUIREMENTS**

Development in the WSO-II-CA portion of the WSO shall comply with the standards in Table 3.4.6D: Dimensional Requirements in the WSO-II-CA, and the following:

**TABLE 3.4.6.D: DIMENSIONAL REQUIREMENTS IN THE WSO-II-CA**

<b>FEATURE</b>	<b>REQUIREMENT [1]</b>
Minimum Lot Area (per Dwelling Unit (sq. ft.))	80,000
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	300
Minimum Front Yard (ft.)	60
Minimum Side Yard (ft.)	60
Minimum Rear Yard (ft.)	25
Minimum Setback from the Edge of Stream or Water Impoundment Buffer (ft.)	20
Maximum Ground Amount Covered by Impervious Surface (% of lot area)	6
[1] In cases where the standards in this table conflict with the standards in <u>Table 3.2: General Zoning District Standards</u> , the standards in this table shall control.	

**3. DENSITY AND BUILT-UPON LIMITS**

- (a) Single family residential development shall not exceed one dwelling unit per two acres on a project-by-project basis.
- (b) No residential lot shall be less than two acres, except within an approved cluster development.
- (c) All other residential and non-residential development shall not exceed six percent built-upon areas on a project-by-project basis. For the purpose of calculating built-upon area, total project areas shall include total acreage in the tract on which the project is to be developed.

**4. REQUIRED BUFFERS**

- (a) A 100-foot water supply impoundment buffer shall be maintained around the ground reservoir. The buffer shall be maintained perpendicular to the normal pool shoreline of the reservoir and shall extend 100 feet from the normal pool shoreline of the impoundment, inside the watershed draining into that impoundment.
- (b) A 50-foot stream buffer is required on both sides of perennial streams on each lot. The 50-foot distance shall be measured from the top edge of each streambank.
- (c) The buffers shall remain a part of the lots on which they are located and must be maintained in a vegetated state by the property owner.

**E. STANDARDS APPLIED TO THE BALANCE OF THE WATERSHED (WSO-II-BW)****1. ALLOWED USES****(a) AGRICULTURAL USES**

Agriculture uses are permitted, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.

**(b) SILVICULTURE**

Silviculture is permitted, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-0209).

**(c) RESIDENTIAL DEVELOPMENT**

- (1) In order to maintain a predominantly undeveloped land use intensity pattern, single-family residential uses shall be allowed at a maximum of one dwelling unit per acre.
- (2) All other residential and non-residential development shall be allowed a maximum of 12 percent built-upon area.

**(d) NON-RESIDENTIAL DEVELOPMENT**

- (1) Non-residential development is permitted, excluding discharging landfills and the storage of toxic and hazardous materials, unless a spill containment plan is implemented.
- (2) Non-discharging landfills and sludge application sites are allowed.
- (3) Non-residential uses may occupy 10 percent of the watershed area, outside of the critical area with a 70 percent built-upon area when approved as a special intensity allocation (SIA).
- (4) The Watershed Administrator is authorized to approve SIA's consistent with the provisions of this section. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct storm water away from surface waters and incorporate best management practices to minimize water quality impacts.

**2. DENSITY AND BUILT-UPON LIMITS**

**(a) SINGLE-FAMILY RESIDENTIAL**

- (1) Single-family residential development shall not exceed one dwelling unit per acre on a project-by-project basis.
- (2) No residential lot shall be less than one acre, except within an approved cluster development.

**(b) ALL OTHER RESIDENTIAL AND NON-RESIDENTIAL**

- (1) All other forms of residential development and non-residential development shall not exceed 12 percent built-upon areas on a project-by-project basis. However, up to 5 percent of the balance of the watershed may be developed for non-residential uses to 70 percent built-upon area on a project-by-project basis.
- (2) For the purpose of calculating built-upon area, total project areas shall include total acreage in the tract on which the project is to be developed.

**F. STANDARDS APPLIED TO PROTECTED AREAS (WSO-IV-PA)**

**1. APPLICABILITY**

- (a) Only new development activities in a WS-IV watershed that require an erosion/sedimentation control plan under State law or an approved local program are required to meet the provisions of this subsection.
- (b) The Town measures the Protected Area of a WS-IV watershed using 10 stream miles instead of ten land miles, in accordance with the North Carolina Administrative Code.

**2. ALLOWED USES**

**(a) AGRICULTURAL USES**

Agricultural uses are permitted, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990;

**(b) SILVICULTURE**

Silviculture uses are permitted, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209);

**(c) RESIDENTIAL DEVELOPMENT**

Residential development is permitted.

**(d) NONRESIDENTIAL DEVELOPMENT**

Non-residential development is permitted, excluding discharging landfills and the storage of toxic and hazardous materials, unless a spill containment plan is implemented.

### **3. DENSITY AND BUILT-UPON LIMITS**

#### **(a) SINGLE-FAMILY RESIDENTIAL**

Single-family residential development shall not exceed two dwelling units per acre, as defined on a project-by-project basis.

#### **(b) ALL OTHER RESIDENTIAL AND NON-RESIDENTIAL**

(1) All other residential and non-residential development shall not exceed 24 percent built-upon areas on a project-by-project basis.

(2) For developments without a curb and gutter street system, development shall not exceed three units an acre or 36 percent built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include the total acreage in the tract or lot(s) on which the project is to be developed.

#### **(c) SPECIAL INTENSITY ALLOCATION (SIA)**

(1) In addition to the development allowed under subsection (b) above, new development and expansion to existing development may occupy up to 10 percent of the protected area and up to 70 percent built-upon area on a project-by-project basis, when approved as a special intensity allocation (SIA).

(2) The Watershed Administrator is authorized to approve special intensity allocations in accordance with the provisions of this section.

(3) Applicants seeking an SIA shall, to the maximum extent practicable, minimize built-upon surface area, direct storm water away from surface waters, and incorporate best management practices to minimize water quality impacts.

(4) For the purpose of calculating built-upon area, total project area shall include the total acreage in the tract or lot(s) on which the project is to be developed.

### **G. BUFFERS REQUIRED ALONG PERENNIAL STREAMS**

1. All development within the WSO shall provide a 30-foot buffer along all perennial streams indicated on the most recent versions of USGS. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies.

2. Development exceed the low density option shall provide a 100-foot vegetative buffer along all perennial streams indicated on the most recent versions of USGS. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies.

3. No new development is allowed in a required buffer except public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface water, and maximize the utilization of storm water best management practices.

4. Artificial stream bank or shoreline stabilization is permitted within required buffers.

### **H. CLUSTER DEVELOPMENT**

Clustering of development is allowed in the WSO under the following conditions:

1. Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in the WSO-II-CA, WSO-II-BW, or WSO-IV-PA, as appropriate.

2. Built-upon area or storm water control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.

3. All built-upon area shall be designed and located to minimize storm water runoff impact to receiving waters and minimize concentrated storm water flow.

4. The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to an incorporated homeowners association for management, to a local government

for preservation as a park or open space, or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

## **I. EXISTING DEVELOPMENT**

Any existing development may be continued and maintained subject to the provisions provided in this subsection. Expansions to structures classified as existing development must meet the requirements of this section, however, the built-upon area of existing development is not required to be included in the density calculations.

### **1. VACANT LOTS**

Vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of Franklin County may be used for any of the uses allowed in the watershed area in which it is located, provided that whenever two or more contiguous residential vacant lots of record are in single ownership at any time after September 30, 1993, and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, such lots shall not be required to be recombined into lots which meet the standards of this section if such lots meet the standards of this Ordinance and Franklin County Health Department requirements.

### **2. OCCUPIED LOTS**

Lots occupied for residential purposes may continue to be used, provided that whenever two or more adjoining lots of record, one of which is occupied, are in single ownership at any time after September 30, 1993, and such lots individually or together have less area than the minimum requirements for residential purposes for the watershed area in which they are located, such lots shall be combined to create lots which meet the minimum size requirements or which minimize the degree of nonconformity.

### **3. NONCONFORMING USES OF LAND**

Lawfully-established uses of land established prior to September 30, 1993 which are no longer permitted under these standards may be continued, subject to the following:

- (a) When use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
- (b) Such use of land shall be changed only to an allowed use.
- (c) When such use ceases for a period of at least one year, it shall not be reestablished.

### **4. RECONSTRUCTION OF BUILDING OR BUILT-UPON AREAS**

- (a) Any existing building or built-upon area in the WSO not in conformance with these standards that has been damaged or removed may be repaired and/or reconstructed.
- (b) There are no restrictions on single-family residential development, provided:
  - (1) Repair or reconstruction is initiated within 12 months and completed within two years of such damage.
  - (2) The total amount of space devoted to built-upon area may not be increased unless storm water control that equals or exceeds the previous development is provided.

# ARTICLE 156.4 USES

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## **4.1 PRINCIPAL USE TABLE**

### **4.1.1 TABLE STRUCTURE**

- A.** Table 4.1.7, Principal Use Table, lists principal use types and indicates for each zoning district whether the principal use type is permitted by-right, as a conditional use, or prohibited. It also includes a reference to any specific standards that may apply to a particular use type.
- B.** Use types are organized by one four different use classifications (residential, institutional, commercial, or industrial), and all the rows within a particular use classification have the same color.
- C.** Within each use classification, use types are further organized by use category. See Section 4.2, Use Classifications, Categories, and Types, for more details on the use category organizing system.

### **4.1.2 USES PERMITTED BY-RIGHT**

A “P” in a cell of the principal use table indicates that the specific use type is permitted by-right in the corresponding zoning district, subject to compliance with any additional standards referenced in the principal use table.

### **4.1.3 USES REQUIRING SPECIAL USE REVIEW**

An “S” in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special use permit in accordance with Section 2.4.16, Special Use Permit, and any additional standards referenced in the summary table of principal uses.

### **4.1.4 PROHIBITED USES**

- A.** A “.” in a cell of the principal use table indicates that the specific use type is prohibited in the corresponding zoning district.
- B.** The following principal uses are prohibited throughout the Town’s zoning jurisdiction in all zoning districts:
  - 1.** Acetylene gas manufacture;
  - 2.** Acid manufacture;
  - 3.** Ammonia, bleaching powder or chlorine manufacture;
  - 4.** Asphalt manufacture or refining;
  - 5.** Brick, tile, or terra cotta manufacture;
  - 6.** Cellophane manufacture;
  - 7.** Cement, lime, or plaster manufacture;
  - 8.** Creosote manufacture or treatment plants;
  - 9.** Distillation of bones, coal, petroleum, refuse, grain, tar and wood;
  - 10.** Drive-in theaters;
  - 11.** Explosives, ammunition, fireworks or gunpowder manufacture;
  - 12.** Fat rendering, or production of fats and oils from animal or vegetable products by boiling or distillation;
  - 13.** Fertilizer or any other product involving the use of dusty or granular products, unless the manufacturing process and the transfer of ingredients is carried on indoors or is so screened that the emanation of dust beyond the property line is prohibited;
  - 14.** Garbage, offal, or animal reduction and processing;
  - 15.** Glue and size manufacture;
  - 16.** Hazardous materials handling;
  - 17.** Helicopter landing pads, or helicopter landings, except as part of an emergency;
  - 18.** Junkyards;
  - 19.** Leather and leather products manufacturing involving tanning;



- 20.** Linseed oil, shellac, turpentine manufacture or refining;
- 21.** Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
- 22.** Off-premise signage, including outdoor advertising or billboards;
- 23.** Oilcloth or linoleum manufacture;
- 24.** Ore reduction;
- 25.** Pulp mills;
- 26.** Shooting range (indoor or outdoor);
- 27.** Single-room occupancy dwelling units; or
- 28.** Slaughterhouse.

#### **4.1.5 ADDITIONAL STANDARDS**

When a specific use type is permitted in a zoning district, there may be additional standards that are applicable. Such additional standards are referenced in the principal use table column titled "Additional Standards." These standards shall apply to a specific use type regardless of the zoning district, unless otherwise specified.

#### **4.1.6 UNLISTED USES**

- A.** For land uses not listed in Table 4.1.7, Principal Use Table, not listed as a part of a use category or use type, and not listed as a prohibited use in Section 4.1.4, Prohibited Uses, the Zoning Administrator shall determine which use category or use type to which the land use belongs in accordance with Section <>, Interpretation.
- B.** Nothing shall limit the Zoning Administrator from requiring approval of text amendment to this Ordinance, in accordance with Section 2.4.18, Text Amendment, prior to accepting an application for a use determined as an unlisted use through the Interpretation procedure in Section 2.4.10, Interpretation.

#### **4.1.7 PRINCIPAL USE TABLE**

The summary table of principal uses sets out the range of principal uses in Franklinton, the procedures where they are allowed, and the type of review approval necessary to establish the use.

TABLE 4.1.7: PRINCIPAL USE TABLE

P = Permitted    S = Permitted with Special Use    A = Allowed in a PD District    · = Prohibited

USE CATEGORY	USE TYPE	CR	R-1A	RSL	RSM	RSM-A	RSH	RMH	RMF	RDT	MUD	NC	C-2D	GC	C-3H	IL	PD	LSB	CRI	ADDITIONAL STANDARDS
		AGRICULTURE USE CLASSIFICATION																		
Agriculture/ Horticulture	Agriculture/ Horticulture	·	P	P	P	P	P	·	·	·	P	·	·	S	P	·	·	·	·	·
Animal Husbandry	Animal Husbandry	·	S	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	·	·
Agricultural Support, Major	Farm Machinery Sales, Rental, or Service	·	·	·	·	·	·	·	·	·	P	·	S	P	P	S	·	·	·	·
	Feed and Grain Sales and Storage	·	·	·	·	·	·	·	·	·	S	·	·	P	S	S	A	·	·	·
Agricultural Support, Minor	Equestrian Facility	·	S	S	S	S	S	·	·	·	·	·	·	·	·	·	A	·	·	·
	Feed and Grain Sales and Storage	·	·	·	·	·	·	·	·	·	S	·	·	S	S	S	A	·	·	·
	Nursery, Production	·	S	·	·	·	·	·	·	·	S	·	·	S	S	·	A	·	·	·
	Roadside Market	·	S	S	S	S	S	·	·	·	S	S	S	P	S	·	A	·	·	·
		RESIDENTIAL USE CLASSIFICATION																		
Household Living	Doublewide Manufactured Home	·	·	·	·	·	·	P	·	·	·	·	·	·	·	·	A	·	·	<u>4.3.1A</u>
	Singlewide Manufactured Home	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·
	Manufactured Home Park	·	·	·	·	·	·	S	·	·	·	·	·	·	·	·	·	·	·	<u>4.3.1B</u>
	Multi-family Dwelling	·	·	·	·	·	·	·	S	·	S	·	·	·	·	·	A	·	·	<u>4.3.1C</u>
	Single-family Detached Dwelling	·	P	P	P	P	P	P	P	P	P	·	·	·	·	·	A	·	·	<u>4.3.1E</u>
	Three- or Four- family Dwelling	·	·	·	·	·	·	·	S	·	S	·	·	·	·	·	A	·	·	<u>4.3.1C</u>
	Townhouse	·	·	·	·	·	·	·	S	·	S	·	·	·	·	·	A	·	·	<u>4.3.1G</u>
	Two-family Dwelling	·	·	·	·	P	·	·	P	·	P	·	·	·	·	·	A	·	·	·
	Upper Floor Residential	·	·	·	·	·	·	·	·	·	P	·	P	·	P	S	A	·	·	<u>4.3.1D</u>
	Downtown Mix- Use Commercial & residential	·	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	·	·	(Am. Ord. passed 07 19-22) This is

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## Section 4.1 Principal Use Table

**TABLE 4.1.7: PRINCIPAL USE TABLE**

P = Permitted S = Permitted with Special Use A = Allowed in a PD District · = Prohibited

USE CATEGORY	USE TYPE	CR	R-1A	RSL	RSM	RSM-A	RSH	RMH	RMF	RDT	MUD	NC	C-2D	GC	C-3H	IL	PD	LSB	CRI	ADDITIONAL STANDARDS
																				consisting of ground level commercial facing Main Street and/or Mason Street and ground level residential not fronting any portion of Main Street or Mason Street
Group Living	Boarding House	·	·	·	·	·	·	·	P	·	·	·	·	·	·	·	A	·	·	·
	Family Care Home	·	P	P	P	P	P	P	P	P	P	·	·	·	·	·	A	·	·	·
		<b>INSTITUTIONAL USE CLASSIFICATION</b>																		
Civic	Community Center	·	S	S	S	S	S	S	S	S	S	P	·	P	·	·	A	·	·	<u>4.3.2C</u>
	Cultural Facility, Major	·	P	S	S	S	S	·	P	S	P		P	P	P	·	A	·	·	·
	Cultural Facility, Minor	·	P	P	P	P	P	P	P	P	P	S	P	P	·	·	A	·	·	·
	Governmental Facility	·	S	S	S	S	S	S	S	S	P	P	P	P	P	·	A	·	·	·
	Public Safety	·	·	·	·	·	·	·	·	·	P	P	P	P	P	S	A	·	·	·
	School, Major	·	S	S	S	S	S	·	S	·	S	S	·	P	·	·	A	·	·	·
	School, Minor	·	S	S	S	S	S	S	S	S	S	S	·	P	·	·	A	·	·	·
	Recreational, Wellness, Cultural, Activity Center	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	S	(Am. Ord. passed 12-20-22)
Day Care	Day Care Center	·	S	S	S	S	S	S	S	S	S	S	·	S	·	·	A	·	·	·
Health Care	Hospital	·	·	·	·	·	·	·	·	·	S	·	·	S	S	·	A	·	·	·
	Medical Office	·	S	S	S	S	S	·	S	·	P	P	S	P	P	S	A	·	·	·
Institutions	Club or Lodge	·	·	S	S	S	S	·	S	S	S	·	S	S	S	·	A	·	·	<u>4.3.2B</u>
	Life Care Institution	·	S	S	S	S	S	·	S	·	S	·	·	S	S	S	A	·	·	·
	Religious Facility	·	P	P	P	P	P	P	P	P	P	·	·	·	·	·	A	·	·	<u>4.3.2D</u>
Parks & Open Areas	Golf Course	·	S	S	S	S	S	·	·	·	·	·	·	S	·	·	A	·	·	·
	Parks, Playgrounds, & Recreation Areas	P	P	P	P	P	P	P	P	P	P	S	P	P	·	·	A	·	·	·

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## Section 4.1 Principal Use Table

**TABLE 4.1.7: PRINCIPAL USE TABLE**

P = Permitted    S = Permitted with Special Use    A = Allowed in a PD District    · = Prohibited

USE CATEGORY	USE TYPE	CR	R-1A	RSL	RSM	RSM-A	RSH	RMH	RMF	RDT	MUD	NC	C-2D	GC	C-3H	IL	PD	LSB	CRI	ADDITIONAL STANDARDS
Transportation	Transportation Terminal	·	·	·	·	·	·	·	·	·	·	·	S	·	S	S	A	·	·	·
Utilities	Solar Array	·	S	·	·	·	·	·	·	·	·	·	·	·	·	·	A	·	·	<u>4.3.2E</u>
	Telecommunications Facility, Major	·	S	·	·	S	·	·	·	·	·	·	·	·	S	S	·	·	·	<u>4.3.2F</u>
	Telecommunications Facility, Minor and Stealth	·	P	P	P	S	P	P	P	P	P	·	P	S	P	P	A	·	·	<u>4.3.2F</u>
	Utilities, Major	·	S	·	·	S	·	·	·	·	·	·	S	S	S	S	A	·	·	<u>4.3.2G</u>
	Utilities, Minor	P	P	P	P	P	P	P	P	P	P	·	P	S	P	P	A	·	·	<u>4.3.2G</u>
<b>COMMERCIAL USE CLASSIFICATION</b>																				
Adult Establishment	All	·	·	·	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	<u>4.3.3A</u>
Animal Care	Animal Care	·	·	·	·	S	·	·	·	·	S	·	S	S	S	·	A	·	·	·
Eating Establishments	Restaurant, Major	·	·	·	·	·	·	·	·	·	S	S	P	P	P	·	A	·	·	·
	Restaurant, Minor	·	·	·	·	·	·	·	·	·	P	S	P	P	P	S	A	·	·	·
Offices	Office	·	·	·	·	·	·	·	·	·	P	P	P	P	P	·	A	·	·	·
Recreation & Entertainment	Internet Sweepstakes Cafe	·	·	·	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	<u>4.3.3C</u>
	Recreation and Entertainment, Major	·	·	·	·	·	·	·	·	·	S	·	S	P	S	·	A	·	·	<u>4.3.3E</u>
	Recreation and Entertainment, Minor	·	·	·	·	·	·	·	·	·	P	·	S	P	P	·	A	·	·	<u>4.3.3E</u>
Personal Services	Personal Service Establishment, Major	·	·	·	·	·	·	·	·	·	S	S	S	P	P	·	A	·	·	·
	Personal Service Establishment, Minor	·	·	·	·	·	·	·	·	·	P	P	P	P	P	·	A	·	·	·

# Article 156.4 USES

## Section 4.1 Principal Use Table

**TABLE 4.1.7: PRINCIPAL USE TABLE**

P = Permitted    S = Permitted with Special Use    A = Allowed in a PD District    · = Prohibited

USE CATEGORY	USE TYPE	CR	R-1A	RSL	RSM	RSM-A	RSH	RMH	RMF	RDT	MUD	NC	C-2D	GC	C-3H	IL	PD	LSB	CRI	ADDITIONAL STANDARDS
Retail Sales	ABC Store	·	·	·	·	·	·	·	·	·	P	·	·	P	P	·	A	·	·	·
	Retail Sales, Major	·	·	·	·	·	·	·	·	·	S	·	·	S	P	·	A	·	·	·
	Retail Sales, Minor	·	·	·	·	·	·	·	·	·	P	P	P	P	P	·	A	·	·	·
	Minor Woodworking with Woodworking Showrooms	·	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	·	·	(Am. Ord. passed 12-20-22)
	Shopping Center	·	·	·	·	·	·	·	·	·	S	·	·	S	S	·	A	·	·	<u>4.3.3F</u>
Secondhand Sales	Pawn Shop	·	·	·	·	·	·	·	·	·	S	·	·	S	S	·	·	·	·	·
	Secondhand Sales, Major	·	·	·	·	·	·	·	·	·	S	·	S	P	S	·	A	·	·	·
	Secondhand Sales, Minor	·	·	·	·	·	·	·	·	·	P	·	P	P	P	·	A	·	·	·
Vehicle Sales & Service	Vehicle Sales & Service, Major	·	·	·	·	·	·	·	·	·	S	·	S	·	S	S	A	·	·	·
	Vehicle Sales & Service, Minor	·	·	·	·	·	·	·	·	·	P	·	P	·	P	·	A	·	·	·
Visitor Accommodations	Visitor Accommodations , Major	·	·	·	·	·	·	·	·	·	P	·	S	·	P	·	A	·	·	·
	Visitor Accommodations , Minor	·	·	S	S	S	S	·	S	S	P	·	·	·	·	·	A	·	·	<u>4.3.3D</u>
INDUSTRIAL USE CLASSIFICATION																				
Industrial Services	General Industrial Service, Major	·	·	·	·	·	·	·	·	·	·	·	·	·	S	S	·	·	·	<u>4.3.4A</u>
	General Industrial Service, Minor	·	·	·	·	·	·	·	·	·	S	·	S	S	S	S	A	·	·	<u>4.3.4A</u>
Manufacturing	Manufacturing	·	·	·	·	·	·	·	·	·	·	·	·	·	·	S	·	·	·	<u>4.3.4A</u>
Resource Extraction	Mining and Extraction	·	·	·	·	·	·	·	·	·	·	·	·	·	·	S	·	·	·	<u>4.3.4B</u>

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## Section 4.1 Principal Use Table

**TABLE 4.1.7: PRINCIPAL USE TABLE**

P = Permitted    S = Permitted with Special Use    A = Allowed in a PD District    · = Prohibited

USE CATEGORY	USE TYPE	CR	R-1A	RSL	RSM	RSM-A	RSH	RMH	RMF	RDT	MUD	NC	C-2D	GC	C-3H	IL	PD	LSB	CRI	ADDITIONAL STANDARDS
Warehousing & Storage	Warehousing & Commercial Storage	·	·	·	·	·	·	·	·	·	S	·	·	·	S	S	A	·	·	<u>4.3.4A</u>
Waste Related	Convenience Center	·	S	S	S	S	S	S	S	S	S	·	S	·	S	S	A	·	·	<u>4.3.4A</u>
Wholesale	Wholesale Facility	·	·	·	·	·	·	·	·	·	S	·	·	·	S	S	A	·	·	<u>4.3.4A</u>
Life Sciences & Biotechnology	Research, offices, development, manufacturing, production, Storage, & Ancillary Activities	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	(Am. Ord. passed 10-18-22)

## **4.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES**

### **4.2.1 PURPOSE**

This section is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses to determine how a specific land use activity, or combination of activities, is to be considered when applying the principal use table and other provisions in this Ordinance.

### **4.2.2 ORGANIZATION OF USES**

Section 4.2, Use Classifications, Categories, and Types, organizes principal uses by use classifications, use categories, and use types to provide a systematic basis for identifying, describing, categorizing, consolidating, and distinguishing land uses to determine whether a specific use is permitted in a particular zoning district

#### **A. USE CLASSIFICATIONS**

The use classifications identify broad classifications of land use and include residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general “use categories” and specific “use types.”

#### **B. USE CATEGORIES**

The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual “use types.”

#### **C. USE TYPES**

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, single-family detached dwellings, two-family dwellings, multi-family dwellings, manufactured homes, and upper-story residential are use types in the Household Living use category.

#### **D. DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES**

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, then each principal use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.

### **4.2.3 USE CATEGORIES IN THE AGRICULTURAL USE CLASSIFICATION**

Table 4.2.3, Agricultural Use Classification, sets out the use categories included in the agricultural use classification in Table 4.1.7, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

# Article 156.4 USES

## Section 4.2 Use Classifications, Categories, and Types

**TABLE 4.2.3: AGRICULTURAL USE CLASSIFICATION**

USE CATEGORY [1]	CHARACTERISTICS
	EXAMPLES
Agriculture/ Horticulture	The Agriculture/Horticulture Use Category is characterized by general agricultural activities, including the cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. The use category also includes agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), fisheries, honey production, and similar uses. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.
	Examples use types include agronomy, aquaculture, biotechnical, crop farming, fisheries, apiculture, silviculture, plant nurseries, and similar uses.
Animal Husbandry	The Animal Husbandry Use Category is characterized by the commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals and livestock.
	Example use types include the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, and similar livestock or domesticated animals. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.
Agricultural Support, Major	The Major Agricultural Support Use Category is characterized by commercial establishments engaged in the sales, repair, rental, and storage of tools, equipment, supplies, and machinery in support of farms, farming, agriculture, or horticulture.
	Example use types include farm equipment sales, agricultural product processing, sales of farming supplies, establishments engaged in repair, refurbishment, servicing of farm equipment (whether on-site or in a centralized location), agricultural research facilities, and similar uses.
Agricultural Support, Minor	The Minor Agricultural Support Use Category is characterized by establishments and uses that indirectly support agricultural activities, including sales of products grown on a farm, provision of farm-related experiences (e.g., immersion farming or pick-your-own establishments), tourism, storage of farm products, and sales of farm-related products.
	Examples use types include agri-education, agri-entertainment, direct-market businesses for the sale of produce grown on-site, equestrian facilities, feed and grain sales, farm-based tourism, wineries, farm co-ops, farmers markets, produce sales, and similar uses.
NOTES: [1] Uses listed in <u>Section 4.1.4, Prohibited Uses</u> , are not allowed within any zoning district in the Town.	

### 4.2.4 USE CATEGORIES IN THE RESIDENTIAL USE CLASSIFICATION

Table 4.2.4, Residential Use Classification, sets out the use categories included in the residential use classification in Table 4.1.7, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

**TABLE 4.2.4: RESIDENTIAL USE CLASSIFICATION**

USE CATEGORY [1]	CHARACTERISTICS
	EXAMPLES
Household Living	The Household Living Use Category includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations.
	Example use types include detached residential dwellings like single-family detached dwellings or manufactured homes, attached residential structures like duplexes, three-to-four-family homes, townhouses, multi-family uses, residential uses in the same building as nonresidential uses like live/work units or upper story dwellings, and similar uses. Upper story dwellings units in the Downtown district may only be for multi-family use.
Group Living	The Group Living Use Category includes use types that provide for the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Tenancy is typically arranged on a monthly or longer basis. Generally, group living structures have a common eating and or congregating area for residents. The residents may receive care, training, or treatment. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.
	Example use types include dormitories, family care homes, group homes, rooming, boarding houses, and similar uses. Facilities for rehabilitation or the treatment of addiction are considered health care facilities.



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## Section 4.2 Use Classifications, Categories, and Types

**TABLE 4.2.4: RESIDENTIAL USE CLASSIFICATION**

USE CATEGORY [1]	CHARACTERISTICS
	EXAMPLES
NOTES: [1] Uses listed in Section 4.1.4, Prohibited Uses, are not allowed within any zoning district in the Town.	

### 4.2.5 USE CATEGORIES IN THE INSTITUTIONAL USE CLASSIFICATION

Table 4.2.5, Institutional Use Classification, sets out the use categories included in the institutional use classification in Table 4.1.7, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

**TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Civic	The Civic Use Category includes use types of a public, nonprofit, or charitable nature that provide government services, cultural amenities, public safety services, and educational services. Services and facilities typically include meeting areas, display areas, recreational features, as well as indoor facilities used primarily for business or professional conferences, seminars, and training programs. Generally, such uses are open to or provide services to members of the general public. This includes, but is not limited to, assembly facilities, public safety facilities, community and cultural facilities, and government facilities. Accessory uses may include parking, training facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, storage, food sales or consumption.
	Example use types include community centers, museums, libraries, governmental offices, post offices, public safety uses, senior centers, youth clubs, and educational facilities (both public and private).
	Major Cultural Facility use type
	A cultural facility with more than 3,000 square feet of gross floor area, or seating for more than 100 persons.
	Minor Cultural Facility use type
	A cultural facility with 3,000 square feet of gross floor area or less that seats less than 100 persons.
Day Care	Major School use type
	A school use consisting of a high school, post-secondary educational facility, or vocational school.
Day Care	Minor School use type
	An elementary, middle, or a distance vocational school where no instruction is provided in-person.
Day Care	The Day Care Use Category includes use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and for less than 24 hours a day. Care can include education and development activities. Care can be provided during daytime or nighttime hours. Accessory uses include offices, food preparation, recreation areas, and parking.
	Example use types day care centers, nurseries, nursery schools, adult day care facilities. Home day care is considered an accessory use. Drop-in or short-term day care provided in connection with employment or at a shopping center, recreational facility, religious institution, hotel, or other principal uses are not included in the Day Care Use Category.
Health Care	The Health Care Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Accessory uses may include offices, laboratories, laundry facilities, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.
	Example use types include hospitals, outpatient medical facilities, urgent care providers, medical offices (doctors, dentists, radiologists, etc.), clinics, congregate care, memory care, drug and alcohol treatment facilities, psychiatric treatment facilities, and blood/tissue collection facilities.
Institutions	The Institutions Use Category includes use types devoted to gathering for worship, civic interest, and facilities for the care of the elderly or infirm. Accessory uses may include kitchens/cafeterias, recreation areas, offices, meeting rooms, and parking.
	Examples use types include fraternal clubs, lodges, civic associations, nursing homes, rest homes, assisted living facilities, halfway houses, churches, temples, and synagogues.
Parks & Open Areas	The Parks and Open Areas Use Category includes use types that focus on open space areas largely devoted to vegetative landscaping or outdoor recreation and that tend to have few structures. Accessory uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and columbaria and mausoleums (as accessory to cemeteries).
	Example use types include arboretums or botanical gardens, parks, community gardens, areas of undisturbed vegetation on land owned by the public or a conservation entity, public golf courses, and cemeteries.

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## Section 4.2 Use Classifications, Categories, and Types

**TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS	
	EXAMPLES	
Transportation	The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, and passenger terminals for surface transportation. Accessory uses may include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.	
	Example use types include airports, helicopter landing facilities, and passenger terminals for ground transportation (train, bus). Transit route facilities such as bus stops, bus shelters, and park-and-ride facilities are classified as Utilities.	
Utilities	The Utilities Use Category includes both major and minor utilities as well as wireless telecommunications facilities. Major utilities are infrastructure services that provide regional or community-wide service. Minor utilities are neighborhood or subdivision infrastructure services that need to be located in or near the neighborhood or subdivision where the service is provided. Communication or broadcasting facilities and wireless telecommunication facilities are also types of utilities. Services may be publicly or privately provided. Accessory uses may include offices, parking, monitoring, storage areas, or data transmission equipment.	
	Example use types include solar arrays, telecommunications facilities (towers and antenna collocations), major, and minor utility facilities.	
	Major Utility	A utility providing regional or community-wide service that normally entails the construction of new buildings or structures. Examples include potable water treatment plants, electrical generation plants, utility equipment and storage yards, and wind and energy facilities.
	Minor Utility	A utility providing a localized service or network function that is small in scale and impact. Examples include natural gas border stations, utility substations, water towers, pump stations, stormwater management facilities, telephone exchanges, and facilities serving transit.
NOTES: [1] Uses listed in Section 4.1.4, Prohibited Uses, are not allowed within any zoning district in the Town.		

### 4.2.6 USE CATEGORIES IN THE COMMERCIAL USE CLASSIFICATION

Table 4.2.6, Commercial Use Classification, sets out the use categories included in the commercial use classification in Table 4.1.7, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

**TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS	
	EXAMPLES	
Adult Establishment	An adult use as defined in Section 14-202.10(2) of the North Carolina General Statutes.	
Animal Care	The Animal Care Use Category is characterized by uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services.	
	Examples use types include animal shelters, animal grooming, kennels (outdoor and indoor), animal hospitals, and veterinary clinics.	
Eating Establishments	The Eating Establishments Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.	
	Example use types include restaurants (including brewpubs) with indoor and outdoor seating, bars or nightclubs, caterers, restaurants with drive-through service, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice or coffee houses). Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.	
	Major Restaurant	An eating establishment with a drive-through, a bar, or with more than 150 seats (including outdoor seating), or with more than 2,000 square feet of floor area, or more.
	Minor Restaurant	An eating establishment with no drive-through, walk-up only service, 50 or fewer seats (including outdoor seating), or 2,000 square feet of floor area or less.
Offices	The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day	

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## Section 4.2 Use Classifications, Categories, and Types

**TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS	
	EXAMPLES	
	<p>care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building.</p> <p>Example use types include business and sales offices (such as lenders, banks, brokerage houses, tax preparers, and real estate agents), and professional services (such as lawyers, accountants, engineers, or architects). Offices that are part of and located with a principal use in another use category are considered accessory to the establishment's primary activity. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site. Government offices are classified as Civic uses. Medical and dental clinics, medical or dental labs, and blood collection facilities are classified as Health Care uses. Financial institutions offering drive-through or walk-up service to patrons (branch banks or credit unions) are classified as Personal Services.</p>	
Recreation & Entertainment	<p>The Recreation and Entertainment Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities that are privately-owned and commercial in nature. Uses may be either indoors, outdoors, or both.</p> <p>Example use types include major and minor recreation and entertainment.</p>	
	Internet Sweepstakes Cafe	A commercial establishment that provides access to the internet, on a computer located in the establishment for the purpose of engaging in games of skill or games of chance in pursuit of some form of winnings.
	Major Recreation & Entertainment	Major uses include recreational uses occurring outdoors (private golf driving ranges and privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; water parks, and amusement parks; and privately-owned active sports facilities such as ball fields, courts, and archery ranges), billiard halls, dance halls, and internet sweepstakes cafes.
	Minor Recreation & Entertainment	Minor uses include indoor commercial recreation uses, bowling alleys, movie theatres, dance and yoga studios, fitness centers, sports instructional schools, martial arts instruction, and similar uses.
Personal Services	<p>The Personal Service Use Category is characterized by use types related to the provision of services or product repair for consumers. Personal services use types meet frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing.</p> <p>Example use types include financial institutions like check cashing establishments or payroll lenders, laundromats, laundry and dry-cleaning drop-off establishments, photographic studios, mailing or packaging services, photocopy and blueprint services, locksmiths, hair salons and barber/beauty shops, tanning and nail salons, tattoo parlors and body piercing establishments, massage therapy and day spas, dance or music instruction, and psychics or mediums.</p>	
	Major Personal Services Establishment	A personal services establishment with more than 3,000 square feet of gross floor area.
	Minor Personal Services Establishment	A personal services establishment with 3,000 square feet of gross floor area or less.
Retail Sales	<p>The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products primarily intended for the general public. Accessory uses may include offices, storage of goods, limited assembly, processing, or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use types within this use category are categorized based on their intensity, scale, and function.</p> <p>Example use types include stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florist shops, garden supply centers, gift shops, grocery stores, hardware stores, stores that sell household products, jewelry stores, office supply stores, pet and pet supply stores, pharmacies, and gas stations. Accessory uses may include storage of products for sale, offices, concessions, seating areas, areas for testing of products prior to purchase, and provision of product-related service or repair.</p>	
	Major Retail Sales	A retail sales establishment that includes a drive-through (includes gas stations), or 3,000 or more square feet of floor area.
	Minor Retail Sales	A retail sales establishment that does not include a drive-through and is less than 3,000 square feet in floor area.
	Shopping Center	A shopping center is a building (or buildings) with two or more establishments engaged in retail sales or other commercial activities regardless of the amount of floor area involved.
Secondhand Sales	<p>The Secondhand Sales Use Category is comprised of retail sales uses engaged in the resale of products to others.</p> <p>Example use types include pawn shops, auction houses, flea markets, thrift stores, and similar uses.</p>	
	Major Secondhand Sales	A secondhand sales establishment with 3,000 or more square feet of floor area.

