CITY OF LOCUST, NC - LAND DEVELOPMENT ORDINANCES

Contents

ARTICLE 1 - GENERAL PROVISIONS 10

1.1 AUTHORITY. 10

1.2 TITLE. 10

1.3 PURPOSE. 10

1.4 ZONING REGULATIONS. 11

1.5 SUBDIVIDION REGULATIONS. 11

1.6 APPLICABILITY. 12

1.6.1 Zoning Map. 12

1.6.2 Exceptions to Applicability 12

1.7 VESTED DEVELOPMENT RIGHTS 12

1.7.1 Amendments. 12

1.7.2 Procedures for Establishing Vested Rights Pursuant to G.S. 160D-102. 12

1.7.3 Site-Specific Vesting Plans 13

1.7.4 Voluntary Annexations 15

1.7.5 Right to complete residential subdivisions: 15

1.7.6 Right to complete nonresidential subdivisions: 15

1.7.7 Building Permits. 15

1.7.8 Permit Choice. 15

1.8 EXPANSION/REDEVELOPMENT OF EXISTING STRUCTURES AND PROJECTS 15

1.8.1 Non-conforming 15

1.8.2 Existing projects. 16

1.8.3 Appeal. 16

1.9 BUILDING AND LAND USE. 16

1.10 PERMITS AND CERTIFICATES. 16

1.11 FEES. 16

1.12 SEVERABILITY. 17

1.13 Zoning Maps 17

1.14 EFFECTIVE DATE. 17

ARTICLE 2 - ZONING DISTRICTS 18

2.1.CONVENTIONAL DISTRICTS 18

2.1.1 Open Space District (OPS) 18
2.1.2 General Residential District (GR) 19
2.1.3 Neighborhood Residential District (NR) 20
2.1.4 City Center District (CC) 21
2.1.5 Highway Commercial District (HC) 22
2.1.6 Light Highway Commercial District (LHC) 23
2.1.7 Campus Business & Institutional District (CBI) 23
2.1.8 Mobile Home District (MH) 24
2.2 CONDITIONAL DISTRICTS 25
2.3 OVERLAY DISTRICTS 25
2.3.1 Traditional Neighborhood Development Overlay (TND-O) 25
2.4 ZONING DISTRICT BOUNDARY INTERPRETATION 29
2.5 USE TABLE 30
2.6 LOT DIMENSIONAL AND DENSITY STANDARDS 39
ARTICLE 3 - BUILDING AND LOT TYPES 40
3.1 URBAN WORKPLACE 40
3.1.1 Building Placement/Parking/Vehicle Access 40
3.1.2 Description: 40
3.1.3 Encroachment/Pedestrian Access to Building 41
3.1.4 Special Conditions: 41
3.1.5 Permitted Height and Uses 41
3.1.6 Architectural Standard: 42
3.2 SHOPFRONT BUILDING 43
3.2.1 Building Placement/Parking/Vehicular Access 43
3.2.2 Description: 43
3.2.3 Encroachment/Pedestrian Access to Building 44
3.2.4 Special Conditions: 44
3.2.5 Permitted Height and Uses 44
3.2.6 Architectural Standards 45
3.3 HIGHWAY COMMERCIAL 46
3.3.1 Building Placement/Parking/Vehicular Access 46
3.3.2 Description: 47
3.3.3 Vehicular Circulation/Pedestrian Access 47
3.3.4 Special Conditions: 47

3.3.5 Permitted Height and Uses 48
3.3.6 Architectural Standards 48
3.3.7 Typical Shopping Center Site Layout Criteria 49
3.4 APARTMENT BUILDING 49
3.4.1 Building Placement/Parking/Vehicular Access 49
3.4.2 Description: 50
3.4.3 Encroachment/Pedestrian Access 50
3.4.4 Special Conditions: 51
3.4.5 Permitted Height and Uses 51
3.4.6 Architectural Standards 51
3.5 DETACHED HOUSE 52
3.5.1 Building Placement/Parking/Vehicular Access 52
3.5.2 Description: 53
3.5.3 Building Placement/Parking/Vehicular Access 53
3.5.4 Special Conditions: 53
3.5.5 Permitted Height/Uses/Encroachments 54
3.5.6 Architectural Standards 54
3.6 ATTACHED HOUSE 55
3.6.1 Building Placement/Parking/Vehicular Access 55
3.6.2 Description: 56
3.6.3 Encroachment/Pedestrian Access 56
3.6.4 Special Conditions: 56
3.6.5 Permitted Height and Uses 57
3.6.6 Architectural Standards 57
3.7 CIVIC BUILDING 58
3.7.1 Building Placement/Parking/Vehicular Access 58
3.7.2 Description: 59
3.7.3 Encroachment/Pedestrian Access 59
3.7.4 Permitted Height and Uses 60
3.7.5 Architectural Standards 60
ARTICLE 4 - STREETS 62
Introduction 62
4.1 PURPOSE FOR STREET DESIGN STANDARDS 62
4.2 ADMINISTRATIVE 63

4.2.I Plan Review/Approval 63
4.2.2 Bonding 66
4.2.3 Final Inspection 67
4.2.4 Street Maintenance Acceptance 67
4.3 STREET DESIGN 67
4.3.1 Specifications 67
4.3.2 Street Types 68
4.3.3 Erosion Control 73
4.3.4 Utilities 74
4.3.5 Stormwater System Requirements 74
4.3.6 Streets 75
4.3.7 Curb and Gutter 78
4.3.8 Sidewalks 78
4.3.9 Street Lighting 79
4.3.10 Sign Installation 80
4.3.11 Street Names 80
4.4 Definitions 80
4.5 REFERENCES 83
ARTICLE 5 - OFFSTREET PARKING 85
5.1 DESIGN STANDARDS 85
5.1.1 Number of Spaces Required 85
5.1.2 Exceptions 86
5.1.3 Bicycle Parking 86
5.1.4 Overflow Parking 86
5.1.5 Lighting for Parking Lot 86
5.1.6 Landscaping for Parking Lot 86
5.2 OFF-STREET PARKING DESIGN 88
5.2.1 Design Standards 88
5.2.2 Landscaping for Parking Lot 88
ARTICLE 6 - LANDSCAPING AND OPEN SPACE 89
6.1 LANDSCAPE REGULATIONS 89
6.2 STREET TYPES 89
6.3 TREE PRESERVATION AND PROTECTION 89
6.4 BUFFER YARDS 90

6.5 URBAN OPEN SPACE REGULATIONS 91
6.5.1 Design Standards 91
6.5.2 Amount of Open Space to be Provided 91
6.5.3 Conservation Areas 91
6.5.4 Urban Open Space Types 92
ARTICLE 7 - GENERAL PROVISIONS 95
APPLICABILITY 95
7.1 STREET FRONTAGE REQUIRED 95
7.2 ONE PRINCIPAL BUILDING ON A LOT; EXCEPTIONS 96
7.3 LOT SIZE 96
7.4 YARD DESIGNATION 96
7.5 YARD DIMENSIONS FOR CORNER LOTS 96
7.6 THROUGH LOTS 96
7.7 HEIGHT LIMITATION 97
7.8 STRUCTURES AND USES LIMITED IN YARDS 97
7.9 CLEAR SIGHT TRIANGLE AT STREET INTERSECTION 98
7.10 BUILDING SEPARATION 99
7.11 PERMITTED ACCESSORY USES IN ALL DISTRICTS 99
7.12 STANDARDS FOR CONSTRUCTION; DEVELOPER RESPONSIBILITY 100
7.13 REGULATIONS OF NUISANCES 101
7.14 GENERAL STANDARDS FOR DRIVEWAY PERMITTING 101
7.15 SPECIAL REQUIREMENTS FOR LOTS ALONG THOROUGHFARES 101
7.16 STANDARDS FOR RESIDENTIAL GARAGES AND PARKING IN RESIDENTIAL DISTRICTS 103
7.17 FARM ANIMAL RESTRICTIONS 104
7.18 RESERVED 104
7.19 RESERVED 104
7.20 BUFFER YARDS 104
7.21 SCREENS 105
7.22 STREET TREE PLANTING 106
7.23 INSTALLATION AND MAINTENANCE RESPONSIBILITY FOR LANDSCAPING 107
ARTICLE 8 - CONDITIONS FOR CERTAIN USES 108
8.1 ACCESSORY DWELLING 108
8.2 ADULT ESTABLISHMENTS 108
8.3 AGRICULTURAL INDUSTRY IN THE OPS DISTRICT 109