## Article 156.4 USES

### Section 4.2 Use Classifications, Categories, and Types

**TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS	
	EXAMPLES	
	Minor Secondhand Sales	A secondhand sales establishment with less than 3,000 square feet in floor area.
Vehicle Sales & Service	The Vehicle Sales & Service Use Category includes use types involving the direct sale; rental; storage; and servicing of automobiles, trucks, boats, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.	
	Example use types include vehicle sales or rentals; automotive repair and servicing; automotive painting/bodywork; boat and marine sales or rental; aircraft parts, sales, and maintenance; transmission shops; automotive wrecker services; oil change, state vehicle inspection, and muffler shops; automotive parts sales and maintenance; car wash and auto detailing; and tire sales and mounting services.	
	Major Vehicle Sales & services	Establishments that are primarily engaged in vehicle sales, rental, storage, towing, and major repair such as transmission, engine repair and bodywork and repainting.
	Minor Vehicle Sales & Service	Establishments that are primarily engaged in washing cars, tire sales, minor repair such as diagnostic work, lubricating, wheel alignment and inspections, but no vehicle sales or rental.
Visitor Accommodations	The Visitor Accommodations Use Category includes use types that provide lodging units or space for short-term stays for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.	
	Example use types include hotels, motels, bed and breakfast inns, extended stay facilities, and hunting lodges.	
	Major Visitor Accommodations	A visitor accommodation use with more than six guest rooms.
	Minor Visitor Accommodations	A visitor accommodation use with six or fewer guest rooms.
NOTES: [1] Uses listed in Section 4.1.4, Prohibited Uses, are not allowed within any zoning district in the Town.		

#### 4.2.7 USE CATEGORIES IN THE INDUSTRIAL USE CLASSIFICATION

Table 4.2.7, Industrial Use Classification, sets out the use categories included in the industrial use classification in Table 4.1.7, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

**TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS	
	EXAMPLES	
Industrial Services	The Industrial Services Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.	
	Example use types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.	
	Major Industrial Services	Industrial services uses that include any fabrication or outdoor activity such as storage or assembly.
	Minor Industrial Services	Industrial service uses that take place entirely indoors and do not include any fabrication.
Manufacturing	The Manufacturing Use Category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.	

# Article 156.4 USES

## Section 4.2 Use Classifications, Categories, and Types

**TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
	Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, the manufacture of other wood products; production or repair of small machines or electronic parts and equipment; and similar uses.
Resource Extraction	The Resource Extraction Use Category includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, drilling, mining, or other procedures typically done at an extraction site. Accessory uses may include offices, limited wholesale sales, security or caretakers quarters, outdoor storage, and maintenance facilities.
	Examples use types include quarries, borrow pits, mining, and sand and gravel operations.
Warehousing & Storage	The Warehouse and Storage Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.
	Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants; self-service storage; and outdoor storage (as a principal use).
Waste-Related	The Waste-Related Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.
	Example use types include recycling and salvage centers, convenience centers, transfer stations, land clearing and construction debris landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage yards and junkyards, and recycling drop-off centers.
Wholesale	The Wholesale Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.
	Example use types include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.
NOTES: Section 4.1.4, Prohibited Uses, are not allowed within any zoning district in the Town.	

### 4.2.8 USE CATEGORIES IN THE LIFE SCIENCES AND BIOTECHNOLOGY USE CLASSIFICATION

(Am. Ord. passed 10-18-22)

**TABLE 4.2.8: LIFE SCIENCES AND BIOTECHNOLOGY**

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Life Sciences and Biotechnology Corporate Offices, Research, and Development	The Life Sciences and Biotechnology Corporate Offices, Research, and Development category includes use types involving the research, development, design, management, governance, administration, and general corporate activities of life science and biotechnology companies.
	Example use types include corporate offices, corporate meeting spaces, biotechnology laboratories, life science laboratories, research and development facilities, biotechnology and life science training and educational spaces, site support facilities, and other related activities that support the activities of the site. Uses within this category may co-exist on the same campus or site as Life Science and Biotechnology Manufacturing, Production, Storage, and Ancillary activities.
Life Sciences and Biotechnology Manufacturing, Production, Storage, and Ancillary Activities	The Life Science and Biotechnology Manufacturing, Production, Storage, and Ancillary Activities category includes use types involving the production, manufacturing, fermentation, refinement, storage, and packaging of enzymes. Facilities supporting the activities of the site are considered ancillary activities.
	Example use types include manufacturing production, packaging, storage, fermentation, refinement, and other use activities related to the production of enzymes. Ancillary activity uses must be directly tied to the life science or biotechnology manufacturing use or activity occurring on the site or within the biotechnology or life science campus.



### 4.2.9 CIVIC, RECREATIONAL, AND INSTITUTIONAL CLASSIFICATION

Parking Space Requirement: 5 parking spaces per acre of space that is utilized (utilization shall be considered all space that is developed, built upon, designated, or used in connection with the Recreational, Wellness, Cultural, Activity Center Use) (Am. Ord. 12-20-22)

**TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Recreational, Wellness, Cultural, Activity Center	The Recreational, Wellness, Cultural, Activity Center use provides a variety of cultural, recreational, and wellness opportunities to the community.
	Example use types include spiritual activities, ropes courses, off-roading, ziplining, camping, trail programs, putt skeet ball, outdoor movie, paint and pour events, group fitness, community outreach events, private events, wedding events, bee farms, food trucks associated with on-site events, glamping villas, wellness centers, corporate retreats, team building activities, art walks.

## 4.3 USE-SPECIFIC STANDARDS

Use-specific standards are the requirements applied to individual use types unless otherwise stated to the contrary. This section is intended to identify the use standards for all principal uses identified in [Table 4.1.7, Principal Use Table](#), that are subject to “additional requirements.”

### 4.3.1 RESIDENTIAL USES

#### A. MANUFACTURED HOME ON AN INDIVIDUAL LOT

Placement of a manufactured home on an individual lot shall be subject to all the requirements applied to a single-family detached residential dwelling and the following:

1. All manufactured homes shall be tied down in accordance with the state regulations for manufactured homes and modular housing.
2. All applicable Franklin County Health Department requirements shall be met.
3. Exterior finishes shall consist of wood, vinyl or other material that is comparable in composition, appearance and durability to exterior siding commonly used in standard residential construction. All finishes shall be in good repair, and in no case shall the degree of reflectivity of the exterior siding exceed that of gloss white paint.
4. A continuous, uniform foundation enclosure, un-pierced except for required ventilation and access, shall be installed around the entire perimeter of the home. A permanent masonry foundation shall consist of brick or concrete block.
5. Permanent steps shall be constructed at all exterior doors and a permanent porch measuring at least three feet in width and five feet in length shall be constructed at the front or main entrance to the manufactured home. The front or main entrance porch shall be enclosed with the same material as used in construction of the foundation.
6. A minimum roof pitch of four feet for every 12 feet horizontal run as related to manufactured homes proposed to be located within all residential zoning.
7. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
8. The running lights and the hitch shall be removed.
9. At least three off-street parking spaces shall be provided.
10. All areas not used for parking, manufactured home, required porches or other structures shall be grassed or otherwise suitably landscaped to prevent erosion.
11. The owner of a manufactured home shall request the Franklin County Tax Office to assess the manufactured home as real property and shall meet any requirements needed for the manufactured home to be assessed as real property.

**B. MANUFACTURED HOME PARK****1. ZONING AUTHORIZATION REQUIRED**

No manufactured home park within the jurisdiction of the Town shall be established, altered or expanded until a zoning authorization has been issued in accordance with Section 2.4.21, Zoning Authorization, and this section.

**(a) MANUFACTURED HOME PARK PLAN**

Applications for zoning authorization for a mobile home park shall include a manufactured home park plan, prepared in accordance with the following:

- (1)** The park plan shall be drawn to a scale of 100 feet to one inch or larger; and
- (2)** The park plan shall include the following:
  - (i)** The name of the park, the names and addresses of the owner or owners, and the designer or surveyor;
  - (ii)** The date, scale, and approximate north arrow;
  - (iii)** Boundaries of the tract shown with bearings and distances;
  - (iv)** The streets, driveways, recreation areas, parking spaces, service buildings, water courses, easements, mobile home spaces and all structures to be located on the park site;
  - (v)** A vicinity map showing the location of the park and the surrounding land usage;
  - (vi)** Names of the adjoining property owners;
  - (vii)** The proposed utility system for gas, surface water drainage, streetlights, electrical power, water supply and solid waste and sewage disposal facilities; and
  - (viii)** Land contours with vertical intervals of not less than two feet.

**(b) CERTIFICATIONS REQUIRED**

In addition to a manufactured home park plan, applications for a zoning authorization shall include the following certifications:

- (1)** Certification of approval of water supply system plans by the appropriate State and County agencies;
- (2)** Certification of approval of sewage collection systems and treatment facilities plans and septic tanks by the appropriate State and County agencies; and
- (3)** Certification of approval of solid waste storage and collection and disposal plans by the Town, or in the extraterritorial jurisdiction by the Franklin County Health Department.

**(c) ADDITIONAL REVIEWS**

- (1)** The Franklin County Health Department shall review the proposed park plan to determine if the plan is in accordance with the minimum health standards and regulations to include:
  - (i)** Source of water and water distribution system;
  - (ii)** Sanitary sewerage system;
  - (iii)** Adequate lot size, if septic tanks are to be used; and
  - (iv)** Adequate facilities for solid waste storage, collection and disposal, where applicable.
- (2)** The Electrical Inspector shall review the proposed park plan to determine if the proposed electrical system is adequate to serve the proposed park and complies with the electrical codes.
- (3)** The Town may require that the street layout of the proposed park plan be approved by the North Carolina Department of Transportation.
- (4)** If the construction of the park has not begun within six months from the issue date of the zoning authorization, the Town may grant an extension of the authorization if the applicant appears before the Board of Commissioners and shows cause.

**2. ZONING APPROVAL REQUIRED**

Issuance of a zoning authorization shall not entitle the applicant or owner to offer spaces for rent or lease, or to operate a manufactured home park. Operation of the park, including offering spaces for lease shall not occur until after approval of a zoning approval in accordance with Section 2.4.22, Zoning Approval, and this section.

- (a) When the applicant or owner has completed the construction of the manufactured home park, the Zoning Administrator, the Electrical Inspector, and a representative of the County Health Department, if applicable, shall make an on-site inspection of the park.
- (1) If the plan conforms to the zoning authorization and this Ordinance, the Zoning Administrator shall issue a zoning approval.
- (2) If the construction does not conform with the zoning authorization or this Ordinance, the Zoning Administrator shall delay issuance of the zoning authorization until the park comes into conformity.
- (3) In no case shall the zoning approval be issued for less than the minimum number of spaces required by this Ordinance.
- (b) When a manufactured home park is to be developed in stages, an application for an zoning approval may be made for each stage developed.

**3. DESIGN STANDARDS**

The following standards are minimum requirements for all new manufactured home parks:

**(a) GENERAL REQUIREMENTS****(1) SALE OF MANUFACTURED HOMES PROHIBITED**

- (i) The owner or operator of a manufactured home park shall not sell manufactured homes on or within a manufactured home park unless the manufactured home unit for sale shall be placed individually and separately upon an existing manufactured home space where all design standards and utilities have been completed as specified by this Ordinance, and unless said manufactured home is being occupied as a residence.
- (ii) The transfer of title of a manufactured home space or spaces, either by sale or by any other manner, shall be prohibited within a manufactured home park as long as the manufactured home park is in operation. This does not prohibit the sale of the entire park operation from one owner to another.

**(2) EXPANSIONS TO MANUFACTURED HOMES PROHIBITED**

No living compartment or structure other than a "Florida Room," or other prefabricated structure specifically designed for manufactured home use or extension, shall be added to any manufactured home parked within the jurisdiction of this Ordinance.

**(3) PERIMETER VEGETATIVE BUFFER**

If required by the Board of Commissioners, the owner of the proposed park shall provide a buffer around the manufactured home park as defined in Section 5.2.2, Perimeter Buffers.

**(4) ACCESSORY USES**

- (i) Within a manufactured home park, one manufactured home may be used as an administrative office.
- (ii) Convenience establishments of a commercial nature shall be limited to food stores, coin-operated laundries, beauty parlors and barbershops. These may be permitted in manufactured home parks subject to the following restrictions:
  - (-01-)** Such establishments shall be subordinate to the residential use and character of the park;



- (-02-)** Such establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park; and
- (-03-)** Such establishments shall be designed to serve the trade and service needs of the park residents only.

**(b) STREETS AND PARKING**

- (1)** Convenient access to each manufactured home space shall be provided by streets or drives with a minimum right-of-way of 50 feet, of which 20 feet shall be graded and drained for automobile circulation within the park.
- (2)** Maintenance of streets shall be provided by the operator of the park.
- (3)** Closed ends of dead-end drives or roads extending into a manufactured home park shall be provided with a "Y" or "T" turnaround with at least an 18 foot radius and a 20 foot tangent, except that if any such drive or road shall exceed 1,000 feet in length, one additional "Y" or "T" turnaround shall be provided, and the location thereof shall be subject to the approval of the Board of Commissioners.
- (4)** Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees.
- (5)** Where a street intersects a public street or road, the design standards of the North Carolina Department of Transportation shall apply.
- (6)** New street names shall not duplicate or be similar to existing streets names in the Town or the County.

**(c) INDIVIDUAL MANUFACTURED HOME SPACES**

- (1)** Each manufactured home space shall have sufficient square footage to comply with the requirements of the Franklin County Health Department and must be at least 10,000 square feet in area for singlewide manufactured homes and 15,000 square feet in area for doublewide manufactured homes.
- (2)** Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners.
- (3)** Each manufactured home space shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
- (4)** Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 20 feet from any building within the manufactured home park, at least 20 feet from any property line, and at least 15 feet from the edge of the right-of-way of any street.
- (5)** Each manufactured home unit within a manufactured home park shall be secured by adequate anchors and tie-downs, such as cast-in-place concrete "dead men" eyelets imbedded in concrete foundations or runways, screen augers, arrowhead anchors or other devices securing the stability of the manufactured home. Each manufactured home unit shall comply with the above standards or with standards specified by the state, whichever are the higher standards. Each manufactured home owner shall be responsible for securing his individual manufactured home to anchors. It shall be the responsibility of the manufactured home park owner or operator to enforce compliance with this paragraph.
- (6)** Each manufactured home space shall have a number visible for emergency services purposes.

**(d) UTILITY REQUIREMENTS****(1) POTABLE WATER**

An accessible, adequate, safe and palatable supply of water shall be provided in each manufactured home park.

**(2) SANITARY SEWER**

- (i) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks.
- (ii) Each manufactured home space shall be provided with at least a four-inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the manufactured home drain outlet will approximate a vertical position.
- (iii) A two foot by two-foot concrete apron shall be installed around all sewer connection riser pipes for support and protection. The sewer connection shall be located a distance of at least 100 feet from the water supply.
- (iv) The sewer connection shall be a nominal inside diameter of at least four inches, and the slope of any portion thereof shall be at least one-quarter inch per foot. The sewer connection shall consist of one pipeline only without any branch fittings. All joints shall be watertight, including the connection from trailer to sewer riser pipe.
- (v) All material used for sewer connections shall be semi rigid, corrosion-resistant, nonabsorbent and durable. The inner surface shall be smooth.
- (vi) Provision shall be made for plugging the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four inches above ground elevation.

### **(3) SOLID WASTE**

- (i) The storage, collection and disposal of solid waste in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents or fire hazards or pollution.
- (ii) All solid waste containing garbage shall be stored in standard fly-tight, watertight, rodent-proof containers, with a capacity of not more than 32 gallons, which shall be, located not more than 150 feet from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The manufactured home park management shall be responsible for the proper storage, collection and disposal of solid waste.
- (iii) Containers shall be situated so as to prevent said containers from being tipped in order that spillage and container deterioration may be minimized, and in order to facilitate cleaning around containers.
- (iv) All solid waste containing garbage shall be collected at least weekly. Where suitable collection service is not available from municipal or private agencies, the manufactured home park operator shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.
- (v) Where municipal or private disposal service is not available, the manufactured home park operator shall dispose of the solid waste by transporting to a disposal site approved by the Health Director.

### **(4) WEEDS, REFUSE, AND DEBRIS**

- (i) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Franklin County Health Department.
- (ii) Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (iii) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building materials shall be stored at least one foot above the ground.
- (iv) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

- (v) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

### 4. REGISTRATION OF OCCUPANTS

Every manufactured home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of manufactured homes in the park. The register shall be available for inspection at all times by authorized County and Town representatives. The register shall contain the following information:

- (a) Name of owner or occupant;
- (b) Manufactured home space number;
- (c) Make, model and registration number of manufactured home; and
- (d) Date when occupancy within the manufactured home park begins and date when occupancy within the manufactured home park ceases.

### C. MULTI-FAMILY DEVELOPMENT

Multi-family, townhouse, and three-to-four-family development shall comply with the following requirements:

#### 1. MAXIMUM DENSITY

The maximum density shall be in accordance with the district standards in Section 3.2, General Zoning Districts.

#### 2. BUILDING SEPARATION

- (a) Building separation distance between two or more buildings on a single site shall be in accordance with Table 4.3.1C, Building Separation.

TABLE 4.3.1.C: BUILDING SEPARATION	
HEIGHT OF TALLER BUILDING (FEET)	MINIMUM HORIZONTAL DISTANCE BETWEEN VERTICAL PROJECTIONS (FEET) [1]
20 or less	16
Between 20.1 and 25.0	25
Between 25.1 and 30.0	30
Between 30.1 and 35.0	40
NOTES: [1] The vertical projections for each building shall be drawn from that point on each building, which is horizontally closest to the other building.	

- (b) The minimum distance between the centers of facing windows of different dwelling units shall be 20 feet.

#### 3. PERIMETER SETBACK

- (a) A perimeter setback of at least 50 feet shall be provided around the entire perimeter of the site, with the exception of driveways.
- (b) Parking spaces and accessory buildings shall not be allowed in the required perimeter setback.
- (c) Accessory buildings and uses for multi-family dwellings shall not be placed in the perimeter setback around the perimeter of the site.

**4. OPEN SPACE**

In development with more than ten units, the greater of one-half acre or 5 percent of the gross acreage in the tract, shall be set aside for recreation and open space that meets the criteria of Section 153.221 of the Subdivision Regulations.

**5. ACCESSORY USES**

The review authority may approve the inclusion of leasing offices and of coin-operated laundry facilities, swimming pools, snack bars, and similar accessory uses provided that they are intended to serve residents of the dwelling or complex only, and will not attract outside traffic to the site.

**6. ACCESS**

Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

**D. RESIDENTIAL DEVELOPMENT IN COMMERCIAL DISTRICTS**

Residential development in the MUD, C-2D, C-3H, and LI districts shall be configured in order to preserve safety for the residents and avoid traffic complications for adjacent nonresidential uses. Additionally, in the Downtown district, Upper floor residential shall be restricted to Multi-family use.

**E. SINGLE-FAMILY DETACHED DWELLINGS**

1. Single-family residential detached dwellings shall be configured so that the designed front of the structure shall be viewed from the public street and front yard area in a manner similar to the surrounding residential lots.
2. Single-family residential detached dwellings placed perpendicular to the front yard area are prohibited.
3. Lots of five acres or greater are be exempted from standards 1 & 2 in this section.

**F. FAMILY CARE HOMES**

1. No family care home shall be within 0.5 mile of another family care home within the zoning jurisdiction of the Town.

**G. TOWNHOUSES**

1. Townhouses shall meet the requirements of Chapter 153, Subdivision Regulations of the Town Code of Ordinances.
2. Townhouse developments with more than two attached dwelling units shall provide a perimeter setback around the entire development of 50 feet.
3. The minimum number of townhouses attached to each other in a single building shall be two, and the maximum shall be eight.
4. Any common areas and common open space shall be deeded to a homeowners' association.

**H. DOWNTOWN MIXED-USE PROJECTS SHALL COMPLY WITH THE FOLLOWING STANDARDS:**

1. All loading, unloading, and delivery activities associated with the business shall be prohibited on Main Street; the time and location for these activities shall be specified by the Board of Commissioners in the Special Use Permit conditions.
2. The entire ground level front façade of the building along Main Street and/or Mason Street shall be limited to the permissible commercial uses of the C-2D Downtown Commercial Zoning District.
3. A minimum of fifty percent of the ground level floor area must be devoted to the allowed commercial and retail uses listed in Section 4.1.7 Principal Use Table. This area must be situated on the ground level at the front of the building facing Main Street and /or Mason Street.
4. Parking for residential and commercial tenants and property owners associated with the Mixed-Use Project shall be prohibited along Main Street; the Board of Commissioners will specify

approved parking locations for tenants and property owners in the conditions of the Special use Permit.

- 5.** Residential tenants wishing to park in the downtown area will be required to obtain an annual parking pass from the Town of Franklinton and park in the locations specified by the Board of Commissioners in the conditions of the Special Use Permit.
- 6.** All trash and recycling generated by the Downtown Mixed-Use must be properly disposed of at the town-provided dumpster sites located downtown; fees for trash and recycling will be assessed to each residential unit at the same rate that is assessed per household throughout the Town.

(Am. Ord. passed 1-17-23)

#### **4.3.2 INSTITUTIONAL USES**

##### **A. GENERALLY**

Institutional uses shall be review carefully by the appropriate review authority and shall be denied if the benefit to the public will not outweigh any adverse effects created.

##### **B. CLUB OR LODGE**

- 1.** The use shall not be located in an area where traffic created by the use will be a problem for neighboring residential uses.
- 2.** The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.
- 3.** Noise from a public address system shall not be heard beyond the lot line.

##### **C. COMMUNITY CENTER**

- 1.** The use shall not be located in an area where traffic created by the use will be a problem for neighboring residential uses.
- 2.** Noise from a public address system shall not be heard beyond the lot line.

##### **D. RELIGIOUS FACILITIES**

Religious facilities may erect more than one building per lot, provided all buildings comply with the minimum setback or yard requirements for the zoning district where located.

##### **E. SOLAR ARRAYS**

Solar arrays shall comply with the following standards:

###### **1. MAXIMUM HEIGHT**

- (a)** Systems, equipment, and structures shall not exceed 15 feet in height when ground mounted. Electric transmission lines and utility poles are excluded from this height requirement.
- (b)** Roof mounted systems shall not exceed the maximum height for the applicable zoning district.

###### **2. SETBACKS**

Ground mounted solar energy arrays shall have a setback for all equipment including fences a minimum of 100 feet from the street rights-of-way and 50 feet from other property lines. The Board of Commissioners may reduce setback requirements if the proposed or existing buffer is sufficient to screen the project from view from adjoining properties or public rights-of-way.

###### **3. FENCING REQUIRED**

Systems, equipment, and structures shall be fully enclosed and secured by a fence with a minimum height of 10 feet.

###### **4. VEGETATIVE BUFFER REQUIRED**

- (a) A 30-foot vegetative buffer consisting of a compact evergreen hedge or other type of evergreen foliage shall be required along the entire perimeter of the facility.
- (b) The buffer shall be planted at a minimum of three feet tall and reach the height of at least eight feet within three years and shall be maintained in good condition.
- (c) Failure to maintain the buffer shall constitute a violation of this ordinance.
- (d) Earthen berms or other topographical features and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view and are maintained.

## **5. EXTERIOR LIGHTING**

If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.

## **6. NOISE LIMITED**

Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.

## **7. UTILITY CONNECTIONS UNDERGROUND**

To the extent practical, all new power transmission lines to any building, structure, or utility connection shall be located underground. Existing above ground utility lines shall be allowed to remain in their current location.

## **8. ANTI-REFLECTIVE COATING**

- (a) Electric solar system components must have a UL listing and must be designed with anti-reflective coating(s).
- (b) Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street right-of-way.

## **9. COMPLIANCE WITH STATE BUILDING CODE**

- (a) All solar farms shall be in conformance with the requirements of the State Building and Electrical Codes (current addition), the State of North Carolina and Franklin County.
- (b) All active solar systems shall be inspected by a Franklin County Building Inspector.

## **10. REMOVAL UPON DISCONTINUANCE**

- (a) It is the responsibility of the solar system owner and landowner to notify the Town and to remove all obsolete or unused systems within 180 days of cessation of operations.
- (b) Reusable components are to be recycled whenever possible.
- (c) Financial assurance shall be required of the applicant to provide for the removal of solar facilities.
- (d) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing shall be submitted with the permit application, and shall address the following:
  - (1) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
  - (2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations. All facilities shall be removed, at the owner's expense within 90 days.
  - (3) Restoration of property to condition prior to development of the solar array.
  - (4) The timeframe for completion of decommissioning activities.
  - (5) Description of any agreement (e.g. lease) with landowner regarding decommissioning.
  - (6) The party currently responsible for decommissioning.
  - (7) Plans for updating this decommissioning plan.
  - (8) An engineering report estimating the cost of decommission.
  - (9) A bond or performance guarantee in the amount of cost of decommission.



**F. TELECOMMUNICATIONS FACILITIES****1. PURPOSE AND INTENT**

This section is intended to establish general standards for the siting of wireless telecommunications facilities that will:

- (a) Protect residential areas and uses from potential adverse impacts of towers and antennas;
- (b) Encourage the location of new towers in nonresidential areas;
- (c) Minimize the total number of new towers throughout the Town;
- (d) Foster the joint use of new and existing tower sites and the establishment of stealth towers as primary options rather than construction of additional single-use towers;
- (e) Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal;
- (f) Encourage towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact;
- (g) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (h) Consider the public health and safety concerns of communication towers and antennas; and
- (i) Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure.

**2. APPLICABILITY**

A new telecommunications facility, whether a principal or accessory use, shall comply with the standards of this subsection, unless specifically exempted in accordance with Section 4.3.2F.3, Exemptions.

**3. EXEMPTIONS**

The following shall be exempt from the standards of this subsection (but shall be required to comply with other relevant standards in this Ordinance):

- (a) Satellite dish antennas.
- (b) Receive-only television or radio antennas for noncommercial use.
- (c) Antennas legally operated by FCC-licensed amateur radio operators.
- (d) Emergency communication towers owned by the Town or other public agency that are used wholly or in part for public safety or emergency communication purposes.

**4. FACILITIES DISTINGUISHED**

Applications for wireless telecommunications facilities shall be categorized into major wireless telecommunications facilities (e.g., new towers), minor wireless telecommunications facilities (e.g., collocations on an existing tower, etc.), and stealth wireless telecommunications facilities in accordance with Section 9.2, Definitions.

**5. STANDARDS APPLIED TO A MAJOR WIRELESS COMMUNICATIONS FACILITY**

A major wireless communications facility, whether a principal or accessory use, shall comply with the following standards:

**(a) COLLOCATION REQUIRED**

- (1) A major wireless communications facility shall not be allowed unless it is demonstrated no suitable existing major wireless communications facility, building, or other structure within the coverage area is available for the collocation of antennas.
- (2) If allowed, a new major wireless communications facility shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing major wireless communications facility shall be

made available to other users at a fair market rental rate unless mechanical, structural, or regulatory factors prevent collocation. In determining a fair market rental rate, the rent paid by a current collocator under a swapping agreement need not be considered.

**(b) REPLACEMENT OF MAJOR WIRELESS COMMUNICATIONS FACILITIES TO EXPAND COLLOCATION**

An existing major wireless communications facility may be replaced with a new facility that increases the number of collocation opportunities, subject to the following standards:

- (1)** The height of the replacement facility shall not exceed the greater of 20 feet or 125 percent of the height of the original facility.
- (2)** The replacement facility shall be located within 100 feet of the replaced facility, unless the UDO Administrator determines that a farther distance from the existing facility is more appropriate.
- (3)** The replacement facility complies with all the standards of this subsection.

**(c) HEIGHT**

The height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 200 feet.

**(d) SETBACKS**

A telecommunications tower shall be set back from abutting property lines a distance equivalent to:

- (1)** The overall height of the tower and all appurtenances; or
- (2)** The minimum distance necessary to ensure the tower will remain on its site, following collapse, as certified by a licensed professional engineer.

**(e) AESTHETICS**

- (1)** A telecommunications tower shall:
  - (i)** Either maintain a galvanized steel finish or be painted.
  - (ii)** Be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
- (2)** The exterior appearance of ground-based accessory structures located in a residential district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).

**(f) LIGHTING**

If lighting is required by the FAA, it shall comply with FAA standards. To the extent allowed by the FAA, strobe lights shall not be used for nighttime lighting. Lighting shall be oriented so as not to project directly onto any land in a residential district.

**(g) BUFFER AND SCREENING**

A perimeter buffer shall be provided around the perimeter of a major wireless communications facility (including equipment structures and guy anchor supports).

**(h) SECURITY FENCING**

A tower, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than eight feet in height.

**(i) INTERFERENCE**

A major wireless communications facility, antenna, or supporting equipment shall not disturb or diminish radio or television or similar reception on adjoining land in a residential district.

**(j) USE OF ASSOCIATED BUILDINGS**



Building and structures associated with a major wireless communications facility shall not be used as a place of work for a worker. (It is not the intent of this provision to prevent the periodic maintenance, inspection, and monitoring of equipment and instruments, or renovation of the facility.)

**(k) NO OUTDOOR STORAGE**

An outdoor storage area shall not be allowed on a major wireless communications facility site.

**(l) SAFETY**

A tower shall comply with all applicable local, State, and Federal building codes and structural standards.

**(m) COMPLIANCE WITH STATE OR FEDERAL LAWS AND REGULATIONS**

A major wireless communications facility and antennas shall comply with or exceed current standards and regulations of the FAA, the Federal Communications Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications facilities.

**(n) DISCONTINUED USE**

If a major wireless communications facility is not used for a period of six consecutive months, the Zoning Administrator may send the owner notice indicating the facility shall be removed within 90 days from the date of notice.

**(o) NONCONFORMING MAJOR WIRELESS COMMUNICATIONS FACILITY**

A nonconforming major wireless communications facility shall be allowed to remain and be maintained in accordance with the standards in Article 156.7: NONCONFORMITIES. Additional equipment may be added to the facility provided that such additions do not increase the degree of nonconformity. Nothing shall limit the ability to increase the facility's height as part of a proposed collocation of additional antennas.

**6. MINOR WIRELESS TELECOMMUNICATIONS FACILITIES**

A minor wireless communications facility, whether a principal or accessory use, shall comply with the following standards:

**(a) COLLOCATION OF ANTENNAS ON WIRELESS COMMUNICATIONS FACILITIES**

An antenna may be collocated on an existing wireless communications facility if it complies with the following standards:

- (1)** Any modification of an existing wireless communications facility or other vertical projection to accommodate the collocation of additional antenna complies does not result in the increase in the height of the structure by 20 feet.
- (2)** The antenna and its associated equipment comply with the safety, lighting, interference, and regulatory compliance standards for a telecommunications tower in this subsection.

**(b) COLLOCATION OF ANTENNAS ON AN EXISTING BUILDING OR OTHER VERTICAL PROJECTION**

An antenna may be attached to a business or multi-family residential building or other vertical projection in accordance with the following standards:

**(1) HEIGHT**

The antenna shall not extend over 20 percent of the highest point of the building or projection on which it is located.

**(2) OTHER STANDARDS**

An antenna and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for a telecommunications tower included in this subsection.

**(3) SCREENING**

- (i) An antenna visible from the street shall be omni-directional, screened, or camouflaged, to the maximum extent practicable, to minimize its appearance.
- (ii) Equipment shall be located within the building or screened in some other fashion to prevent off-site views.

**7. STEALTH WIRELESS TELECOMMUNICATIONS FACILITIES**

A stealth wireless communications facility shall be designed and located to complement the surrounding landscape in accordance with the following standards:

**(a) DESIGN**

A stealth wireless communications facility shall take an alternative form than a typical wireless communications facility, including but not limited to: bell towers, clock towers, water towers, light standards, chimneys, steeples, evergreen trees, flag poles, or similar projections.

**(b) SETBACKS**

A stealth wireless communications facility shall comply with the district dimensional standards. The tower portion of the facility shall be set back the height of the tower from existing single-family dwellings.

**(c) GROUND-BASED EQUIPMENT**

Ground based equipment shall be designed, located, and camouflaged in a manner compatible with the tower-based portion of the facility. Equipment shall be located within a structure or building, to the maximum extent practicable.

**(d) COLLOCATION NOT REQUIRED**

A stealth wireless communication facility is not required to be engineered for additional carrier's equipment.

**(e) ANTENNAS AND CABLES MUST BE CONCEALED**

Antennas, cables, and related appurtenances shall be concealed from off-site views.

**G. UTILITIES (MAJOR AND MINOR)**

1. Where a use could involve potential fire or other health hazards, the Fire Chief, and where applicable, the Franklin County Health Department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the operations and any storage measures.
2. The review authority shall carefully consider the effects of the individual operation on the Town and all neighboring properties and shall deny the permit if an adverse effect would be created.
3. The review authority shall require sufficient vegetative buffering to screen the outdoor use or outdoor portion of the use from view and streets and neighboring properties.
4. The outdoor use or outdoor portion of the use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin, or otherwise be a menace to public health and safety.

**4.3.3 COMMERCIAL USES****A. GENERALLY**

Commercial Uses shall generally comply with the following standards:

1. When a commercial use with a business is established, a camera system shall be installed such that:
  - (a) The entrances and exits and main areas of the property are recorded and recordings are available for retrieval for a minimum of 30 days.
  - (b) The Town has the right to access the camera live feed and recordings

**B. ADULT ESTABLISHMENT**

An adult establishment shall comply with all the following standards:

1. The use shall be on a lot with frontage on US Highway 1.
2. An adult establishment use shall not occupy the same premises of another principle use.
3. Except for on-premise signage, no advertisement, display, or other promotional materials related to the establishment shall be visible to the public from sidewalks, walkways, driveways, or parking areas.
4. The hours of operation of an adult establishment shall be limited to the hours of 4:00 pm through 2:00 am.
5. No specified sexual activity shall be within view of the public from beyond the building of the adult establishment at any time.
6. The use shall be located no closer than 1,000 linear feet from another adult establishment;
7. The use shall be located at least 500 linear feet from any of the following use types:
  - (a) A residential dwelling unit;
  - (b) A family care home;
  - (c) An eating establishment or private club or lodge where alcohol is served for on-site consumption;
  - (d) A day care center;
  - (e) A religious institution;
  - (f) A life care institution; or
  - (g) Any use type in the Park and Open Area Use Category.
8. The distances provided in this subsection shall be measured by following a straight line from the nearest point on the building or parking areas serving the adult establishment to the nearest point of the lot upon which the restricted use is located.

**C. INTERNET SWEEPSTAKES CAFÉ**

An internet sweepstakes café shall comply with the following standards:

1. The use shall be on a lot with frontage on US Highway 1;
2. The use shall be located no closer than 3,000 linear feet from another internet sweepstakes café; and
3. The use shall be located at least 1,000 linear feet from any of the following use types:
  - (a) A residential dwelling unit;
  - (b) A family care home;
  - (c) An eating establishment or private club or lodge where alcohol is served for on-site consumption;
  - (d) A day care center;
  - (e) A religious institution;
  - (f) A life care institution; or
  - (g) Any use type in the Park and Open Area Use Category.

**D. MINOR VISITOR ACCOMMODATION USE**

All minor visitor accommodation uses (including bed and breakfast establishments) shall comply with the following requirements:

1. The owner or a resident manager must be domiciled on the premise;

2. Breakfasts served on the premise are only for guests and guests of guests of the facility and no other meals are provided on the premise;
3. Off street parking shall be limited to one parking space for each room to be rented or as the traffic regulations of the Town allow;
4. Any structural or aesthetic modifications to the exterior of the premise shall be described within the required permit application;
5. A permit issued is not transferable to another person or party;
6. Copies of all sanitation inspection reports conducted by the Division of Health Services, North Carolina Department of Human Resources, shall be forwarded to the Zoning Administrator;
7. Where possible, the use shall maintain a minimum building separation of 40 feet from surrounding principal structures; and
8. Additional conditions may be included for the operation of a minor visitor accommodation use and may be documented as requirements within the permit application.

**E. RECREATION AND ENTERTAINMENT USES (MAJOR AND MINOR)**

1. The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.
2. The use shall not be located in an area where traffic created by the use will be a problem for neighboring residential uses.
3. Noise from a public address system shall not be heard beyond the lot line.

**F. SHOPPING CENTERS**

Applications for the establishment of a shopping center shall include the following:

1. A site plan drawn to a scale of not less than 1 inch equals 50 feet with the seal of a registered surveyor or professional engineer and showing the following:
  - (a) Location, arrangements, and dimensions of parking spaces, width of aisles, width of bays, and angle of parking;
  - (b) Location, arrangements, and dimensions of truck loading and unloading spaces and docks;
  - (c) Locations and dimensions of vehicular entrances, exits, and drives;
  - (d) General drainage system;
  - (e) Location and materials of walls and fences;
  - (f) Ground cover, topography, slopes, banks, and ditches;
  - (g) The location and general exterior dimensions of main and accessory buildings;
  - (h) Sealed architectural plans for proposed buildings;
  - (i) The location, dimensions, and arrangement of areas to be devoted to planting lawns, trees, and other plants;
  - (j) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, all to be constructed in accordance with town standards; and
  - (k) Delineation of areas to be constructed in phases and sequential order. If the development is to be carried out in progressive stages, each stage shall be complete with all necessary parking areas and other supporting facilities completed to serve that portion of the development.
2. An analysis of anticipated traffic volume;
3. Evidence that the North Carolina Department of Transportation has been made aware of the proposed development and that the developer will coordinate planning for the development with this agency;
4. Plans for refuse disposal equipment and method of refuse disposal such as compactors and dumpsters; and
5. Sediment control plan approved by the Franklin County Soil and Water Conservation Service;

**4.3.4 INDUSTRIAL USES**

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**A. GENERALLY**

1. Where a use could involve potential fire or other health hazards, the Fire Chief, and where applicable, the Franklin County Health Department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the operations and any storage measures.
2. The review authority shall carefully consider the effects of the individual operation on the Town and all neighboring properties and shall deny the permit if an adverse effect would be created.
3. The review authority shall require sufficient vegetative buffering to screen the outdoor use or outdoor portion of the use from view and streets and neighboring properties.
4. The outdoor use or outdoor portion of the use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin, or otherwise be a menace to public health and safety.