8.4 AIRPORTS 109
8.5 AMUSEMENT FACILITIES (OUTDOOR) 110
8.6 CAR WASH 110
8.7 CEMENTERIES 110
8.8 CHURCHES 110
8.9 COMMERCIAL COMMUNICATION TOWER 111
8.10 COMMERCIAL OUTDOOR KENNEL 112
8.11 DAY CARE CENTERS AND SMALL DAY CARE HOMES 112
8.12 DRIVE THROUGH WINDOWS AS AN ACCESSORY USE 113
8.13 DUPLEX ON CORNER LOT 113
8.14 ELECTRONIC GAMING, FORTUNTE TELLING & PALM READING OPERATIONS 114
8.15 ESSENTIAL SERVICES 1 AND 2 115
8.16 ESSENTIAL SERVICES 3 115
8.17 FACILITIES FOR THE INTAKE AND TRANSFER OFF-SITE OF INORGANIC HOUSEHOLD WASTE AND RESIDENTIAL RECYCLABLES; AND THE INTAKE AND PROCESSING OF YARD WASTE 115
8.18 HAZARDOUS OR INFECTIOUS MATERIAL INCINERATION, HANDLING, OR STORAGE 116
8.19 HELISTOP AS AN ACCESSORY USE 117
8.20 HOME OCCUPATION 117
8.21 JUNK YARDS 118
8.22 NEIGHBORHOOD AND OUTDOOR RECREATION 118
8.23 NEIGHBORHODD AND HIGHWAY COMMERCIAL GASOLINE STATIONS 118
8.24 OFF-SITE LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS 118
8.25 ENVIRONMENTAL SENSITIVE USES NOT EXPRESSLY PERMITTED 120
8.26 OUTDOOR DISPLAY OF VEHICLES AND BOATS FOR SALE 120
8.27 OUTDOOR STORAGE 121
8.28 OUTDOOR STORAGE OF CONSTRUCTION EQUIPMENT 121
8.29 PARKING LOT AS PRINCIPAL USE 122
8.30 PARKS (INCLUDING GREENWAYS) 122
8.31 PETROLEUM STORAGE FACILITIES 122
8.32 QUARRIES 122
8.33 RACEWAYS AND DRAG STRIPS 123
8.34 RIDING ACADEMIES AND COMMERCIAL STABLES 124
8.35 SANITARY LANDFILL 124
8.36 SCHOOLS 125

8.37 SOLID WASTE INCINERATION 125
8.38 SHOOTING RANGES (INDOOR & OUTDOOR) 126
8.39 TEMPORARY USES AND STRUCTURES, INCLUDING SEASONAL MARKETS 128
8.40 TRANSFER STATION FOR ORGANIC AND INORGANIC WASTE PRODUCTS 128
8.41 TRANSIT SHELTER 129
8.42 TRUCKING TERMINALS 129
8.43 CORRECTIONAL FACILITIES 130
8.44 HEAVY INDUSTRIAL USES 130
ARTICLE 9 - SIGNS 132
9.1 PURPOSE 132
9.2 APPLICABILITY 132
9.3 GENERAL PROVISIONS 132
9.4 DISTRICT CLASSIFICATION 132
9.5 SIGN TYPES 133
9.6 SIGN MEASUREMENT 136
9.7 SIGN ILLUMINATION 137
9.8 PERMANENT SIGNS REQUIRING A PERMIT 137
9.8.1 Permanent off-premise signs limited to non-commercial public service direction signs. 138
9.9 TEMPORARY SIGNS REQUIRING A PERMIT 139
9.10 TEMPORARY OFF-PREMISE SIGNS REQUIRING APPROVAL 139
9.11 SIGNS NOT REQUIRING A PERMIT 140
9.12 MASTER SIGNAGE PROGRAMS 142
9.12.1 Special Sign Districts 142
9.12.2 Planned Development Flexibility Option 143
9.13 PROHIBITED SIGNS 143
9.14 APPLICATION AND ISSUANCE OF SIGN PERMITS 144
9.14.1 Application 144
9.14.2 Issuance of Permit. 145
9.14.3 Fees 145
9.14.4 Construction Inspection. 145
9.15 ENFORCEMENT 145
9.15.1 Inspections and Investigations 145
9.15.2 Civil Penalties 146
9.15.3 Other Enforcement Methods 146

9.16 REMOVAL OF NONCONFORMING SIGNS 146
ARTICLE 10 - ADMINISTRATION 148
10.1 ZONING ADMINISTRATION 148
10.2 ENFORCEMENT 150
10.3 APPEALS AND VARIANCES 152
10.3.1 General Rules 153
10.3.2 Officers and Duties 153
10.3.3 Alternate Members 154
10.3.4 Rules of Conduct for Members 154
10.3.5 Meetings 155
10.3.6 Voting 155
10.3.7 Variance, Special Use Permit, and Appeal Applications 156
10.3.8 Quasi-Judicial Hearings and Judicial Review 158
10.4 AMENDMENT PROCESS 160
10.4.1 Purpose and Authority 160
10.4.2 Planning Board 161
10.4.3 Initiation 163
10.4.4 Withdrawal or Amendment of Petition 164
10.4.5 Protested Zoning Amendment 165
10.4.6 Hearing 165
10.4.7 Recommendation and Decision 166
10.4.8 Effect of Denial of Petition 167
10.4.9 When Development Not Begun Within 3 Years 167
10.4.10 Special Use Permit 168
10.5 NONCONFORMITIES 171
10.5.1 Purpose and Applicability 171
10.5.2 Nonconforming Uses 171
ARTICLE 11 - DEFINITIONS AND RULES OF CONSTRUCTION 173
11.1 RULES OF CONSTRUCTION 173
11.2 DEFINITIONS 173
11.2.1 General Definitions 173
12.2.2 Sign Definitions 208
ARTICLE 12 - SUBDIVISION ORDINANCE 213
12.1 PURPOSE AND APPLICABILITY 213

12.1.1 Short Title 213
12.1.2 Purpose 213
12.1.3 Jurisdiction 213
12.1.4 Separability 213
12.1.5 Compliance with Ordinance 213
12.1.6 Applicability 214
12.1.7 Effective Date 214
12.2 DEFINITIONS AND RULES OF CONSTRUCTION 215
12.2.1 Definitions 215
12.2.2 Rules of Construction 220
12.3 DECISION MAKING AND ADMINISTRATIVE BODIES 220
12.3.1 City Staff 220
12.3.2 Planning Board 221
12.3.3 City Council or Designated Administrative Agent 221
12.3.4 Staff to the Planning Board 222
12.4 APPEALS AND VARIANCES 222
12.4.1 Authority 222
12.4.2 Initiation 222
12.4.3 Filing of Variance Petition 223
12.4.4 Standards for Granting a Variance 223
12.4.5 Planning Board Review 223
12.4.6 Action by City Council 223
12.4.7 Rehearing 223
12.4.8 Effect of Grant of Variance 223
12.5 AMENDMENTS 223
12.6 THE SUBDIVISION PROCESS 224
12.6.1 Compliance Required 224
12.6.2 General Requirements 224
12.6.3 Sketch Plan Required for Major Subdivisions 228
12.6.4 Preliminary Plan Requirements 229
12.6.5 Procedures for Approval 231
12.6.6 Final Plat Requirements 234
12.6.7 Plats Already Established by Survey and Record 236
12.6.8 Multi-Building Sites 236

12.6.9 Revocation of Development Approvals. 238
12.7 SUBDIVISION DEVELOPMENT REQUIREMENTS. 238
12.7.1 Design Standards for Streets 238
12.7.2 Design Standards for Lots 240
12.8 REQUIRED WORK ON THE GROUND 241
12.8.1 Standards and Specifications 241
12.8.2 No Service Unless Street Accepted/Approved 246
12.8.3 Modification of Requirements; Bond 247
12.8.4 Inspection 249
12.9 ENFORCEMENT 250
12.10 APPLICATION AND PROCESSING FEES 250

ARTICLE 1 - GENERAL PROVISIONS

1.1 AUTHORITY.

The City is authorized by the North Carolina General Statutes (NCGS) to exercise broad powers in the regulation of zoning, planning, subdivision of land, and building. The City through the Land Development Ordinance intends to use all powers provided by virtue of Chapter 160D-201 to 160D-1405 of the NCGS. The Land Development Ordinance also uses specific powers granted in other Sections of the NCGS relating to particular types of development or particular development issues, including but not limited to right-of-way preservation, sedimentation control, watershed protection, historic preservation, and beautification and urban design.

1.2 TITLE.

This Ordinance shall be known and may be cited as the Land Development Ordinance (hereinafter “the Ordinance”). This Ordinance may also be known and may be referred to as the “LDO.”

1.3 PURPOSE.

The Land Development Ordinance enables the City of Locust to respond uniformly and consistently to development proposals and to promote the health, safety, and general welfare of residents. The City of Locust is also working towards unified development goals that promote the welfare of the entire region, while providing uniformity, certainty, and predictability for persons subject to this Ordinance. This Land Development Ordinance also attempts to provide flexibility in dealing with situations that may fall outside typical processes and requirements. The elements that make up the Land Development Ordinance are interrelated and cannot be taken in isolation; they must be taken within the context and intent of the entire Land Development Ordinance. Specifically, the purposes of this Land Development Ordinance are described in subsections 1.4 through 1.5 of this Section.

1.4 ZONING REGULATIONS.

Zoning regulations are included in Article 2 and the Subdivision Ordinance Pursuant to NCGS § 160D-702, the power of zoning is exercised in order to implement the Land Use Plan, and to:

- To lessen congestion in the streets;
- To secure safety from fire, panic, and other dangers;
- To promote health and general welfare;
- To provide adequate light and air;
- To prevent the overcrowding of land;
- To avoid undue concentration of population;
- To facilitate the adequate and economic provision of transportation, water, sewerage, schools, parks, and other public requirements;
- To protect and/or enhance the character of each zoning district and its peculiar suitability for particular uses;
- To conserve the value of buildings; and
- To encourage the most appropriate use of land throughout the planning areas.

1.5 SUBDIVIDION REGULATIONS.

Subdivision regulations are included in Article 12. Pursuant to NCGS § 160D-804, the power of subdivision control is exercised in order to:

- Implement the Land Use Plan for the City of Locust;
- Provide for the orderly growth and development of the City of Locust and its environs by regulating the subdivision of land;
- Provide for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities;
- Provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the neighborhood and/or for residents within the immediate area;
- Provide for the dedication or reservation of right-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to NCGS §§ 136-66.10 or G.S. 136- 66.11;
- Provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding;
- Provide for the distribution of population and traffic that will enhance public health, safety, and the general welfare;
- Provide that sufficient data is presented accurately by subdividers to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines;
- Provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal or county policies and standards and, to assure compliance with these requirements, by requiring the posting of bonds or any other method that will offer guarantee of compliance;

- Require the preparation and recording of a plat whenever any subdivision of land takes place; and
- Provide that a developer may offer funds for the City of Locust to acquire recreational land to serve the development or subdivision, including the purchase of land which may be used to serve more than one subdivision or development within the immediate area.

1.6 APPLICABILITY.

The Ordinance shall apply to all public buildings and private land(s), and use(s) thereon over which the Town has jurisdiction under the constitutions and laws of the State of North Carolina and of the United States; including any areas within the jurisdiction of the City of Locust pursuant to NCGS § 160D-200. Pursuant to NCGS § 160D-913, each provision of this Land Development Ordinance is applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions. The Planning Department of the City of Locust can be contacted for further information about the use of this Ordinance. Pursuant to NCGS § 160D-703(d) this land development ordinance applies uniformly jurisdiction-wide rather than being applicable only in particular zoning districts.

1.6.1 Zoning Map.

The official Zoning Map of the City of Locust, North Carolina and all notations, references, and other information shown on the map are hereby incorporated and made a part of this Ordinance.

1.6.2 Exceptions to Applicability

- These regulations shall not apply to bona fide farms, as defined in Article 12.
- These regulations shall not apply to horse farms on three or more acres, as defined in Article 12.

1.7 VESTED DEVELOPMENT RIGHTS

1.7.1 Amendments.

Any amendments, modifications, supplements, repeal or other changes in these regulations or the Zoning Maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses:

- for which a building permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to G.S. 160D-403(c) and the building permit has not been revoked pursuant to G.S. 160D-403(f); or
- for which a vested right has been established pursuant to Section 2.2.2 and such vested right remains valid and unexpired pursuant to Section 2.2.2.

1.7.2 Procedures for Establishing Vested Rights Pursuant to G.S. 160D-102.

On or after April 3, 1997, a vested right to commence the development and use of property according to a site-specific development plan is established upon approval of any one of the plans listed in a) through d) below. The vested right thus established is subject to the terms

and *conditions* of the site plan; it shall remain in force for three years from the date of approval (unless otherwise specified).

a) a conditional rezoning;
b) a special use permit;
c) any overlay district for which a site-specific development plan is required under the provisions of this ordinance;
d) a development agreement.

The plans and conditions set out in a) through d) above, as approved by the City Council of Locust, constitute site specific development plans for purposes of G.S. 160D-102. Plans legally vested by the Stanly County Board of Commissioners, according to county ordinance standards, shall be honored for the vested period specified by the County Board.

A right which has been vested by the City of Locust shall remain vested for a period of three years from the date approved. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the City Council when it approves the modification or amendment. A vested right obtained under this sub-section is not a personal right but shall attach to and run with the subject property. A right which has been vested under the provisions of this sub-section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued. When a vested development plan has been partially, but not wholly built to completion by the end of the vesting period, the project as a whole may be completed in conformance with the development standards in effect at the time of the approval, however individual sites within the development shall individually conform to the sign regulations in effect at the sign permitting.

1.7.3 Site-Specific Vesting Plans.

Duration. - A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the City of Locust. The City of Locust may provide that rights regarding a site-specific vesting plan shall be vested for a period exceeding two years, but not exceeding five years, if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions, or other considerations. This determination shall be in the discretion of the City of Locust and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with sub-subdivision c. of this subdivision.

Relation to building permits. - A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160D-1109 and G.S. 160D-1113 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this subsection exists.

Requirements for site-specific vesting plans. - For the purposes of this section, a "site-specific vesting plan" means a plan submitted to the City of Locust pursuant to this section describing

with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as may be used by a local government. Unless otherwise expressly provided by the City of Locust, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan shall be defined by the relevant development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. In the event the City of Locust fails to adopt a regulation setting forth what constitutes a site-specific vesting plan, any development approval shall be considered to be a site-specific vesting plan. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.

Process for approval and amendment of site-specific vesting plans. - If a site-specific vesting plan is based on an approval required by a City of Locust development regulation, the City of Locust shall provide whatever notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two years, that shall not affect the duration of the site-specific vesting plan established under this subdivision. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held. A local government may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. The City of Locust shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the City of Locust's decision approving the plan or such other date as determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the City of Locust as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if such are defined and authorized by local regulation.

Seven years - Multiphase developments. - A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and land development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time

a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

1.7.4 Voluntary Annexations.

A petition for annexation filed with the city under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether a zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested right has been established under G.S. 160D-102 or the failure to sign a statement declaring whether a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

1.7.5 Right to complete residential subdivisions:

Previously approved residential subdivisions not subject to a site specific development plan as defined in .2 above, shall be built to completion according to the zoning and subdivision regulations in force at the time and in the jurisdiction of approval unless a revised subdivision plan is subsequently submitted and approved according to the standards of these regulations.

1.7.6 Right to complete nonresidential subdivisions:

Previously approved non-residential subdivisions, not subject to a site specific development plan as defined in .2 above, that show the location of streets and lots, shall be vested to the extent that substantial resources (time, labor, money) have been expended in good faith reliance upon having received a valid local government approval to proceed.

1.7.7 Building Permits.

Pursuant to G.S. 160D-1111, a building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.

1.7.8 Permit Choice.

If an application made in accordance with local regulation is submitted for a development approval required pursuant to Chapter 160D-108(b) and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit.

1.8 EXPANSION/REDEVELOPMENT OF EXISTING STRUCTURES AND PROJECTS

1.8.1 Non-conforming.

Individual structures which become non-conforming as the effective date of these regulations (April 3rd, 1997) may be expanded upon a finding by the City Administrator that:

- the proposed expansion meets the requirements of these regulations to the extent practicable, given the shape and topography of the tract and the location of existing buildings and site improvements; and
- the proposed expansion does not cause the structure to exceed maximum building size for the district; and
- the development site taken as a whole, including parking, screening, landscaping, and signage, will be brought into conformance with these regulations to the extent practicable.