**B. MINING AND EXTRACTION**

All mining and extraction uses shall comply with all applicable State requirements and the following standards:

**1. BLASTING TIME**

Blasting times shall take place only between 8:00 a.m. to 5:00 p.m., Monday through Friday, and shall comply with all applicable State requirements pertaining to vibration.

**2. MONITORING WELLS**

Monitoring wells, established in accordance with State requirements and national best practice, shall be provided for rock quarries and coal mines, and may be required on a case-by-case basis for any other mining and extraction use.

**3. FENCING**

In cases where the excavation depth poses a safety hazard in the opinion of the Zoning Administrator, the mining and excavation use shall include a fence of at least six feet in height around all areas of excavation or around the subject site.

**4. SETBACK FOR EXCAVATION**

- (a) All mining operations shall maintain a minimum setback of at least 50 feet between areas of excavation and the lot line.
- (b) Rock quarries and coal mining operations shall maintain a minimum setback of at least 200 feet from areas of excavation and the lot line.

**5. VEGETATED BUFFER ZONE**

- (a) Sand and clay mining operations shall maintain a vegetated buffer of at least 25 feet in width.
- (b) All other mining and extraction uses shall maintain a minimum vegetated buffer of at least 50 feet in width.

**6. ROADS**

Roads internal to a mining and extraction use shall be paved or treated otherwise to conform to standards set forth in the Federal Clean Air Act.

**4.3.5 LIFE SCIENCE AND BIOTECHNOLOGY USES**

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**A. GENERAL STANDARDS**

1. All biotechnology uses and activities lawfully existing at the time of adoption of this ordinance shall be deemed to be in-compliance with the Town's zoning and development regulations. Any expansion or enlargement of existing uses or the introduction of new uses or activities that

result in the physical expansion or enlargement of facilities following the adoption of this ordinance shall be subject to the provisions contained herein.

- (a) Buildings and infrastructure associated with uses lawfully existing at the time of adoption of this ordinance may be repaired or replaced within their existing footprints.
  2. Where a use could involve potential fire or other health hazards, the Fire Marshall, and where applicable the Franklin County Health Department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the operations and any storage measures.
  3. Buffering and Screening Requirements
    - (a) A 30-foot buffer must be installed within all side and rear setbacks abutting property zoned for a residential use or a lower density use.
    - (b) The required buffer may be vegetative or a combination of opaque fencing and vegetation. All vegetation must be a minimum of 6 feet in height when installed. The buffer must be at least 80% opaque and designed in a manner which prevents light trespass and limits potential nuisances to adjacent properties.
    - (c) If densely wooded area exists within the buffer area the screening requirement may be reduced to a double row of vegetative screening or an opaque fence that is no less than six feet in height.
    - (d) No buffer or screening shall be required within the front setback and front yard area. Corner lots shall not be required to install a buffer or screen along portions of the property that front a public roadway.
    - (e) Buffering and Screening Requirements may be modified or reduced by the UDO Administrator based on site conditions or site-specific limitations
  4. All parking areas shall be required to comply with Section 5.2.1
  5. All exterior lighting shall be shielded or directed in a manner that prevents light trespass onto adjacent properties.
  6. All manufacturing and production activities shall be conducted indoors to the maximum extent feasible
  7. The applicant shall limit noise, vibrations, and odors to the maximum extent feasible
  8. The principal or primary use, activity, or purpose of a biotechnology or life sciences site of campus shall not fall within the list of prohibited uses contained in Section 4.1.4
  9. All applications shall follow the Type 1 Review Process as set forth in Article 156.2 Procedures

#### **4.3.6 MINOR WOODWORKING WITH WOODWORKING SHOWROOMS**

##### **A. GENERAL STANDARDS**

1. All woodworking activities shall take place indoors, no woodworking activities shall take place outdoors.
2. All woodworking activities shall be limited to the hours of 9 AM to 9 PM.
3. Structures housing woodworking activities shall be designed and /or upfitted to suppress and fully contain all sounds, noises, noxious odors, fumes, vibrations, and air-borne particles to a level where the activity is not able to be detected from the public street right-of-way or from any residence located in a residential zoning district of the Town.
4. All deliveries of raw product or materials must take place between 9 AM and 5 PM
5. All pick-ups of completed products must take place between 9 AM and 5 PM with the exception of products that are purchased by individual customers or consumers.
6. All materials must be disposed of off-site at the expense of the business owner.
7. All minor woodworking businesses located within the C-2D Downtown Commercial Zoning District must contain an on-site retail component i.e. showroom, storefront, woodworking instructional area, etc.
8. All raw materials must be stored indoors.

- 9.** All completed products must be stored indoors, any exterior displays of completed products must be contained within the boundaries of the subject property and be located outside of the Town right-of-way.
- 10.** The maximum footprint of a Minor Woodworking with Woodworking Showrooms Use shall not exceed 5,000 square feet.  
(Am. Ord. passed 12-20-22)



## **4.4 ACCESSORY USE STANDARDS**

### **4.4.1 PURPOSE**

This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

### **4.4.2 PROCEDURE FOR ESTABLISHMENT**

- A.** Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use.
- B.** No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.
- C.** Establishment of an accessory use or structure shall require approval of a zoning permit in accordance with the standards in Section 2.4.21, Zoning Authorization, and the standards in this section.
- D.** Any principal use listed in Table 4.1.7, Principal Use Table, as an allowable use in a zoning district may also be permitted as an accessory use (or structure) in the same zoning district, provided it complies with the standards in this section.
- E.** In the event an accessory use or structure is proposed to serve a principal use that is established through a special use permit, the accessory use or structure shall also require special use permit approval in accordance with Section 2.4.16, Special Use Permit.
- F.** A lawfully established nonconforming use or structure may be supplemented with an accessory use or structure provided the accessory does not increase the nonconformity.

### **4.4.3 GENERAL STANDARDS**

#### **A. PERMITTED ACCESSORY USES AND STRUCTURES**

Permitted accessory uses and structures include those listed in this section and those that the Zoning Administrator determines meet the following:

- 1.** Are clearly incidental to an allowed principal use or structure;
- 2.** Are subordinate to and serve an allowed principal use or structure;
- 3.** Are subordinate in area, extent, and purpose to the principal use or structure;
- 4.** Contribute to the comfort, convenience, or needs of occupants or business associated with the principal use or structure.

#### **B. LOCATED ON SAME LOT AS A PRINCIPAL USE**

All accessory uses and structures shall be located on the same lot as the principal use or structure and not located within any street right-of-way, except as allowed by this Ordinance.

#### **C. COMPLIANCE WITH ORDINANCE REQUIREMENTS**

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards in Article 156.3, DISTRICTS, and the development standards in Article 156.5, STANDARDS.

#### **D. DIMENSIONAL STANDARDS**

Accessory structures, which include accessory buildings, shall meet the applicable zoning district dimensional standards and district standards, except where authorized in writing by this Ordinance.

#### **E. EASEMENTS**

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



### F. CONFLICT WITH DISTRICT OR USE-SPECIFIC STANDARDS

In the event the standards in this section conflict with use-specific standards for a principal use in Section 4.2.9, Civic, recreational, and institutional classification

Parking Space Requirement: 5 parking spaces per acre of space that is utilized (utilization shall be considered all space that is developed, built upon, designated, or used in connection with the Recreational, Wellness, Cultural, Activity Center Use) (Am. Ord. 12-20-22)

**TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Recreational, Wellness, Cultural, Activity Center	The Recreational, Wellness, Cultural, Activity Center use provides a variety of cultural, recreational, and wellness opportunities to the community.
	Example use types include spiritual activities, ropes courses, off-roading, ziplining, camping, trail programs, putt skeet ball, outdoor movie, paint and pour events, group fitness, community outreach events, private events, wedding events, bee farms, food trucks associated with on-site events, glamping villas, wellness centers, corporate retreats, team building activities, art walks.

Use-Specific Standards, the use-specific standards shall control.

### 4.4.4 STANDARDS FOR ACCESSORY STRUCTURES ASSOCIATED WITH A RESIDENTIAL USE

#### A. EXTERIOR MATERIALS

All accessory buildings shall be compatible to the primary residence and the surrounding neighborhood.

1. Roofing on accessory structures shall be compatible to general roof styles such as A-style roofs with shingles or tin. All roof slants shall provide adequate drainage and materials shall be weather-tight, in order to prevent decay or rot;
2. All exterior materials shall be exterior treated wood paneling with exterior paint comparable to the residence and/or vinyl siding. A Rot resistant material like cedar is acceptable; and
3. Pre-fab and manufactured accessory buildings are permitted provided they conform to this Ordinance.

#### B. COMMERCIAL USES PROHIBITED

Accessory uses to single-family and two-family dwellings, and multi-family dwellings may not include commercial uses, except as permitted as home occupations by Section 4.4.5, Standards for Home Occupations.

#### C. CARETAKER RESIDENCE

Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses. Dwelling units shall not be allowed as accessory uses for other types of uses, except where specifically allowed in other parts of this Ordinance.

#### D. MAXIMUM HEIGHT

No accessory building shall exceed 35 feet in height, nor shall any accessory building exceed the principal building in height.

#### E. BUILDING PLACEMENT

1. An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building for purposes of this Ordinance, and must meet all yard requirements applied to the principal building.
2. No detached accessory building shall be located closer than six feet to any other building or manufactured home.
3. No accessory building may extend in front of the rear line of a single-family or two-family dwelling or manufactured home, provided the building complies with the requirements outlined

in this section. This prohibition shall not apply to well or pump houses, bird houses, baths, or feeders or other ornamental yard objects, mail boxes, or allowable signs.

4. No accessory building or recreational structure or use may extend within three feet of a lot line, nor within 20 feet of a street right-of-way line.

**F. SWIMMING POOLS**

1. Swimming pools structures may be located in the rear and side yards provided the structure complies with the setback requirements for the density in which it is located.
2. In cases where swimming pools extend in front of the rear line of a single family or two family dwelling or mobile home, a 6 foot privacy fence or buffer shall be installed so as to obstruct its view from any street or right of way.

**G. DETACHED CARPORTS**

Detached carports in back yards are permitted while meeting all accessory code setbacks. Detached carports are permitted in the side yard but not to extend in front of the residential dwelling. Only one side yard of the parcel can be used for the placement of a detached carport. Placement of detached carports in both side yards is prohibited. The setback requirements for side yard placement shall be one foot from the property line.

#### **4.4.5 STANDARDS FOR HOME OCCUPATIONS**

- A.** Home occupations shall be permitted as an accessory use to a primary residence, provided it complies with the standards in Section 4.4.3, General Standards, and the following:
1. The use shall employ only residents of the premises and up to person who is not a resident of the dwelling;
  2. Not more than 25 percent of the gross floor area of the residence shall be used for a home occupation;
  3. An accessory building may be used for storage of materials and supplies for a home occupation and shall not exceed the greater of 25 percent of the principal dwelling or 300 square feet;
  4. No more than two vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any vehicles other than an automobile shall be in an enclosed building that does not exceed the maximum size requirements of this section;
  5. No use, which may have a significant adverse impact on a surrounding residential neighborhood, shall be permitted;
  6. The home occupation shall not emit noise beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops;
  7. All approved home occupations shall obtain a zoning authorization in accordance with Section 2.4.21, Zoning Authorization, before a home occupation is established;
  8. No outdoor sales or storage shall be permitted in connection with the home occupation.
  9. No advertising displays, products, or signs shall be visible from the streets in connection with the home occupation;
- B.** The following are strictly prohibited as home occupations:
1. Landscaping & lawn services;
  2. Lawnmower repairs;
  3. Appliance repairs;
  4. Car washes;
  5. Commercial automotive repair garages;
  6. Truck terminals (including trucking companies);
  7. Slaughterhouses;

- 8.** Paint, petroleum & chemical plants;
- 9.** Funeral homes & mortuaries;
- 10.** Massage parlors;
- 11.** Sale of reading or viewing material of a pornographic nature;
- 12.** Movie theatres;
- 13.** Animal hospitals;
- 14.** Kennels;
- 15.** Bottled gas sales; or
- 16.** Any occupation which involves the bulk storage of liquid petroleum, gasoline, kerosene, or other flammable liquids.

#### **4.4.6 OUTDOOR STORAGE IN COMMERCIAL DISTRICTS**

Storage is not permitted in a building that is not open for public retail sales in the C-2D, C-3H, or MUD districts.

### **4.5 TEMPORARY USE STANDARDS**

#### **4.5.1 PURPOSE**

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

#### **4.5.2 APPLICABILITY**

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction. The activities listed in this section require the issuance of a temporary use permit, except as exempted, in accordance with the standards in Section 2.4.17, Temporary Use Permit.

#### **4.5.3 GENERAL STANDARDS FOR TEMPORARY USES**

All temporary uses shall comply with the following general standards, unless otherwise specified in this Ordinance:

##### **A. GENERAL STANDARDS**

- 1.** Secure written permission from the landowner;
- 2.** Obtain the appropriate permits and licenses from the Town and other agencies;
- 3.** Comply with the requirements for temporary signs in Section 5.5, Signage;
- 4.** Meet public utility and Town requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
- 5.** Not violate the applicable conditions of approval that apply to a site or use on the site;
- 6.** Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
- 7.** Contain sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
- 8.** Not remain in place for more than 90 days if located within a special flood hazard area;
- 9.** Provide adequate on-site restroom facilities (as appropriate); and
- 10.** Cease all outdoor activities within 500 feet of a residential use by 10:00 pm.

**B. GENERAL CONDITIONS**

In approving a temporary use permit, the Zoning Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Zoning Administrator is authorized, where appropriate, to require:

1. Provision of temporary parking facilities, including vehicular access and egress;
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Prohibition of the storage or use of hazardous materials;
4. Regulation of placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
5. Provision of sanitary and medical facilities;
6. Provision of solid waste collection and disposal;
7. Provision of security and safety measures;
8. Use of an alternate location or date;
9. Modification or elimination of certain proposed activities;
10. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
11. Submission of a performance guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

**4.5.4 STANDARDS FOR SPECIFIC TEMPORARY USES****A. PORTABLE STORAGE CONTAINER**

Portable storage containers may be permitted as a use accessory to a single-family detached, two-family, three-to-four family residence, subject to the following standards.

**1. TYPES DISTINGUISHED**

Portable storage containers shall take one of the following three forms:

- (a) A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated.
- (b) A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or
- (c) A fully-enclosed, non-motorized, trailer (commonly known as a semi-trailer) with wheels intended to be towed to a site for the purpose of storage or transport of goods, materials, or equipment.

**2. MAXIMUM SIZE**

Containers no larger in dimension than eight feet in height, nine feet in width, or 16 feet in length.

**3. MAXIMUM NUMBER**

- (a) No more than two portable storage containers shall be located on a single lot or parcel of land.
- (b) No other type of container or shipping container is located on the same lot or parcel of land.

**4. HAZARDOUS SUBSTANCES**

Portable storage containers shall not be used to store or transport nonresidential materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives, and unlawful substances and materials.

**5. DURATION**

A portable storage container may remain upon a lot for 14 days except when used in conjunction with construction on the same lot, and shall then be removed within 14 days of the issuance of a certificate of occupancy.

**6. LOCATION**

- (a) If a portable storage container is placed in the front yard, then it shall be located only in the area primarily used for vehicular ingress and egress and be at least five feet from the edge of the paved right-of-way. In no instance shall the placement of a portable storage container result in fewer off-street parking spaces than are required by this Ordinance.
- (b) If a portable storage container is placed in the required rear or side yard, no setback shall be required.

**B. TEMPORARY HEALTH CARE STRUCTURE**

One temporary health care structure is permitted on a lot with a single-family detached dwelling, subject to the following standards:

**1. STRUCTURE**

A temporary health care structure is one that:

- (a) Is transportable and primarily assembled at a location other than the site of installation;
- (b) Is located on a lot with an existing single-family detached dwelling;
- (c) Is limited to one occupant who is a mentally or physically impaired person related to the caregiver;
- (d) Is used by a caregiver or legal guardian in providing care for one mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;
- (e) Has no more than 300 square feet of gross floor area;
- (f) Is connected with water, sewer, and electricity by branching service from the single-family detached dwelling;
- (g) Has the same street address and mailbox as the existing single-family detached dwelling;
- (h) Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);
- (i) Meets the dimensional standards of the zoning district for a single-family detached dwelling; and
- (j) Meets the applicable provisions in the NC State Building Code; however, is not located on a permanent foundation.

**2. NEED AND RELATIONSHIP**

- (a) The occupant of the structure must be a mentally or physically impaired person who requires assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in this State.
- (b) The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece, including half, step, and in-law relationships.

**3. PERMIT CONDITIONS**

- (a) Once the applicant provides sufficient proof that the temporary health care structure meets all standards, then the temporary structure shall be permitted for a period of 12 months.
- (b) The applicant may renew the zoning compliance permit for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.
- (c) The Town may make permit renewal and periodic inspections of the temporary structure at reasonable times convenient to the applicant.
- (d) No signage shall be permitted on the exterior of the temporary structure or on the lot that identifies or promotes the existence of the structure.
- (e) The temporary structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.
- (f) The temporary structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.
- (g) The temporary use permit may be revoked or other enforcement actions taken if these standards are violated.

#### **C. TEMPORARY REAL ESTATE OFFICE**

A temporary real estate office is permitted on a lot in a residential, mixed-use, or business district, subject to the following standards:

- 1. The office is located on a lot that is part of the real estate development being sold or leased.
- 2. Signage complies with the standards of Section 5.5, Signage.
- 3. The office complies with the dimensional standards of the zoning district in which it is located.
- 4. The temporary office is converted into a dwelling or removed within 30 days after all units are sold or leased.

#### **D. TEMPORARY WIRELESS TELECOMMUNICATIONS FACILITY**

A temporary wireless telecommunications facility is permitted on a lot containing a commercial or mixed-use, subject to the following standards:

- 1. A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 30 days, except that the temporary use permit may be renewed for good cause shown.
- 2. A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of a site for a period not to exceed 14 days, except that the temporary use permit may be renewed for good cause shown.
- 3. A temporary wireless telecommunications facility may be allowed on a lot in association with an event where the anticipated demand cannot be handled by existing facilities for a period not to exceed 14 days.
- 4. A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed after reconstruction or maintenance is complete and service restored on the permanent structure.
- 5. All temporary wireless telecommunications facilities, including all supporting cables and anchors, shall be contained on the lot.

#### **E. RECREATIONAL VEHICLES AND CAMPERS AS TEMPORARY DWELLINGS UNDER SPECIFIC CIRCUMSTANCES**

Property owners may reside in an RV or Camper located on their lot while their home is being repaired following a natural disaster which has caused their primary residence to become uninhabitable; when a property owner is conducting a major renovation or repair of the principal structure which renders the principal structure uninhabitable; and , when a new principal dwelling is being constructed on a vacant lot subject to the following requirements:



1. A Zoning Permit is required for all RV's and Campers that will be utilized as a temporary dwelling unit subject to this ordinance.
2. RV's or Campers shall not be used as temporary dwelling units for a period of time longer than six months; the Zoning Code Administrator may approve an extension of up to six months.
3. RV's or Campers must be located on the property on which the principal building is being repaired, constructed, or reconstructed.
4. Only one RV or Camper is permitted per lot during the repair and reconstruction period.
5. A Certificate of Occupancy shall not be issued until the RV or Camper has been disconnected from power, water, and the septic system/sanitary sewer.
6. RV's or Campers must be located within the property boundaries and must not be located in the Town's right-of-way.
7. If an RV or Camper is re-connected to power, water, or a septic system/sanitary sewer at any point after the manner inconsistent with this section, the owner of the property where the violation has occurred shall be subject to a civil penalty in the amount of \$50 per day with each day that a violation continues constituting a separate and distinct offense.

## **F. FOOD TRUCKS AND MOBILE FOOD ESTABLISHMENTS**

### Definitions:

"Food Truck" means a mobile food establishment that is self-contained and designed for the preparation, cooking, and sale of food and beverages.

"Mobile food establishment" means any vehicle or trailer used for the preparation, cooking, or sale of food and beverages.

"Operator" means the person or entity responsible for the operation of the food truck.

"Parking space" means a designated area for a food truck to park and operate.

"Premises" means the area within the boundaries of the parking space, including any sidewalks or walkways adjacent to the parking space.

"Public property" means any property owned or controlled by the Town of Franklinton, including but not limited to streets, sidewalks, parks, and parking lots.

"Private property" means any property that is not public property, including but not limited to commercial, industrial, and residential properties.

### Specific Use Regulations:

1. **Permits:** No person shall operate a food truck in the Town of Franklinton without a valid permit issued by the Town. The permit shall be displayed in a prominent place on the food truck at all times when the food truck is in operation. Permits shall be issued by the UDO Administrator or their designee. Permit costs shall be determined in the annual budget process.
2. **Location:** Food trucks may operate on public property only with the permission of the Town during Town-sponsored special events and in accordance with any restrictions or conditions imposed by the Town and in the areas described below:
  - (a) Property owners may operate a food truck on their own property within the commercial zoning districts of the town so long as the property is not located within the residential zoning districts of the Town and the ownership of the food truck is the same as the owner of the subject property.
  - (b) Food trucks shall not be permitted within the residential zoning districts of the Town except under specific circumstances as approved by the Town of Franklinton for charitable, religious, educational, or civic purposes.
  - (c) Food trucks may operate on town owned property when authorized by the Town.
  - (d) Food trucks may operate on privately owned property with the written permission of the property owner in the GC, C-3H, and NC Zoning Districts.

- 3.** Parking spaces: The Town may designate parking spaces for food trucks on public property. The operator shall park the food truck in a designated parking space and shall not obstruct sidewalks, walkways, or other areas open to the public.
- 4.** Health and safety: The operator shall comply with all applicable health and safety laws, rules, and regulations, including but not limited to the requirements of the Franklin County Health Department.
- 5.** Noise: The operator shall not make excessive noise or cause a nuisance that interferes with the peace and quiet of the surrounding area.
- 6.** Litter: The operator shall maintain the premises in a clean and orderly condition and shall not leave litter or other debris on the premises or in the surrounding area.
- 7.** Odors: The operator shall not conduct food preparation activities that generate toxic or noxious odors.
- 8.** Penalties: Any person who violates any provision of this ordinance shall be subject to a \$50 per day fine with each day constituting a separate and distinct offense. Failure to adhere to any provision of this ordinance may result in a revocation of a food truck permit.



# ARTICLE 156.5 STANDARDS

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## **5.1 OFF-STREET PARKING AND LOADING**

### **5.1.1 APPLICABILITY**

The minimum required amount of off-street parking specified in this section shall be provided at the time of the erection of any building or the establishment of any use or at the time any principal building or use is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, floor, storage or sales area; or before conversion from one type of use or occupancy to another.

### **5.1.2 GENERAL REQUIREMENTS**

Parking spaces required by this Ordinance may be provided in a parking garage or properly graded open space. The following regulations concerning required off-street parking shall apply:

#### **A. PARKING PLAN REQUIRED**

Each zoning authorization application filed with the Zoning Administrator shall include information as to location and dimensions of off-street parking space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this section are met.

#### **B. ZONING AUTHORIZATION REQUIRED**

1. No zoning authorization shall be issued until the parking requirements and regulations are fully met. The Zoning Administrator may withhold a permit if a parking layout not specifically prohibited by this section would be likely to cause avoidable safety or traffic congestion problems until modification is made.
2. The applicant may appeal the Zoning Administrator's decision to the Board of Adjustment in accordance with Section 2.4.3, Appeal.

### **5.1.3 PARKING STALL SIZE**

Parking space sizes shall be in accordance with Table 5.1.3, Parking Stall Dimensions:

<b>TABLE 5.1.3: PARKING STALL DIMENSIONS</b>		
<b>TYPE OF PARKING STALL</b>	<b>MINIMUM LENGTH (FEET)</b>	<b>MINIMUM WIDTH (FEET)</b>
Parallel	23	9
30-degree angle	18	17.5
45-degree angle	13	20
60-degree angle	10.5	21
Perpendicular (90-degree angle)	19	9

### **5.1.4 PARKING LOT AISLE WIDTH**

Parking lot aisle widths shall be in accordance with the standards in Table 5.1.4: Parking Lot Minimum Aisle Width:

**TABLE 5.1.4: PARKING LOT MINIMUM AISLE WIDTH**

PARKING ANGLE	AISLE WIDTH	
	ONE-WAY TRAFFIC (FEET)	TWO-WAY TRAFFIC (FEET)
0° to 15°	12	24
16° to 37°	12	
38° to 57°	13	
58° to 74°	18	
75° to 90°	24	

**5.1.5 STANDARDS FOR PARKING LOTS WITH TWENTY OR MORE SPACES**

Off-street parking lots configured to provide 20 or more spaces shall be subject to the following requirements:

**A. SURFACING**

All such parking lots shall be graded and surfaced with blacktop, concrete, or asphalt.

**B. MARKINGS**

Each parking space shall be marked off and maintained so as to be distinguishable.

**C. LIGHTING**

Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

**D. REQUIRED YARDS**

1. All such parking lots shall observe a minimum front yard of not less than five feet and a side yard on a corner lot of not less than five feet.
2. Parking lots in residential- agricultural and residential districts shall have front yards of not less than 15 feet, and side and rear yards of not less than five feet.

**E. PARKING LOT PLANTINGS REQUIRED**

Yards surrounding parking lots shall be planted and maintained in lawn or other appropriate planting, or shall be improved otherwise in keeping with the character of adjacent property.

When a parking lot is adjacent to residential-agricultural or residentially zoned or used property and a buffer configured in accordance with [Section 5.2.2, Perimeter Buffers](#), is not required, natural planting, hedges or a decorative fence to a height of at least six feet shall screen the residential property.

**F. CURBS OR WHEEL STOPS**

The required yards shall be set off from parking areas by either continuous curb or one non-continuous stationary bumper for each parking space abutting on a yard, which curb or bumper shall be six inches in height;

**G. DRAINAGE**

1. Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement.
2. In already developed areas where this condition would be impossible to meet, the Zoning Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage.

## Article 156.5 STANDARDS

### Section 5.1 Off-Street Parking and Loading

#### H. SEPARATION OF BUMPER AND WALKWAYS

In the event any parking stall abuts a walkway, there shall be a space of at least three-and-one-half feet between the wheel bumper or curb and the edge of the walkway.

#### I. DRIVEWAYS

Driveways shall be provided in accordance with this section and Section 5.6, Driveways.

#### J. INTERNAL CIRCULATION

Sufficient area shall be provided within the property lines of the parking lot, exclusive of required yards, so that all vehicles may enter and leave the lot in a forward motion.

#### 5.1.6 MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES

- A. The minimum number of required off-street parking spaces shall be calculated in accordance with Table 5.1.6: Minimum Number of Required Spaces, and this section.
- B. In cases where a use type is not expressly provided for, the number of off street spaces shall be the same as for a similar use or inclusive category.
- C. Except for shopping center uses, where there is more than one use in a single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces per use should be considered in the calculation of parking spaces.

**TABLE 5.1.6: MINIMUM NUMBER OF REQUIRED SPACES**

TYPE OF USE	NUMBER OF REQUIRED OFF-STREET PARKING SPACES
Dwellings, single and two-family	3 per dwelling unit
Dwellings, multi-family	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Townhouses	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Group housing (such as boarding houses), dormitories, and similar establishments	1.2 for each bedroom
Manufactured homes on individual lots	3 per manufactured home
Financial institutions	1 for each 150 square feet of gross floor area or fraction thereof, plus safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines, if any
Hospitals	1 space for each 150 square feet of gross floor area or fraction thereof
Libraries	1 space for each 200 square feet for use by the public or fraction thereof
Museums and art galleries	1 space for each 800 square feet of gross floor area or fraction thereof
Nursing homes, family care homes, and similar institutions	.5 times the maximum lawful number of occupants
Doctor or dentist office	6 for each doctor or dentist plus 1 for each other employee
Other offices	1 for each 300 square feet of gross floor area or fraction thereof
Places of assembly, including clubs, lodges, churches, funeral parlors, auditoriums, gymnasiums, amusement parks and similar places. County inspector to set # of handicap spaces.	1 for each 3 seats, plus 1 for each 100 square feet of floor area used for assembly, but not containing fixed seats or fraction thereof

**TABLE 5.1.6: MINIMUM NUMBER OF REQUIRED SPACES**

TYPE OF USE		NUMBER OF REQUIRED OFF-STREET PARKING SPACES
Day nurseries, kindergartens, elementary schools or junior highs		3 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium parking if applicable
Senior highs and colleges, trade colleges and vocational colleges with dormitories		5 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium/dormitory parking requirement, if applicable
Adult establishment		1 per every 200 square feet of gross floor area or fraction thereof
Bowling alley		5 per lane
Campground	Tent	1 for each campsite plus office parking requirement
	Recreational vehicle	1 for each campsite plus office parking requirement
Car Wash		1 per wash lane
Golf course (not including putting greens accessory to multi-family dwellings or hotels or motels)		4 per hole
Internet sweepstakes cafe		1 per every 150 square feet of gross floor area or fraction thereof
Restaurant (drive-in or take-out with fewer than 30 seats)		Minimum of 15 spaces, plus 1 additional space for each 50 square feet of gross floor area or fraction thereof
Restaurant (other)		1.2 for each 100 square feet of gross floor area or fraction thereof
Service stations		2 for each gas pump, plus 3 for each grease rack of similar facility
Shopping centers (in lieu of individual store parking requirements)		5.5 spaces per 1,000 square feet
Low generator retail and service establishments such as furniture, appliance, household equipment, carpet and hardware stores, repair shops, including shoe repair, contractors' showrooms, drapery, paint and wallpaper, upholstery, interior decorator, motor vehicle sales, plant nurseries		1 for each 500 square feet of gross floor area or fraction thereof, including any outdoor sales area
All other commercial uses, such as retail stores, wholesale outlet stores, department stores, discount stores, drugstores, coin-operated laundries and variety stores		1 for each 200 square feet of gross floor area or fraction thereof, including any outdoor sales area
Industrial and research uses, warehousing, and very low customer volume wholesaling operations		1 for each employee on premises at any one time

### 5.1.7 PARKING ALTERNATIVES

#### A. DOWNTOWN RESIDENTIAL OR DOWNTOWN COMMERCIAL DISTRICTS

In the RDT and C-2D districts, the Zoning Administrator may allow a new use to be established in an existing building even if all parking requirements of this Ordinance cannot be met for the new use, provided that as much off-street parking as can reasonably be provided is provided by the use, and no foreseeable traffic congestion problems will be created.

**B. SHARED PARKING SPACES**

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to use which will be closed at night and on Sundays.

**C. OFF-SITE PARKING SPACES**

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such spaces may be provided on any land within 400 feet of the main entrance to such principal use.

**5.1.8 OFF-STREET LOADING SPACES****A. GENERALLY**

Every building or structure used for business, trade, industry, office, or institutional purposes shall provide loading space as indicated in this section.

**B. RATE OF PROVISION**

Off-street loading spaces shall be provided in accordance with the following:

**1. RETAIL USES****(a) GENERALLY**

Except for visitor accommodation uses (major and minor) and office uses, retail uses shall provide at least one off-street loading space for each 20,000 square feet of gross floor area, or fraction thereof.

**(b) OFFICE USES**

Office uses shall provide at least one off-street loading space for each 50,000 square feet of gross floor area, or fraction thereof.

**(c) VISITOR ACCOMMODATION USES**

Visitor accommodation uses (major and minor) shall provide at least one off-street loading space for each 50,000 square feet of gross floor area, or fraction thereof.

**2. INDUSTRIAL (INCLUDING WHOLESALE USES)**

Industrial uses shall provide at least one off-street loading space for each 10,000 square feet of gross floor space, or fraction thereof.

**3. INSTITUTIONAL USES****(a) GENERALLY**

Institutional uses shall provide at least one off-street loading space for each 50,000 square feet of gross floor area or fraction thereof.

**(b) ADDITIONAL REQUIREMENTS FOR DAY CARE AND EDUCATIONAL USES**

Elementary, junior high, high schools, kindergartens, nurseries and day care centers shall also provide a safe place off the street for the loading and unloading of children from automobiles and buses.

**C. ALTERNATIVE RATE OF PROVISION ALLOWED FOR CERTAIN USES OR DISTRICTS**

1. If there is not more than one delivery and pickup during the hours when a retail trade, office or institutional establishment is open to patrons, such space may be combined with the existing parking space on the premises.
2. The required provision of off-street loading spaces may be waived or reduced by the Zoning Administrator for development proposed within an existing building in the C-2D district provided that as much loading space as can reasonably be provided is provided by the use and traffic or safety hazards will not be created.

**D. LOADING SPACE CONFIGURATION**

1. Each loading space shall be no less than 15 feet in width, and 30 feet in depth.
2. Each space shall also be no less than 15 feet in height, if such space is covered.

**E. LOADING SPACE ACCESS**

Each loading space shall have access driveways to public streets or alleys which driveways shall be at least 24 feet wide for two-way drives and 12 feet for one-way drives and with adequate turning radii for the delivery vehicles customarily associated with the particular use.



**5.2 LANDSCAPING****5.2.1 PARKING LOT LANDSCAPING**

All parking lots of four or more spaces serving multi-family, mixed-use, and non-residential developments shall comply with the following parking lot landscaping standards.

**A. INTENT**

Parking lot perimeter landscaping shall be designed to soften the view of the parking lot from an abutting street or development and to filter spillover light from vehicle headlights. Required plant material shall be planted in such a way as to best achieve this intent.

**B. LOCATION**

1. Required plant material shall be placed adjacent to the perimeter of the parking lot.
2. Depending upon the geometric relationship of the parking lot to the property lines or to topographic conditions, plant material may be placed away from the edge of the parking area, if necessary, to best achieve the intent of this section, as determined by the Zoning Administrator.

**C. PLANTING RATE**

1. Parking lot perimeter landscaping shall consist of a single continuous row of evergreen shrubs planted no greater than three feet on-center and within five feet of the parking lot edge.
2. Applicants may propose an alternative plant species (such as native grasses) provided the proposed plant material provides a fully opaque screen to a maximum height of 36 inches above grade throughout the year.

**D. SIZE OF PLANT MATERIAL**

1. Shrubs used for parking lot perimeter landscaping shall be of a minimum size necessary to achieve a maximum height of 36 inches above grade within three years of planting.
2. In cases when vegetation provided as perimeter plantings around a parking lot grow to a height exceeding 48 inches above grade, they shall be trimmed or pruned as necessary to maintain a minimum height of 36 inches.
3. It shall be a violation of this Ordinance to remove or severely prune required vegetation to a height of less than 36 inches.

**E. ALTERNATIVES**

Perimeter parking lot plantings may be supplemented or replaced through use of a vegetated berm or an opaque fence or wall that meets the screening objective of this section and is configured in accordance with Section 5.3, Fences and Walls.

**F. EXEMPTION**

Where off-street parking lots are adjacent to one another, but on different lots, perimeter plantings or other forms of screening are not required along the common boundary between the two parking lots.

**5.2.2 PERIMETER BUFFERS**

Whenever a vegetated buffer is required by this Ordinance, the buffer shall be configured in accordance with the following standards (unless an alternative configuration is specified):

**A. WHERE REQUIRED**

1. Buffer strips, configured in accordance with this section or other requirements, shall be required:
  - (a) Whenever a manufacturing, processing, retail, wholesale trade, warehousing public utility use is established on a lot that abuts or is adjacent to land zoned for residential land uses; or
  - (b) Whenever required by another section of this Ordinance or as part of a condition of approval.

2. For the purposes of this section, “adjacent” shall mean across an easement or right-of-way.

**B. CONFIGURATION**

1. A buffer strip shall consist of a planted strip which shall be a minimum of 16 feet in width, shall be composed of evergreen bushes, shrubs, and/or trees such that at least two rows of coverage are provided from the ground to a height of six feet within six years and foliage overlaps.
2. The 16 feet required for the buffer strip shall be in addition to all normal yard requirements of this Ordinance.
3. All buffer strips shall become part of the lot(s) on which they are located, or in the case of commonly-owned land, shall belong to the homeowner’s or property-owner’s association.

**C. ALTERNATIVE CONFIGURATION**

1. If a natural screen is already in place which will adequately fulfill the purpose of a buffer strip, the Zoning Administrator may, in writing, allow a substitution of all or part of this screen for the buffer. Written permission of the Zoning Administrator shall be obtained before removing an existing natural buffer in the location of the required buffer strip;
2. Where, because of intense shade or soil conditions, a planting screen cannot be expected to thrive, the Zoning Administrator may, in writing, allow substitution of a well-maintained wooden fence or masonry wall at least six feet in height;
3. The Board of Commissioners or Board of Adjustment, as appropriate, may allow an alternative buffer configuration comprised of an eight-foot-wide buffer with one row of trees, or a fence or wall in cases where an alternative buffer will adequately protect adjacent lands.

**D. PERFORMANCE GUARANTEE MAY BE REQUIRED**

For uses requiring a special use permit, the Board of Adjustment may require a performance guarantee for the vegetation or screening within a buffer as a condition of approval in cases where construction or development activity is likely to damage the buffer or inhibit compliance with these standards.

**E. MAINTENANCE REQUIRED**

The buffer strip shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner or if the property is rented, the lessee.

### **5.2.3 STREETYARD BUFFERS**

Development subject to these landscaping standards shall provide a streetyard buffer in accordance with the following standards:

**A. WHERE REQUIRED**

Streetyard buffers shall be provided along all lot lines bounded by an boulevard or thoroughfare street right-of-way.

**B. REQUIRED PLANT MATERIAL**

Streetyard buffers shall include vegetation configured in one of the following three ways:

1. Two canopy trees per every 100 linear feet of property frontage of frontage;
2. One canopy tree and two understory trees per every 100 linear feet of frontage; or
3. In cases where overhead utilities are present, three understory trees per every 100 linear feet of frontage.

**C. CONFIGURATION**

1. A streetyard buffer shall maintain a minimum width of ten feet.
2. Driveway widths (measured at the inside edge of the buffer) are excluded from the streetyard buffer distance calculation.
3. Required sight distance triangles are excluded from the buffer length determination, and streetyard buffer landscaping material shall not be located within a required sight distance triangle.

4. While the streetyard buffer width is typically located parallel to the lot line, design variations are allowed subject to the approval of the Zoning Administrator, as needed to address existing obstructions or topographic conditions.

#### 5.2.4 TREES IN THE PUBLIC RIGHT-OF-WAY

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- A. Existing trees of two inches of diameter or more, measured at four-and-one-half feet above the ground and located within an existing, designated, or planned public street right-of-way shall not be removed or damaged except as part of street construction, maintenance, or installation of street-related features like driveway aprons, curbing, storm drains, sidewalks, or similar features.
- B. Removal or damage of an existing tree meeting the standards of this section shall be a violation of this Ordinance subject to the standards in Article 156.8, ENFORCEMENT.

## **5.3 FENCES AND WALLS**

Fences and walls are permitted as accessory use in all zoning districts, provided that they comply with the following:

### **5.3.1 FENCES AND WALLS DISTINGUISHED**

For the purposes of this section, a fence is a barrier composed of chain-link wire, treated wood, wrought iron, or vinyl and a wall is a barrier composed of brick, rock, or stone.

### **5.3.2 COMPLIANCE WITH REQUIRED SETBACKS**

Fences and walls are exempt from the setback requirements of this Ordinance.

### **5.3.3 MAXIMUM FENCE HEIGHT**

- A.** No fence shall be placed in the front yard that exceeds four feet in height.
- B.** No fence exceeding six feet in height may be placed along the side lot line of any principal building unless required or specifically authorized in another section of this Ordinance.
- C.** Fences shall not exceed seven feet in height, except that in commercial and industrial districts, a fence may not exceed ten feet in height.
- D.** Fences greater than seven feet in height shall be of an open type similar to woven wire or wrought iron.
- E.** Fences and walls may exceed the height requirements of this section if required or specifically authorized in another section of this Ordinance.

### **5.3.4 MAXIMUM WALL HEIGHT**

No wall or retaining wall can be placed in the front or side yard which is more than four feet in height.

### **5.3.5 IMPAIRMENT OF VISION PROHIBITED**

Nothing shall be erected, placed, planted, or allowed to grow in such a manner around a fence or wall as to impede vision beyond the maximum height or into an adjacent right-of-way.

## **5.4 EXTERIOR LIGHTING**

### **5.4.1 PURPOSE AND INTENT**

The purpose of this section is to regulate exterior lighting to ensure the safety of motorists and pedestrians and to minimize adverse effects on adjacent land uses due to excessive light intensity or due to light trespass and glare.

### **5.4.2 APPLICABILITY**

The provisions of this section shall apply to all multi-family, nonresidential, and mixed-use development.

### **5.4.3 PROHIBITED LIGHTING**

The following forms of exterior lighting shall be prohibited:

- A.** Lighting that imitates an official highway or traffic control light or sign;
- B.** Lighting in the direct line of sight with any traffic control light or sign;
- C.** Flashing, revolving, or intermittent exterior lighting visible from any lot line or public street, except for permitted freestanding or wall signs in accordance with Section 5.5, Signage;
- D.** High intensity light beams, such as searchlights, laser, or strobe lights, except when used by federal, state, or local authorities, or for special events; and
- E.** Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers, bicyclists, or pedestrians.

### **5.4.4 EXTERIOR LIGHTING STANDARDS**

All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements.

#### **A. SHIELDING**

- 1.** Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
- 2.** Under canopy lighting fixtures should be completely recessed within the canopy.
- 3.** Wall packs shall be cut-off and wall-mounted floodlights shall be shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct light downward.
- 4.** Exterior lighting fixtures located on private property and visible from a residential land use shall be configured so that the source of illumination (the bulb) is not visible from the residential land use.

#### **B. FIXTURE HEIGHT**

- 1.** Lighting fixtures shall be a maximum of 40 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.
- 2.** All light fixtures located within 50 feet of any single-family detached or two-family dwelling shall not exceed 15 feet in height.
- 3.** The Zoning Administrator may allow fixtures above this height to provide internal lighting for stadiums, arenas, and similar facilities.

#### **C. MOUNTING**

Exterior lighting shall be mounted and configured in such a manner so that the cone of illumination is contained on-site and does not cross any lot line around the perimeter of the site.

#### **D. APPEARANCE**

- 1.** Exterior lighting fixtures shall be designed as an integral element that complements the design of the project through compatible style, material, and color.
- 2.** Exterior lighting fixtures shall be designed in a consistent and coordinated manner for the entire site.

## **5.5 SIGNAGE**

### **5.5.1 COMPLIANCE REQUIRED**

No sign or sign structure may be erected, posted, hung, painted, rehung, repainted, repaired, replaced, changed, or maintained in any district except in compliance with this section.

### **5.5.2 GENERAL SIGN REGULATIONS**

- A.** No sign or sign structure shall be erected or constructed so as to interfere with vision clearance requirements in Section 3.1.4F, Visibility at Intersections to be Maintained.
- B.** No ground sign structure may be placed in the right-of-way.
- C.** Individual stores in a shopping center may not have separate ground sign structures. The shopping center as a whole may display signs in accordance with this section.
- D.** Signs and sign structures shall meet all requirements of the State Building Code. Signs do not require a zoning authorization unless a building permit is required for the sign.
- E.** Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guides, anchors, supporting frames and fastening free from deterioration, insect infestation, rot, rust, or loosening.
- F.** All signs shall be kept neatly finished, with lettering intact, and if of a type which requires painting, free from visible peeling or chipping.
- G.** Signs and their supporting structures located on the site of a use that has been discontinued or abandoned shall be removed within 90 days after the principal use they serve has been discontinued or abandoned. This provision does not refer to billboards until the commercial use of the billboard for rent has ceased. An extension of the 90-day time limit for removal may be granted by the Zoning Administrator for reasonable cause.
- H.** Illuminated signs shall be limited to those lighted from behind to silhouette letters and internally illuminated and spotlighted signs. All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination, or glare from being cast directly on any building or on traffic.
- I.** Strings of light bulbs used in connection with commercial premises for commercial purposes shall be limited to white, yellow, or bug-repellant bulbs, and shall not cast glare on traffic or adjoining premises.
- J.** Signs otherwise permitted by this Ordinance shall not be permitted on telephone or utility poles, trees, buildings, or other vertical projections on Town property.

### **5.5.3 PROHIBITED SIGNS**

The following types of signs are expressly prohibited:

- A.** Signs with moving, revolving or rotating parts, or any sign which moves or gives an illusion of movement shall be prohibited in all districts.
- B.** Signs which obstruct the view of, or could be confused with any authorized traffic sign, signal or device, or make use of the words "stop," "look," "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic; and
- C.** Signs, which obstruct openings, required to be left uncovered or unobstructed by building codes, the housing code or other laws relating to buildings.

### **5.5.4 OFF-SITE ADVERTISING SIGNS**

Off-site advertising signs (billboards) shall be prohibited in all districts, excluding those highways certified by the State as a protected interstate highway.

### **5.5.5 NONCONFORMING SIGNS**

Nonconforming signs, when removed for any reason other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign.

# Article 156.5 STANDARDS

## Section 5.5 Signage

### 5.5.6 PERMITTED SIGNS

- A.** Any sign authorized in this section is allowed to display noncommercial copy in lieu of other copy. Noncommercial copy is copy, which is not commercial advertising, business or identification copy, and which carries a substantive message, statement or expression protected by the First Amendment to the U.S. Constitution.
- B.** Signs shall be permitted in accordance with the standards in Table 5.5.6: Sign Standards:

**TABLE 5.5.6: SIGN STANDARDS**

TYPE OF SIGN	DIMENSIONS		DISTRICTS PERMITTED	OTHER REQUIREMENTS
	MAX. AREA (SQ. FT.)	MAX. HEIGHT (FT.)		
Awning signs (may also be placed on non-raising marquees)	4	--	C-2D, C-3H, MUD, IL	- Limit of one per established entranceway. - Bottom of sign must be nine feet above the sidewalk level; more over public right-of-way, if required by Town regulation
Construction site placards	64	12	all districts	- Must be removed when construction has been completed - Fence wrap signs are exempted from regulation in accordance with the NCGS
Directional signs for the purposes of safety (including address numbers)	4	--	all districts	May not identify a particular commercial or institutional establishment
Flag, pennant, or insignia not used in connection with another sign	--	Flagpole may not exceed 35 feet in height in IL and 20 feet in height in all other districts.	all districts	- Wall and projecting insignia may not exceed 10 square feet in area, nor may they project more than 9 feet from the wall at the farthest point - In commercial or industrial districts, the insignia may be placed on signs permitted in those districts - In any district, flags or pennants shall not exceed 15 square feet or, if on a pole, ¼ the height of the pole, whichever gives the flag a greater permitted area
Ground signs	32	8	R-1A	May only be located on premises where products are grown or produced for on-site sale
	32	4	All other residential districts	- Limited to one per development entrance - Shall be approved by NCDOT if located within a right-of-way
	150	35	IL	- No more than one per street frontage containing entrance to use - Must be at least 30 feet from any other ground or monument-type sign
	40	20	C-2D, C-3H, MUD, IL	- May not be placed where it would obstruct vision clearance for vehicles exiting site

# Article 156.5 STANDARDS

## Section 5.5 Signage

**TABLE 5.5.6: SIGN STANDARDS**

TYPE OF SIGN	DIMENSIONS		DISTRICTS PERMITTED	OTHER REQUIREMENTS
	MAX. AREA (SQ. FT.)	MAX. HEIGHT (FT.)		
Memorial signs, tablets, name of building and date of construction	--	--	all districts	Must be cut into a masonry surface or cast of metal and affixed flat against a surface
Political signs	4	--	all districts	Must comply with all applicable NCGS provisions
Projecting signs	20	--	C-2D, C-3H, MUD, IL	<ul style="list-style-type: none"> <li>- Sign may be no more than 9 feet from the wall at the farthest point</li> <li>- One such sign per face on street, or two per establishment, whichever is less, shall be permitted.</li> <li>- Such sign may be hung on a corner of a building, but shall count against the maximum allowed above</li> <li>- An establishment may not also have a wall or roof sign on the same face as a projecting sign</li> </ul>
Roof signs (see wall signs)				
Temporary signs in nonresidential districts	20 (off-site) 32 (on-site)	--	All non-residential and mixed-use districts	<ul style="list-style-type: none"> <li>- Off-site: No more than one per lot</li> <li>- On- site: No more than three per lot.</li> <li>- On- and off-site: may remain for no more than 45 days in total per year</li> <li>- May not be located within the right-of-way</li> </ul>
Temporary signs in residential districts	32	--	All residential districts	<ul style="list-style-type: none"> <li>- May remain for no more than 45 days in total per year</li> <li>- May not be located within the right-of-way</li> </ul>
Wall signs (including roof signs and signage on a canopy)	1.25 square feet of sign area per running foot of building frontage	Such signs shall not project over the roof line of the building to which they are attached	C-2D, C-3H, MUD, IL	<ul style="list-style-type: none"> <li>- Establishments fronting on more than one street may include frontage on each street for sign facing that street, but may not combine frontage measurements to place a large sign on one frontage</li> <li>- Must be mounted on the area of wall free of windows, doors or other architectural features.</li> <li>- Only one wall, roof or projecting sign per establishment per street frontage is permitted other than those specifically mentioned elsewhere in this table.</li> <li>- In the case of signage on a canopy, either canopy or building frontage may be used to determine sign area, but not both.</li> </ul>
Window signs	--	--	C-2D, C-3H, MUD, IL	





**5.6 DRIVEWAYS**

Any business or industry, which requires lowered or cut-away curbs, for purposes of ingress or egress, shall be subject to the following provisions:

**5.6.1 MAXIMUM NUMBER OF ENTRANCES AND EXITS**

- A.** No more than two combined entrances and exits shall be allowed for any parcel of property, the frontage of which is less than 200 feet on any one street. Additional entrances or exits for parcels of property having a frontage in excess of 200 feet shall be permitted after showing of actual requirements of convenience and necessity. Where frontage is 50 feet or less, one only combined entrance-exit shall be permitted;
- B.** At street intersections, no curb cut shall be located within 25 feet of the intersection of two or more curb lines or such lines extended, or within 15 feet of the intersection of two property lines, right-of-way lines, or such lines extended, whichever is least restrictive;

**5.6.2 MINIMUM SPACING**

- A.** The distance between any two curb cuts on the same side of the street shall be not less than 15 feet. Said distance shall be measured between the two points of tangency of the curb return radii and the established curb line of the abutting street;
- B.** All driveways shall be constructed so as to be at least five feet from any property line, except that a curb return may become tangent to a curb line at a point where said property line extended intersects said curb line; and

**5.6.3 MINIMUM DRIVEWAY WIDTH**

The minimum width of any one-way driveway shall be 12 feet and the maximum width shall be 30 feet. The minimum width of any two-way driveway shall be 25 feet and the maximum width of any two-way driveway shall be 36 feet measured at the right-of-way line.

**5.6.4 PAVED APRON REQUIRED**

Gravel driveways obtaining access from a paved public street shall incorporate a concrete apron across the entire width of the driveway that extends inward into the lot at least five feet from the edge of the pavement.

**5.7 OPEN SPACE SET-ASIDE<sup>32</sup>****5.7.1 PURPOSE AND INTENT**

The purpose of this section is to help ensure developed portions of the Town's planning jurisdiction have open space resources that encourage recreation and the gathering of residents and visitors. These standards are further intended to:

- A.** Establish the standards under which residential and mixed-use development set aside a portion of the development area as open space;
- B.** Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides; and
- C.** Establish minimum ownership and maintenance standards for owner associations related to open space set-asides.

**5.7.2 APPLICABILITY****A. GENERALLY**

- 1.** Unless exempted in accordance with Section 5.7.2C, Exemptions, the standards in this section shall apply to all new subdivisions and re-subdivisions in the Town's planning jurisdiction, including lands anticipated for voluntary annexation as part of development.
- 2.** Redevelopment conducted after June 15, 2021 shall comply with the standards in this section, to the maximum extent practicable, and shall provide its pro rata share of the required open space set-aside.

**B. CONSERVATION SUBDIVISIONS**

Open space set-asides associated with a conservation subdivision shall be subject to the standards in Section 2.4.4, Conservation Subdivision, in addition to these standards. In the event of a conflict, the standards in Section 2.4.4, Conservation Subdivision, shall control.

**C. EXEMPTIONS**

The following forms of development shall be exempted from the standards in this section:

- 1.** Development of an individual single-family dwelling (including manufactured homes) on its own lot of record platted prior to June 15, 2021;
- 2.** Subdivisions comprised of three or fewer lots where all lots are intended solely for single-family detached residential dwellings;
- 3.** Subdivisions or re-subdivisions located within the downtown area as designated by the Town's adopted policy guidance; and
- 4.** Subdivision of land within a non-residential zoning district unless the development is mixed-use and anticipated to include residential dwelling units.

**5.7.3 MINIMUM OPEN SPACE SET-ASIDE REQUIRED**

The minimum required amount of open-space set-aside shall be in accordance with Table 5.7.3, Open Space Set-Aside Requirements.

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<sup>32</sup> These are new standards added along with the subdivision provisions.

## Article 156.5 STANDARDS

### Section 5.7 Open Space Set-Aside

**TABLE 5.7.3: OPEN SPACE SET-ASIDE REQUIREMENTS**

TYPE OF PROPOSED DEVELOPMENT	AMOUNT OF LAND TO BE SET ASIDE [% OF TOTAL DEVELOPMENT SIZE] [1] [2]	REQUIRED PERCENTAGE CONFIGURED FOR ACTIVE RECREATION [% OF OPEN SPACE SET-ASIDE AREA]
Single-family detached dwellings [3]	15	33
Multi-family development [4]	10	50
Mixed-use development	5	25

**NOTES:**

[1] May only be located on land owned in accordance with Section 5.7.9, Ownership of Open Space Set-Asides.

[2] Nothing shall limit the provision of a greater minimum percentage of open space set-aside, provided the minimum requirements in this section are met.

[3] Includes duplexes, and triplexes, but not single-family attached dwellings (townhouses) which are considered to be multi-family.

[4] Includes single-family attached dwellings and apartments. Standards applied regardless of whether the development also includes single-family detached dwellings in addition to multi-family.

#### 5.7.4 OPEN SPACE SET-ASIDE DISTINGUISHED

- A.** Open space set-aside may take one of the following two forms, which are distinguished from one another based upon the types of facilities they contain, the general configuration of the land, or the kinds of function they serve:
  - 1.** Active open space set-aside; or
  - 2.** Passive open space set-aside.
- B.** Most forms of development subject to these standards shall have both active and passive open space, though nothing shall prohibit a development from providing 100 percent of its open space set-aside as active open space.
- C.** In no instance shall developments subject to these requirements provide less than the required amount of active open space set-aside identified in Table 5.7.3, Open Space Set-Aside Requirements.
- D.** Active open space set-asides shall be configured in accordance with Section 5.7.6, Design Standards for Active Open Space Set-Aside Areas, and shall be limited to the range of allowable features in Section 5.7.7A, Active Open Space Set-Aside.
- E.** Passive open space set-asides shall include one or more of the features identified in Section 5.7.7B, Passive Open Space Set-Aside.

#### 5.7.5 PROVISION IN MULTI-PHASE DEVELOPMENTS

- A.** Developments constructed in more than one phase shall preserve open space set-asides in phases, so that the first phase of development does not contain 100 percent of the open space set-aside required for the entire development, but does contain, at a minimum, its pro rata share of the total amount of required open space set-aside.
- B.** Open space set-asides shall be apportioned among phases such that the total amount of open space set-aside in a phase and any previously approved phases meets the open space set-aside standard as applied to the total area of the phase and previously approved phases.

#### 5.7.6 DESIGN STANDARDS FOR ACTIVE OPEN SPACE SET-ASIDE AREAS

Active open space set-asides shall meet the following design standards:

- A.** Active open space set-aside areas shall be located so as to be readily accessible and useable by residents and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development.
- B.** Where the development site is adjacent to existing or planned trails, parks, or other public open area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area.
- C.** Lands set aside as active open space set-aside shall be compact and contiguous unless the land is used as a continuation of an existing trail, or specific natural or topographic features require a different configuration.

### **5.7.7 ALLOWABLE FEATURES IN OPEN SPACE SET-ASIDES**

#### **A. ACTIVE OPEN SPACE SET-ASIDE**

The following types of features are allowable in and credited as active open space set-aside:

- 1.** Swimming pools, splash pads, and areas devoted to water play for children;
- 2.** Greenway trails, including associated easements;
- 3.** Athletic fields and courts;
- 4.** Boat launches and swimming platforms;
- 5.** Club houses;
- 6.** Playgrounds and play structures;
- 7.** Boardwalks; and
- 8.** Obstacle courses and exercise trails.

#### **B. PASSIVE OPEN SPACE SET-ASIDE**

The following types of features are allowable in and credited as passive open space set-aside:

- 1.** Plazas and courtyards;
- 2.** Gardens;
- 3.** Fountains;
- 4.** Benches and seating areas;
- 5.** Tables, shelters, grills, and related picnicking facilities;
- 6.** Lawn areas and community greens; and
- 7.** Items in Section 5.7.8, Other Credited Features.

#### **C. FEATURES NOT CREDITED TOWARDS OPEN SPACE SET-ASIDE**

The following areas shall not be included in or credited towards any open space set-aside requirements:

- 1.** Private yards not subject to an open space or conservation easement;
- 2.** Street rights-of-way or easements;
- 3.** Parking areas and driveways for dwellings or other uses;
- 4.** Land covered by structures not designated for active recreational uses;
- 5.** On-site wastewater treatment facilities, including septic tank drain fields; and
- 6.** Designated outdoor storage areas.

### **5.7.8 OTHER CREDITED FEATURES**

The following site features shall be credited towards passive open space set-aside requirements:

- A.** Required landscaping areas;
- B.** Designated tree preservation areas;
- C.** Lakes, ponds, wetlands, swamps, canals, and streams;
- D.** Riparian buffer areas;
- E.** Natural heritage areas; and
- F.** Undisturbed land that will not be developed at any point in the future.

**5.7.9 OWNERSHIP OF OPEN SPACE SET-ASIDES**

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Open space set-asides are intended to remain under private ownership while being available for use to residents and visitors in the development where located. Ownership of open space set-aside shall remain with the owner of the land, except in the following circumstances.

**A. HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION**

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners' or property owners' association, which shall be established in accordance with Section 6.6, Owners' Associations.

**B. NONPROFIT ORGANIZATION**

The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the set-aside will be properly managed and maintained.

**C. DEDICATED TO TOWN OR OTHER PUBLIC AGENCY**

In some cases, certain lands designated as open space set-asides, such as wildlife habitat, athletic fields, or urban features may be dedicated to the Town or other public agency during the development review process. The Board of Commissioners shall determine which lands and under what conditions open space set-asides may be dedicated to the Town or other public agency.

**5.7.10 MAINTENANCE OF OPEN SPACE SET-ASIDES**

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**A.** The owner of the land shall be responsible for maintenance of all open space set-aside areas (including land, vegetation, private infrastructure, and other features) in accordance with this Ordinance and any conditions of approval associated with the development.

**B.** Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Article 156.8: ENFORCEMENT.

# ARTICLE 156.6 SUBDIVISION

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## **6.1 SUBDIVISION DESIGN STANDARDS**

### **6.1.1 SUBDIVISION NAMES<sup>33</sup>**

- A.** The name of a subdivision shall not duplicate or be phonetically similar to the name of an existing subdivision in Franklinton or Franklin County.
- B.** The Board of Commissioners shall approve the proposed name of any subdivision subject to a preliminary or final plat.

### **6.1.2 LAND SUITABILITY<sup>34</sup>**

- A.** Land containing unsuitable conditions for development, such as the potential for inundation, subsidence, slopes in excess of 30 percent, or other topographic challenges, shall not be developed unless the subdivider corrects these conditions to the satisfaction of the Zoning Administrator, Board of Commissioners, or other governmental agency with jurisdiction.
- B.** Areas used for solid waste disposal shall not be subdivided unless tests by the Franklin County Health Department, a professional engineer, and a soils expert find that the land is suitable for the intended purpose.
- C.** Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage.

### **6.1.3 LOT CONFIGURATION<sup>35</sup>**

#### **A. DIMENSIONAL REQUIREMENTS**

- 1.** The size, shape, width, depth, and minimum setback lines of lots shall be as required for the zoning district where located.
- 2.** A lot shall have sufficient area, dimensions, and street access to allow a principal building to be erected on it in compliance with the requirements of this Ordinance as well as all applicable County requirements pertaining to on-site water and wastewater services.
- 3.** Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area.
- 4.** The area of standing bodies of water shall not be included in determining minimum lot area requirements but may be counted when calculating available density.

#### **B. SIDE LOT LINES**

- 1.** Side lines of lots should be at or near right angles or radial to street lines.
- 2.** Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

#### **C. LOT FRONTAGE**

Except for lots within the CR district or within a conservation subdivision, all lots shall maintain a minimum frontage of at least 35 linear feet adjacent to a public street, a private street, or an accessway configured in accordance with Section 6.1.4, Access to Lots.

#### **D. FLAG LOTS**

New flag lots may be established, subject to the following requirements:

- 1.** Except where topographic conditions or environmental constraints make lot access impractical, no more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.

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<sup>33</sup> Carries forward Section 153.40.

<sup>34</sup> Replaces Section 153.39.

<sup>35</sup> Replaces Section 153.42.

2. New flag lots may be established along existing streets.
3. The “pole,” arm,” or “pan handle” portion of a flag lot shall maintain a minimum width of at least 20 feet.
4. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

**E. DOUBLE-FRONTAGE LOTS**

1. Double frontage (or “through” lots) shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific challenges of topography and orientation.
2. In cases where a double frontage lot abuts an boulevard or thoroughfare street, access to the lot shall be provided from the street with the lowest average daily trips. This requirement may be waived by the Zoning Administrator in cases where compliance with this standard will likely result in dramatic increases in traffic within residential areas.
3. A double frontage lot shall include an easement of at least ten feet in width across the rear of the lot which shall prohibit access to the abutting street.

**F. CORNER LOTS**

Corner lots shall be of sufficient size to ensure development may be configured to avoid required sight distance triangles.

**G. LOT REMNANTS**

All building lots located with a preliminary plat or a final plat shall comply with the requirements of this Ordinance. Lots used solely for the provision of open space set-aside or that are subject to deed restrictions that prohibit the construction of principal structures are not required to meet the dimensional requirements for the zoning district where located.

**H. POLITICAL BOUNDARIES**

In cases where a subdivision crosses political boundary lines, all affected governments shall receive notice of the proposed subdivision.

#### **6.1.4 ACCESS TO LOTS<sup>36</sup>**

**A. EVERY LOT MUST MAINTAIN ACCESS**

**1. GENERALLY**

Except for lots within bona fide farms, exempt subdivisions, where otherwise exempted from these requirements, all lots intended to contain a building or structure shall abut a street designed, built, and maintained to Town or State standards, as applicable.

**2. STREET ACCESS EXEMPTIONS**

- (a) Lots in any of the following forms of development are not required to be served by a street meeting Town or State standards:
  - (1) Up to three lots in an expedited subdivision; or
  - (2) Up to three lots without roadway frontage that are served by a single, shared accessway.
- (b) Any lots not required to abut a street designed, built, and maintained to Town or State standards shall maintain an access with a minimum width of 45 feet that is adequately maintained to afford a reasonable means of ingress and egress for emergency vehicles.

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<sup>36</sup> Replaces Section 153.44.E.

**3. ACCESS SERVING MORE THAN THREE LOTS**

Accessways serving more than three lots outside a bona fide farm or exempt subdivision shall be designed, built, and maintained to public street standards.

**B. ACCESS TO LOTS ABUTTING BOULEVARD AND THOROUGHFARE STREETS**

1. In cases where a tract or site abutting an boulevard or thoroughfare street is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street, either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an boulevard or thoroughfare street.
2. The final plat creating the subdivision shall indicate a notation that driveway access to an boulevard or thoroughfare street is limited and shall be provided by a different street.
3. In the event a site or tract is unable to comply with the access limitations in this subsection, an applicant may seek a variance in accordance with Section 2.4.19, Variance.
4. Any street or accessway connecting to a State-maintained street shall require issuance of a permit from the NCDOT prior to Town approval.

**C. MARGINAL ACCESS STREETS**

1. Where a tract of land to be subdivided adjoins a boulevard or thoroughfare street, the subdivider may be required to provide a marginal access street parallel to the boulevard or thoroughfare street or reverse frontage where access is obtained solely by a different street for the lots to be developed adjacent to the boulevard or thoroughfare street.
2. Where reverse frontage is established, private driveways shall not have direct access to the boulevard or thoroughfare street, and a 25-foot-wide non-access buffer zone on the side of the lot abutting the expressway or boulevard street shall be provided.

**D. DRIVEWAY CONSOLIDATION ALONG BOULEVARD AND THOROUGHFARE STREETS**

While a lawfully-established access to an individual lot from a boulevard or thoroughfare street created prior to June 15, 2021 may remain, it is the intent of this Ordinance to consolidate or eliminate these driveways to help ensure public safety and to preserve the traffic-carrying capacity of the street. In order to encourage the beneficial removal of existing driveways or shared driveways serving two or more lots, the required side setbacks and any perimeter landscaping buffers required between lots may be reduced or waived by the Zoning Administrator, subject to the following requirements:

1. NCDOT confirms the shared access can still achieve a satisfactory level of access control;
2. A cross-access easement between all parties sharing access is approved by the Zoning Administrator and recorded with the Franklin County Register of Deeds;
3. All Fire Code regulations are met;
4. Adequate utility and drainage easements are provided, if necessary; and
5. Minimum side setbacks or perimeter landscaping buffer requirements are reduced by the smallest amount necessary to accommodate the shared access.

**6.1.5 BLOCKS<sup>37</sup>****A. WIDTH**

Block width shall allow two tiers of lots of appropriate depth except where topography, streets, railroads, utility lines, or other physical features require a different configuration.

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<sup>37</sup> Carries forward Section 153.43.

**B. LENGTH**

1. Blocks shall be between 400 feet 1,200 feet long except where topography or other conditions justify a departure from this requirement.
2. A pedestrian easement of at least 15 feet wide may be required in blocks longer than 800 feet when the Board of Commissioners finds it essential for safe and convenient access to schools, playgrounds, shopping areas, utilities, and other community facilities.

**C. NUMBERING**

Block numbers shall conform to the Town's street numbering system.

**6.1.6 MONUMENTS<sup>38</sup>**

Monuments shall be included as part of any subdivision, and shall be configured in accordance with *The Standards of Practice for Land Surveying in North Carolina*, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, and the following:

- A. Prior to the approval of the final plat, permanent reference points shall have been established in accordance with the standards in this section.
- B. At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker.
- C. If a corner is within 2,000 feet of a U.S. Geodetic Survey or NC Grid System coordinated monument, then this corner shall be marked with a monument so designated by computed X and Y coordinates which shall appear on the map with a statement identifying this monument to an accuracy of at least one to 10,000.
- D. When a monument is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object, or structure. However, if in the opinion of Zoning Administrator, a subdivision is of a small size, or if there is an existing tie within a reasonable distance of the subdivision, this shall not be required.
- E. Within each subdivision, at least two monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments, if required.
- F. The location and type of all monuments used shall be indicated on the final plat.
- G. All monuments shall be constructed of #4 rebar surrounded by three-inch PVC pipe and filled with concrete.
- H. Each monument shall be set 24 inches in the ground unless this requirement is impractical because of unusual conditions.
- I. The allowable angular error of closure and the linear error of closure for surveys shall be in accordance with the *Standards of Practice for Land Surveying* published by the State Board of Registration for Land Surveyors.

**6.1.7 EASEMENTS<sup>39</sup>**

Easements for drainage, access, or utilities may be required where necessary, and shall be provided in accordance with the following:

**A. LOCATIONS**

1. Such easements shall be placed along side or rear property lines where practicable.
2. Easements shall center along or be adjacent to a common property line where practicable.
3. Redesign of the lot arrangements may be required to meet extreme conditions.

**B. UTILITIES****1. POWER OR COMMUNICATIONS**

<sup>38</sup> Replaces Section 153.41.

<sup>39</sup> Replaces Section 153.50.

Where alleys are not provided, easements (of not less than ten feet in width) shall be provided adjacent to public rights-of-way or in such other locations as may be directed by the Zoning Administrator for poles, wires, or conduits for electrical utilities, natural gas service, or communications services.

**2. POTABLE WATER**

Easements of at least 20 feet in width, as centered on the pipe, shall be provided for public potable water supply systems as may be directed by Franklin County for water distribution lines, water meters, and access points.

**3. SANITARY SEWER**

Easements of at least 30 feet in width, as centered on the pipe, shall be provided for public sanitary sewer systems as may be directed by Franklin County for sewer collection lines and access points.

**4. EASEMENT UPSIZING**

The Zoning Administrator or Franklin County, as appropriate, may increase the easement widths for public water and sewer services based on the size of the line, the required depth of the line, or the need to remain clear of other utilities.

**C. DRAINAGE**

- 1.** Provision of drainage facilities to maintain the established flow of off-site water through any property to be subdivided shall be the responsibility of the subdivider.
- 2.** No subdivision shall block or obstruct the natural drainage of an adjoining area.
- 3.** Easements, when required for drainage of the area to be subdivided, shall be of such width as is necessary to permit proper construction and maintenance of the drainage facilities required to drain the area properly.
- 4.** Open channel drainage easements shall be of a minimum width of 10 feet.
- 5.** Drainage easements containing piped stormwater facilities shall be at least 20 feet in width.
- 6.** The Zoning Administrator may require drainage easements beyond 20 feet in width as necessary in the public interest.
- 7.** Easements of greater width may be required along the lines of or across lots where necessary for storm drainage, channels, surface overflow or for the extension of main sewers or similar utilities and when necessary for adequate separation of specific utilities.
- 8.** Existing natural drainage shall be retained or adequately relocated.

**D. MAINTENANCE**

- 1.** All easements for drainage or utilities shall be cleared of undergrowth, trees, and other obstructions prior to approval of the final plat unless the Zoning Administrator certifies in writing that such clearance is unnecessary.
- 2.** Clearance is not required for easements that are provided for possible future use.
- 3.** Easements for stormwater management facilities and stormwater drainage systems located outside the street right-of-way shall be maintained by an owners' association, and maintenance responsibility for these features shall be indicated on the final plat.

**E. IDENTIFICATION**

All easements shall be granted in favor of the Town of Franklinton, Franklin County, the State of North Carolina, the appropriate utility provider, an owners' association, as appropriate, and shall be shown and clearly labeled on the final plat.

**6.1.8 CLUSTER MAILBOXES<sup>40</sup>**

New residential subdivisions shall include cluster mailbox units in accordance with U.S. Postal Service guidelines and the following:

- A.** Wherever possible, cluster mailboxes shall be located in a centralized location, within an open space set-aside, served by pedestrian access, and served by two or more off-street parking spaces.
- B.** In cases where the cluster mailboxes must be placed within a public right-of-way, the mailbox unit(s) shall be located and configured in accordance with the latest revision of the NCDOT policy guidance on the placement cluster mailboxes, including provision of a vehicular turnout.
- C.** Cluster mailbox units placed on a private street shall comply with NCDOT policy guidance on the placement of cluster mailboxes on State-maintained streets.

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<sup>40</sup> This is a new section.

**6.2 STREET STANDARDS****6.2.1 COMPLIANCE WITH GUIDING DOCUMENTS<sup>41</sup>**

- A.** All streets and street-related infrastructure in the Town's planning jurisdiction shall be installed and maintained in accordance with the Town's adopted policy guidance, including, but not limited to the following:
- 1.** The Franklin County Comprehensive Transportation Plan;
  - 2.** The 2045 Metropolitan Transportation Plan (by CAMPO);
  - 3.** The Town's Engineering Specifications and Standard Details; and
  - 4.** Any applicable North Carolina Department of Transportation requirements.
- B.** All streets and rights-of-way shall be constructed in accordance with the standards established for the particular type of street in question by the Town, unless a higher or more restrictive standard is established by NCDOT, in which case the street shall meet that higher or more restrictive standard.

**6.2.2 STREETS DISTINGUISHED<sup>42</sup>**

- A. GENERALLY**  
All streets, roads, and alleys within the Town's planning jurisdiction shall be designated as one of the following street types, based on maintenance responsibility:
- 1.** State-maintained, or NCDOT streets (this includes roadways in the federal highway system);
  - 2.** Town streets that are owned and operated by the Town of Franklinton; or
  - 3.** Private streets that are owned and maintained by individuals or owner associations.
- B. TYPES OF STREETS**
- 1. PUBLIC STREETS**  
Streets that are owned, operated, or maintained by the NCDOT, the Town, or the federal government shall be considered as public streets.
  - 2. PRIVATE STREETS**  
Streets that are owned, operated, or maintained by an individual or an owners' association shall be considered private streets.
- C. APPLICABLE REQUIREMENTS**
- 1. ALL STREETS**  
Except where otherwise allowed in accordance with these standards, all streets and rights-of-way within the Town's planning jurisdiction shall be designed, constructed, and maintained in accordance with the following:
    - (a)** Streets maintained by the State shall comply with the standards established for the particular classification of street in question by the NCDOT.
    - (b)** Streets dedicated to or maintained by the Town shall comply with all applicable standards established by this Ordinance or the Town's Code of Ordinances, whichever is higher or more restrictive.
    - (c)** Private streets shall be designed and constructed in accordance with the standards for streets to be dedicated to or maintained by the Town.
  - 2. ADDITIONAL STANDARDS FOR STATE-MAINTAINED STREETS**

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<sup>41</sup> This is a new section.

<sup>42</sup> Replaces Section 153.44.B and adds requirement that all streets be built to public standards.



## Article 156.6 SUBDIVISION

### Section 6.2 Street Standards

- (a) All streets intended for dedication to the State shall have rights-of-way and construction meeting the standards contained in the *Subdivision Roads, Minimum Construction Standards Handbook*, as revised, published by the NCDOT.
- (b) The District Highway Engineer shall approve the plat with respect to road construction, road width, and right-of-way prior to recording. Without the approval, the plat cannot be recorded.
- (c) Once the development meets the minimum housing requirements for state road acceptance, the developer shall petition NCDOT for state road acceptance.
- (d) After inspection and upon receipt of outcome of the inspection, the developer shall have 12 months to turn over roads to NCDOT.

### 3. PRIVATE STREETS

- (a) Except where otherwise allowed in accordance with these standards, all streets constructed, extended, or modified after June 15, 2021 shall be constructed and maintained in accordance with the standards for public streets.
- (b) Where streets have been proposed for dedication to the Town, but have not been accepted, or in cases where streets will remain private, the final plat shall include statements explaining the status of the street(s).
- (c) Existing streets associated with land or subdivisions proposed for voluntary annexation shall meet applicable Town requirements prior to or concurrent with annexation.
- (d) The Town shall not accept maintenance responsibility for any private streets that do not meet the Town's standards for street configuration and construction.

### 6.2.3 STREET CLASSIFICATION<sup>43</sup>

- A. All exiting streets, whether public or private, shall be classified in accordance with Table 6.2.3: Street Classification.
- B. New streets constructed in the Town's planning jurisdiction shall be designated in accordance with Table 6.2.3: Street Classification.
- C. In no instance shall a private street be classified as a freeway, expressway, boulevard, or thoroughfare street.
- D. Nothing shall prohibit a change in street classification based on traffic volumes or anticipated needs.
- E. Whenever a street within a new development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the development.

**TABLE 6.2.3: STREET CLASSIFICATION**

STREET TYPE [1] [2]	DESCRIPTION
Freeway	Freeways are the highest classification of streets and are designed and constructed with mobility and long-distance travel in mind. Access is controlled, intersections are grade-separated, driveways serving individual lots are prohibited, and roadways are designed for high-speed travel of 55 mph or greater. Roadways in this functional classification category connect the Town to other destinations in the State and connect major activity centers in the Town to one another. Freeways carry the highest traffic volumes.

<sup>43</sup> Replaces Section 153.44.G and uses street classifications from the adopted Comprehensive Transportation Plan.