1.8.2 Existing projects.

Existing multi-building development projects, such as shopping centers, apartment complexes, and business parks, which become non-conforming as to building and site layout as of the effective date of these regulations, are eligible for partial redevelopment, which may include expansion, upon a finding by the City Administrator that:

- the redevelopment or expansion meets the requirements of these regulations to the extent possible, given the shape and topography of the tract and the location of existing buildings; and
- the development site taken as a whole, including parking, screening, landscaping and signage, will be brought into conformance with these regulations to the extent practicable.

1.8.3 Appeal.

Appeal of the City Administrator's decision regarding expansion or redevelopment according to .1 or .2, above shall be to the Locust Board of Adjustment following the procedures of Section 11.3.2.

1.9 BUILDING AND LAND USE.

The use of buildings and land within the City of Locust shall be subject to all other regulations as well as this Ordinance, whether or not such other provisions are specifically referenced in this Ordinance. References to other regulations or provisions of the Ordinance are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other regulations do not apply.

1.10 PERMITS AND CERTIFICATES.

No development activity shall occur on any property within the jurisdiction of this Ordinance until all applicable permits, approvals and certificates have been issued and approved by the appropriate officials.

1.11 FEES.

The City Council may establish any administrative fees necessary to enforce of the zoning ordinance. Such fees shall be limited to the reasonable costs of administering and processing

applications for development approval. No permit shall be processed, and no permit shall be considered to be submitted, until all applicable administrative fees have been paid.

1.12 SEVERABILITY.

It is hereby declared to be the intent of the City Council that the provisions of this Ordinance shall be severable. If any provisions is declared invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decision shall not affect, impair or mollify this Ordinance as a whole or any other part thereof, but the rest of the Ordinance shall continue in full force and effect.

1.13 Zoning Maps

The City Council shall adopt a series of Zoning Maps entitled “Official Zoning Maps, City of Locust, NC” which shall be certified by the City Clerk and retained in the office of the City Council. The Zoning Maps shall set out and delineate into the zoning districts established in Article 2. The zoning maps and notations thereon are hereby designated, established, and incorporated as a part of these regulations and shall be as much part of these regulations as if they were fully described herein.

1.14 EFFECTIVE DATE.

These regulations shall become effective on April 3rd, 1997.

ARTICLE 2 - ZONING DISTRICTS

2.1.CONVENTIONAL DISTRICTS

The Conventional Zoning Districts are established below in a hierarchy from "highest" to "lowest". Reclassification of property to any general zoning district is considered under the procedures of Section 10.4.3. The requirements of each conventional district are established below.

District	Classification
OPS: Open Space District	Residential
NR: Neighborhood Residential District	Residential
GR: General Residential District	Residential
CC: City Center District	Mixed Used
HC: Highway Commercial District	Commercial
LHC: Light Highway Commercial District	Commercial
CBI: Campus Business & Institutional District	Mixed Use
MH: Mobile Home District	Residential

2.1.1 Open Space District (OPS)

Intent: The Open Space District is provided to encourage the development of compact neighborhoods and rural building groups that set aside significant natural vistas and landscape features **(rural heritage features)** for **permanent** conservation. Development typologies associated with the Open Space District are farms, the single house, the farmhouse cluster, the residential neighborhood, and the mixed-use Traditional Neighborhood Development, available as an Overlay District. The Locust Land Development Plan shows the general location of major open space areas to be preserved.

General Requirements

1. Frontage on a public street is required for all lots in the Open Space District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph [el below.)
2. Development Intensity in the Open Space District shall meet the following standards:

Minimum Lot Size	Minimum Lot Width	Min. front set back	Min. rear set back	Min. side set back	Min. corner lot
30,000 sqft	90'	40'	25'	10'	20'

3. All development projects defined as major subdivisions in the OPS District require an approved subdivision sketch plan, according to the requirements of the Locust Subdivision Ordinance. Sketch Plan submittals shall provide enough information to determine rural heritage features on the site. Therefore, submittal shall require a topographic survey, including, among other information, the location of existing buildings, fences, hedgerows, rock outcroppings, tree lines, creeks and other bodies of water. Submission requirements must comprise a land grading

plan showing circumstances before and after development. Grading must follow natural contours of land and minimize land disturbance wherever possible.

4. Special Requirements: Farmhouse Cluster Developments: A Farmhouse Cluster permits the subdivision of land for up to six house lots accessed by way of a shared private drive when the following conditions have been met:

4.1 Minimum project size: 10 acres;

4.2 A paved or graveled private drive shall be constructed on a recorded easement not less than 20 feet in width. If such a private drive crosses a creek or other topographical feature that requires the construction of a bridge, the bridge shall be constructed so as to allow the passage of the heaviest emergency vehicle according to current North Carolina State standards.

4.3 An association of all property owners shall be established for maintenance of the common drive and commonly held spaces, if any;

4.4 The location of building sites shall be determined through a site analysis which identifies rural heritage features to be preserved;

4.5 No minimum lot size or width is required, so long as the project meets all other standards of the district;

4.6 Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common.

4.7 Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pasture land, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut.

4.8 The project shall maintain a generally rural appearance from nearby streets and highways.

4.9 Where a Farmhouse Cluster would eliminate a planned street connection or a street connection indicated on the Land Development Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets less than 70 feet in width and by the reservation of right-of-way for streets 70 feet or wider.

4.10 A Farmhouse Cluster requires an approved subdivision sketch plan, according to the requirements of the Locust Subdivision Ordinance and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.

2.1.2 General Residential District (GR)

Intent: The General Residential District is coded specifically to permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Locust City Council prior to the effective date of these regulations. The application

of the General Residential District is not intended for development projects in the Locust jurisdiction which are initiated after the effective date of this ordinance.

General Requirements

1. Development density, amount and location of open space, arrangement of streets and lots, yard dimensions, and access to existing roads shall be controlled by the most recently approved subdivision plan (sketch, preliminary, or plat.) Any modifications to an approved subdivision plan shall maintain the density of the original plan.
2. Developments in the general residential district which are approved but not yet built, may be permitted minor modifications through the administrative process; however, such developments, if redesigned, must conform to all of the requirements of this ordinance for the Neighborhood Residential District (NR) District (2.1.3 below)
3. In the absence of a subdivision sketch or preliminary plan approved prior to the effective date of this ordinance, the following lot dimensions shall apply:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot Side Yard
20,000sqft	90'	40'	25'	10'	20'

2.1.3 Neighborhood Residential District (NR)

"Towns offer an important lesson in both architecture and citizenship: buildings, like citizens, warrant their idiosyncrasies so long as they behave civilly toward their neighbors. . . "Alex Krieger, PLACES, Winter, 1996 (67)

Intent: The Neighborhood Residential District provides for residential infill development surrounding the traditional City center and its logical extensions. Streets in the Neighborhood Residential District must be interconnected, according to Article 4, Streets, and Urban Open Space provided according to Article 6. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed use buildings at residential scale, according to location criteria. The intensity to which permitted uses may be built is regulated by the building type which corresponds to the use.

General Requirements

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 11 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing small buildings.
2. On new streets, allowable building and lot types will establish the development pattern.
3. All developments of more than 10 acres shall provide at least 10% of the site area as public open space in accordance with Article 6.
4. Every building lot shall have frontage upon a public street.

5. Development Intensity:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot Side Yard
20,000sqft	90'	40'	25'	10'	20'

2.1.4 City Center District (CC)

Place: ". . . a piece of the whole environment that has been claimed by feelings." Alan Gussow, Placeways: A Theory of the Human Environment (209).

"... begin with the place, with a sense of what it is, and then try to imagine a way of being public which would fit the place." Daniel Kemmis, Community and the Politics of Place (41).

Intent: The City Center District provides for revitalization, reuse, and infill development in Locust's traditional City center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The City Center anchors the surrounding residential neighborhoods while also serving the broader community.

General Requirements

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 11 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
2. On new streets, allowable building and lot types will establish the development pattern.
3. The first floor (street level) of any new multi-story building shall devote the first floor area to retail, commercial and/or service uses. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.
4. Every building lot shall have frontage upon a public street or square.
5. All buildings shall have their principal entrance opening to a street, square, plaza or open sidewalk. The principal entrance shall not be open onto an off-street parking lot.
6. Loading/unloading areas shall be located only in the rear or side yard.
7. The first floor of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street.
8. Doors shall be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape.
9. Canopies, awnings and similar appurtenances may be constructed over the entrance to any building subject to the following criteria:
    - Material shall complement the streetscape,

- Any such appurtenance may extend from the building up to eighty percent (80%) of the width of the sidewalk area in front of the building, subject to any encroachment permit which may be required by NCDOT.
- A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.

10. No auto-oriented uses shall be located within four hundred (400) feet of another auto-oriented use, as measured from the exterior boundaries of the buildings.

2.1.5 Highway Commercial District (HC)

Intent: The Highway Commercial District is established to provide primarily for auto-dependent uses in areas less amenable to easy pedestrian access and a comfortable pedestrian environment. It is expected that the Highway Commercial District will serve not only the Locust Community, but highway travelers as well. Because of the scale and access requirements of uses in this category, they often cannot be compatibly integrated within the City Center District. Development at district boundaries must provide a compatible transition to uses outside the district; frontages on major and minor arterials will require formal street tree planting.

General Requirements

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 11 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
3. On new streets, allowable building and lot types will establish the development pattern.
4. Where screening is required for activities involving any sale, use, repair, storage, or cleaning operation, the standards of Article 7 shall apply:
5. Any Highway Commercial District shall be bordered on at least one side by a major or minor thoroughfare.
6. The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
7. Every building lot shall have frontage upon a public street or square except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network. A site specific development plan for multiple buildings on one parcel may be considered for approval in the Highway Commercial District to permit interior access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the building complex front upon public street(s) when space is adequate to accommodate the proposed construction style.

2.1.6 Light Highway Commercial District (LHC)

"Attachment to the area and the sense of place that it imparts expand with the individual 's walking familiarity with it. In such locales, parents and their children range freely. The streets are not only safe, they invite human connection."
Ray Oldenburg
The Great Good Place (210)

Intent: The Light Highway Commercial District is provided for the location of services, small workplaces, civic and residential buildings adjacent to a neighborhood or grouping of neighborhoods. Buildings shall be compatible with surrounding residencies. If a Light Highway Commercial District is the focus of a planned transit stop, it should be designed to serve the neighborhood's residential base plus transit riders.

General Requirements:

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings. New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 11 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
2. On new streets, allowable building and lot types will establish the development pattern.
3. In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
4. New Construction favors office first floor, office or residential second floor

Every building lot shall have frontage upon a public street or square unless part of a comprehensive development plan with a network of private streets.

11. Every building shall have frontage upon a public street or square. A site specific development plan for multiple buildings on one parcel may be considered for approval in the Light Highway Commercial District to permit interior access by private drives so long as business and emergency access is furnished to all interior building sites and proposed buildings at the perimeter of the building complex front upon public street(s) when space is adequate to accommodate the proposed construction style.

2.1.7 Campus Business & Institutional District (CBI)

*"Any serious move by a **local economic development** organization goes **hand** in hand with an effort to identify and describe the characteristics of that locality which set it apart and give it a distinct identity." Daniel Kemmis, Community and the Politics of Place (88)*

Intent: The Campus Business & Institutional District is established to provide for large business or light industrial parks and institutional complexes which are already in place and for new developments of these uses on 15 acres or more which, because of the scale of the **buildings or the nature** of the activity, cannot be fully integrated into the fabric of the community. Campus districts, unlike City districts, are buffered from neighboring properties; nonetheless, buildings

in the campus district that front a City street shall relate to the street as prescribed by building type. Individual institutional buildings oriented to streets, and scaled for compatibility with the surrounding built environment, are permitted in any district and should not be reclassified to the Campus Institutional District. Individual workplace buildings oriented to the street and scaled for compatibility with the surrounding environment are also permitted in the Highway Commercial district and, on a smaller scale, in the City Center and TND Overlay District. Such workplaces should not be reclassified to the Campus Business District.

General Requirements

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 11 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

Where necessary scale of building prevents design compatibility, buffer standards of Article 6 and Sections 7.20 and 7.21 shall apply.

2. On new streets, allowable building and lot types will establish the development pattern.
3. The interior of new campus developments shall be laid out along a street pattern and maintain well defined open space to give prominence to important structures and allow for assembly and pedestrian circulation; quadrangles are recommended.
4. Every building lot shall have frontage upon a public street, square, or quadrangle; buildings fronting on quadrangles shall provide for vehicular access from a rear alley or street.
5. The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

2.1.8 Mobile Home District (MH)

Intent: The Mobile Home District is established to provide for existing neighborhoods which include mobile homes and for their improvement. The application of the MH District is not intended for development purposes in the Locust jurisdiction which are initiated after the effective date of this ordinance.

General Requirements

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
2. On streets, allowable building and lot types will establish the development pattern.
3. All subdivision standards will be met.
4. In mobile home subdivisions, any mobile home may be replaced with another mobile home of at least comparable width. The replacement mobile home must meet all code requirements.
5. Existing mobile home parks that are not subdivided into individual deeded lots may continue operation but may not be expanded. Any mobile home may be replaced with another

mobile home of at least comparable width. The replacement mobile home must meet all code requirements and be a Class A or Class b Manufactured Home as defined in Article 12.1.1

2.2 CONDITIONAL DISTRICTS

Conditional districts correspond to conventional districts. They provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the conventional district has insufficient standards to mitigate the site-specific impact on surrounding areas. Uses which may be considered for a conditional district are restricted to those uses permitted in the corresponding conventional zoning district. Conditional districts are established on an individual basis, at the request of the property owner.

District	Classification
OPS (CD): Open Space District (Conditional District)	Residential
NR (CD): Neighborhood Residential District (Conditional District)	Residential
GR (CD): General Residential District (Conditional District)	Residential
CC (CD): City Center District (Conditional District)	Mixed Use
HC (CD): Highway Commercial District (Conditional District)	Commercial
LHC (CD): Light Highway Commercial District (Conditional District)	Commercial
CB (CD): Campus Business & Institutional District (Conditional District)	Mixed Use

2.3 OVERLAY DISTRICTS

An Overlay District is a zoning district which is applied only in conjunction with another zoning district. It may grant additional uses, restrict permitted uses, or impose development requirements which differ from those of the underlying district. The underlying district and the overlay district, taken together, will control development. The Overlay Districts are established below.

District	Classification
TND-O: Traditional Neighborhood Development Overlay District	Mixed use

2.3.1 Traditional Neighborhood Development Overlay (TND-O)

Intent: The Traditional Neighborhood Development Overlay District is provided for the development of new neighborhoods and the revitalization or extension of existing neighborhoods, which are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TNDs) offer a mixture of housing types and prices, prominently sited civic or community buildings, and stores/offices/workplaces to provide a balanced mix of activities. Church and preschool/elementary school facilities are encouraged. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. The TND Overlay District can be applied in the Neighborhood Residential District, on a site of 40 acres or more, and in the Open Space District, on a site of 65 acres or more.

General Requirements

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 11 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

2. On new streets, allowable building and lot types will establish the development pattern.
3. A master plan in compliance with Traditional Neighborhood Development standards shall be provided with any application to reclassify property to a TND-O. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges.

TND Development Provisions

1. Minimum Development Size: generally, 40 acres as an overlay of the NR District and 65 acres in the OPS District. To allow for the gradual accretion of a TND, which may include the participation of several property owners over an extended period of time, a partial TND of less than the minimum number of acres may be considered for approval, so long as the project shows an integrated design for at least the minimum size and the potential to become a TND of at least 40 or 65 acres as noted above.
2. Maximum Development Size: 200 acres Tracts larger than 200 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all provisions.
3. Maximum Permitted Densities are determined by the standards of the underlying district. Density in the OPS District correlates to open space provision; density in the NR District is a function of permitted building and lot types.