### TABLE 6.2.3: STREET CLASSIFICATION

STREET TYPE [1] [2]	DESCRIPTION
<b>Expressway</b>	These streets provide a high degree of mobility both within the Town's urban areas as well as through neighboring rural areas. Vehicles move at high-to-moderate speeds and four-way intersections are often signal-controlled. These streets include at-grade intersections with other streets typically spaced 2,000 feet apart, but driveways to individual lots are typically limited to right-in/right-out or grade separated left turns. The average number of vehicles trips can vary widely based on the urban or rural location of an expressway.
<b>Boulevard</b>	Boulevards connect major streets to one another and provide for vehicle trips of moderate length at medium speeds. The road is typically two or more lanes with a median with median breaks provided for U-turns. Full-movement driveways may be provided when alternative forms of access are not available.
<b>Major Thoroughfare</b>	Major thoroughfares provide a balance of mobility and access with moderate traffic volumes and low-to-medium speeds between 25 and 55 mph. Streets may be up to four lanes wide with no median and no requirements for access control. Access management may be provided in the form of continuous left turn lanes, shared driveways, full movement driveways are permitted on two-lane streets with a center turn lane. Cross-parcel connectivity between adjacent lots is strongly encouraged.
<b>Minor Thoroughfare</b>	Minor thoroughfares provide balanced mobility and access with moderate traffic volumes and lot-to-medium design speeds of up to 45 mph. Streets may have up to three lanes with no more than one lane per direction. Access management may be provided in the form of continuous left turn lanes, shared driveways, full movement driveways are permitted on two-lane streets with a center turn lane. Cross-parcel connectivity between adjacent lots is strongly encouraged.
<b>Local</b>	Local streets occupy the largest percentage of lane miles across all types of streets and primarily provide direct access to individual lots. Local streets are often configured to discourage through traffic, though local streets can also effectively disperse local traffic when configured as part of a highly connected network offering multiple routes.
<b>Cul-de-Sac</b>	A dead-end local street that terminates in a vehicular turnaround.
<b>Alley</b>	A secondary street that provides direct access to a limited number of individual lots or land uses. In most cases, access is provided to the side or rear of the lot served by the alley.
<p><b>NOTES:</b></p> <p>[1] The classification shall be based upon the function of the street and projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.</p> <p>[2] The types of streets and their general locations are depicted on Franklin County Comprehensive Transportation Plan, as amended.</p>	

**6.2.4 STREET DESIGN<sup>44</sup>****A. DEDICATION AND CONSTRUCTION**

1. All lands associated with a new or modified public street right-of-way shall be dedicated to the Town or the State as a part of the development process in accordance with Section 136-66.10 of the North Carolina General Statutes.
2. All streets shall be improved to the full width, cross section, and profile, including paving and drainage, as specified in the development approval, this Ordinance, the Town's adopted policy guidance, State or federal law, and any other applicable provisions.
3. The subdivider or developer shall be responsible for the construction and installation of all streets and infrastructure in accordance with the applicable development approval, NCDOT standards, the standards in this Ordinance, and any applicable State or federal requirements.
4. No road construction or improvements shall commence until a plan showing the proposed roadway improvements and a construction plan is approved by the Town.

**B. GENERAL LAYOUT**

1. Streets shall be related appropriately to the topography and designed to facilitate the drainage and stormwater runoff.
2. Grades shall conform as closely as possible to the original pre-development topography.
3. Streets that combine steep slopes with curves shall be avoided, to the maximum extent practicable.
4. Half streets (such as streets of less than the full required right-of-way and pavement width) shall not be permitted, except where the streets, when combined with a similar street, developed previously or simultaneously, on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this Ordinance.
5. When a development abuts or contains an existing or proposed freeway, expressway, or boulevard, the Zoning Administrator may require frontage streets, reverse frontage with landscape plantings, or other treatment as may be necessary for adequate protection of residential properties and to ensure separation of through and local traffic.
6. Reserve strips or parcels configured to prevent street connections or extensions shall be prohibited, except where required as part of development on a double-frontage lot.

**C. CONTINUATION AND COORDINATION OF NEW STREETS**

1. New streets or upgrades to existing streets resulting from new development shall comply with the location, classification, configuration, and operation requirements identified in this Ordinance, the Town's adopted policy guidance, or NCDOT standards, as appropriate.
2. Whenever a street within a new development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the development.
3. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and deemed appropriate by the Town for future development or in which the adjoining lands are developed and include opportunities for such connections.
4. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands.
5. Boulevard and thoroughfare streets shall intersect with surrounding boulevard and thoroughfare streets at safe and convenient locations, as determined by the NCDOT and the Zoning Administrator.

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<sup>44</sup> This is a new section that also replaces Section 153.44.F pertaining to continuation of existing streets.

## Article 156.6 SUBDIVISION

### Section 6.2 Street Standards

6. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.
7. The final plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.
8. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited.
9. Where access to a subdivision site is by a street that does not meet Town or State standards, that street shall be improved by the developer in order to meet current Town or State standards, as appropriate.

#### D. STREET RIGHT-OF-WAY WIDTH<sup>45</sup>

1. All new streets established in the Town's jurisdiction after June 15, 2021 shall include a minimum street right-of-way width in accordance with the street design from the applicable adopted policy guidance and Table 6.2.4.D: Minimum Street Right-of-Way Requirements.
2. In cases where an existing street is depicted on the Town's adopted policy guidance, but is not configured to the required right-of-way or pavement width, the street shall be improved to meet the configuration identified in the Town's adopted policy guidance as part of the development.

**TABLE 6.2.4.D: MINIMUM STREET RIGHT-OF-WAY REQUIREMENTS**

STREET CLASS [1]	# OF LANES [1]	MIN. DESIGN SPEED (MPH)	RIGHT-OF-WAY FEATURES	RIGHT-OF-WAY WIDTH, MIN. (FEET)
Freeway	4	50	Divided median, no bike lanes or sidewalks	250 full control of access; 150 limited control of access
	6	50	Raised median, curb & gutter, bike lanes, sidewalks both sides	150
	6	50	Grass median, no bike lanes or sidewalks	300
Expressway	4	50	Divided median, no bike lanes or sidewalks	250 full control of access; 150 limited control of access
	6	50	Raised median, curb & gutter, bike lanes, sidewalks both sides	150
	6	50	Grass median, no bike lanes or sidewalks	300
Boulevard	4	50	Raised median, curb & gutter, bike lanes, sidewalks both sides	110
	4	50	Grass median, bike lanes, sidewalks both sides	120
	5	50	Center turn lane, bike lanes, sidewalks both sides	100
	6	50	Raised median, curb & gutter, bike lanes, sidewalks both sides	150
	8	50	Raised median, curb & gutter, bike lanes, sidewalks both sides	160
	2	50	Paved shoulders	50

<sup>45</sup> Replaces the right-of-way widths in Section 153.44.G and removes the current 100-foot cap on required right-of-way dedication width as well as the design speed section in Section 153.44.I.3.

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## Section 6.2 Street Standards

**TABLE 6.2.4.D: MINIMUM STREET RIGHT-OF-WAY REQUIREMENTS**

STREET CLASS [1]	# OF LANES [1]	MIN. DESIGN SPEED (MPH)	RIGHT-OF-WAY FEATURES	RIGHT-OF-WAY WIDTH, MIN. (FEET)
Major Thoroughfare	2	50	Paved shoulders	60
	2	50	Curb & gutter, bike lanes, and sidewalks both sides	60
	2	50	Bike lanes, sidewalks both sides, parking on one side	75
	2	50	Raised median, curb & gutter, bike lanes, sidewalks on both sides	80
	2	50	Bike lanes, sidewalks both sides, parking both sides	85
	2	50	Sidewalk behind a swale	90
	3	50	All	80
	4	50	Raised median, curb & gutter, bike lanes, sidewalks	110
	4	50	Grass median, bike lanes, sidewalks both sides	120
	5	50	Center turn lane, bike lanes, sidewalks both sides	100
Minor Thoroughfare	2	40	Paved shoulders	50
	2	40	Paved shoulders	60
	2	40	Curb & gutter, bike lanes, and sidewalks both sides	60
	2	40	Bike lanes, sidewalks both sides, parking on one side	75
	2	40	Raised median, curb & gutter, bike lanes, sidewalks on both sides	80
	2	40	Bike lanes, sidewalks both sides, parking both sides	85
	2	40	Sidewalk behind a swale	90
	3	40		80
	4	40	Raised median, curb & gutter, bike lanes, sidewalks	110
	4	40	Grass median, bike lanes, sidewalks both sides	120
Local	2	40 [2]		60
		30 [3]		
Cul-de-Sac	2	30		50 [4]
Alley	2	15		20

**NOTES:**

[1] Street classification and number of lanes is determined based on the Comprehensive Transportation Plan, the Town's adopted policy guidance, or other applicable NCDOT requirements.

[2] Based on average daily traffic of 400-750 vehicle trips per day.

[3] Based on average daily traffic of 50 to 250 vehicle trips per day.

[4] Does not include turn-around.

## Article 156.6 SUBDIVISION

### Section 6.2 Street Standards

#### E. STREET LANE WIDTH<sup>46</sup>

The lane width for any street shall be in accordance with Table 6.2.4.E, Minimum Lane Width:

TABLE 6.2.4.E: MINIMUM LANE WIDTH		
TYPE OF STREET OR LANE [1]	DESIGN SPEED (MPH)	MINIMUM PAVEMENT WIDTH PER LANE (FEET)
Travel lane on any street except alleys [2]	Up to 35	10
	36 to 45	11
	46 or More	12
Center turn lane	All	11
On street parking space	N/A	10; 8 if curb & gutter provided
Alley	15	12 [3]
Dedicated bicycle lane	N/A	5 [4]
NOTES: [1] The type of street or design speed shall be in accordance with the Franklin County Comprehensive Transportation Plan or other applicable policy guidance adopted by the Town. [2] Streets with two or more lanes travelling in the same direction may require an additional three feet of outside lane width to accommodate shared bicycle lanes. [3] Two-way alleys shall maintain a pavement width of at least 16 feet. [4] Provided in addition to all other minimum lane width requirements.		

#### F. STREET SHOULDER WIDTH

Streets that do not include curb and gutter shall provide an improved shoulder immediately adjacent to both sides of a street in accordance with Table 6.2.4.F: Minimum Shoulder Width:

TABLE 6.2.4.F: MINIMUM SHOULDER WIDTH	
DESIGN SPEED (MPH)	SHOULDER WIDTH (FEET) [1]
Up to 45	4
46 to 55	10
More than 55	12
NOTES: [1] in cases where swales or uncovered drainage ditches are present, the shoulder shall be at least two feet from the top of the swale or ditch.	

#### G. STREET GRADE<sup>47</sup>

##### 1. MINIMUM GRADE

Except in areas where street drainage conditions warrant otherwise, the minimum street grade shall be 0.5 percent. In cases where street drainage issues exist, the minimum street grade shall be 0.35 percent.

##### 2. MAXIMUM GRADE

Maximum street grades shall be in accordance with Table 6.2.4.G, Maximum Street Grade:

<sup>46</sup> Replaces Section 153.44.H and provides additional detail about turn lanes and bike lanes.

<sup>47</sup> Carries forward 153.44.I.4.

## Article 156.6 SUBDIVISION

### Section 6.2 Street Standards

**TABLE 6.2.4.G: MAXIMUM STREET GRADE**

DESIGN SPEED (MPH)	MAXIMUM GRADE (%) [1] [2]
60	4
50	5
40	6
30	9
20 or Less	10

NOTES:  
[1] Street grades within 100 linear feet of a street intersection should not exceed 5%.  
[2] Streets with anticipated traffic volumes of 250 vehicles or less may incorporate grades 150% beyond the maximum grade for a distance of up to 500 feet.

#### H. MINIMUM SIGHT DISTANCE<sup>48</sup>

The minimum sight distance requirements in Table 6.2.4.H, Minimum Sight Distance, shall apply to all streets in order to protect public safety.

**TABLE 6.2.4.H: MINIMUM SIGHT DISTANCE**

FEATURE	STANDARD	DESIGN SPEED (MPH)				
		20 OR LESS	30	40	50	60
Stopping Sight Distance	Min. Stopping Distance (feet)	150	200	275	350	475
	Recommended Stopping Distance (feet)	150	200	300	450	650
Minimum K Value [1]	Minimum Crest Vertical Curve	16	28	55	85	160
	Recommended Crest Vertical Curve	16	28	65	145	300
	Minimum SAG Vertical Curve	24	35	55	75	105
	Recommended SAG Vertical Curve	24	35	60	100	155
Passing Sight Distance	Minimum Passing Distance for Two-Lane Street (feet)	-	1,100	1,500	1,800	2,100
	Minimum K Value for Crest Vertical Curve	-	365	686	985	1,340

NOTES:  
[1] "K" is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance.

#### I. MAXIMUM RATE OF SUPER ELEVATION AND DEGREE OF CURVE

The maximum rate of super elevation and degree of street curves shall be in accordance with Table 6.2.4.I, Maximum Rate of Super Elevation and Degree of Curve.

<sup>48</sup> Carries forward Section 153.44.I.5.

**TABLE 6.2.4.I: MAXIMUM RATE OF SUPER ELEVATION AND DEGREE OF CURVE**

<b>MAXIMUM RATE OF SUPER ELEVATION (E) STREET</b>	<b>DESIGN SPEED (MPH)</b>	<b>MINIMUM RADIUS – ROUNDED (FEET)</b>	<b>MAXIMUM DEGREE OF CURVE – ROUNDED (DEGREES)</b>
.04	20 or less	125	45
	30	300	19
	40	560	10
	50	925	6
	60	1,410	4
.06 [1]	20 or less	115	50
	30	275	21
	40	510	11.5
	50	830	7
	60	1,260	4.5
.08 [2]	20 or less	110	53.5
	30	250	23
	40	250	12.5
	50	760	7.5
	60	1,140	5
<b>NOTES:</b> [1] The maximum rate of super elevation for streets with curb and gutter is .06, although .04 is encouraged. [2] The maximum rate of super elevation for roads with no curb and gutter is .08.			

## **J. STREET INTERSECTIONS<sup>49</sup>**

Street intersections shall be configured in accordance with the following standards:

1. Not more than two streets shall intersect at any one point unless the Town or NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.
2. Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 60 degrees.
3. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street.
4. Where a street center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 200 feet.
5. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 200 feet measured from centerline to centerline of the intersecting street. When the intersected street is an expressway or boulevard, the distance between intersecting streets shall be at least 1,000 feet, unless no other alternative is practicable.
6. Property lines at street intersections shall be shown as a chord connecting points not less than 15 feet back from the street intersection along each street right-of-way line. Longer setbacks for chord connections for property lines may be required as needed for public safety.

<sup>49</sup> Replaces Section 153.44.J.



7. In commercial developments, the Town may assign traffic control to thru traffic within 500 feet of the point of access to the public right-of-way.

### K. TURN LANES<sup>50</sup>

Turn lanes for either or both left and right turns into a commercial or residential subdivision driveway may be necessary for safety when there are high roadway and/or turning volumes or traffic, when the roadway speeds are moderate or high, or where needed due to limited sight distance. When provided, turn lanes shall be configured in accordance with the following:

1. The final determination for the need, location, and design of a turn lane is the responsibility of the NCDOT, or the Town, as appropriate.
2. Left and right turn lanes shall be constructed in accordance with NCDOT standards and specifications.
3. Right-turn lanes shall be constructed entirely within the frontage of the property being served, since an adjacent development might subsequently require an entrance that would otherwise encroach into the turn lane.
4. The NCDOT may require a undivided street to be widened when the median has an inadequate width for a left turn lane.

### L. DECELERATION LANES<sup>51</sup>

1. Any use capable of generating more than 60 trips per peak hour, as estimated by using NCDOT guidelines or the Institute of Traffic Engineers Trip Generation Manual, shall provide at least one deceleration lane per street front in accordance with NCDOT standards when the use is located along an expressway or boulevard street.
2. Deviations from these requirements may only be authorized when the NCDOT indicates that a particular development design or technique can still achieve a satisfactory level of access control consistent with the objectives of this section.

### M. STREET CONNECTIVITY<sup>52</sup>

Streets within new subdivisions shall be connected to one another to ensure emergency access and prevent traffic congestion in accordance with the following:

#### 1. MINIMUM CONNECTIVITY INDEX SCORE REQUIRED

All development shall achieve an internal street connectivity score in accordance with [Table 6.2.4.M: Minimum Street Connectivity Score](#).

TABLE 6.2.4.M: MINIMUM STREET CONNECTIVITY SCORE	
ZONING DISTRICT WHERE DEVELOPMENT IS PROPOSED	MINIMUM REQUIRED STREET CONNECTIVITY INDEX SCORE
R-1A, RSL, RSM	1.20
All Other Zoning Districts	1.40

#### 2. CONNECTIVITY INDEX SCORE CALCULATION

- (a) The connectivity index for a development is calculated by dividing its links by its nodes.
- (b) Figure 6.2.4.M, Street Connectivity Index Example, provides an example of how to calculate the connectivity index. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs are considered as links, but temporary dead-end streets

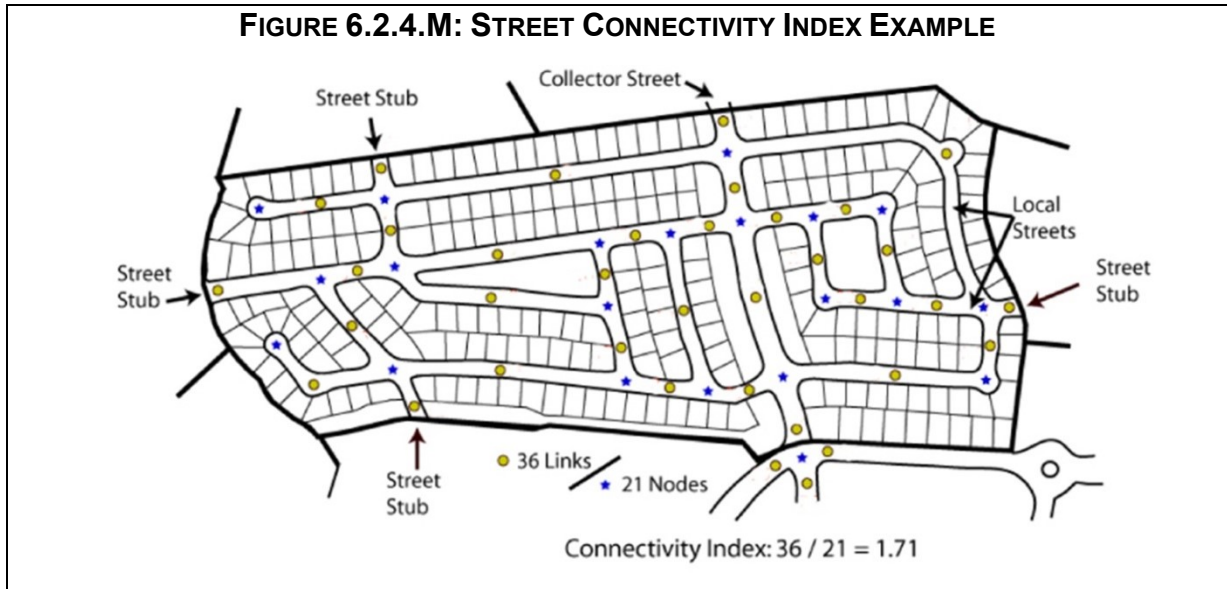
<sup>50</sup> This is a new section

<sup>51</sup> This is a new section.

<sup>52</sup> This is a new section.



internal to a development or alleys are not counted as links. One link beyond every node that exists in the development and provides access to the street system outside the development shall be included in the index calculation. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore the connectivity index is 1.71 ( $36/21 = 1.71$ ).



### 3. REDUCTION IN MINIMUM INDEX SCORE

The minimum connectivity index score may be reduced if the owner/developer demonstrates it is not possible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity index score as is reasonably practical.

### N. DEVELOPMENT ENTRY POINTS<sup>53</sup>

1. Unless exempted in accordance with these standards, all subdivisions shall provide streets from the development to the street system outside the development in accordance with Table 6.2.4.N, Required Points of Access:

TABLE 6.2.4.N: REQUIRED POINTS OF ACCESS [1]		
TYPE OF DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS POINTS [2]
Residential and Mixed-Use Development [3]	30 or fewer lots	1
	31 or more	2
Non-residential Development, other than Industrial [4]	Less than 5 acres or fewer than 10 lots	1
	More than 5 acres	2
NOTES: [1] Points of access shall refer to streets, not driveways. [2] Additional vehicular access points may be required where determined necessary by the Town.		

<sup>53</sup> This is a new section.

**TABLE 6.2.4.N: REQUIRED POINTS OF ACCESS [1]**

TYPE OF DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS POINTS [2]
[3] Multi-family or mixed-use developments of 100 dwelling units or more shall provide at least two points of access regardless of the number of lots.		
[4] The Fire Code may require a minimum of two points of access.		

2. Nothing in this section shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable street connectivity standards.
3. Street stubs shall be credited as an access point when all ingress or egress to a development is only available from a single expressway, boulevard, or thoroughfare street.
4. Development shall be exempted from these standards if it is demonstrated the following conditions apply:
  - (a) A transportation impact analysis allows a deviation;
  - (b) No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
  - (c) NCDOT will not authorize the required number of entrances; or
  - (d) Alternative access can be provided in a manner acceptable to the Town that is supported by a transportation impact analysis.

### O. DEAD END STREETS<sup>54</sup>

1. Cul-de-sac streets shall provide a vehicular turnaround with a minimum driving surface radius of 40 feet at the closed end.
2. No permanently designed cul-de-sac or other dead-end street shall be longer than 500 linear feet, except where land cannot otherwise be subdivided practicably in the opinion of the Zoning Administrator.
3. In no instance shall a cul-de-sac street exceed 900 linear feet.
4. In cases where one cul-de-sac is accessed from another cul-de-sac, the maximum length for all cul-de-sacs accessed from one another shall be 900 linear feet.
5. The length of a cul-de-sac shall be measured from the center point of the turnaround to the centerline of a through street or to the center point of the turnaround of another cul-de-sac.
6. Dead-end streets intended to be continued at a later time shall be provided with a turn-around as required for a dead-end street when required by the Zoning Administrator.
7. Only that portion to be required as right-of-way when the street is continued shall be dedicated and made a public street.

### P. ALLEYS<sup>55</sup>

Except in some cases, alleys are not required, but may be provided in accordance with these standards.

1. Alleys shall be provided in single-family detached residential developments where individual lot widths are 50 feet or less.
2. Alleys shall be located along rear or side lot lines.
3. Alleys shall maintain a design speed and minimum right-of-way in accordance with Table 6.2.4.D, Minimum Street Right-of-Way Requirements.

<sup>54</sup> Replaces Section 153.44.K.

<sup>55</sup> Replaces Section 153.44.P.

4. Dead-end alleys shall be avoided where possible, but if unavoidable, they shall have adequate turnaround facilities at the dead-end as required by NCDOT standards or the Town's adopted policy guidance.

**Q. STREET DRAINAGE<sup>56</sup>**

1. All required drainage facilities associated with a street right-of-way shall be constructed prior to consideration of a final plat.
2. Storm sewers, drains, and structures installed by the subdivider shall be installed of a size, type, and in locations as approved by the Zoning Administrator or NCDOT, as appropriate.
3. Street drainage facilities located outside the street right-of-way shall be maintained by the developer, the landowner, or an owners' association, and maintenance responsibility shall be noted on the final plat.
4. The Town shall not be responsible for any private or commonly-held subdivision drainage infrastructure connected to publicly-maintained drainage facilities, streams, or other outlets having constant flow.

**6.2.5 CURB AND GUTTER<sup>57</sup>**

Curb and gutter shall be provided on all Town-maintained streets and shall be configured in accordance with NCDOT standards.

**6.2.6 STREET LIGHTS<sup>58</sup>**

- A. Subdivisions that include any lots smaller than 40,000 square feet in lot area shall provide street lights in accordance with this section and the provisions of the electrical utility provider.
- B. Street lights, when required, shall be provided at all street intersections and along streets with a maximum on-center spacing of 300 feet.

**6.2.7 STREET NAMES<sup>59</sup>**

- A. Street names and property address numbers shall be assigned by Franklin County.
- B. New street names shall not be phonetically similar to existing street names in the Town or the County.
- C. Where proposed streets are an extension of an existing street, the name of the existing street shall be used.
- D. Street name signs shall be provided by the subdivider and shall be configured in accordance with NCDOT standards.

**6.2.8 TRAFFIC CONTROL SIGNS AND SIGNALS<sup>60</sup>**

- A. If deemed necessary by the Town or by NCDOT, signals shall be installed by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road.
- B. Signs and signals shall comply with NCDOT regulations with regards to size, shape, color, location and information contained thereon.
- C. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" intersection.
- D. Signs and signals shall be installed free of visual obstruction.

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<sup>56</sup> This is a new section.

<sup>57</sup> Replaces Section 153.44.M.

<sup>58</sup> Carries forward Section 153.45.

<sup>59</sup> Replaces Section 153.44.O.

<sup>60</sup> This is a new section.

- E.** The subdivider or developer shall install standard street signs as part of new development.
- F.** In cases where decorative street signs are proposed, the developer or subdivider shall be responsible for the cost of the decorative street signs.
- G.** Decorative street signs shall be approved as to form and content by the Town prior to installation.
- H.** At least two street name signs shall be placed at each four-way street intersection and at least one at each "T" intersection.
- I.** Street signs shall be installed on the northwest and southeast corners of every four-way intersection.
- J.** Signs shall be installed free of visual obstruction.

## **6.3 INFRASTRUCTURE STANDARDS**

### **6.3.1 POTABLE WATER<sup>61</sup>**

- A.** Every lot within a subdivision shall be served by a means of potable water supply that is adequate to accommodate the reasonable needs of the use or subdivision lot(s).
- B.** Potable water shall be provided by on an on-site system or by a centralized public system in accordance with all applicable County standards and requirements.

### **6.3.2 SANITARY SEWER<sup>62</sup>**

- A.** Every lot within a subdivision shall be served by a means of treating wastewater that is adequate to accommodate the reasonable needs of the use or subdivision lot(s).
- B.** Sanitary sewer shall be provided by on an on-site system or by a centralized public system in accordance with all applicable County standards and requirements.

### **6.3.3 FUNCTIONAL FIRE PROTECTION**

Functional fire protection, including minimum water pressure amounts, shall be provided in accordance with the Franklinton Fire Department's policy and the Town's adopted Fire Code requirements.

### **6.3.4 UTILITIES<sup>63</sup>**

- A.** Electric and telephone utilities shall be provided to every lot in the subdivision.
  - 1.** Evidence of an agreement between the developer and the utility company setting forth terms and conditions for installation shall be submitted with the preliminary plat application.
  - 2.** Preliminary plat approval may be conditioned upon receipt of said evidence from the applicant.
- B.** All electric, telephone, television and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated rights-of-way, and installed in accordance with the prevailing standards and practices of the utility companies providing such services.
- C.** Lots that abut existing easements or rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric service from the overhead lines, but the service connections from the overhead lines shall be installed underground.
- D.** Major transmission lines and overhead wires, and structures providing temporary service may be allow as an exception to this requirement.

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<sup>61</sup> Replaces Section 153.46.

<sup>62</sup> Replaces Section 153.47.

<sup>63</sup> Carries forward Section 153.48.

**6.3.5 STORMWATER<sup>64</sup>****A. OBJECTIVES**

The storm water management system of the subdivision shall be designed to accomplish the following objectives:

- 1.** Provide a suitable building area on each lot that is safe from inundation and erosion.
- 2.** Comply with the standards and specifications for erosion control of the NC Sedimentation Pollution Control Act.
- 3.** Protect all roads, driveways, utilities, lots, buildings, and other types of development from flood damage and other hazards caused by improper storm water management and to reduce exposure to flood damage.
- 4.** Direct surface water away from sanitary sewer systems and adjacent lots.
- 5.** Transport surface waters to existing storm sewers, drainage facilities, or natural drainage ditches.

**B. MINIMUM REQUIREMENTS**

The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot for each 200 feet of horizontal distance.

**C. DRAINAGE SYSTEM REQUIREMENTS**

The Town Engineer shall approve the design and construction of the drainage system in accordance with the requirements:

- 1.** Lot layout shall provide positive drainage away from buildings.
- 2.** Individual lot drainage shall be coordinated with the general storm drainage patterns for the area.
- 3.** Drainage design shall avoid concentrating storm water from one lot to an adjacent lot.

**6.3.6 SIDEWALKS<sup>65</sup>****A. LOCATION**

Sidewalks meeting the requirements in Section 6.3.6D, Configuration, are required in accordance with the Town's adopted policy guidance and the following standards:

**1. SIDEWALKS PROVIDED ON BOTH SIDES OF THE STREET**

- (a)** Except where not required (see Section 6.3.6A.3, No Sidewalks Required) or where only required on one side of the street (see Section 6.3.6A.2, Sidewalks Provided on One Side of the Street), sidewalks shall be provided along both sides of all new streets in the Town's planning jurisdiction.
- (b)** In cases where new development is established on an existing street that does not have sidewalks, new sidewalks shall be provided along the development's frontage unless the Town accepts a payment in lieu (see Section 6.7, Fee-in-Lieu).

**2. SIDEWALKS PROVIDED ON ONE SIDE OF THE STREET**

- (a)** Sidewalks shall be required on one only side of cul-de-sac, dead-end, and loop streets serving more than three but less than nine lots or dwelling units.
- (b)** When sidewalks are required on one side of the street, they shall generally be located on the side of the street to best continue existing sidewalk networks, if present.
- (c)** Sidewalks are not required around the head of a cul-de-sac street.

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<sup>64</sup> Carries forward Section 153.49.

<sup>65</sup> Replaces Section 153.44.N & S.

- (d) Where there is no clear preferable street side for the placement of a sidewalk, the sidewalk shall be placed on the street side where it is least likely to have a negative impact on stormwater management, in the opinion of the Zoning Administrator.
- (e) In cases where sidewalks are already found on both sides of a street serving immediately adjacent development, sidewalks shall be provided along both sides of the street serving new development.

**3. NO SIDEWALKS REQUIRED**

No sidewalks shall be required in the following locations:

- (a) Along freeways, expressways, and limited access roads maintained by NCDOT;
- (b) Along alleys and accessways to individual lots not served by a street; and
- (c) Along gravel streets.

**B. CLUSTER MAILBOX UNITS**

Sidewalk access shall be provided to all cluster mailbox installations that do not include vehicle parking spaces.

**C. RESPONSIBILITY FOR SIDEWALK PROVISION**

- 1. The applicant or developer of a subdivision or site plan, as appropriate, shall be responsible for the provision of sidewalks required in accordance with this section.
- 2. In no instance shall a final plat be recorded or land conveyed within a subdivision subject to the standards in this section before the sidewalk is completed, a fee-in-lieu has been provided (see Section 6.7, Fee-in-Lieu), or a performance guarantee has been provided in accordance with Section 6.5, Performance Guarantees.

**D. CONFIGURATION**

- 1. Sidewalks shall be located within a designated street right-of-way or in another Town-approved location.
- 2. Sidewalks shall be at least four feet wide, and may be required to match the width of a connecting sidewalk that exceeds four feet in width.
- 3. Sidewalks shall be constructed of concrete or other hard-surface materials, consistent with the established sidewalk patterns on adjacent developments.
- 4. Pedestrian street crossings shall be raised above the adjacent street level, be constructed of material other than asphalt, or be striped as a traffic-calming measure.
- 5. Sidewalks shall connect with existing sidewalks at property boundaries.
- 6. Whenever curb and gutter construction is used on public streets, wheelchair ramps for the disabled, configured in accordance with NCDOT standards, shall be provided at intersections and other major points of pedestrian flow in accordance with Section 136-44.14 of the North Carolina General Statutes.
- 7. New nonresidential, mixed-use, and multi-family development shall provide at least one on-site improved connection between the development and the adjacent public sidewalk system (planned or existing).

**E. CREDIT FOR TRAILS**

Hard-surfaced, ADA-accessible trails within open space set-asides shall be credited towards these sidewalk requirements when trails are available for use by the public and connect open space set-asides to schools, shopping areas, or other recreation areas.

**6.3.7 GREENWAYS****A. REQUIRED GREENWAY DEDICATION AND CONSTRUCTION**

- 1. Whenever a tract of land included within any proposed development, preliminary plat, or conservation subdivision includes any part of a greenway designated in the Town's adopted policy guidance, the greenway shall be platted and dedicated to the Town in fee simple or in the form of a greenway easement.

- 2.** Greenways shall be constructed as part of the required infrastructure serving a site or a subdivision.

**B. GREENWAY CONFIGURATION**

- 1.** A greenway dedication or easement shall be at least 50 feet wide, to the maximum extent practicable.
- 2.** The greenway shall include an all-weather surface trail of at least ten feet in width, paved with asphalt or concrete that meets ADA guidelines for accessibility.
- 3.** The trail shall be edged with gravel shoulders of at least one foot in width on each side.
- 4.** Positive drainage shall be established in areas adjacent to the paved trail.
- 5.** In cases where a greenway crosses a street, the pedestrian crossing area shall be demarcated and supplemented with signage that alerts drivers to the presence of pedestrians.

**C. DENSITY CREDITS**

- 1.** Land that is dedicated in fee-simple interest to and accepted by the Town in accordance with this section shall be credited toward the donating parcel's lot or tract area for the purpose of calculating the density of development and area coverage calculations though no longer part of the parcel.
- 2.** Dedicated land credits shall be transferred to subsequent holders if properly noted in transfer deeds.

**D. OPEN SPACE SET-ASIDE CREDITS**

Land associated with a greenway dedication or easement shall be credited towards any open space set-aside requirements in Section 5.7, Open Space Set-Aside.

**E. PARK LAND DEDICATION CREDITS**

Land associated with a greenway dedication or easement shall be credited towards any requirements in Section 6.4, Reservation of Land for Public Purposes.

**F. PAYMENT IN-LIEU OF PROVIDING GREENWAYS**

Provision for payment of a fee-in-lieu of providing a greenway shall be in accordance with Section 6.7, Fee-in-Lieu.



**6.4 RESERVATION OF LAND FOR PUBLIC PURPOSES****6.4.1 DEDICATION OF LAND FOR PUBLIC PARKS**

Subdivisions of land for 30 or more single-family residential lots (including detached and attached units) shall be required to dedicate a portion of the land, or pay a fee-in-lieu thereof, for public parkland, in accordance with the standards of this section.

**A. DEDICATION AMOUNT**

- 1.** Single-family residential subdivisions of 30 or more lots shall dedicate 500 square feet of land per residential lot to the Town for its use in developing public parkland.
- 2.** No credit towards required parkland dedication is given for lands mandated for preservation by State or federal requirements.
- 3.** No more than 25 percent of the total dedication requirement may be met through dedication of water areas.

**B. PROCEDURE FOR DEDICATION OR PAYMENT**

- 1.** The developer shall identify land proposed for dedication on the major subdivision, or propose payment of an in-lieu fee as part of the application for approval of a major subdivision.
- 2.** The Town shall review the proposed application and determine if it complies with the standards in Section 6.4.1C, Nature of Area to be Dedicated, or Section 6.7, Fee-in-Lieu, as appropriate. The decision to accept dedication is up to the sole discretion of the Board of Commissioners.
- 3.** Land shall be dedicated prior to recording the first final plat for the subdivision, or the payment-in-lieu shall be paid prior to recording the first final plat for the subdivision for which the payment-in-lieu is paid.

**C. NATURE OF AREA TO BE DEDICATED**

All lands proposed for dedication as park areas shall meet the following standards:

**1. UNITY**

The dedicated land shall be a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the Zoning Administrator that multiple parcels would better serve Town residents.

**2. USABILITY**

Public parkland must be without significant topographic elevation changes, well-drained, usable land for a park, as determined by the Zoning Administrator. In cases where dedication includes an area of water, public access to all portions of a water feature shall be provided and maintained, regardless of water feature's size.

**3. SHAPE**

The dedicated land shall be of a shape that supports gathering and recreation activities.

**4. LOCATION**

- (a)** The dedicated parkland shall be located so it can reasonably serve the park needs of the residents of the subdivision and immediate area.
- (b)** The Board of Commissioners may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the recreation and park area with adjacent development or park facilities, existing or planned.

**5. ACCESS**

- (a)** All dwelling units in the subdivision and residents in the immediate area shall have access to and from the parkland provided by means of streets and public walkways or trails.
- (b)** Rights-of-way for this access shall be shown on the preliminary and final plats.



- (c) All dedicated lands shall have access by way of a street. Such access can be provided when the dedicated land is adjacent to existing or proposed public parkland with street access.

**D. CREDIT FOR GREENWAYS**

Land or easements dedicated to the Town in accordance with Section 6.3.7, Greenways, shall be credited towards the standards in Section 6.4.1A, Dedication Amount.

## **6.5 PERFORMANCE GUARANTEES<sup>66</sup>**

### **6.5.1 PURPOSE AND INTENT**

These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a building permit to commence with development prior to completion of all required infrastructure or site improvements, provided funds have been reserved for completion of these features. These provisions ensure that funds are available for the Town's use to complete required public infrastructure or private site features in the event an applicant or developer is unable to do so.

### **6.5.2 APPLICABILITY**

- A.** Performance guarantees shall be configured and managed in accordance with the standards in this section. The Town is under no obligation to grant a performance guarantee for any feature or under any circumstance.
- B.** The following facilities and site features may be eligible for performance guarantees at the discretion of the Town:
- 1.** Sidewalks, multi-use paths, and greenways;
  - 2.** The final lift of asphalt on a street;
  - 3.** Private stormwater management facilities;
  - 4.** Street lights; and
  - 5.** Placement of vegetation, except when required as part of erosion control measures.
- C.** All other public infrastructure or required site features shall be completed prior to issuance of a certificate of occupancy for the development.