TND Design Provisions

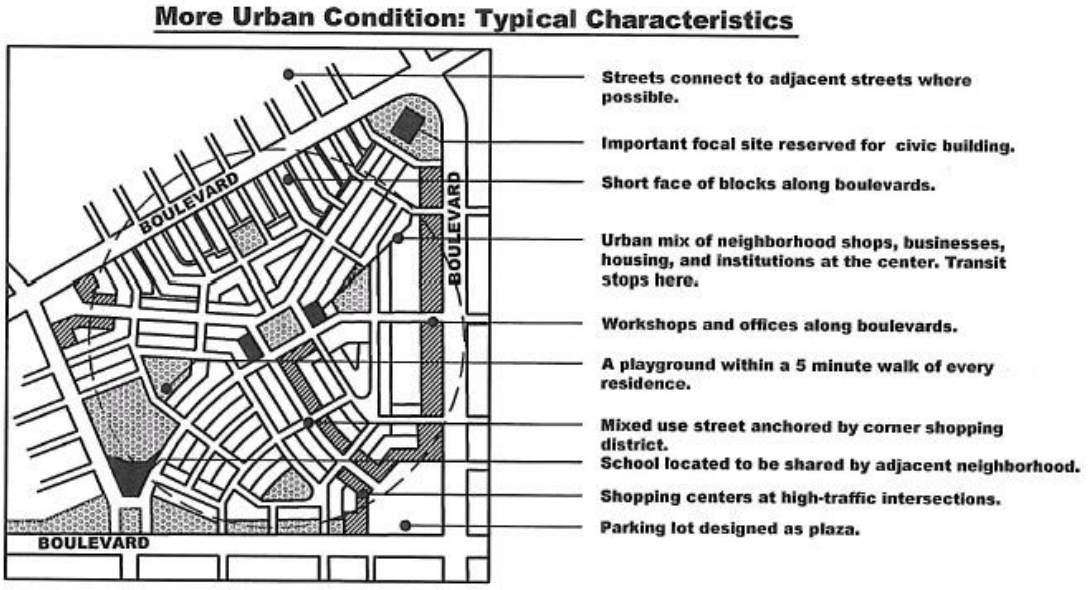
1. Neighborhood Form
    a. The illustrations of Traditional Neighborhood Street Typologies in Article 3 show the general arrangement and distribution of elements in a more urban TND, overlaying the NR District, and in a less urban TND, overlaying the OPS District.
    b. The area of the TND shall be divided into blocks, streets, lots, and open space.
    c. Similar land uses shall generally enfront across each street. Dissimilar categories shall general abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.
2. Streets
    a. Public streets shall provide access to all tracts and lots.

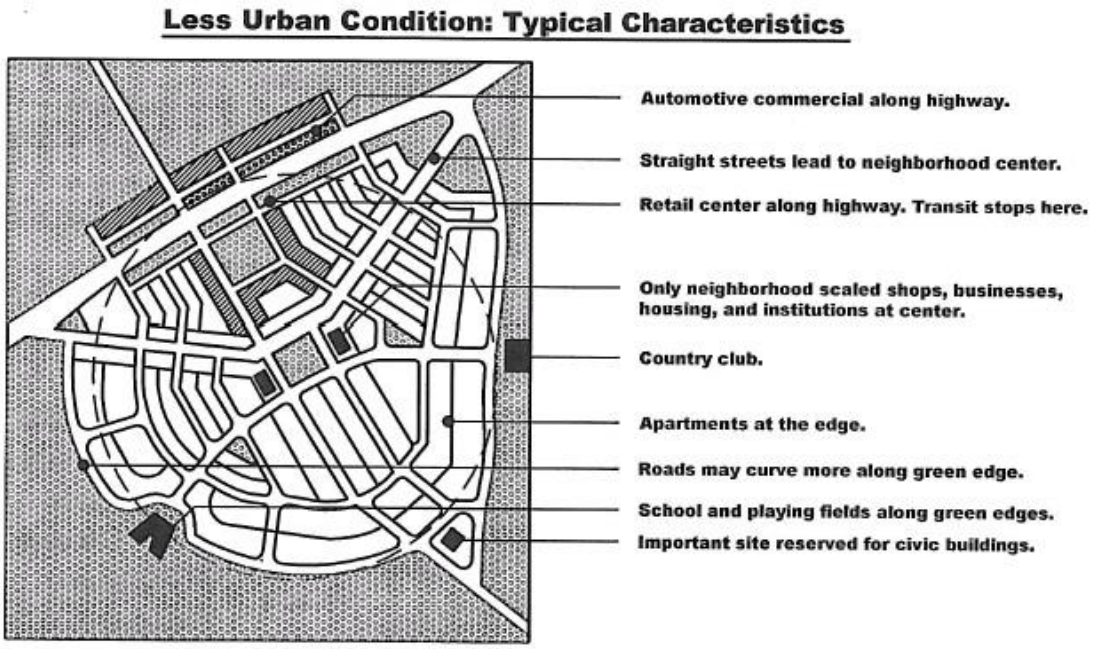
b. Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sac shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted where topography makes a street connection impracticable. In most instances, a "close" or "eyebrow" is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.
c. The average perimeter of all blocks within the TND should not exceed 1,350 feet. No block face should have a length greater than 500 feet without a dedicated alley or pathway providing through access.
d. A continuous network of rear alleys is recommended for all lots in a TND; rear alleys shall provide vehicular access to lots less than 60 feet in width.
e. Utilities shall run along alleys wherever possible.
f. TND streets shall be organized according to a hierarchy based on function, size. capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted sketch plan. Each street type in a TND shall be separately detailed. Street types illustrated in Article 5 represent the array of elements that are combined to meet the purposes of TND neighborhood streets: building placement line, optional utility allocation, and sidewalk. planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use.
g. To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods: (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (Article 4) and terminate vistas with a significant feature (building, park, natural feature); (2) a street can be terminated with a public monument, specifically designed building facade or a curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

3. Buildings and Lots
    a. All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.
    b. Consistent build-to lines shall be established along all streets and public space frontages. Build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
    c. Building and lot types shall comply with Article 3.

d. Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

4. Open Space
    a. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements. Design of urban open space shall comply with Article 6. Rural open space, as required in the OPS District, is site specific in its designation. Section 2.3.1 describes the site analysis required to identify qualifying rural open space.
5. Parking and Landscaping:
    a. Off-street parking shall comply with Article 6. Landscaping shall comply with Article 7
6. Typical TND layouts





2.4 ZONING DISTRICT BOUNDARY INTERPRETATION

1. Where district boundaries are showing within a street or alley right-of-way, railroad or utility line right-of-way, recorded easement, or navigable or non-navigable waterway, such boundaries shall be construed to be in the center of the right-of-way, easement, or waterway.
2. Where District boundaries are so indicated that they approximately follow lot lines, or town, city, or county borders, such lot lines shall be construed to be said district boundaries, unless otherwise indicated.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is shown, such distance shall be determined by use of the scale shown on the official Zoning Maps.
4. Where a district boundary line divides a single lot, each part of the lot shall be used in conformity with the standards established by these regulations for the district in which that part is located.
5. If, because of error or omission in the maps, any property within the jurisdiction of this ordinance is not shown as being in a zoning district, such property will be classified as OPS until changed by amendment.
6. When a zoning case file contains detailed, verifiable information regarding the boundary, that information will be used as the correct boundary location.
7. In instances where none of the above methods are sufficient to resolve the boundary location, the reasonable maintenance of a regular boundary will be used to establish the boundary location.

2.5 USE TABLE

P - Permitted Use	S - Permitted Use with Supplemental Regulations	C - Conditional Zoning	(-) Prohibited Use

	Zoning Districts								
Use	**OPS**	**GR**	**NR**	**CC**	**HC**	**LHC**	**CBI**	**MH**	**TND-O**
RESIDENTIAL									
Accessory Dwellings (8.1)	S	S	S	-	-	-	-	-	S
Duplex (2 dwellings units per lot) (8.13)	S	S	S	S	S	-	-	-	S
Group Home (See Article 12 for definition)	P	P	P	P	P	-		-	P
Home Occupations (8.19)	S	S	S	S	S	-	S	S	S
Multi-family Dwellings - 3 or more dwelling units	C	-	-	C	C	-	-		C
Single family, attached	P	P	P	P	-	-	-	P	P
Single family, detached	P	P	P	P	-	-	-	-	P
Single family, manufactured home (3.2.7(a))	-	-	-	-	-	-	-	S	-
Single family, modular home	-	P	P	-	-	-	-	P	-
INSTITUTIONAL & CIVIC									
Animal Shelter	-	-	-	-		-	P	-	-
Auditorium/Indoor Public Assembly, up to 350 seats	-	-	-	C	C	-	P	-	-
Auditorium/Indoor Public Assembly, more than 350 seats	-	-	-	-	C	-	P	-	-
Botanical Gardens/Nature Preserves	P	-	-	-	-	-	-	-	-
Campgrounds, private	C	-	-	-	-	-	-	-	-
Cemeteries & Mausoleums (8.7)	C	C	C	C		-	C		-
Child Care Center & Small Day Care Homes (8.11)	S	S	S	S	C/S	C/S	S	S	S
Civic, Social and Fraternal Organizations (11.2.1)	C	C	C	C	C	C	C		C
Correctional Institutions	-	-	-	-	-	-	C	-	-
Country Club/Recreational Sports Clubs (excl. shooting ranges)	P	-	-	-	-	-	P	-	-
Convention Center/Visitors Bureau	-	-	-	P	C	P	P	-	-
Golf Course, public or private	P	-	-	-	-	-	-	-	-
Government Buildings (excl. correctional institutions) and Facilities	P	-	-	P	P	P	P	-	-
Hospital	-	-	-	-	C	-	P	-	-
Museums and Art Galleries	-	-	-	P	P	-	P	-	-
Park - Public, neighborhood	P	P	P	P	-	-	-	P	P
Park - Public, other than neighborhood.	P	P	P	P	-	-	P	P	P
Postal Service Facilities	-	-	-	C	C	C	-	-	-
Religious Institutions, up to 350 seats	-	-	-	C	C	-	C	-	-

P - Permitted Use	S - Permitted Use with Supplemental Regulations	C - Conditional Zoning	(-) Prohibited Use

Use	Zoning Districts								
	OPS	GR	NR	CC	HC	LHC	CBI	MH	TND-O
Religious Institutions, more than 350 seats	P	-	-	-	C	-	C	-	-
School - Boarding	-	-	-	-	P	-	P	-	-
School - Business, Computer and Management	-	-	-	P	P	P	P	-	-
School - Charter, Private & Parochial	C	-	-	-	P	-	P	-	-
School - Public, Elementary & Secondary (8.35)	S	S	S	S	-	-	S	-	S
School - Technical & Trade	-	-	-	-	P	-	P	-	-
School - University or College	-	-	-	-	-	-	P	-	-
Social Assistance (excluding childcare centers)	-	-	-	-	C	-	C	-	-
Zoo, public or private	C	-	-	-	-	-	-	-	-
PROFESSIONAL OFFICE/BUSINESS SERVICES									
Accounting & Tax Services	-	-	-	P	P	C	-	-	-
Advertising & Related Services (excl. Sign Lettering/Painting)	-	-	-	P	P	C	-	-	-
Architectural, Engineering & Related Services	-	-	-	P	P	C	-	-	-
Automobile Repair	-	-	-	C	C	-	P	-	-
Banks, Finance an Insurance Offices	-	-	-	P	C	C	P	-	-
Broadcasting & Telecommunications (excl. Towers)	-	-	-	C	C		P	-	-
Building, Chimney, Pool Cleaning Services	-	-	-	P	P	-	P	-	-
Carpet & Upholstery Cleaning Services	-	-	-	P	P	-	P	-	-
Catering Services	-	-	-	P	C	-	P	-	-
Clothing Alterations/Repair, Footwear Repair	-	-	-	P	P	-	P	-	-
Collection Agencies	-	-	-	P	P	-	P	-	-
Computer System Design & Related Services	-	-	-	P	P	P	P	-	-
Credit Bureaus	-	-	-	P	P	P	P	-	-
Data Processing and News Services	-	-	-	P	P	P	P	-	-
Delivery/Courier Service, Local	-	-	-	P	C	-	P	-	-
Dry Cleaning and Laundry Services	-	-	-	P	C	-	P	-	-
Electronics and Appliance Repair	-	-	-	P	C	-	P	-	-
Employment/Personnel Services/Agencies	-	-	-	P	P	P	P	-	-
Environmental Consulting Services	-	-	-	P	P	P	P	-	-
Fortune Telling/Palm Reading Services (8.14)	-	-	-	-	C	-	-	-	-
Funeral Home & Services	-	-	-	-	C	-	-	-	-
Graphic Design Services	-	-	-	P	P	P	P	-	-
Hair, Nail & Skin Care Services	-	-	-	P	P	-	P	-	-
Indoor Recreational Facilities	-	-	-	-	C	-	P	-	-
Industrial Design Facilities	-	-	-	P	P	P	P	-	-
Interior Design Services	-	-	-	P	P	P	P	-	-
Investigation & Security Services, Locksmiths	-	-	-	P	P	P	P	-	-
Janitorial Services	-	-	-	P	P	P	P	-	-

P - Permitted Use	S - Permitted Use with Supplemental Regulations	C - Conditional Zoning	(-) Prohibited Use

Use	Zoning Districts								
	OPS	GR	NR	CC	HC	LHC	CBI	MH	TND-O
Legal Services	-	-	-	P	P	P	P	-	-
Management/Holding Company Offices	-	-	-	P	P	P	P	-	-
Management & Marketing Consultants	-	-	-	P	P	P	P	-	-
Medical/Health Care Offices	-	-	-	P	C	C	P	-	-
Motion Picture & Sound Recording (excl. Theaters)	-	-	-	P	P	-	P	-	-
Office Administrative Services	-	-	-	P	P	P	P	-	-
Other Business Support Services	-	-	-	P	P	P	P	-	-
Personal and Household Goods Repair	-	-	-	-	P	-	P	-	-
Pest Control Services	-	-	-	-	P	-	P	-	-
Pet Care Services (excl. Kennels & Veterinary Serv.)	-	-	-	P	C	-	P	-	-
Pet Care Services - Kennels only	-	-	-	-	C	-	P	-	-
Photocopy Services (excl. studios)	-	-	-	P	P	P	P	-	-
Publishing Industries	-	-	-	-	C	-	P	-	-
Real Estate & Leasing Offices (excl. mini-warehousing)	-	-	-	P	P	P	P	-	-
Scientific Research & Development Services	-	-	-	P	P	-	P	-	-
Sports and Recreation Instruction/Camps	P	-	-	P	C	-	P	-	P
Telemarketing/Telephone Call Centers	-	-	-	-	C	-	C	-	-
Travel Services/Agents	-	-	-	P	P	P	P	-	-
Veterinarian Offices/Animal Hospitals	-	-	-	P	C	-	P	-	-
Weight Reducing centers, non-medical	-	-	-	P	P	-	P	-	-
RETAIL TRADE									
Amusement Park	-	-	-	-	-	-	C	-	-
Amusement Arcade (indoor only)	-	-	-	C	C	-	C	-	-
Art Dealers	-	-	-	P	C	-	P	-	-
Art Supply Stores	-	-	-	P	C	-	P	-	-
Auction House (General Merchandise)	-	-	-	P	C	-	P	-	-
Automotive Parts, Tires, and Accessories	-	-	-	C	C	-	P	-	-
Automobile Rental & Leasing	-	-	-	C	C	-	P	-	-
Automobile Sales, New & Used	-	-	-	C	C	-	C	-	-
Baked Goods/Snack Shops (excl. drive-thru)	-	-	-	P	C	-	P	-	-
Bed & Breakfast Inns	C	-	-	P	C	-	P	-	-
Book, Periodical & Music Stores	-	-	-	P	P	-	P	-	-
Bowling Centers	-	-	-	P	C	-	P	-	-
Building Material Supply (with outdoor storage)	-	-	-	-	C	-	P	-	-
Building Material Supply (with no outdoor storage)	-	-	-	C	C	-	P	-	-
Brewpubs/Brewery - Micro	-	-	-	P	C	-	P	-	-
Brewery - Large	-	-	-	-	C	-	P	-	-
Car Wash (as a principal use)	-	-	-	-	C	-	P	-	-

P - Permitted Use	S - Permitted Use with Supplemental Regulations	C - Conditional Zoning	(-) Prohibited Use