### **6.5.3 INELIGIBLE FACILITIES**

The following infrastructure facilities are not eligible for performance guarantees, and shall be completed and dedicated to the Town where appropriate, prior to approval of a final plat, conveyance, or issuance of a building permit:

- A.** Potable water;
- B.** Sanitary sewer;
- C.** Functional fire protection infrastructure;
- D.** The base and initial courses of asphalt on a street;
- E.** Stormwater drainage facilities associated with a street right-of-way;
- F.** Curb and gutter; and
- G.** Street signs and traffic control signals.

### **6.5.4 MAXIMUM TERM OF GUARANTEE**

- A.** Performance guarantees associated with the placement of vegetation shall have a maximum term of one year.
- B.** The applicant may request a term of more than one in year in cases where they believe one year is insufficient.

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<sup>66</sup> Replaces Sections 153.24(F), 153.25, and 153.26.

**6.5.5 FORM OF GUARANTEE**

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- A.** The applicant shall determine the form(s) of the performance guarantee, which shall be provided in one or more of the following forms:

**1. CASH OR IRREVOCABLE (EVERGREEN) LETTER OF CREDIT**

The developer shall deposit cash or an irrevocable (or “evergreen”) letter of credit, either with the Town or in escrow with a North Carolina financial institution. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the Town guaranteeing the following:

- (a)** That the escrow account shall be held in trust until released by the Town and may not be used or pledged by the developer for any other matter during the term of the escrow; and
- (b)** That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the Town, immediately pay the funds deemed necessary by the Town to complete or repair the improvements up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.
- (c)** The financial institution holding the cash or other instrument shall indicate to the Town its notification requirements for release or payment of funds.

**2. SURETY BOND**

- (a)** The developer shall obtain a surety bond from a surety bonding company authorized to issue surety bonds in North Carolina.
- (b)** The bond shall be payable to the Town and shall be in an amount as required by this subsection.

**3. OTHER GUARANTEE**

The developer may provide another form of guarantee that provides equivalent security to cash, a surety bond, or letter of credit, as determined by the Town Attorney.

- B.** An applicant may request a consolidated performance guarantee to address required infrastructure and private site improvements, but it shall distinguish between the portion of the guarantee provided for public infrastructure improvements as well as the portion of the guarantee provided for private site improvements, if applicable.
- C.** The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.

**6.5.6 AMOUNT OF GUARANTEES**

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**A. GENERALLY**

Performance guarantees shall be in an amount equal to 125 percent of the estimated cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

**B. ESTIMATED COSTS**

Estimated costs of completing installation of required public improvements, vegetation, or stormwater measures shall be itemized by improvement type and certified by the developer's licensed professional, and is subject to approval by the Zoning Administrator.

**C. RENEWAL**

If a performance guarantee is renewed, the Zoning Administrator may require the amount of the performance guarantee be updated to reflect changes in cost over time.

**6.5.7 RELEASE OR REDUCTION OF GUARANTEE**

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**A. RELEASE REQUESTED**

The Zoning Administrator shall release or reduce a performance guarantee only after:

- 1.** The owner or developer has submitted to the Town a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);
- 2.** Town or appropriate County staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
- 3.** No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

**B. ACCEPTANCE SHALL BE DOCUMENTED**

The Zoning Administrator shall provide written notice of the Town's final acceptance of the improvements subject to performance guarantees.

**6.5.8 IMPROPER RELEASE OF FINANCIAL GUARANTEES**

If the Town releases a performance guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

**6.5.9 FORFEITURE OF GUARANTEE**

**A. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS**

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the Zoning Administrator shall give the owner or developer 33 day's written notice of the scope and degree of the default, by certified mail.

**B. TOWN COMPLETION OF IMPROVEMENTS**

After the 30-day notice period expires, the Town may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the performance guarantee, the Town shall return any of the unused deposited cash funds or other security.

**6.6 OWNERS' ASSOCIATIONS<sup>67</sup>****6.6.1 PURPOSE**

The purpose of this section is to set out the requirements for establishment of a homeowners' or property owners' association (hereinafter "association") that shall be responsible for the long-term maintenance of open space set-asides, private site features, and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

**6.6.2 APPLICABILITY**

- A.** The standards in this section shall apply to subdivisions with open space set-aside(s), lands held under common ownership, or shared responsibility for common infrastructure including, but not limited to streets or stormwater management facilities.
- B.** Establishment of an owners' association shall not be required for expedited subdivisions (see Section 2.4.7, Expedited Subdivision), but the responsible party for any private infrastructure shall be identified in the subdivision approval.

**6.6.3 CREATION REQUIRED**

- A.** In developments where the owner or developer will not retain maintenance responsibility, a homeowners' or property owners' association shall be established. Associations are required to accept ownership and maintenance responsibility of all open space set-aside(s), shared infrastructure, or common areas within a development.
- B.** Associations are also required in order to fulfill the requirements of Chapter 47C (the "Condominium Act") of the North Carolina General Statutes, or the requirements of Chapter 47F (the "Planned Community Act") of the North Carolina General Statutes.
- C.** The association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development, though maintenance responsibility shall only transfer from the developer to the association in accordance with Section 6.6.8, Transfer of Maintenance Responsibility.

**6.6.4 RESPONSIBILITIES OF ASSOCIATION**

Upon transfer of maintenance responsibility, the association shall be responsible for:

- A.** Liability insurance and payment of premiums for liability insurance and local taxes;
- B.** Maintenance of all common elements including, but not limited to, stormwater management facilities, private utilities, private accessways, private sidewalks and trails, private streetlights, and private common recreation facilities shown on the preliminary and final plats;
- C.** Maintenance of public streets until such time as NCDOT or the Town agrees to accept the responsibility for street maintenance, as appropriate;
- D.** Maintenance of an escrow account intended for the maintenance and repair of community facilities; and
- E.** Payment of assessments for public and private improvements made to or for the benefit of the common elements.

**6.6.5 PROCEDURE FOR ASSOCIATION ESTABLISHMENT**

- A.** Documents for the creation of the association shall be submitted to the Town for review and approval prior to approval of a final plat (see Section 2.4.8, Final Plat). Documentation shall include, but not be limited to the information in Section 6.6.6, Documentation Requirements.

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<sup>67</sup> This is a new section necessitated by the addition of open space set-aside standards, and the ability to install private infrastructure.

## Article 156.6 SUBDIVISION

### Section 6.6 Owners' Associations

- B.** The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.
- C.** The association documents shall establish that the subdivider shall maintain the common area, common facilities, and infrastructure until at least 75 percent of the lots are sold; and
- D.** Responsibility for maintaining the subdivision's common areas, common facilities, and private infrastructure shall be transferred in accordance with the standards in Section 6.6.8, Transfer of Maintenance Responsibility.

#### 6.6.6 DOCUMENTATION REQUIREMENTS

- A.** The association documents submitted to the Town for review and approval prior to formation shall include, but not be limited to, the following:
  - 1.** A declaration of all restrictive covenants and conditions, if proposed;
  - 2.** A declaration of all deed restrictions, if proposed;
  - 3.** A declaration that the association is responsible for liability insurance and all applicable taxes;
  - 4.** A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or state agency, including but not limited to streets, street signs, drainage systems, wastewater systems, open space set-aside areas, recreational facilities, and private infrastructure;
  - 5.** A description of the structural organization and operating procedures of the association;
  - 6.** Association by-laws;
  - 7.** A legal description of all open space set-asides and other lands owned in common;
  - 8.** Provisions establishing the legal authority of the association to maintain control over all common areas, common features, and private infrastructure in the subdivision, following transfer of control by the subdivider;
  - 9.** Provisions authorizing the association to compel contributions from owners in the development to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure;
  - 10.** Provisions authorizing the association to increase the amount of mandatory fees or assessments, when necessary, for the continued maintenance of common areas, common features, or private infrastructure;
  - 11.** Provisions authorizing the association to convert any member's unpaid assessments into a lien on the real property; and
  - 12.** Evidence related to the establishment of a reserve fund to support the continued maintenance and upkeep of common areas, common features, and private infrastructure.
- B.** Following approval of the required documentation by the Town, the subdivider shall record all required documentation with the Franklin County Register of Deeds.

#### 6.6.7 MEMBERSHIP REQUIREMENTS

- A.** Following establishment of the association by the subdivider, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.
- B.** All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

#### 6.6.8 TRANSFER OF MAINTENANCE RESPONSIBILITY

- A.** Maintenance responsibility shall not be transferred from the subdivider to the association until all of the following occur:
  - 1.** At least 75 percent of the total number of lots in the subdivision are sold; and
  - 2.** The subdivider commissions a report prepared by a licensed professional indicating that all common areas, common features, and infrastructure elements comply with the minimum

standards in this Ordinance and the Town Code of Ordinances. The report shall also include verification of the reserve fund balance in accordance with the standards in this section; and

- 3.** The Zoning Administrator reviews and approves the report prepared by the licensed professional; and
  - 4.** A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established with a banking institution acceptable to the Town in the name of the association that contains a minimum balance that includes the following:
    - (a)** Except for sidewalks and street trees, ten percent of the construction costs of common features and private infrastructure;
    - (b)** Liability insurance and taxes for two years; and
    - (c)** Facilities, stormwater, and landscaping maintenance costs for two years.
  - 5.** In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements.
- B.** The subdivider shall retain maintenance responsibility of all private streets until at least 75 percent of the lots are sold.
- C.** Applications to cede maintenance responsibility to the association for common areas, common features, or private infrastructure prior to conveyance of 75 percent of the lots in the subdivision may be reviewed by the Zoning Administrator. The Zoning Administrator, at the request of the subdivider, may waive the timing and reserve fund requirements upon a finding that the association has sufficient financial capacity to assume maintenance responsibility for common areas, common facilities, and private infrastructure.

#### **6.6.9 FAILURE TO MAINTAIN IS A VIOLATION**

Failure to maintain common areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Article 156.8: ENFORCEMENT.

**6.7 FEE-IN-LIEU<sup>68</sup>****6.7.1 PURPOSE**

The purpose for this section is to establish a procedure and standards for instances where an applicant and the Town agree that a payment-in-lieu of dedication or construction of infrastructure by the applicant is appropriate and in closer alignment with the Town's adopted policy guidance of capital improvement program.

**6.7.2 PROCEDURE****A. REQUIRED BY TOWN**

1. In cases where the Zoning Administrator determines that installation of a required sidewalk, greenway, bikeway, or other roadway improvement could conflict with another Town, State, or federal infrastructure project that is planned or programmed to begin construction within five years, the applicant or developer shall be required to submit a fee-in-lieu of the required infrastructure element(s).
2. Notification of the requirement for provision of a fee-in-lieu shall be in writing, and shall be delivered to the applicant or developer prior to the notice of decision on the associated application.
3. Upon receipt of notification, and applicant shall provide the required fee-in-lieu in accordance with Section 6.7.2B.4, Acceptance of Fee-In-Lieu.
4. In the event the conflict necessitating the fee-in-lieu is eliminated prior to final approval, the fee-in-lieu shall be refunded and the applicant or developer shall be required to dedicate the required land or perform the required installation. The developer or applicant may request the Town retain the funds in accordance with Section 6.7.2B, Requested by Applicant.

**B. REQUESTED BY APPLICANT**

In cases where an applicant or developer desires to receive final approval of development under this Ordinance without providing land or infrastructure as required, the process for requesting such approval shall be in accordance with this section.

**1. FILE REQUEST**

- (a) An applicant seeking the ability to provide a fee-in-lieu of making a required dedication or constructing required infrastructure shall file a written request with the Town Manager prior to the rendering of a decision on the associated application by the appropriate review authority (see Table 2.2, Specific Procedures Table).
- (b) The request shall include the reasons for the request, the rationale why a fee-in-lieu is in closer alignment with the Town's adopted policy guidance, and the estimated value of the land that would otherwise be dedicated or the estimated cost of completion of the infrastructure in question, based on current unit prices.

**2. STAFF REVIEW**

Upon receipt of the request, the Town Manager shall review the information and notify the applicant if the information provided is sufficient.

**3. DECISION BY TOWN MANAGER**

- (a) The Town Manager shall consider the request, and shall decide the request in accordance with the Town's adopted policy guidance and Section 6.7.4, Review Standards for Fee-In-Lieu.
- (b) The decision shall be to either accept the request for provision of fee-in-lieu as offered, accept a modified request for provision of fee-in-lieu, or deny the request for provision of fee-in-lieu.

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<sup>68</sup> This is a new section.



**4. ACCEPTANCE OF FEE-IN-LIEU**

- (a) In cases where a fee-in-lieu is required by the Town or a request for provision of a fee-in-lieu is accepted by the Town Manager, payment of a fee-in-lieu shall take place prior to the approval of a final plat or issuance of the final approval associated with the subdivision.
- (b) All fees collected by the Town pursuant to this section shall be deposited in Town's revolving fund for purchase of recreation land, installation of vegetation, or installation of required infrastructure (whether streets, sidewalks, bikeways, or other infrastructure, as appropriate).
- (c) Use of funds collected in accordance with this section shall only take place in the general vicinity of where funds are collected and may only be used for the purchase of in-kind lands or the same type of infrastructure in accordance with all applicable State and federal law.
- (d) The Town Manager shall maintain records of the amounts collected, the timing, and the location, which shall be used by the Town as part of its capital facilities program.

**6.7.3 AMOUNT**

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**A. LAND**

- 1. The fee-in-lieu shall be calculated based upon the total acreage of land required for dedication.
- 2. The land's assessed value (as determined by the Franklin County Tax Assessor) following subdivision shall be used to arrive at the required payment-in-lieu amount.

**B. INFRASTRUCTURE**

- 1. The amount of fee-in-lieu shall be based on an estimate by a licensed professional authorized by the State to prepare such documents.
- 2. The estimate shall include the cost of all materials and labor based on current unit prices.
- 3. Nothing shall prevent the Town Manager from acquiring an additional estimate for the same infrastructure from another licensed professional.
- 4. The Town Manager, in his or her sole discretion, may select the estimate that will form the basis for the fee-in-lieu payment.

**C. VEGETATION**

In cases where a fee-in-lieu is proposed for the installation of vegetation, the fee amount shall be based upon the unit price of the vegetation along with all associated labor, transportation, and incidental costs such as ground cover, staking, and fertilizer, but not irrigation.

**6.7.4 REVIEW STANDARDS FOR FEE-IN-LIEU**

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Decisions regarding requests for provision of fee-in-lieu shall be made in accordance with the following standards, as applicable:

**A. PARK LAND**

- 1. There is sufficient public park land in proximity to the proposed development based on a review of the Town's adopted policy guidance and information from Town staff;
- 2. Private common open space resources provided on the subject site will be available for public use and will mitigate park land needs created by the proposed development;
- 3. Collected funds could be utilized to further improve an existing park facility in a proximate location;
- 4. The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;
- 5. The amount of park land to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;
- 6. The intended location of the park land is too far from existing recreation and park areas to be efficiently maintained; or



**7.** Adequate access is not available to the proposed park land.

**B. GREENWAY LAND**

- 1.** The conditions on the land make installation or operation of a greenway segment impossible or cost prohibitive for the Town;
- 2.** The potential for the connection of a proposed greenway segment to the Town's greenway network is unlikely within the foreseeable future, in the opinion of Town staff; or
- 3.** There are suitable alternatives to a greenway segment, such as a multi-purpose trail, in close proximity to the proposed site.

**C. STREETS**

- 1.** The proposed street alignment creates a unacceptable environmental impact; or
- 2.** The proposed street is impossible or impractical to build based on topography, slope, soil conditions, or development patterns on adjacent lands.

**D. SIDEWALKS**

- 1.** The potential for the connection of a proposed sidewalk segment to the Town's sidewalk network is unlikely within the foreseeable future, in the opinion of Town staff; or
- 2.** There are suitable alternatives to a sidewalk, such as a greenway, in close proximity to the proposed site.

**E. VEGETATION**

- 1.** The proposed location of vegetation will not support healthy vegetation due to shading or topographic conditions; or
- 2.** The site where vegetation is proposed is incapable of supporting additional vegetation due to the presence of exiting vegetation, buildings, or impervious surfaces.

**F. OTHER CRITERIA**

- 1.** When, in the sole opinion of the Town Manager, the decision on a fee-in-lieu requires consideration of additional or different criteria, the Town Manager shall identify those criteria and describe how the proposal does or not address them.
- 2.** The applicant has sufficient opportunity to describe how the proposal meets those criteria prior to a decision by the Town Manager.

## Article 156.6 SUBDIVISION

### Section 6.8 Plat Requirements and Certifications

## 6.8 PLAT REQUIREMENTS AND CERTIFICATIONS

### 6.8.1 PLAT REQUIREMENTS

- A.** Preliminary and final plats shall be only be prepared by a professional licensed by the State to prepare such documents.
- B.** Plats shall include all the information required by this Ordinance, the Zoning Administrator, applicable State law, and Table 6.8.1, Plat Requirements.

**TABLE 6.8.1: PLAT REQUIREMENTS**

ELEMENT TO INCLUDE IN DRAWING	PRELIMINARY PLAT	FINAL PLAT
	X = REQUIRED	
Name of subdivision	X	X
Stage of approval (Preliminary Plat, Final Plat)	X	X
Property location (including city, township, county, state)	X	X
Date map prepared and revised if applicable	X	X
Date of survey	X	X
Scale of map: in feet per inch in text or figures	X	X
A bar graph	X	X
Name, address, and telephone number of land surveyors, engineers, architects, planners, etc. responsible for subdivision	X	X
Developer's name, address, and telephone number	X	X
Name, address, and telephone number of property owners (if not developer), mortgagees, and lien holders	X	X
Names of adjoining property owners and subdivisions of record or under review	X	X
Zoning districts within tract to be subdivided and adjacent properties	X	X
Tax map, block, and parcel number of tracts to be subdivided	X	X
Vicinity map, showing relationship of subdivision to surrounding properties, streets within 250 feet, and waterways	X	X
Acreage of tract to be subdivided	X	X
Acreage in parks and recreation areas, and other common areas	X	X
Total number of lots proposed	X	X
Linear feet of streets	X	X
Acreage in newly dedicated right-of-way	X	X
North arrow and orientation	X	X
Proposed lot lines and dimensions	X	X
Lot and block numbers, numbered consecutively throughout subdivision	X	X
Size of lots in subdivision: square footage if less than 1 acre, acreage if more than 1 acre	X	X
Town limits, county lines, and ETJ boundaries located within 200 feet of the tract	X	
Boundaries of the tract to be subdivided distinctly and accurately represented with all bearings and distances		X

# Article 156.6 SUBDIVISION

## Section 6.8 Plat Requirements and Certifications

**TABLE 6.8.1: PLAT REQUIREMENTS**

ELEMENT TO INCLUDE IN DRAWING	PRELIMINARY PLAT	FINAL PLAT
	X = REQUIRED	
Boundaries of tract to be subdivided, fully dimensioned by length, bearings, and locations of intersecting boundary lines of adjoining properties	X	X
Existing property lines on tract to be subdivided and adjoining properties. If existing property lines are to change, label as “old property line” and show as dashed lines	X	X
Location of existing buildings to remain on the site and adjoining properties, indicating setbacks from proposed lot lines	X	X
Name and location of local, state, or nationally designated historic property or building on the tract to be subdivided and adjoining properties	X	X
Railroad lines and right-of-way, bridges, culverts, and storm drains on the site and adjoining properties	X	X
Location and dimensions of areas to be dedicated or reserved for public use, school sites, open space or common areas, buffer areas, private recreation, with the purpose of each stated	X	X
Location, dimension, and type of easements	X	X
A schedule of zoning district requirements including minimum lot size, width, depth, yard setbacks, building coverage, etc.	X	
Water courses, lakes, ponds, and streams	X	X
Wetlands delineated	X	
Location of mature trees 12 inches or more in diameter	X	
Location of flood hazard areas from FHBM and other known flood prone areas	X	X
Field located properly sized drainage easements with dimensions from centerline of easement to property line and location of course changes	X	
Boundary and name of water supply watershed within the tract being subdivided	X	
Topographic map featuring contours of no greater than 2 feet at a scale of not less than 1 inch = 200 feet	X	X
Any other natural feature affecting the site	X	
Proposed streets	X	X
Existing and proposed rights-of-way lines and centerlines within and adjacent to tract being subdivided	X	X
Right-of-way width and dimensions within and adjacent to tract being subdivided	X	X
Pavement width of existing and proposed streets within and adjacent to the tract being subdivided	X	X
Approximate grades	X	
Design engineering data for all corners and curves	X	X
Typical street cross sections	X	X
Names of existing and new streets within and adjacent to property being subdivided	X	X
Signatures and Notations		X
Registration number and seal of land surveyor and engineer	X	X

## Article 156.6 SUBDIVISION

### Section 6.8 Plat Requirements and Certifications

**TABLE 6.8.1: PLAT REQUIREMENTS**

ELEMENT TO INCLUDE IN DRAWING	PRELIMINARY PLAT	FINAL PLAT
	X = REQUIRED	
Location and description of monuments, markers, and control corners	X	X
Notes, Certificates, and Endorsements	X	X
Notes of restrictions or conditions for approval	X	X
Deed references		X
Soil Classification Survey	X	
Construction plans and specifications for improvements	X	
Disclosure statement (Private Streets only)		X
Deed restrictions and covenants	X	X
Association agreements if common areas or private recreation areas are involved	X	X
Statement of approval of Public Improvements, if completed and accepted		X
Approved performance guarantee for incomplete Improvements		X
A copy of soil erosion plan submitted to appropriate authority if required		X

#### 6.8.2 FINAL PLAT CERTIFICATES

The following notes, certificates, and endorsements shall appear on all copies of the Final Plat, as applicable.

##### A. CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described herein, is located in the jurisdiction of the Town of Franklinton, and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines and dedicate all streets, alleys, parks, and other sites and easements to public and private use as noted. Furthermore, I hereby dedicate all storm water collection systems to the Town of Franklinton.

Owner: \_\_\_\_\_,

Title (if a corporation) \_\_\_\_\_

\_\_\_\_\_  
Date

##### B. CERTIFICATE OF SURVEY AND ACCURACY

I, [name of registered surveyor], certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book \_\_\_\_\_, page \_\_\_\_\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_, page \_\_\_\_\_; that the ratio of precision as calculated is 1: \_\_\_\_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_\_ day of [month], [year].

\_\_\_\_\_  
Seal or Stamp of Surveyor

Surveyor

Registration Number

**C. CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS**

I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to Town specifications and standards in the Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the town has been received and that the filing fee for this plat, in the amount of \$\_\_\_\_\_ has been paid.

\_\_\_\_\_  
Subdivision Administrator

**D. CERTIFICATE OF APPROVAL FOR RECORDING**

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Franklinton North Carolina and that this plat has been approved by Town Board of Commissioners for recording in the Office of the Register of Deeds of Franklin County.

\_\_\_\_\_  
Subdivision Administrator  
Franklinton, North Carolina

\_\_\_\_\_  
Date

**E. REVIEW OFFICER'S CERTIFICATION**

State of North Carolina  
County of Franklin

I, \_\_\_\_\_, Review Officer of Franklin County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer

\_\_\_\_\_  
Date

**6.9 AS-BUILTS AND FINAL INSPECTION<sup>69</sup>****6.9.1 AS-BUILT PLANS REQUIRED****A. PUBLIC IMPROVEMENTS**

Upon completion of a public infrastructure project, the developer shall certify to the Town Manager that the completed project has been constructed in accordance with the approved plans and shall submit actual “as-built” plans for all public improvements after final construction is completed.

**B. STORMWATER MANAGEMENT FACILITIES**

Upon completion of a private stormwater management facility, the developer shall certify to the Stormwater Administrator that the completed project is in accordance with all applicable state requirements.

**6.9.2 FINAL INSPECTION**

- A.** Upon receiving a copy of the as-built drawings, the Town Engineer shall make a final inspection of improvements that will be dedicated to the Town.
- B.** Inspection fees covering the anticipated cost of inspection shall be paid by the developer before a zoning approval can be issued on any lot in the subdivision.
- C.** If the Town Engineer finds that improvements are defective or deficient, the Town Engineer shall send the developer a written punch list of defects or deviations.
- D.** The applicant shall have 60 days to take the necessary corrective measures to ensure the improvements comply with the approved plans.

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<sup>69</sup> Replaces 153.24(C) and (D).

# ARTICLE 156.7 NONCONFORMITIES

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## **7.1 NONCONFORMITIES GENERALLY**

### **7.1.1 PURPOSE AND INTENT**

There are existing structures, uses of land, and lots of record that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, and lots are collectively referred to as “nonconformities.” The purpose and intent of this article is to allow nonconformities to continue to exist, but to regulate and limit their continued existence and expansion so as to bring them into conformity to the extent that is reasonably practicable.

### **7.1.2 CONTINUATION, MINOR REPAIRS, AND MAINTENANCE ALLOWED**

#### **A. CONTINUATION**

Nonconformities are allowed to continue in accordance with the requirements of this article.

#### **B. COMPLETION**

Nonconforming projects incomplete as of June 15, 2021 shall only be completed in accordance with this article and Section 1.8, Transitional Provisions.

#### **C. MAINTENANCE ALLOWED**

Nonconformities are allowed and encouraged to receive minor repairs and routine maintenance that are necessary to maintain the nonconformity and its surroundings in a safe condition and to protect against health hazards.

#### **D. STRENGTHENING ALLOWED**

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized Town official.

### **7.1.3 CHANGE OF TENANCY OR OWNERSHIP**

No change of title or possession or right to possession of property involved with a nonconformity shall be construed to prevent the continuance of such nonconformity.

## **7.2 NONCONFORMING STRUCTURES**

### **7.2.1 NONCONFORMING STRUCTURES WITH CONFORMING USES**

Nonconforming structures with conforming uses may be added to or enlarged, provided that the enlargements comply with the yard, height, parking, loading, access and all other applicable requirements of this Ordinance for the district in which such a structure is located.

### **7.2.2 RECONSTRUCTION FOLLOWING DAMAGE OR DESTRUCTION**

#### **A. CONDITIONS OF RECONSTRUCTION**

1. Except as provided in Section 7.2.2B, Exemptions, nonconforming structures that are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall comply with the yard, height, parking, loading, access and all other applicable provisions of this Ordinance for the district in which such structure is located.
2. If the structure is situated on a nonconforming lot of record, the provisions of Section 7.4, Nonconforming Lots of Record, shall apply.
3. If nature of the damages would make it more feasible to rebuild in the previous location, the Board of Adjustment is authorized to approve a variance to allow the reconstruction or replacement.



**B. EXEMPTIONS**

1. Nonconforming residential structures or churches that are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed in their original location and up to their original size as a matter of right.
2. If the reconstructed nonconforming residential structure or church would exceed the original size or is to be placed in a different location, the Board of Adjustment shall review the application in accordance with Section 2.4.19, Variance.

**7.2.3 RELOCATION**

A nonconforming structure may not be moved off the lot or lots on which it is located unless, when relocated, it complies with the regulations for the district in which it is located.

**7.3 NONCONFORMING USES**

The lawful nonconforming use of a structure, land, or water existing as of June 15, 2021 may be continued in accordance with the following standards:

**7.3.1 ENLARGEMENT OR EXTENSION**

- A. The nonconforming use may be enlarged or extended, and additional structures may be added to, provided that enlargements comply with the yard, height, parking, loading, access, and all other applicable requirements of this Ordinance for the district in which such a structure is located.
- B. Existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming, provided that required setbacks are met.

**7.3.2 ALTERATION OF STRUCTURE OCCUPIED BY NONCONFORMING USES**

- A. Normal maintenance, repair and incidental alteration of a building occupied by a nonconforming use is permitted.
- B. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located.

**7.3.3 RESTORATION FOLLOWING DAMAGE**

- A. If a nonconforming nonresidential use is damaged by fire, explosion, flood or other calamity to the extent of more than 75 percent of its current assessed value, it shall not be restored, except in compliance with the requirements of this Ordinance.
- B. Nonconforming residential uses may be restored in accordance with the provisions of Section 7.2.2, Reconstruction following Damage or Destruction.

**7.3.4 EXPIRATION**

If a nonconforming use is discontinued or terminated for a period of more than 180 days, any future use of the structure, land, or water shall comply with the provisions of this Ordinance.

**7.3.5 RELOCATION**

A nonconforming use may not be moved off the lot or lots on which it is located unless, when relocated, it complies with the regulations for the district in which it is relocated.

**7.3.6 CHANGE IN USE**

The Board of Adjustment may permit, as a special use in accordance with Section 2.4.16, Special Use Permit, change from one nonconforming use to another nonconforming use, provided that the BOA finds that such new use is more restricted and provided the new use is more in character with the uses permitted in the district. The following standards shall also apply:

- A. In permitting the change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

## Article 156.7 NONCONFORMITIES

### Section 7.4 Nonconforming Lots of Record

- B.** Once the Board of Adjustment has permitted the substitution of a new nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by this Ordinance.
- C.** If the structure occupied by a nonconforming use is changed so as to be more in character with uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

## 7.4 NONCONFORMING LOTS OF RECORD

### 7.4.1 SINGLE-FAMILY CONSTRUCTION ALLOWED ON SOME LOTS

Where the owner of a lot of record on June 15, 2021, or his successor in title thereto does not own sufficient land to enable conformance with the lot area or lot width requirements of the district where located, such a lot may be used as a building site for a single-family residence, provided:

- A.** Residential uses are permitted in the district where the nonconforming lot is located;
- B.** The lot width and lot area are at least 75 percent of the required lot width and area requirements for the district where located; and
- C.** The Franklin County Health Department approves any on-site water or wastewater facilities.

### 7.4.2 VARIANCE REQUIRED FOR SINGLE-FAMILY CONSTRUCTION ON SOME LOTS

- A.** In cases where the lot area and lot width of a nonconforming lot of record are less than 75 percent of the minimum specified for the district where located, the Board of Adjustment may approve a variance allowing the lot to be used as a building site for a single-family residence, provided:
  - 1.** Residential uses are permitted in the district where the nonconforming lot is located;
  - 2.** The dimensions of the variance conform as closely as possible to the required dimensions of the district;
  - 3.** The Franklin County Health Department approves any on-site water or wastewater facilities.
- B.** If the pre-existing nonconforming lot is not in a district where single-family dwellings or manufactured homes are permitted, the Board of Adjustment may issue a variance to allow a permitted use.

### 7.4.3 LOT CONSOLIDATION REQUIRED

If two or more adjoining lots of record are in common ownership as of June 15, 2021 or at any time after the adoption of this Ordinance, and the lots individually do not meet the minimum dimensional requirements of this Ordinance for the district where the lots are located, then the group of lots shall be recombined into a single lot or several lots that comply with the minimum permitted width and area for the district in which they are located.

## 7.5 CREATION OF NONCONFORMING LOTS

Under most circumstances, the creation of nonconforming lots is not permitted by this Ordinance. However, there may be times where unique circumstances arise where the Town may wish to permit the creation of a nonconforming lot.

### 7.5.1 PROCEDURE AND CONDITIONS FOR CREATING A NONCONFORMING LOT

- A.** The procedure for creating a nonconforming lot would follow Final Plat.
- B.** The owner of the lot agrees to the creation of the nonconforming lot.
- C.** The lot would be subject to the requirements in 7.4.

# ARTICLE 156.8 ENFORCEMENT

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## **8.1 PURPOSE**

This section establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

## **8.2 COMPLIANCE REQUIRED**

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the Town.

## **8.3 STATUTE OF LIMITATIONS**

Enforcement of violations of this Ordinance shall be in accordance with Section 1-49(3) and Section 1-51(5) of the North Carolina General Statutes.

## **8.4 VIOLATIONS**

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Ordinance and by State law:

### **8.4.1 DEVELOPMENT WITHOUT AUTHORIZATION**

Engaging in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance;

### **8.4.2 DEVELOPMENT INCONSISTENT WITH AUTHORIZATION**

Engaging in any development, use, construction, land disturbance, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity;

### **8.4.3 VIOLATION BY ACT OR OMISSION**

Violating, by act or omission, any term, variance, modification, adjustment, condition, or qualification placed upon any required plan, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon;

### **8.4.4 USE IN VIOLATION**

Erecting, constructing, altering, repairing, maintaining, or using any building or structure, or use of any land in violation of this Ordinance or any regulation made under the authority conferred thereby; and

### **8.4.5 SUBDIVIDE IN VIOLATION<sup>70</sup>**

Subdividing land in violation of this Ordinance, or transferring land by reference to a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the office of the Franklin County Register of Deeds.

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<sup>70</sup> Replaces Section 153.07

**8.4.6 VIOLATION OF SPECIAL FLOOD HAZARD AREA STANDARDS**

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 or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. . Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Community Name from taking such other lawful action as is necessary to prevent or remedy any violation.

**8.5 RESPONSIBLE PERSONS****8.5.1 GENERAL**

The landowner, tenant, or other occupant of any land or structure and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and is subject to the remedies and penalties set forth in this Ordinance.

**8.5.2 FAILURE BY TOWN DOES NOT RELIEVE INDIVIDUAL**

Failure of a Town official charged with enforcement responsibility to observe or recognize conditions which violate the intent and purpose of this section of the Ordinance, or to deny the issuance of a development permit, shall not relieve the landowner from responsibility for the condition or damages that may result and shall not result in the Town, its officers, or agents being responsible for conditions or damages.

**8.6 ENFORCEMENT RESPONSIBILITIES**

The Zoning Administrator shall have responsibility for enforcement of this Ordinance.

**8.6.1 INVESTIGATIONS**

As appropriate, the Zoning Administrator shall have the power to conduct such investigation as may be deemed necessary to carry out their duties as prescribed in this Ordinance.

**8.6.2 INSPECTIONS**

- A.** As appropriate, the Zoning Administrator shall have the right, upon receipt of permission and presentation of proper credentials, from a responsible person, to enter on any premises within the jurisdiction at any reasonable hour for the purpose of inspecting locations subject to any complaints or alleged violations, or determination of compliance or other enforcement action of this Ordinance.
- B.** If any person charged with enforcing this Ordinance cannot obtain permission to enter from a responsible person, the Town shall obtain an administrative search warrant prior to entering the property.

**8.6.3 SUPPORTING DOCUMENTATION**

As appropriate, the Zoning Administrator shall have the power to compel a person responsible for an alleged violation to provide written statements, certificates, certifications, or reports relating to complaints or alleged violations of this Ordinance.

## **8.7 ENFORCEMENT PROCEDURE**

When the Zoning Administrator finds a violation of this Ordinance, he or she shall notify the responsible person(s) of the violation in accordance with the following:

### **8.7.1 WRITTEN NOTICE OF VIOLATION**

A written notice of violation shall be prepared and shall include all of following:

**A. VIOLATION EXISTS**

That the land, building, structure, sign, or use is in violation of this Ordinance;

**B. NATURE OF THE VIOLATION**

The nature of the violation, and citation of the section(s) of this Ordinance violated;

**C. REMEDY**

The measures necessary to remedy the violation;

**D. ALLOWABLE TIME PERIOD**

The time period in which the violation must be corrected;

**E. PENALTIES THAT MAY BE ASSESSED**

That penalties or remedies may be assessed; and

**F. APPEAL**

That the party cited has the right to appeal the notice in accordance with Section 2.4.3, Appeal.

### **8.7.2 DELIVERY OF WRITTEN NOTICE**

Written notice of violation shall be provided to the landowner, occupant, or any other responsible person by any of the following means:

**A.** Certified mail;

**B.** Registered mail to their last known address;

**C.** Personal service; or

**D.** Posting notice conspicuously on the property.

### **8.7.3 REMEDY UPON NOTICE**

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the allowable time period.

### **8.7.4 FAILURE TO COMPLY WITH ORDER**

If the landowner, occupant, or any other responsible person fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the BOA following an appeal, the landowner or occupant shall be subject to such remedies and penalties as may be provided for by State law or Section 8.8, Remedies.

### **8.7.5 EACH DAY A SEPARATE VIOLATION**

Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

### **8.7.6 VIOLATIONS OF SPECIAL FLOOD HAZARD AREA STANDARDS**

**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 floodplain management regulations;
2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

**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 this 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 60 calendar days, nor more than 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 BOA by giving notice of appeal in writing to the Floodplain Administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The BOA shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

**E. FAILURE TO COMPLY WITH ORDER**

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 BOA following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to Section 143-215.58 of the North Carolina General Statutes, and shall be punished at the discretion of the court.

## **8.8 REMEDIES**

### **8.8.1 CIVIL PENALTIES**

#### **A. GENERALLY**

Any responsible person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty of \$100.00 per day under the procedures provided in Section 8.9, Assessment of Civil Penalties.

#### **B. WATERSHED PROTECTION PROVISIONS**

Any responsible person who violates any provision of the watershed protection provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be punished for each offense by a fine not exceeding \$500.00 or by imprisonment not to exceed 30 days. Each day a violation continues shall be deemed a separate offense. In addition, a violation shall subject to responsible person to a civil penalty in accordance with Section 160A-175 of the North Carolina General Statutes, and this Ordinance.

### **8.8.2 DENIAL OF PERMIT OR CERTIFICATE**

As appropriate, the Zoning Administrator may withhold or deny a permit, certificate, or other authorization for the same land, subdivision, building, structure, sign, use, or development activity in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted.

### **8.8.3 CONDITIONAL PERMIT OR TEMPORARY CERTIFICATE**

**A.** As appropriate, the Zoning Administrator may condition the authorization of any permit, certificate, or other approval for land, subdivision, building, structure, sign, use, or development activity with a violation or outstanding enforcement action upon the correction of the violation, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

**B.** In no instance shall the Zoning Administrator condition the authorization of any permit, certificate, or approval for one property with a violation or outstanding enforcement action upon the correction of the violation, payment of civil penalties within a specified time, or the posting of a compliance security for a different property.

### **8.8.4 STOP WORK ORDERS**

#### **A. GENERAL**

Whenever the Zoning Administrator determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this Ordinance and that irreparable injury will occur if the violation is not terminated immediately, the Zoning Administrator may order the specific part of the work that constitutes, creates, or results in a violation of this Ordinance to be immediately stopped.

#### **B. ORDER IN WRITING**

The stop work order shall be in writing and directed to the landowner, and the occupant or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

#### **C. APPEAL**

Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment in accordance with Section 2.4.3, Appeal. An appeal shall not stay the stop work order unless the BOA fails to hear the appeal within 60 days of receipt of the notice of appeal. If the BOA fails to hear the appeal within 60 days, the stop work order shall be stayed until the BOA acts on the appeal.



**D. COMPLIANCE REQUIRED**

Neither the responsible person nor a landowner upon whom a stop work order is served shall continue with work in violation of the stop work order while it remains in effect, unless the order is stayed in accordance with subsection (C) above.

**8.8.5 REVOCATION OF PERMITS**

- A.** As appropriate, the Zoning Administrator may initiate revocation proceedings by notifying the permit holder in writing, stating the reason for the revocation.
- B.** Permits or certificates may be revoked, in accordance with Section 160D-403(f) of the North Carolina General Statutes, for any of the following:
  - 1.** Any substantial departure from the approved application, plans, or specifications;
  - 2.** Refusal or failure to comply with the requirements of State or local laws; or
  - 3.** For making false statements or misrepresentations in securing the permit, certificate, or approval.
- C.** Any permit or certificate mistakenly issued in violation of an applicable State or Town law may also be revoked.
- D.** Revocation of a development approval must follow the same procedure as was used for its approval.

**8.8.6 CRIMINAL PENALTIES**

Any violation of this Ordinance may be enforced as a Class 3 misdemeanor as provided for by Sections 14-4 and 160A-175 of the North Carolina General Statutes, subject to a maximum fine of \$500.

**8.8.7 INJUNCTIVE RELIEF****A. ACTION BY THE TOWN BOARD**

Whenever the Town Board has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, or soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Town, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.

**B. SUPERIOR COURT**

The action shall be brought in the Superior Court of the appropriate county. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

**C. NO RELIEF FROM CRIMINAL PENALTIES**

The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

**8.8.8 ORDER OF ABATEMENT**

In addition to an injunction, the Town may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- A.** That buildings or other structures on the property be closed, demolished, or removed;
- B.** That fixtures, furniture, or other moveable property be moved or removed entirely;
- C.** That improvements, alterations, modifications, or repairs be made; or
- D.** That any other action be taken as necessary to bring the property into compliance with this Ordinance.

**8.8.9 EQUITABLE REMEDY**

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The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

**8.8.10 STATE AND COMMON LAW REMEDIES**

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In addition to other enforcement provisions contained in this section, the Town Board may exercise any and all enforcement powers granted to it by state law or common law.

**8.8.11 PREVIOUS ENFORCEMENT**

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Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

**8.8.12 REMEDIES; CUMULATIVE AND CONTINUOUS**

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All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

## **8.9 ASSESSMENT OF CIVIL PENALTIES**

### **8.9.1 RESPONSIBLE PARTIES**

Any person who violates any provision of this Ordinance, including the owner or occupant of any land, building, structure, sign, use of land, or part thereof, may be held responsible for the violation and subject to the penalties and remedies provided in this Ordinance.

### **8.9.2 NOTICE**

#### **A. NOTIFICATION REQUIRED**

Civil penalties may not be assessed until the responsible person in violation has been notified in accordance with Section 8.7, Enforcement Procedure.

#### **B. CIVIL PENALTY IMPOSED**

If after receiving a written notice of violation under Section 8.7, Enforcement Procedure, the person fails to take corrective action or file an appeal, a civil penalty may be imposed in accordance with this section.

#### **C. NOTICE OF PENALTY ASSESSMENT**

Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.

#### **D. ASSESSMENT CONTENTS**

The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 30 days of the date of the notice.

#### **E. SEPARATE NOTICES**

Separate notices must be provided for the first or second violations. The Town may, in its discretion, treat the first notice for a violation as the final notice for chronic violators.

#### **F. ASSESSMENT UNTIL COMPLIANCE**

Civil penalties may be assessed until compliance is achieved.

### **8.9.3 CONTINUING VIOLATION**

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

### **8.9.4 DEMAND FOR PAYMENT**

If compliance is not achieved, then the Zoning Administrator shall make written demand for payment of penalties that have accrued while the property has been in violation. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

### **8.9.5 NONPAYMENT**

If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the Town may recover any unpaid civil penalty by filing a civil action in the nature of debt.

### **8.9.6 PENALTIES**

Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty for each succeeding violation over the course of a calendar year.

# ARTICLE 156.9 DEFINITIONS

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**9.1 GENERAL RULES FOR INTERPRETATION<sup>71</sup>**

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

**9.1.1 MEANINGS AND INTENT**

- A.** All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.7, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance.
- B.** When a specific section of these regulations gives a different meaning than the general definition provided in Section 9.2, Definitions, the specific section's meaning and application of the term shall control.
- C.** Terms that are not defined are subject to their common or customary meaning.

**9.1.2 HEADINGS, ILLUSTRATIONS, AND TEXT**

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

**9.1.3 LISTS AND EXAMPLES**

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

**9.1.4 COMPUTATION OF TIME**

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

**9.1.5 TIME-RELATED LANGUAGE**

- A. TIME STANDARD**  
Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the Town.
- B. DAY**  
The term "day" means a calendar day, or any day during a week, including business days and weekend days.
- C. HOLIDAY**  
The term "holiday" means a legal holiday recognized by the Town.
- D. WEEK**  
The term "week" means five business days and two weekend days. Weeks commence on a Monday.
- E. MONTH**  
The term "month" means a calendar month.

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<sup>71</sup> Replaces Section 153.15, but does not carry forward the provision pertaining to tenths of a foot for purposes of measurement.

## Article 156.9 DEFINITIONS

### Section 9.1 General Rules for Interpretation

#### **F. YEAR**

The term “year” means a calendar year.

#### **G. TEMPORARY**

The term “temporary” shall mean a condition lasting for only a limited period of time; not permanent.

#### **9.1.6 REFERENCES TO THIS ORDINANCE**

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

#### **9.1.7 REFERENCES TO OTHER REGULATIONS OR PUBLICATIONS**

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

#### **9.1.8 REFERENCES TO NORTH CAROLINA LAW**

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes, The North Carolina Administrative Code, or any other adopted State law, and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

#### **9.1.9 DELEGATION OF AUTHORITY**

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

#### **9.1.10 JOINT AUTHORITY**

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

#### **9.1.11 TECHNICAL AND NON-TECHNICAL TERMS**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

#### **9.1.12 PUBLIC OFFICIALS AND AGENCIES**

All public officials, bodies, and agencies to which references are made are those of the Town of Franklinton, unless otherwise indicated.

#### **9.1.13 MANDATORY AND DISCRETIONARY TERMS**

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may,” “can,” and “should” are permissive in nature.

#### **9.1.14 CONJUNCTIONS**

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

**A.** “And” indicates that all connected items, conditions, provisions or events apply.

**B.** “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

#### **9.1.15 TENSES, PLURALS, AND GENDER OF WORDS**

##### **A. TENSE**

Words used in the past or present tense include the future tense as well as the past and present.

**B. NUMBER**

Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

**C. GENDER**

Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

**9.1.16 OATH**

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

**9.1.17 TERM NOT DEFINED**

If a term used in any Ordinance of this Ordinance is not defined, the Zoning Administrator is authorized to interpret the term in accordance with Section 2.4.10, Interpretation, based upon the definitions used in professionally accepted sources.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

## 9.2 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

### A

<b>ABANDONMENT</b>	The relinquishment of property or the cessation of the use of the property for a continuous period.
<b>ABUTTING</b>	Directly touching another piece of property.
<b>ABUTTING LAND</b>	For the purpose of public notice, abutting land is the condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street or alley.
<b>ACCESS EASEMENT</b>	An easement which grants the right to cross land.
<b>ACCESSORY BUILDING, STRUCTURE, OR USE</b>	A building, structure or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use of the structure.
<b>ACCESSORY STRUCTURE (APPURTENANT STRUCTURE)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , accessory 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.
<b>ACCESSWAY</b>	A paved or unpaved travelway intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site. Subdivisions of up to three lots may be served by a vehicular accessway.
<b>ACRES</b>	See "Land Area."
<b>ACTIVE OPEN SPACE SET-ASIDE</b>	Land set aside for the residents or a development and under common ownership that is configured for active forms of recreation. Active open space typically includes playgrounds, athletic fields and courts, and similar features devoted to movement, activity, or sports pursuits.
<b>ACTIVE RECREATION USES</b>	Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts and other similar uses typically located in open space set-aside areas or parks.
<b>ADDITION (TO AN EXISTING BUILDING)"</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , addition means an extension or increase in the floor area or height of a building or structure.
<b>ADJACENT</b>	A parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street, waterbody, or right-of-way divides the parcels.
<b>ADMINISTRATIVE ADJUSTMENT</b>	A request by an applicant to deviate from a specified numerical standard of this UDO by a specified percentage, subject to consistency with applicable review criteria.
<b>ADOPTED POLICY GUIDANCE</b>	The combined future land-use policy guidance provided by the adopted Land Use Plan, area plans prepared for specific parts of the Town, and system plans related to the Town's infrastructure systems, like streets.



## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>AFFECTED PARTY</b>	Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.
<b>AGGRIEVED PARTY</b>	A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the Town, including any officer or agent of the Town.
<b>AGRICULTURAL USE</b>	As used in <u>Section 3.4.6, Watershed Overlay District</u> , agricultural use means use of waters for the stock watering, irrigation, and other farm purposes.
<b>AGRICULTURE/ HORTICULTURE</b>	Uses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, apiculture, and similar uses. Agriculture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days.
<b>ALL WEATHER SURFACE</b>	Paving or surface treatment to a walkway or vehicular use area that is capable of withstanding adverse weather while still maintaining is regular or typical surface characteristics.
<b>ALLEY</b>	A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
<b>ALTERATION OF A WATERCOURSE</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.
<b>ANIMAL CARE</b>	A facility for the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services. Examples include animal shelters, kennels, grooming facilities, animal hospitals, veterinary offices, and veterinary clinics.
<b>ANIMAL HUSBANDRY</b>	The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, poultry, sheep, and similar animal husbandry uses.
<b>ANIMAL UNIT</b>	A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.
<b>APPEAL</b>	<p>A request for a review of an interpretation, decision, or the application of any provision of this Ordinance.</p> <p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.</p>
<b>APPLICANT</b>	The developer, landowner, contract purchaser, or any other authorized person who submits an application for a development approval or permit.
<b>APPLICATION</b>	The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate Town department or board as part of the development review processes.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>AREA OF FUTURE-CONDITIONS FLOOD HAZARD</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , area of future conditions flood hazard means the land area that would be inundated by the one-percent-annual-chance (100-year) flood based on future-conditions hydrology.
<b>AREA OF SHALLOW FLOODING</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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-to-three 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.
<b>AREA OF SPECIAL FLOOD HAZARD</b>	see "Special Flood Hazard Area (SFHA)"
<b>AS-BUILT PLANS</b>	A set of engineering or site drawings that delineate the specific permitted development as actually constructed.
<b>ASSOCIATION</b>	See "Owners' Association."
<b>AUTHORIZED AGENT</b>	A person with express written consent to act upon another's behalf.
<b>B</b>	
<b>BASE FLOOD</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , base flood means the flood having a one percent chance of being equaled or exceeded in any given year.
<b>BASE FLOOD ELEVATION (BFE)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , base flood elevation means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".
<b><u>BASEMENT</u></b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , basement means any area of the building having its floor subgrade (below ground level) on all sides.
<b>BEST MANAGEMENT PRACTICES (BMP)</b>	As used in <u>Section 3.4.6, Watershed Overlay District</u> , best management practices means management based practices used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
<b>BLOCK</b>	The land lying within an area bounded on all sides by streets.
<b>BOARD MEMBER</b>	Any member of the Town Board, Board of Adjustment, Planning Board or other development review body, including absent members and abstentions, but excluding vacant seats and members recused from voting due to conflicts of interests for which there are no qualified alternates.
<b>BOARD OF ADJUSTMENT</b>	The Board of Adjustment of the Town, established by this Ordinance.
<b>BOARD OF COMMISSIONERS</b>	The Board of the Commissioners of the Town of Franklinton.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>BONA FIDE FARM</b>	<p>Any tract or tracts of land used for farm purposes, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in Section 106-581.1 of the North Carolina General Statutes. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under Section 106-743.2 of the North Carolina General Statutes is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:</p> <ol style="list-style-type: none"><li>1. A farm sales tax exemption certificate issued by the Department of Revenue.</li><li>2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to Section 105-277.3 of the North Carolina General Statutes.</li><li>3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.</li><li>4. A forest management plan.</li></ol>
<b>BOND</b>	See "Performance Guarantee."
<b>BUFFER</b>	<p>A strip of land established to protect one type of land use from an incompatible land use. Normally the area is landscaped and kept as open space but may also include screening.</p> <p>As used in <u>Section 3.4.6, Watershed Overlay District</u>, buffer means area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channeled, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.</p>
<b>BUILDING</b>	<p>Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or chattels.</p> <p>As used in <u>Section 3.4.6, Watershed Overlay District</u>, building means any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure for persons, animals, or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.</p>
<b>BUILDING PERMIT</b>	An authorization issued by Franklin County that allows an applicant to begin construction activities in accordance with the applicable development approval and all applicable Town and County requirements.
<b>BUILDING, HEIGHT OF</b>	The vertical distance measured from the average grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip or gambrel roof.
<b>BUILT-UPON AREA</b>	As used in <u>Section 3.4.6, Watershed Overlay District</u> , built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, graveled roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

#### C

<b>CERTIORARI</b>	A situation where an appellant may file an appeal of a decision directly to a higher court of law.
<b>CHEMICAL STORAGE FACILITY</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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.
<b>CIVIL ACTION</b>	Proceedings conducted before a court of law.
<b>CLUB OR LODGE</b>	A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
<b>CLUSTER DEVELOPMENT</b>	As used in <u>Section 3.4.6, Watershed Overlay District</u> , cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential and multi-family developments. For the purpose of this section, planned unit development and mixed-use development are considered as a cluster development.
<b>CLUSTER MAILBOX UNIT</b>	A centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.
<b>COMMON AREA</b>	An area of land that is used, maintained, or operated by the owners or tenants of a development. Examples may include landscaped medians, buffer areas, dedicated open space.
<b>COMMON LAW VESTED RIGHT</b>	Legal doctrine that recognizes where property owners have reasonably made a substantial expenditure of money, time, labor or energy in a good faith reliance on a permit from the government, that they acquire “vested rights” or a protected right to complete the development of their land as originally begun despite any changes in the zoning on the property.
<b>COMMON PROCEDURE</b>	Actions undertaken by Town staff or requirements of applicants that are uniformly applied to all types of development applications reviewed and decided under this UDO.
<b>COMMUNITY CENTER</b>	A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.
<b>COMPLETE APPLICATION</b>	<p>A complete application is one that:</p> <ol style="list-style-type: none"><li>1. Contains all information and materials established by the Zoning Administrator as required for submittal of the particular type of application;</li><li>2. Is in the form established by the Zoning Administrator as required for submittal of the particular type of application;</li><li>3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and</li><li>4. Is accompanied by the fee established for the particular type of application.</li></ol> <p>An application will not be accepted for review until it is complete.</p>
<b>COMPOSTING FACILITY</b>	As used in <u>Section 3.4.6, Watershed Overlay District</u> , a composting facility is a facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing and landscaping operations is deposited.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>COMPREHENSIVE PLAN</b>	The comprehensive plan, land use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, official map, and any other plans regarding land use and development that have been officially adopted by the Town Board.
<b>CONDITION OF APPROVAL</b>	A limitation or stipulation on the range of allowable uses, density, intensity, configuration, or operational parameters of new development or redevelopment. A condition may be proposed by an applicant, a staff member, or a review authority that must be accepted by an applicant and the Town to become binding.
<b>CONDITIONAL ZONING DISTRICT<sup>72</sup></b>	A type of zoning district subject to one or more conditions included as part of the legislative approval by the Town Board of Commissioners that establishes the conditional zoning district.
<b>CONDOMINIUM</b>	A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).
<b>CONNECTIVITY</b>	The relative degree of connection between streets, sidewalks, or other means of travel.
<b>CONNECTIVITY INDEX</b>	A measurement of the connectedness of the streets in a single development.
<b>CONSERVATION AND DEVELOPMENT AREA</b>	The two portions of a conservation subdivision. The conservation area is the portion of the land protected from development and the development area is the portion of the subdivision utilized for development purposes. Agricultural activities may take place in either or both portions.
<b>CONSERVATION SUBDIVISION</b>	The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes in accordance with <u>Section 2.4.4, Conservation Subdivision</u> .
<b>CONSTRUCTION</b>	The erection of any building, structure, on-site improvement, or any preparations (including land disturbing activities) for the same, regardless whether the site is presently improved, unimproved or hereafter becomes unimproved by “demolition,” destruction of the improvements located thereon by fire, windstorm or other casualty.
<b>CONSTRUCTION PLAN</b>	Plans, profiles, studies, cross sections and other required specifications for the planned improvements.
<b>CONTIGUOUS</b>	Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.
<b>CONTINUANCE</b>	The adjournment or postponement of review or a decision on an application for development approval to a specified future date.
<b>CONTRACT PURCHASER</b>	A person who has entered into a contract with another party to purchase real property, but who has not yet settled on the purchase.
<b>CONTROL CORNER</b>	A recognized corner of a lot or piece of real property that is permanently marked with a monument or marker for the purpose of determining distances, bearing, or metes and bounds descriptions of the lot or real property.
<b>CONVENIENCE CENTER</b>	A facility for the purposes of collection of trash and waste for relocation to a sorting facility or permanent long term storage location.

<sup>72</sup> Added in anticipation of necessary changes to special use zoning district provisions resulting from 160D.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>COUNTY</b>	Franklin County, North Carolina
<b>COURT-ORDERED SUBDIVISION</b>	The division of land between two or more parties as ordered as part of a settlement imposed by the judicial system.
<b>COVENANT</b>	A binding written agreement between two or more private parties regarding the use, occupancy, or configuration of development that runs with the land.
<b>CRITICAL AREA</b>	The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Since WS-1 watersheds are essentially undeveloped, establishment of critical area is not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.
<b>CUL-DE-SAC</b>	A dead-end having but one end open to traffic and the closed end being permanently terminated with a vehicular turnaround provided.
<b>CULTURAL FACILITY</b>	Establishments such as zoological gardens, conservatories, planetariums, or other similar uses of an historic, educational, or cultural interest, which are not operated for profit. For distinctions between Major and Minor Cultural Facility uses, See <a href="#">Table 4.2.5, Use Categories in the Institutional Use Classification</a> .
<b>CURB</b>	A constructed element used to stabilize paving, gutter, planting areas, or sidewalks.
<b>CUSTOMARY HOME OCCUPATIONS</b>	As used in <a href="#">Section 3.4.6, Watershed Overlay District</a> , customary home occupations are uses conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that is not over 25 percent of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a repair truck, delivery truck, etc.
<b>D</b>	
<b>DAY CARE CENTER</b>	A facility, other than an occupied dwelling, that provides for the care of more than 5 preschool age, or a combination of preschool and school age children under 13 years of age totaling nine or more, or nine or more adults, who do not reside in the facility, at least once per week for at least four hours, but less than 24 hours per day.
<b>DEAD-END STREET</b>	A street that terminates with a street stub or vehicular turn around.
<b>DECK</b>	A structure, without a roof, directly adjacent to a principal building which has an average elevation above finished grade.
<b>DEDICATION</b>	The act of giving, donating, or dedicating land or infrastructure improvements to a unit of government for their operation and maintenance.



## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>DEED RESTRICTION</b>	A written private agreement that restricts the use, occupancy, or configuration placed upon the title of real estate often by the developer.
<b>DESIGN FLOOD</b>	See "Regulatory Flood Protection Elevation.
<b>DEVELOPER</b>	A person, including a governmental agency or redevelopment authority, which intends to undertake any development and who, has a legal or equitable interest in the property to be developed.
<b>DEVELOPMENT</b>	<p>Any land disturbing activity, which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.</p> <p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, 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.</p>
<b>DEVELOPMENT ACTIVITY</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , development activity means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.
<b>DEVELOPMENT AGREEMENT</b>	A written agreement between the Town and a developer or applicant that sets down the rights and responsibilities of each party as pertaining to a single development.
<b>DEVELOPMENT APPROVAL</b>	The granting of a permit or affirmative decision on a development application reviewed in accordance with this Ordinance.
<b>DEVELOPMENT ENTRY POINT</b>	A vehicular access point providing ingress or egress to an individual neighborhood or development.
<b>DEVIATION (MINOR DEVIATION)</b>	A de minimus, small, or slight departure from a requirement or standard for good cause shown.
<b>DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , digital flood insurance rate map means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
<b>DISCHARGING LANDFILL</b>	As used in <u>Section 3.4.6, Watershed Overlay District</u> , discharging landfill means a facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.
<b>DISPOSAL</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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
<b>DRAINAGE</b>	General terms applied to the removal of surface or resurface water from a given area either by gravity via natural means or by systems constructed so as to remove water, and is commonly applied herein to surface water.
<b>DRAINAGE EASEMENT</b>	An easement which grants the right to maintain, relocate, or, utilize land within the easement for the improvement of drainage and stormwater flow.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>DRAINAGE, POSITIVE</b>	An area that has been graded or shaped to prevent pooling of stormwater runoff.
<b>DRIVEWAY</b>	The portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.
<b>DWELLING UNIT</b>	<p>A building or portion thereof designed, arranged, and/or used for the living quarters for one or more persons living as a single family, with cooking facilities, excluding units in rooming, boarding and tourist houses, family or group care homes, or hotels or motels or other buildings designed for transient residence.</p> <p>As used in <u>Section 3.4.6, Watershed Overlay District</u>, dwelling unit means a building, or portion thereof providing complete and permanent living facilities for one family.</p>
<b>DWELLING, MULTI-FAMILY</b>	A building arranged to be occupied by more than two families, the building having more than two dwelling units, but excluding mobile homes and townhouses.
<b>DWELLING, SINGLE-FAMILY DETACHED</b>	A dwelling containing one dwelling unit that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured dwellings, recreational vehicles, or other forms of temporary or portable housing.
<b>DWELLING, THREE- OR FOUR-FAMILY</b>	A type of residential structure that includes three or four individual dwelling units located on one lot or configured so that each unit is on its own individual lot.
<b>DWELLING, TWO-FAMILY</b>	A single structure comprised of two dwelling units that share common vertical walls or horizontal floors/ceilings. Both dwelling units are on the same lot.
<b>DWELLING, UPPER FLOOR RESIDENTIAL</b>	See Upper-floor residential.
<b>E</b>	
<b>EASEMENT</b>	The right to use or occupy the real property of another owner for a specifically identified purpose. An easement is a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.
<b>EGRESS</b>	An exit from a building or site.
<b>ELEVATED BUILDING</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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.



## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>ENCROACHMENT</b>	<p>The location of a building, structure, or portion of a building or structure in an open space, setback, yard, or other area typically required to remain free of buildings or structures. In flood prone areas, an encroachment is the advance or infringement of uses, fill excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.</p> <p>As used in Section 3.4.5, Special Flood Hazard Area Overlay District, encroachment 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.</p>
<b>EQUESTRIAN FACILITY</b>	<p>A use associated with the keeping of horses or ponies as domesticated animals or pets. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/instruction/performance areas.</p>
<b>EROSION CONTROL MEASURE</b>	<p>A device which controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.</p>
<b>EXEMPTION</b>	<p>A use, site feature, or development condition that is exempted authorized to deviate from otherwise applicable requirements</p>
<b>EXISTING BUILDING AND EXISTING STRUCTURE</b>	<p>As used in Section 3.4.5, Special Flood Hazard Area Overlay District, existing building and existing structure mean any building and/or structure for which the “start of construction” commenced before September 15, 1978, the effective date of the initial FIRM.</p>
<b>EXISTING DEVELOPMENT</b>	<p>As used in Section 3.4.6, Watershed Overlay District, existing development means those projects that re-built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this section based on at least one of the following criteria:</p> <ol style="list-style-type: none"><li>(1) Substantial, expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or</li><li>(2) Having an outstanding valid building permit as authorized by Sections 153A-344.1 and 160A-385.1 of the North Carolina General Statutes.</li></ol>
<b>EXISTING LOT OF RECORD</b>	<p>A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the effective date of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the effective date of this Ordinance.</p>
<b>EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION</b>	<p>As used in Section 3.4.5, Special Flood Hazard Area Overlay District, 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 September 15, 1978, the initial effective date of the floodplain management regulations adopted by the Town.</p>
<b>EXPANSION</b>	<p>An increase in the floor area of an existing structure or building, or the increase of area of a use.</p>
<b>EX-PARTE COMMUNICATION</b>	<p>Any communication between a member of a decision-making body and another person involved in a development application that is made without the presence or knowledge of the other members of the same decision-making body.</p>

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>EXPEDITED SUBDIVISION</b>	A subdivision of three or fewer lots comprised of more than five acres in accordance with Section 160D-802 of the North Carolina General Statutes.
<b>EXTRA TERRITORIAL JURISDICTION</b>	The land area located outside the corporate limits of a municipality, but still subject to the planning and zoning laws associated with the municipality.
<b>F</b>	
<b>FAMILY</b>	<p>One or more persons related by blood, adoption or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding five, living together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family, as shall a foster care home approved by the State.</p> <p>As used in Section 3.4.6, Watershed Overlay District, family means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons.</p>
<b>FAMILY CARE HOME</b>	An establishment, as defined in G.S.§168-21, with support and supervisory personnel that provides room and board, personal care, and rehabilitation services in a family environment for not more than six residents who are handicapped. Handicapped person means a person with a temporary or permanent physical, emotional, or mental disability including, but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments but not including mentally ill persons who are dangerous to others. Dangerous to others means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct.
<b>FARM MACHINERY, SALES, RENTAL, OR SERVICE</b>	An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and in gardens, and related parts, tools and accessories, but not non-farm equipment or materials.
<b>FEED AND GRAIN SALES AND STORAGE</b>	The sale or commercial storage of grain, animal feed or fodder, or seeds. Examples include retail animal feed sales, commercial grain elevators and grain storage facilities.
<b>FEE-IN-LIEU</b>	Monetary compensation offered by a landowner or applicant as an alternative to provision of some other required site or development feature.
<b>FILL</b>	The act of depositing soil, sand, stone, or other inert debris customarily used for supplementing or augmenting land. The term “fill” also applies to the deposit soil, sand, stone, or other deposited material.
<b>FINAL PLAT</b>	A plan or drawing recorded in the office of the register of deeds that identifies the metes and bounds as well as all applicable conditions applied to a lot or group of lots that have been subdivided.
<b>FINANCIAL GUARANTEE</b>	See “Performance Guarantee.”
<b>FINE</b>	A sum of money imposed on a violator as punishment for violation of law.
<b>FIRE HYDRANT</b>	A connection point to a public water supply system used by firefighters to access water as a part of fire suppression.

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### Section 9.2 Definitions

<b>FIRE LANE</b>	A lane or designated area in a parking lot or on a street that is reserved for firefighting equipment or staging of people during a fire and is not intended for the parking of vehicles or storage.
<b>FIRE PROTECTION SYSTEM</b>	A fire hydrant, water storage tank, or connection to a building's sprinkler system, typically referred to as a standpipe, all used for the purposes of providing water for fire suppression.
<b>FLAG LOT</b>	See "Lot, Flag."
<b>FLOOD OR FLOODING</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: (a) The overflow of inland or tidal waters; and/or (b) The unusual and rapid accumulation or runoff of surface waters from any source.
<b>FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , flood boundary and floodway map means an official map of a community, issued by the FEMA, 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).
<b>FLOOD HAZARD BOUNDARY MAP (FHBM)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , flood hazard boundary map means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
<b>FLOOD INSURANCE</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , flood insurance means the insurance coverage provided under the National Flood Insurance Program.
<b>FLOOD INSURANCE RATE MAP (FIRM)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , <u>flood insurance rate map</u> means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)
<b>FLOOD INSURANCE STUDY (FIS)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , flood insurance study 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 FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
<b>FLOOD PRONE AREA</b>	see "Floodplain."
<b>FLOOD ZONE</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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.
<b>FLOODPLAIN</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , floodplain means any land area susceptible to being inundated by water from any source.
<b>FLOODPLAIN ADMINISTRATOR</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , floodplain administrator is the individual appointed to administer and enforce the floodplain management regulations.
<b>FLOODPLAIN DEVELOPMENT PERMIT</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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

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### Section 9.2 Definitions

<b>FLOODPLAIN MANAGEMENT</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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.
<b>FLOODPLAIN MANAGEMENT REGULATIONS</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , floodplain management regulations means this Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
<b>FLOODPROOFING</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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.
<b>FLOOD-RESISTANT MATERIAL</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , flood resistant material means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
<b>FLOODWAY</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , floodway means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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.
<b>FLOODWAY ENCROACHMENT ANALYSIS</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.
<b>FLOOR AREA, GROSS</b>	The number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising, storage, assembly or similar uses, and excluding off-street parking and loading areas.
<b>FRANKLINTON BOARD OF COMMISSIONERS</b>	See "Board of Commissioners."

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### Section 9.2 Definitions

<b>FRANKLINTON ZONING MAP</b>	See “Zoning Map.”
<b>FREEBOARD</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , freeboard means the height added to the 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, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.
<b>FRONTAGE</b>	The length of the front of a building or piece of land that abuts a street, river, or lake.
<b>FRONTAGE ROAD</b>	A local street or road that is parallel to a full or partial access control facility and functions to provide access to adjacent land.
<b>FUNCTIONALLY DEPENDENT FACILITY</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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.
<b>G</b>	
<b>GATHERING AREA</b>	A formal or informal area intended for or used by the general public to gather or congregate together for interaction or recreation.
<b>GENERAL ASSEMBLY</b>	The General Assembly for the State of North Carolina. Also referred to as the Legislature.
<b>GENERAL INDUSTRIAL SERVICE</b>	<p>Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage.</p> <p>For distinctions between Major and Minor General Industrial Service uses, See <u>Table 4.2.7, Use Categories in the Industrial Use Classification</u>.</p>
<b>GENERAL STATUTES</b>	A statute is a written law passed the General Assembly that sets forth general propositions of law that courts apply to specific situations.
<b>GENERAL ZONING DISTRICT</b>	A designation or classification applied to certain lots or tracts as shown on the Official Zoning Map. General zoning districts specify the broad range of allowable land use types permitted on lots or tracts within the particular district. The general zoning district standards also specify the applicable dimensional requirements for lots and buildings as well as any unique provisions that apply to solely lands in the particular district.
<b>GOLF COURSE</b>	A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.
<b>GOOD CAUSE</b>	Legally adequate or substantial grounds or reason to take a certain action based upon the circumstances of each individual case.

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### Section 9.2 Definitions

<b>GOOD FAITH</b>	A sincere belief or motive without any malice or the desire to defraud others or conceal the truth.
<b>GOVERNING BODY</b>	See Board of Commissioners.
<b>GOVERNMENTAL FACILITY</b>	A facility that provides for the general operations and functions of local, state, or federal governments. Examples include government operations or maintenance facilities, school administration offices, and government offices. Accessory uses may include offices, maintenance, storage (indoor and outdoor), fueling facilities, auditoriums, communications equipment, and parking areas.
<b>GRADING</b>	Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
<b>GREENWAY</b>	Public open space under the control and maintenance of the Town which has been designated on an officially adopted greenway or open space plan and developed in accordance with the adopted greenway or open space plan.
<b>H</b>	
<b>HALF-STREET</b>	A street whose centerline coincides with a subdivision plat boundary, with one-half the street right-of-way width being contained within the subdivision plat. Also any existing street to which the parcel of land to be subdivided abuts on only one side.
<b>HARDSHIP</b>	Special or specified circumstances that place an unreasonable or disproportionate burden on one applicant or landowner over another.
<b>HAZARDOUS MATERIAL</b>	Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 or CWA (oil and hazardous substances).
<b>HAZARDOUS WASTE MANAGEMENT FACILITY</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , hazardous waste management facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
<b>HEALTH DEPARTMENT</b>	The Franklin County Health Department.
<b>HIGHEST ADJACENT GRADE (HAG)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.



## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>HISTORIC STRUCTURE</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, historic structure means any structure that is:</p> <p>(a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;</p> <p>(b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;</p> <p>(c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or</p> <p>(d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”</p> <p>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.</p>
<b>HOME OCCUPATION</b>	<p>An accessory use of a dwelling unit for gainful employment, which is clearly incidental and subordinate to the use of the dwelling unit as a residence and is carried on solely within the dwelling and does not alter or change the exterior character or appearances of the dwelling or grounds and is located in a residential district. The term home occupation shall not be deemed to include a tourist home.</p>
<b>HOME OWNERS’ ASSOCIATION</b>	<p>See “Owners’ Association.”</p>
<b>HOSPITAL</b>	<p>An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.</p>
<b>I</b>	
<b>IMPERVIOUS SURFACE</b>	<p>Any structure, material or ground cover consisting of, but not limited to, asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.</p>
<b>IMPROVEMENT</b>	<p>The construction of buildings and the establishment of basic services and amenities associated with development, including, but not limited to streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreation facilities (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks and the like) and other similar construction or establishment.</p>
<b>INDOOR ATRIUM</b>	<p>An interior court enclosed by building walls with or without a roof.</p>

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>INDUSTRIAL DEVELOPMENT</b>	As used in <u>Section 3.4.6, Watershed Overlay District</u> , industrial development means a non-residential development that requires an National Pollutant Discharge Elimination System NPDES permit for an industrial discharge and/or requires the use of or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.
<b>INFRASTRUCTURE, PRIVATE</b>	Any water, sewer, drainage structure, roadway, sidewalk, or similar infrastructure facility for which a non-governmental entity will assume responsibility for maintenance and operation.
<b>INFRASTRUCTURE, PUBLIC</b>	Any water, sewer, drainage structure, roadway, parkway, sidewalk, or similar infrastructure facility for which the Town will assume the responsibility for maintenance and operation, or which will affect an improvement for which local government responsibility is established.
<b>INGRESS</b>	Access or entry to a building or site.
<b>INTERPRETATION</b>	A determination, made in writing, by the Zoning Administrator or other Town official regarding the proper application of provisions in the UDO, the boundaries on the Official Zoning Map, or a prior-approved condition of approval.
<b>INTESTATE SUCCESSION</b>	The rules governing distribution of an estate to a spouse or other heirs through the laws of descent and marital rights.
<b>J</b>	
<b>JUNK YARD</b>	The use of more than 600 square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal or other junk, including the storage of automobiles or other vehicles, or dismantling of such vehicles or machinery or parts thereof.
<b>JURISDICTION</b>	The official power to make legal decisions and judgements. The term can also be used to describe the geographic boundaries of a municipal corporation or the extent over which a particular agency has control.
<b>JUST CAUSE</b>	Legitimate cause; legal or lawful ground for action.
<b>K</b>	
<b>L</b>	
<b>LAND</b>	Real estate taking the form of a single lots, multiple lots, an un-subdivided tract, or a site.
<b>LAND AREA</b>	Land area with streets, rights-of-way and driveways which serve as access to more than two units or uses, and major transmission line easements not included in its measurement.
<b>LAND DISTURBANCE</b>	Any movement of earth or substrate, manually or mechanically, including but not limited to any modification of existing grade by dredging, demolition, excavation or fill, grading, scraping, vegetation removal, landscaping, coring, well drilling, pile driving, undergrounding utility lines, trenching, bulldozing, sheeting, shoring and excavation for laying or removing foundations, pilings or other purposes.



## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>LANDFILL</b>	As used in <u>Section 3.4.6, Watershed Overlay District</u> , landfill means a facility for the disposal of solid waste on land in a sanitary manner in accordance with § G.S. 130A, Art. 9. For the purpose of this section this term does not include composting facilities.
<b>LANDOWNER</b>	As applied to the standards related to vested rights, an owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of the owner.
<b>LEGAL CHALLENGE</b>	The filing of a suit in a court of competent jurisdiction over a decision or action taken by the Town, a landowner in the Town, or other interested party with standing to file suit.
<b>LETTER OF MAP CHANGE (LOMC)</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, letter of map change means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:</p> <p>(a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.</p> <p>(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.</p> <p>(c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.</p> <p>(d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.</p>
<b>LIFE CARE INSTITUTION</b>	An institutional facility that provides services for elderly people, including a wide range of services for aging or disabled residents, including room and board, housekeeping, personal care, medical care, and end-of-life care. Such uses may include a spectrum of housing options from independent living to assisted living to dependent living for residents. Accessory uses may include common dining facilities, laundries, transportation, recreation, and on-site retail or personal services intended solely for residents, their guests, or employees.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>LIGHT DUTY TRUCK</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, light duty truck means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:</p> <p>(a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or</p> <p>(b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or</p> <p>(c) Available with special features enabling off-street or off-highway operation and use.</p>
<b>LOADING AREA</b>	<p>A completely off-street space or berth on the same lot for the loading or unloading of freight carriers with ingress and egress to a public street or alley.</p>
<b>LOCAL STREET</b>	<p>A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.</p>
<b>LODGE</b>	<p>See "Club or Lodge."</p>
<b>LOOP STREET</b>	<p>A street that begins and terminates from one other street.</p>
<b>LOT</b>	<p>A single lot of record, or more than one contiguous lot of record in the same ownership, which lot or lots of record are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when severed from contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this Ordinance.</p> <p>As used in <u>Section 3.4.6, Watershed Overlay District</u>, lot means a parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.</p>
<b>LOT AREA</b>	<p>The total calculated square footage or acreage of a lot including required setbacks, yards, easements, and unbuildable areas</p>
<b>LOT COVERAGE, MAXIMUM IN PERCENT</b>	<p>The maximum percent of the lot, which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.</p>
<b>LOT DEPTH</b>	<p>The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of said lot lines in the rear. On lots having an access strip extending from the front of the main portion of the, the foremost points of the side lot lines shall be measured at the place where the access strip joins the main portion of the lot.</p>
<b>LOT FRONTAGE</b>	<p>For the purposes of the subdivision regulations, the distance for which the front boundary line of a lot and the street line are coincident. In the case of corner lots, this shall be the street boundary line having the shortest distance coincident with a street line.</p>
<b>LOT OF RECORD</b>	<p>A lot, which is part of a subdivision recorded in the office of the Register of Deeds of Franklin County, or a lot described by metes, and bounds, the description of which has been so recorded.</p>

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>LOT WIDTH</b>	The distance between straight lines connecting front and rear lot lines at each side of the lot measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot, at the place where the access strip joins the main portion of the lot) shall not be less than 80 percent of the required lot width, except in the case of the turning circle of cul-de-sacs where the 80 percent requirement shall not apply.
<b>LOT, CORNER</b>	A lot of which at least two adjacent sides abut upon streets or public places, for their full length, which must not be less than a code-specified distance.
<b>LOT, CORNER</b>	A lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at the interior angle of less than 135°.
<b>LOT, DOUBLE FRONTAGE</b>	A lot having frontage on two parallel or approximately parallel streets other than alleys.
<b>LOT, FLAG</b>	An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.
<b>LOT, INTERIOR</b>	A lot bounded by a street only along the lot frontage.
<b>LOWEST ADJACENT GRADE (LAG)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , lowest adjacent grade means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building
<b>LOWEST FLOOR</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
<b>M</b>	
<b>MAJOR CHANGE</b>	A significant deviation in an application, proposed development, or portion of a development that impacts the operation, appearance, function, value, or compatibility of proposed development with its surroundings.
<b>MANUFACTURED HOME</b>	<p>A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".</p> <p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, 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. The term "manufactured home" does not include a "recreational vehicle".</p>

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### Section 9.2 Definitions

<b>MANUFACTURED HOME PARK</b>	<p>A use comprised of two or more manufactured homes where one or more homes are located on leaseholds, not individual lots. Manufactured home parks may include shared laundry, recreation, and solid waste collection facilities.</p> <p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, manufactured home park means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.</p>
<b>MANUFACTURED HOME, DOUBLE WIDE</b>	A manufactured home wider than 18 feet at its narrowest point.
<b>MANUFACTURED HOME, SINGLE WIDE</b>	A manufactured home or mobile home of 18 feet in width or less.
<b>MANUFACTURING</b>	An establishment involved in the manufacturing, processing, fabrication, packaging, or assembly of raw materials, or partially finished goods.
<b>MAP</b>	See Zoning Map
<b>MAP REPOSITORY</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , map repository means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website ( <a href="http://FRIS.NC.GOV/FRIS">http://FRIS.NC.GOV/FRIS</a> ) is the map repository, and for historical flood hazard data the FloodNC website ( <a href="http://FLOODNC.GOV/NCFLOOD">http://FLOODNC.GOV/NCFLOOD</a> ) is the map repository.
<b>MARKET VALUE</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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.
<b>MASTER PLAN</b>	A conceptual plan associated with an application to establish a planned development district that sets out the general location, type, and configuration of proposed development within the district.
<b>MATERIAL CHANGE</b>	A change in the meaning or language of a legal document, such as a contract, agreement, or approval that is made by one party to the document without the consent of the other after it has been signed or completed.
<b>MAXIMUM EXTENT PRACTICABLE</b>	No feasible or practical alternative exists, as determined by the Town, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."
<b>MEDICAL OFFICE</b>	A facility or office where patients are admitted for examination and treatment by one or more physicians, dentists, opticians, psychiatrists, or psychologists for outpatient care only.
<b>MINOR CHANGE</b>	An insignificant deviation in an application, proposed development, or portion of a development that does not impact the operation, appearance, function, value, or compatibility of proposed development.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>MIXED USE DEVELOPMENT</b>	A mixed-use development is a planned, unified development of at least 20 contiguous acres in commercial and industrial zoning districts, approved as a special use by the Board of Commissioners. The objectives of the mixed use development are to promote economic base uses, facilitate the more economic arrangement of buildings, provide a mixture of industrial and commercial retail establishments along major thoroughfares, and provide community-wide public services and amenities.
<b>MOBILE HOME</b>	A dwelling unit that is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings, and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. A dwelling meeting the above definition shall be considered a mobile home, even if placed on a permanent foundation.
<b>MOBILE HOME PARK</b>	Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
<b>MOBILE HOME SUBDIVISION</b>	A subdivision designed or intended primarily for sale of lots for residential occupancy by mobile homes.
<b>MONUMENT</b>	A permanent marker, typically inserted into the ground, showing the location of a lot line, lot corner, or other demarcation associated with a lot or right-of-way.
<b>N</b>	
<b>NATURAL RESOURCES</b>	Resources that exist without the actions of humans, including: sunlight, atmosphere, water, land, vegetation, and animal life. For the purposes of this Ordinance, natural resources may include specific areas with unique ecological conditions, views into or out of a particular area, habitats or areas with special circumstances conducive to particular life forms, or raw materials used in a production process.
<b>NCDOT</b>	The North Carolina Department of Transportation and its divisions.
<b>NEW CONSTRUCTION</b>	As used in Section 3.4.5, Special Flood Hazard Area Overlay District, new construction means structures for which the “start of construction” commenced on or after September 15, 1978, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.
<b>NET ACREAGE</b>	See “Land Area.”
<b>NONCONFORMING LOT OF RECORD</b>	A lot described by a plat or a deed that was recorded prior to the effective date of this Ordinance that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.
<b>NON-CONVERSION AGREEMENT</b>	As used in Section 3.4.5, Special Flood Hazard Area Overlay District, non-conversion agreement means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

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### Section 9.2 Definitions

<b>NONCONFORMITY</b>	Any land use, development, structure, or site, including any lot of record, that was legally established, but that is not presently in full compliance with the provisions of this Ordinance.
<b>NON-ENCROACHMENT AREA (NEA)</b>	As used in Section 3.4.5, <u>Special Flood Hazard Area Overlay District</u> , non-encroachment area means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one -foot as designated in the Flood Insurance Study report.
<b>NON-RESIDENTIAL DEVELOPMENT</b>	As used in Section 3.4.6, <u>Watershed Overlay District</u> , non-residential development means all development other than residential development, agriculture and silviculture.
<b>NORTH CAROLINA BUILDING CODE</b>	The most-recently adopted construction code for buildings adopted by the North Carolina Department of Insurance.
<b>NOTICE OF PUBLIC HEARING</b>	The formal legal notification of a public hearing on a proposed development application. A "published notice" is one required to be printed in a newspaper of general circulation. A "mailed notice" is one delivered to specified individuals by US Mail. A "posted notice" is a sign posted on or near the property subject to the application.
<b>NOTICE OF VIOLATION</b>	A notice indicating a violation of this Ordinance.
<b>NURSERY, PRODUCTION</b>	The growing, storage, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials for resale, typically occurring as wholesale or retail sales directly to landscaping professionals. Such uses may include limited incidental retail sales to members of the general public. Such uses may include greenhouses; outdoor storage of goods, materials, and equipment; irrigation systems; and caretaker's dwelling.
<b>O</b>	
<b>OATH</b>	The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."
<b>OCCUPY OR OCCUPANCY</b>	The act, state, or condition of holding, possessing, residing, or otherwise using a premises, lot, site, building, or dwelling.
<b>OFFICE</b>	A room, or group of rooms used for conducting the affairs of a business or professional service provider. Examples include financial services, real estate sales offices, and the offices of accountants, engineers, lawyers, and similar professions. Doctor's offices or other medical offices are not considered offices, but are categorized under the Medical Offices use.
<b>OFFICIAL ZONING MAP</b>	See "Zoning Map."
<b>OFF-SITE IMPROVEMENT</b>	Any improvement located outside the boundary of a development.
<b>ON-SITE IMPROVEMENT</b>	Any improvement located on land within the boundary of a development.
<b>OPEN SPACE</b>	Areas of land free from buildings, structures, or encumbrances, as well as lands with buildings or structures devoted to active or passive recreational purposes.



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### Section 9.2 Definitions

<b>OPEN SPACE SET-ASIDE</b>	Land or water areas within the site designated for a particular development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, but not including any lands occupied by streets, street rights-of-way or off-street parking.
<b>ORDINANCE</b>	A legislative enactment of the Town of Franklinton, North Carolina.
<b>OVERLAY ZONING DISTRICT</b>	A zoning district designation that is applied over one or more previously established general or conditional zoning district designations. Overlay districts modify the existing zoning district provisions by either adding additional regulations or providing greater flexibility in deviations from the existing applicable standards. Typically, when overlay district standards conflict with the underlying general or conditional zoning district standards, the overlay zoning district standards control.
<b>OWNER</b>	The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.
<b>OWNERS' ASSOCIATION</b>	An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners' association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements such as recreation areas.
<b>P</b>	
<b>PARCEL</b>	See "Lot."
<b>PARENT PARCEL</b>	A tract of land further subdivided into one or more additional lots.
<b>PARKLAND</b>	Land dedicated to the Town for use as a public park.
<b>PARKS, PLAYGROUNDS, &amp; RECREATION AREAS</b>	Public or private spaces which provide for active forms of recreation, including athletic fields, playgrounds, swimming pools, courts, tracks, and/or passive forms of recreation, including walking trails, pathways, gazebos, picnic areas, fountains and pools, plazas, and similar areas. Such areas may also include undisturbed natural vegetation. These uses are typically served by parking facilities, spectator areas, restroom facilities, and exterior lighting where appropriate.
<b>PASSIVE OPEN SPACE SET-ASIDE</b>	Open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains, and similar areas. Such areas may also include undisturbed natural vegetation.
<b>PAWN SHOP</b>	An establishment engaged in loaning money upon deposit of personal property. Such uses also store personal property on site and sell retail goods.
<b>PENALTY</b>	Punishment for violation of a law or rule.
<b>PERENNIAL STREAM</b>	A stream that has continuous flow in parts of its stream bed all year round during years of normal rainfall.
<b>PERFORMANCE GUARANTEE</b>	A contract and surety that may be accepted by the Town to assure that a required improvement will be installed within a specified time frame.
<b>PERSON</b>	Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

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### Section 9.2 Definitions

<b>PERSONAL SERVICE ESTABLISHMENT</b>	<p>An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning, and personal care services; psychics and mediums; martial arts schools; dance or music classes.</p> <p>For distinctions between Major and Minor Personal Service Establishment uses, See <a href="#">Table 4.2.6, Use Categories in the Commercial Use Classification</a>.</p>
<b>PERVIOUS SURFACE</b>	<p>Any land surface not effectively covered by impervious surface, in which rainfall and stormwater runoff can naturally infiltrate.</p>
<b>PHASE</b>	<p>The discrete portion of a proposed development.</p>
<b>PLANNED DEVELOPMENT</b>	<p>An area of land under unified ownership or control to be developed and improved as a single entity under a Planned Development District in accordance with this Ordinance.</p>
<b>PLANNING BOARD</b>	<p>The Planning Board of the Town of Franklinton.</p>
<b>PLAT</b>	<p>A map or plan of a parcel of land which is to be, or has been subdivided that shows streets, lots, easements, common areas, and utilities.</p>
<b>PLAT, FINAL</b>	<p>A final subdivision plat that will be recorded in the Franklin County Register of Deeds.</p>
<b>PLAT, PRELIMINARY</b>	<p>The survey map that shows the features of a proposed subdivision and serves as a draft of the final plat.</p>
<b>PLAY EQUIPMENT</b>	<p>Recreational equipment, whether temporary or permanent, placed for the exercise and enjoyment of persons on the site of a different principal use.</p>
<b>PLAY STRUCTURE</b>	<p>A non-habitable structure intended for recreational purposes.</p>
<b>PLAYGROUND</b>	<p>See Parks, playgrounds &amp; recreation areas.</p>
<b>PLAZA</b>	<p>An open space at the intersection of important streets or adjacent to important structures, set aside for civic purposes and commercial activity, which may include parking, consisting of durable pavement, and formal landscaping or tree plantings.</p>
<b>PORTABLE</b>	<p>Easily moved on wheels or skids; easily moved by hand.</p>
<b>POSITIVE DRAINAGE</b>	<p>Configuration of a walkway or trail in a manner that sheds water.</p>
<b>POST-FIRM</b>	<p>As used in <a href="#">Section 3.4.5, Special Flood Hazard Area Overlay District</a>, post-firm means construction or other development for which the “start of construction” occurred on or after insert date of community’s first FIRM, the effective date of the initial Flood Insurance Rate Map.</p>
<b>PRE-FIRM</b>	<p>As used in <a href="#">Section 3.4.5, Special Flood Hazard Area Overlay District</a>, pre-firm means construction or other development for which the “start of construction” occurred before insert date of community’s first FIRM, the effective date of the initial Flood Insurance Rate Map.</p>
<b>PRE-APPLICATION CONFERENCE</b>	<p>A meeting or conference conducted by a potential applicant for a permit or development approval and Town staff for the purposes of discussing a potential application or Town rules regarding development.</p>
<b>PRELIMINARY PLAT</b>	<p>A drawing or plan showing the proposed organization of lot boundaries, streets, public infrastructure, open space, and other site configuration features associated with a proposed development.</p>
<b>PRIMARY CONSERVATION AREA</b>	<p>The portion of a conservation subdivision required to be included within the conservation or set-aside area where development will not take place.</p>
<b>PRIME AGRICULTURAL LAND</b>	<p>Resource land best suited for agricultural activity.</p>



## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>PRINCIPALLY ABOVE GROUND</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , principally above ground means that at least 51% of the actual cash value of the structure is above ground.
<b>PRINCIPAL BUILDING, USE OR STRUCTURE</b>	The main use of a lot or the building or structure in or on which the main use of the lot takes place.
<b>PRIVATE STREET</b>	A vehicular travelway not dedicated or offered for dedication to the Town or the NCDOT as a public street.
<b>PROBATED WILL</b>	A last will and testament authenticated by a court that calls for the distribution of real estate (land) to one or more heirs.
<b>PROFESSIONAL ENGINEER</b>	A civil, structural, or traffic engineer licensed by the State of North Carolina.
<b>PROTECTED AREA (PA)</b>	Area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of protected areas are defined as five miles upstream and draining to water supply reservoir, or to the ridge line of the watershed, whichever comes first; or within ten miles of and draining to a water intake located in a stream or river, or the ridgeline of the watershed, whichever comes first.
<b>PUBLIC ART</b>	Art, in any media, that has been planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all.
<b>PUBLIC GATHERING AREA</b>	See "Gathering Area".
<b>PUBLIC HEARING, LEGISLATIVE</b>	A public hearing held for the purpose of soliciting public comments on a proposed development application. Reasonable time limits on speakers may be imposed and responsible decorum maintained. However, unlike quasi-judicial hearings, there is no requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing.
<b>PUBLIC HEARING, QUASI-JUDICIAL</b>	A public hearing involving the legal rights of specific parties conducted by the Town Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and involve findings of fact and conclusions of law made by the review authority.
<b>PUBLIC INFRASTRUCTURE</b>	Infrastructure or facilities (such as water lines, streets, storm drainage, sidewalks, trails, etc.) owned by the public and intended for use by the public.
<b>PUBLIC MEETING</b>	A gathering of Town officials and interested members of the public to discuss an action of the Town or consider a development application. Unlike a public hearing, no prior public notification is required for a public meeting, and the acceptance of testimony from meeting attendees is at the discretion of the review authority conducting the public meeting.
<b>PUBLIC REALM</b>	Land, buildings, and structures owned by the government or a governmental entity that is made available for use by all persons.

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### Section 9.2 Definitions

<b>PUBLIC SAFETY</b>	<p>A facility that provides public safety services to the general public. Examples include fire stations, police stations, EMS stations, and governmental training facilities such as a fire training facility. Accessory uses may include offices, teaching rooms, meeting areas, food preparation and consumption areas, sleeping quarters, communications equipment, storage, parking, and maintenance facilities.</p> <p>As used in Section 3.4.5, <u>Special Flood Hazard Area Overlay District</u>, public safety 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.</p>
<b>PUBLIC STREET</b>	<p>A street and associated right-of-way owned by the public and intended for use by the public.</p>
<b>Q</b>	
<b>QUASI-JUDICIAL DECISION</b>	<p>A decision by an elected or appointed body that applies previously-established policies. Examples include decisions on appeals and variances.</p>
<b>QUORUM</b>	<p>The minimum number of board or commission members that must be present in order to conduct official business or take official action.</p>
<b>R</b>	
<b>RADII</b>	<p>Curves or bends in a street, sidewalk, greenway, or other travel route.</p>
<b>REAL PROPERTY</b>	<p>All land, all buildings, all structures, and other fixtures firmly attached thereto.</p>
<b>RECOMBINATION</b>	<p>Filing a plat or paperwork associated with a subdivision or other form of development at the Franklin County Register of Deeds to ensure the documents are available for public inspection in perpetuity.</p>
<b>RECORD DRAWINGS</b>	<p>See "As-Built Plans."</p>
<b>RECREATION AND ENTERTAINMENT</b>	<p>A commercial use that is typically indoors and that provides recreational, amusement, and entertainment opportunities. Examples include billiards, bingo, bowling, fortune tellers, sweepstakes, skating rinks, miniature golf, movie theaters, coin-operated games, and shooting ranges.</p> <p>For distinctions between Major and Minor Recreation and Entertainment uses, see <u>Table 4.2.6, Use Categories in the Commercial Use Classification</u>.</p>
<b>RECREATION AREA</b>	<p>See Parks, playgrounds &amp; recreation areas.</p>

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### Section 9.2 Definitions

<b>RECREATIONAL VEHICLE (RV)</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, recreation vehicle means a vehicle, which is:</p> <ul style="list-style-type: none"><li>(a) Built on a single chassis;</li><li>(b) 400 square feet or less when measured at the largest horizontal projection;</li><li>(c) Designed to be self-propelled or permanently towable by a light duty truck;</li><li>(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and</li><li>(e) Is fully licensed and ready for highway use.</li></ul>
<b>REFERENCE LEVEL</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, reference level is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.</p> <p>(Alternative acceptable language for Reference Level) "Reference Level" is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.</p>
<b>REGISTER OF DEEDS</b>	<p>A public officer designated by Franklin County to register documents, mainly related to real estate. The register of deeds verifies mortgage ownership and property ownership, such as houses and land, in official record books.</p>
<b>REGULATORY FLOOD PROTECTION ELEVATION</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, 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 four feet. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.</p>
<b>RELIGIOUS FACILITY</b>	<p>A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.</p>
<b>REMEDY</b>	<p>The manner in which a right or law is enforced or satisfied when a violation of the UDO or related law has occurred.</p>
<b>REMEDY A VIOLATION</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, 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.</p>

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### Section 9.2 Definitions

<b>RESERVATION</b>	A reservation of land that does not involve a transfer of property rights, but constitutes an obligation to keep property free from development for a stated period.
<b>RESERVE FUND</b>	A bank account containing reserve funds for the purpose of maintaining commonly-held land, infrastructure, or facilities.
<b>RESERVE STRIP</b>	A narrow strip of land overlying a dedicated street to control access to adjacent property.
<b>RESIDENTIAL DEVELOPMENT</b>	As used in <u>Section 3.4.6, Watershed Overlay District</u> , residential development means building for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuilding, gazebos, etc. and customary home occupations.
<b>RESTAURANT</b>	An establishment that prepares and sells food and beverages for immediate or direct on- or off-premise consumption. For distinctions between Major and Minor Restaurant uses, see <u>Table 4.2.6, Use Categories in the Commercial Use Classification</u> .
<b>RE-SUBDIVISION</b>	The further subdivision of land already subject to an expedited subdivision, minor subdivision, or major subdivision approval in accordance with the Town's development regulations. The shifting of a lot line between two established lots shall be considered a re-subdivision.
<b>RETAIL SALES</b>	Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos. For distinctions between Major and Minor Retail Sales uses, see <u>Table 4.2.6, Use Categories in the Commercial Use Classification</u> .
<b>REVERSE FRONTAGE LOT</b>	A lot with two or more street frontages that includes a building or structure that is oriented in a manner that differs from other existing structures or from the development patterns indicated by adopted policy guidance or good planning practice.
<b>REVIEW AUTHORITY</b>	Any board, commission, official, or agency authorized to set, review, or permit a development standard or improvement.
<b>REZONING</b>	An application for an amendment to the Official Zoning Map. It includes applications for establishing an initial zoning designation following annexation.
<b>RIGHT-OF-WAY, STREET</b>	A strip of land, owned publicly or privately, which affords the principal means of access to abutting property.
<b><u>RIVERINE</u></b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
<b>ROAD</b>	See "Street."
<b>ROADSIDE MARKET</b>	A retail establishment located beside a major street engaged in the retail sale or resale of agricultural products and seafood by one or more vendors.
<b>ROADWAY</b>	The paved portion of right-of-way over which vehicular traffic travels.

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### Section 9.2 Definitions

<b>ROOF LINE</b>	The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouse or equipment structures.
<b>RURAL CHARACTER</b>	Patterns of land use and development in which open space, the natural landscape, and vegetation predominate over the built environment.
<b>S</b>	
<b><u>SALVAGE YARD</u></b>	As used in <a href="#">Section 3.4.5, Special Flood Hazard Area Overlay District</a> , 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.
<b>SCHOOL</b>	<p>A public or private school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.</p> <p>For distinctions between Major and Minor School uses, see <a href="#">Table 4.2.5, Use Categories in the Institutional Use Classification</a>.</p>
<b>SECONDARY CONSERVATION AREA</b>	The portion of a conservation subdivision containing resources to be retained as conservation land or open space after development that is not as imperative to retain as the primary conservation land.
<b>SECONDHAND SALES</b>	<p>A retail establishment where used, consigned, or secondhand goods are offered for resale by a commercial entity or by individual sellers or vendors from open or rented sales areas.</p> <p>Examples include auctions, flea markets, and thrift shops. Accessory uses may include parking, concessions, restrooms, and indoor storage.</p> <p>For distinctions between Major and Minor Secondhand Sales uses, see <a href="#">Table 4.2.6, Use Categories in the Commercial Use Classification</a>.</p>
<b>SEDIMENT</b>	Solid particulate matter, both mineral and organic, that is transported by water, air, gravity, or ice from its site of origin.
<b>SEDIMENTATION</b>	The process by which sediment resulting from accelerated erosion is transported off-site by land-disturbing activity.
<b>SETBACK LINES</b>	The line on the front, rear and sides of a lot which delineates the area within which a structure may be built and maintained, according to the district regulations.
<b>SHALL</b>	Shall is always mandatory and not merely discretionary.
<b>SHOPPING CENTER</b>	One or more commercial buildings with 5,000 or more square feet of area that is divided into three or more individual tenant spaces that are planned, constructed, and managed as a single entity with common parking, access, loading, stormwater, landscaping, and open space facilities.
<b>SIDEWALK</b>	A paved area running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
<b>SIGHT DISTANCE TRIANGLE</b>	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.

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### Section 9.2 Definitions

<b>SIGN</b>	Any outdoor letter, symbol, number, trademark or other form of publicity or combination of these, as well as the surface on which they are painted or to which they are attached, or any of the above when placed inside a window facing out, and any background material, coloring, shapes or other trim shall be considered a sign, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.
<b>SIGN AREA</b>	The area of the smallest regular polygon composed of eight lines or less, circle, half-circle, ellipse or combination thereof, which will encompass the entire sign, excluding the base or apron, supports or other structural members, unless some part of the message appears on them, in which case they shall be included. Where symbols, letters or numbers are attached separately to a structure, including a sign structure or to separate surfaces, the area between the separate items or letters, whether open or solid, shall be computed as part of the sign area. The total sign area for a double-faced sign shall be measured on the largest face of the sign. Where three-dimensional figures are used as signs, the largest dimension of such figure shall be projected on a vertical plane and measured in the standard manner.
<b>SIGN HEIGHT</b>	The vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.
<b>SIGN, GROUND</b>	A sign erected on a freestanding frame, mast and/or pole and not attached to any building, fence or wall.
<b>SIGN, MONUMENT-TYPE</b>	A sign which sits in or on the ground, or is attached to a base or structure which sits in or on the ground and is not over four feet in height, or a sign attached to an entrance wall, fence or pillars, or a sign attached to a wall or fence which encloses a subdivision or development at the entrance to the subdivision or development.
<b>SIGN, PORTABLE</b>	A sign which is not directly attached to the ground or anchored therein by placement in a concrete footing, in holes with compacted earth or gravel, or other support so as to be adequately affixed to the ground as a permanent structure or not attached to a building, wall, fence or pillars.
<b>SIGN, PROJECTING</b>	A sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.
<b>SIGN, ROOF</b>	A sign attached to and extending upward from a roof of a structure.
<b>SIGN, WALL</b>	A sign, which is, attached flat to a wall or façade of a building, or to a fence or wall.
<b>SIMPLE MAJORITY</b>	More than half of the voting members of a review authority deciding an application under this Ordinance.
<b>SINGLE FAMILY RESIDENTIAL</b>	As used in Section 3.4.6, Watershed Overlay District, single family residential means any development where: 1) no building contains more than one dwelling unit; 2) every dwelling unit is on a separate lot; and 3) where no lot contains more than one dwelling unit.
<b>SITE PLAN</b>	A graphical depiction of proposed development that may or may not be accompanied by a textual description, material samples, models, photographs, or other materials intended to demonstrate the appearance or function of the development.
<b>SITE SPECIFIC DEVELOPMENT PLAN</b>	A development plan prepared in accordance with Section 160D-102 of the North Carolina General Statutes.



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### Section 9.2 Definitions

<b>SOLAR ARRAY</b>	Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.
<b>SOLID WASTE DISPOSAL FACILITY</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , solid waste disposal facility means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).
<b>SOLID WASTE DISPOSAL SITE</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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.
<b>SPECIAL FLOOD HAZARD AREA (SFHA)</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , special flood hazard area means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year.
<b>SPECIAL USE PERMIT</b>	An authorization to establish a particular use in a particular area subject to extra scrutiny by a review authority to ensure the proposed use can maintain compatibility with its surroundings while also minimizing all potential negative impacts of the development on its surroundings.
<b>SQUARE FOOTAGE OF LAND AREA</b>	See "Land Area."
<b>START OF CONSTRUCTION</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , 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.
<b>STOP WORK ORDER</b>	An order issued by the Town to a landowner or developer to cease and desist all land-disturbing or development activity on a site pending resolution of a problem or conflict.
<b>STOPPING SITE DISTANCE</b>	The minimum amount of physical space necessary for a driver operating a vehicle at the street's design speed to bring the vehicle to a complete stop before colliding with a pedestrian, stopped vehicle, animal, or debris in the roadway.
<b>STORM SEWER</b>	A stormwater conveyance system that is integral to a street or sidewalk.
<b>STREET</b>	A right-of-way for vehicular traffic, which affords the principal means of access to abutting properties. Streets are further classified by the function they serve (travel and access).
<b>STREET CENTERLINE</b>	A line lying halfway between the two edges of a street right-of-way, or in some other location as determined by the Town Engineer.

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### Section 9.2 Definitions

<b>STREET CLASSIFICATION</b>	The type or category of a street.
<b>STREET CONNECTION</b>	A location where one or more planned or existing streets join together.
<b>STREET CONNECTIVITY</b>	A measure of the overall connectedness of the streets in a street network that is largely control by individual block length.
<b>STREET DESIGN SPEED</b>	A selected speed used by an engineer to determine the various geometric features of a street. The design speed should be a logical one with respect to the topography, anticipated operating speed, the adjacent land use, and the functional classification of the roadway.
<b>STREET FRONTAGE</b>	A strip or extent of land abutting and extending along a street.
<b>STREET GRADE</b>	The magnitude of a street's incline or decline over a specified lateral distance.
<b>STREET LIGHT</b>	Exterior illumination located within or adjacent to a street right-of-way and intended to illuminate the street and sidewalk.
<b>STREET WIDTH</b>	The horizontal distance between parallel right-of-way lines of a street measured at right angles to such lines.
<b>STREET, BOULEVARD</b>	A street whose principal function is to carry large volumes of traffic at higher speeds through the Town or from one part of the Town to another.
<b>STREET, CUL-DE-SAC</b>	A street that terminates in a vehicular turnaround.
<b>STREET, EXPRESSWAY</b>	A street whose principal function is to carry large volumes of traffic at higher speeds through the Town or from one part of the Town to another.
<b>STREET, LOCAL</b>	A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.
<b>STREET, MARGINAL ACCESS</b>	A street meeting public street standards that provides access solely to lots inaccessible to abutting higher order streets like expressways, boulevards, or thoroughfares.
<b>STREET, THOROUGHFARE</b>	A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.
<b>STRUCTURE</b>	<p>Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, signs and swimming pools.</p> <p>As used in <a href="#">Section 3.4.5, Special Flood Hazard Area Overlay District</a>, structure means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.</p>
<b>STUB STREET</b>	A temporary dead-end street intended to be extended in conjunction with the development of the subdivision and development of the adjacent land.
<b>SUBDIVIDER</b>	Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.



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### Section 9.2 Definitions

<b>SUBDIVISION</b>	<p>As used in this Ordinance means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets or the rearrangement of an existing lot or lots so as to front on another street or streets from that on which they originally fronted regardless of the number of lots so involved; but the following shall not be included within this definition provided, however, that any subdivision document or plat to be recorded pursuant to such exclusions shall have the notation of "No Approval Required" and the signature of the Subdivision Administrator or a designated agent before filing in the office of the Franklin County Register of Deeds.</p> <p>A "Subdivision" shall not include the following:</p> <ol style="list-style-type: none"><li>1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in this Ordinance.</li><li>2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.</li><li>3. The public acquisition by purchase of strips of land for the widening or opening of streets.</li><li>4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way or easement dedication is involved and where the resultant lots equal or exceed the standards set forth in this Ordinance.</li><li>5. The trading or exchanging of portions of previously platted and recorded properties that are contiguous and that necessitate the creation of parcels not conforming to the requirements of this chapter provided that a statement is placed on the plat to be recorded to the effect that such parcels are not created as individual building lots and are not approved as such and that no building permit shall be issued for construction on such parcels.</li><li>6. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.</li></ol>
<b>SUBDIVISION ADMINISTRATOR</b>	Staff member responsible for administering the Town's subdivision regulations.
<b>SUBDIVISION, EXEMPT</b>	A division of land that is exempted from review and approval by the Town in accordance with the North Carolina General Statutes.
<b>SUBDIVISION, EXPEDITED</b>	A subdivision of land reviewed and approved administratively that is exempted from most of the public infrastructure requirements.
<b>SUBSTANTIAL DAMAGE</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, substantial damage means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.</p> <p>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.</p>

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### Section 9.2 Definitions

<b>SUBSTANTIAL IMPROVEMENT</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, 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:</p> <p>(a) 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</p> <p>(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to this Ordinance.</p>
<b>SURETY</b>	See “Performance Guarantee.”
<b>T</b>	
<b>TANGENT</b>	A straight line or plane that touches a curve or curved surface at a point, but if extended does not cross it at that point.
<b>TECHNICAL BULLETIN AND TECHNICAL FACT SHEET</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , technical bulletin and technical fact sheet means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.
<b>TELECOMMUNICATIONS ELIGIBLE FACILITY</b>	The location or collocation of wireless telecommunications equipment (such as antennas, transmission cabling, and equipment) on an existing telecommunications tower, building, or other vertical projection. Telecommunications eligible facilities also include the equipment associated with a distributed antenna system, as well as the replacement of an existing telecommunications tower.
<b>TELECOMMUNICATIONS TOWER</b>	A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.
<b>TEMPERATURE CONTROLLED</b>	As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u> , temperature controlled means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>TOWN BOARD</b>	See “Board of Commissioners.”
<b>TOWNHOUSE</b>	A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.
<b>TOXIC SUBSTANCE</b>	Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or directly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.
<b>TRACT</b>	A separate tract of land under common or unified ownership in existence on the effective date of this Ordinance.
<b>TRANSFER</b>	Shifting of an ownership interest in land from one owner to another.
<b>TRANSPORTATION CORRIDOR</b>	A linear pathway for a particular mode of transportation. It includes built pathways as well as designated pathways which involve no construction at all.
<b>TRANSPORTATION TERMINAL</b>	A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.
<b>TRAVEL TRAILER</b>	A structure that is intended to be transported over the streets and highways either as a motor vehicle or attached to or hauled by a motor vehicle and is designed for temporary use as a sleeping quarters.
<b>U</b>	
<b>UPPER FLOOR RESIDENTIAL</b>	A dwelling unit located on the second floor or higher of a building with nonresidential uses located on the first floor.
<b>URBAN HEAT ISLAND</b>	A private common open space area located within an urban or higher density area that is intended to facilitate gathering of people, such as an outdoor dining area, plaza, or atrium.
<b>USEABLE OPEN SPACE</b>	A parcel or parcels of land or an area of water as a combination of both land and water and designed for the recreational use and enjoyment of residents of the proposed development, not including streets or off-street parking areas. Not more than one half of the required usable open space may be areas covered by water. Usable open space shall be substantially free of structures but may contain such improvements as are appropriate for the benefit of residents. A maximum of five percent of the area designated as usable open space may be covered by structures clearly ancillary to the recreational use of the space. Except for such structures, all usable open space shall be unobstructed except for plants, lawn furniture, swimming pools, terraces, walkways, play equipment, etc., so arranged to provide for the free movement of the people within the space. No portion of any such usable open space shall be located in any required yard area adjacent to a public street. Parking areas, vehicle drives and storage areas shall not be included in the calculation of usable open space.
<b>USED</b>	As applied to any land or building, shall be construed to include the words INTENDED, ARRANGED or DESIGNED TO BE USED.

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>UTILITIES, PUBLIC OR PRIVATE</b>	Infrastructure services such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, electrical substations, water and sewage pump stations, storm water retention and detention facilities, and telephone exchanges.
<b>V</b>	
<b>VARIANCE</b>	<p>A relaxation of the terms of this Ordinance under the specific conditions set forth in <u>Section 2.4.19, Variance</u>.</p> <p>As used in <u>Section 3.4.6, Watershed Overlay District</u>, variance means a permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply Watershed Management requirement adopted by the Environmental Management Commission that is incorporated into this section.</p> <p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, variance is a grant of relief from the requirements of this Ordinance.</p>
<b>VARIANCE, MAJOR</b>	<p>As used in <u>Section 3.4.6, Watershed Overlay District</u>, a variance from the minimum statewide water supply watershed protection criteria that results in any one or more of the following:</p> <ol style="list-style-type: none"><li>(1) Any variation in the design, maintenance or operation requirements of a wet detention pond or other storm water system;</li><li>(2) The relaxation, by a factor of more than 10 percent, of any management requirement under the low density;</li><li>(3) The relaxation, by a factor of greater than 5 percent, of any buffer or built-upon area requirement under the high-density option.</li></ol>
<b>VARIANCE, MINOR</b>	<p>As used in <u>Section 3.4.6, Watershed Overlay District</u>, a variance from the minimum statewide water supply watershed protection rules that results in a relaxation, by a factor up to 5 percent of any buffer, density, or built-upon requirement under the high-density option; or that results in a relaxation, by a factor up to 10 percent, of any management requirement under the low-density option.</p>
<b>VEHICLE SALES AND SERVICE</b>	<p>Uses involving the direct sale; rental; storage; and servicing of automobiles, trucks, boats, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.</p> <p>For distinctions between Major and Minor Vehicle Sales and Service uses, see <u>Table 4.2.6, Use Categories in the Commercial Use Classification</u>.</p>
<b>VESTED RIGHT</b>	<p>A right pursuant to North Carolina General Statutes Section 160D-102 to undertake and complete the development and use of property under the terms and conditions of an approved building permit or site-specific development plan.</p>

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

<b>VIOLATION</b>	<p>A breach, infringement, or transgression of a law or requirement in this Ordinance or a permit or other development approval.</p> <p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, 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 by the appropriate standards is presumed to be in violation until such time as that documentation is provided.</p>
<b>VISITOR ACCOMMODATIONS</b>	<p>Uses that provide lodging units or space for short-term stays for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.</p> <p>For distinctions between Major and Minor Visitor Accommodations uses, see <u>Table 4.2.6, Use Categories in the Commercial Use Classification</u>.</p>
<b>W</b>	
<b>WAREHOUSING &amp; COMMERCIAL STORAGE</b>	<p>A use engaged in the temporary or long-term storage and/or distribution of manufactured products, supplies, products for sale or resale, equipment, or personal goods. Accessory uses may include offices and service operations.</p>
<b>WATER DEPENDENT STRUCTURE</b>	<p>As used in <u>Section 3.4.6, Watershed Overlay District</u>, any structure for which the use requires access to or proximity to surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.</p>
<b>WATERSHED</b>	<p>The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).</p>
<b>WATER SURFACE ELEVATION (WSE)</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, water surface elevation means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.</p>
<b>WATERCOURSE</b>	<p>As used in <u>Section 3.4.5, Special Flood Hazard Area Overlay District</u>, 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.</p>
<b>WATERSHED ADMINISTRATOR</b>	<p>An official or designated person of the Town of Franklinton responsible for administration and enforcement of this section. The Watershed Administrator for Franklinton shall be the Director of Planning and Development, who also functions as the subdivision administrator and/or his assistant as designated in the Franklinton Zoning Ordinance.</p>
<b>WHOLESALE FACILITY</b>	<p>Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.</p>
<b>X</b>	

## Article 156.9 DEFINITIONS

### Section 9.2 Definitions

#### Y

<b>YARD</b>	An open space on the same lot with a principal structure or use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this Ordinance.
<b>YARD SALE</b>	The sale of products sold incidental of household goods. No permit is required. Monday – Thursday all items must be removed from the yard on a daily basis. Friday, Saturday & Sunday items may be left out.
<b>YARD, FRONT</b>	A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the sidelines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding. The foremost points of the side lot lines in the case of lots having an access strip extending from the front of the main portion of the lot, shall be measured at the place where the access strip joins the main portion of the lot. However, nothing may be placed in the access strip that is not permitted by this Ordinance to be placed in a front yard. Front and rear yard lines shall be parallel.
<b>YARD, REAR</b>	A yard extending the full width of the lot situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.
<b>YARD, SIDE</b>	A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

#### Z

<b>ZONING ADMINISTRATOR</b>	The official charged with the enforcement of this Ordinance.
<b>ZONING MAP</b>	The official zoning map of the Town.

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## Y

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