	Zoning Districts								
Use	**OPS**	**GR**	**NR**	**CC**	**HC**	**LHC**	**CBI**	**MH**	**TND-O**
Cemetery Monument Dealers	-	-	-	-	C	-	P	-	-
Clothing & Clothing Accessories	-	-	-	P	C	-	P	-	-
Consignment/Used Merchandise Stores	-	-	-	C	C	-	P	-	-
Convenience Store (with or without gas sales)	-	-	-	C	C	-	P	-	-
Distillery	-	-	-	P	C	-	P	-	-
Equestrian Boarding & Riding Arenas, Commercial	C	-	-	-	-	-	-	-	-
Equipment Rental & Leasing (with indoor storage)	-	-	-	C	C	-	P	-	-
Equipment Rental & Leasing (with outdoor storage)	-	-	-	-	C	-	P	-	-
Electronics & Appliance Rental	-	-	-	C	P	-	P	-	-
Electronics, Camera & Appliance Stores	-	-	-	P	C	-	P	-	-
Electronic Gaming Establishments (8.14)	-	-	-	-	C/S	-	S	-	-
Farmer's Market, Fruit & Vegetable Stand (8.37)	S	-	-	S	S	-	S	-	-
Florist	-	-	-	P	P	-	P	-	-
Formal Wear & Costume Rental	-	-	-	P	P	-	P	-	-
Furniture & Home Furnishings	-	-	-	C	C	-	P	-	-
Furniture/Party Supply/Sporting goods Rental	-	-	-	C	C	-	P	-	-
Game Preserves	C	-	-	-	-	-	-	-	-
General Merchandise Stores (less than 25,000 sq. ft.)	-	-	-	P	C	-	P	-	-
Gift, Novelty & Souvenir Stores	-	-	-	P	P	-	P	-	-
Grocery/Food Stores (excl. convenience stores)	-	-	-	P	C	-	P	-	-
Health Clubs & Fitness Centers	-	-	-	P	C	-	P	-	-
Hobby, Toy & Game Stores	-	-	-	P	C	-	P	-	-
Hotel, Motels & Extended Stay Lodging Facilities	-	-	-	C	C	-	C	-	-
Jewelry, Luggage and Leather Goods	-	-	-	P	P	-	P	-	-
Lawn & Garden Supply (with outdoor storage or display)	-	-	-	-	C	-	P	-	-
Lawn & Garden Supply (with no outdoor storage or display)	-	-	-	C	C	-	P	-	-
Liquor Sales (ABC Stores)	-	-	-	P	P	-	P	-	-
LP Gas & Heating Oil Dealers	-	-	-	-	C	-	P	-	-
Manufactured Home Sales	-	-	-	-	C	-	C	-	-
Miniature Golf Course	-	-	-	C	C	-	P	-	-
Mini-warehousing/Self-storage Leasing	-	-	-	-	C	-	P	-	-
Motion Picture Theaters (excl. drive-in)	-	-	-	P	C	-	P	-	-
Motion Picture Theaters (drive-in)	-	-	-	-	C	-	P	-	-
Motorcycle, Boat & RV Dealers, New & Used	-	-	-	-	C	-	P	-	-
Musical Instrument & Supplies	-	-	-	P	P	-	P	-	-

P - Permitted Use	S - Permitted Use with Supplemental Regulations	C - Conditional Zoning	(-) Prohibited Use

	Zoning Districts								
Use	**OPS**	**GR**	**NR**	**CC**	**HC**	**LHC**	**CBI**	**MH**	**TND-O**
Nurseries	C	-	-	-	C	-	P	-	-
Office Supplies & Stationery Stores	-	-	-	C	C	-	P	-	-
Parking Lots & Structures, Commercial	-	-	-		-	-	P	-	-
Pawnshops (subject to NCGS, Chapter 91A)	-	-	-	-	C	-	-	-	-
Pet & Pet Supply Stores	-	-	-	C	C	-	P	-	-
Pharmacies, Health & Personal Care Stores	-	-	-	P	C	-	P	-	-
Photography Studios	-	-	-	P	P	-	P	-	-
Private Clubs	-	-	-	P	C	-	P	-	-
Racetracks/Spectator Sports (includes racing test tracks) (8.32)	-	-	-	-	-	-	S	-	-
Reception Facilities	-	-	-	P	C	-	P	-	-
Restaurant, Full Service (dine-in only)	-	-	-	P	C	-	P	-	-
Restaurant, Limited Service (delivery, carryout, drive-thru) (8.12)	-	-	-	C	C	-	S	-	-
Sewing, Needlework & Piece Goods Stores	-	-	-	P	P	-	P	-	-
Sewer/Septic Cleaning Services	-	-	-	-	P	-	P	-	-
Sexually-Oriented Businesses (8.2)	-	-	-	-	C	-	-	-	-
Shoe Stores	-	-	-	P	C	-	P	-	-
Shopping Centers, less than 25,000 gross sq. ft.	-	-	-	C	C	-	P	-	-
Shopping Centers/Superstore, 25-80,000 gross sqft.	-	-	-	-	C	-	P	-	-
Shopping Centers/Superstore, 80,000+ gross sqft.	-	-	-	-	C	-	C	-	-
Shooting Ranges/Archery Ranges	-	-	-	-	-	-	P	-	-
Sign Lettering & Painting	-	-	-	-	P	-	P	-	-
Sporting Goods Stores	-	-	-	C	C	-	P	-	-
Swimming Pool, Hot Tub Supply Stores	-	-	-	-	C	-	C	-	-
Tanning Salons, Ear Piercing, Permanent Make-up Salons	-	-	-	C	C	-	P	-	-
Tattoo Parlors, Body Piercing	-	-	-	C	C	-	P	-	-
Tobacco Stores and Vapor Shops	-	-	-	C	C	-	P	-	-
Trophy Shops	-	-	-	P	P	-	P	-	-
Truck Stop, Travel Plaza	-	-	-	C	C	-	C	-	-
Video Tape & Disk Rental	-	-	-	C	C	-	C	-	-
Winery-Cidery	-	-	-	C	C	-	P	-	-
Vineyard-Orchard	C	-	-	-	-	-	-	-	-
WHOLE TRADE (No outside storage unless specified)									
Alcohol Beverage Supply	-	-	-	C	C	-	P	-	-
Book, Periodical & Newspaper Sales	-	-	-	P	C	-	P	-	-

P - Permitted Use	S - Permitted Use with Supplemental Regulations	C - Conditional Zoning	(-) Prohibited Use

	Zoning Districts								
Use	**OPS**	**GR**	**NR**	**CC**	**HC**	**LHC**	**CBI**	**MH**	**TND-O**
Chemical, Plastics & Allied Products	-	-	-	-	-	-	P	-	-
Clothing, Piece Goods & Shoe Supply	-	-	-	-	-	-	P	-	-
Coal & Ore Supply (with outdoor storage)	-	-	-	-	-	-	C	-	-
Electronic Equipment and Parts Supply	-	-	-	-	-	-	P	-	-
Farm Products (Raw Materials) Sales	-	-	-	-	-	-	P	-	-
Farm Supply Products Sales (with indoor storage)	-	-	-	-	C	-	P	-	-
Farm Supply Products Sales (with outdoor storage)	-	-	-	-	C	-	C	-	-
Florist & Nursery Supply (with indoor storage)	-	-	-	-	C	-	P	-	-
Florist & Nursery Supply (with outdoor storage)	-	-	-	-	C	-	C	-	-
Furniture & Home Furnishings Sales	-	-	-	-	C	-	P	-	-
Grocery/Food Sales	-	-	-	-	C	-	P	-	-
Hardware, Plumbing & Heating Supply	-	-	-	-	C	-	P	-	-
Jewelry Supply	-	-	-	-	C	-	P	-	-
Lumber & Construction Materials (with indoor storage)	-	-	-	-	C	-	P	-	-
Lumber & Construction Materials (with outdoor storage)	-	-	-	-	C	-	C	-	-
Metal & Pipe Supply (with indoor storage)	-	-	-	-	C	-	P	-	-
Metal & Pipe Supply (with outdoor storage)	-	-	-	-	C	-	C	-	-
Motor Vehicle - New Parts Supply	-	-	-	-	C	-	P	-	-
Motor Vehicle - Used/Salvaged Parts (indoor storage)	-	-	-	-	-	-	P	-	-
Motor Vehicle - Used/Salvaged Parts (outdoor storage)	-	-	-	-	-	-	C	-	-
Music & Musical Instrument Supply	-	-	-	-	C	-	P	-	-
Paint, Varnish & Paint Supplies	-	-	-	-	C	-	P	-	-
Paper/Paper Product Supply	-	-	-	-	C	-	P	-	-
Petroleum/Petro. Products (excl. Bulk Terminals)	-	-	-	-	-	-	P	-	-
Petroleum/Petro. Products (Bulk Terminals)	-	-	-	-	-	-	P	-	-
Pharmaceutical and Drug Supply	-	-	-	-	-	-	P	-	-
Professional & Commercial Equipment Supply	-	-	-	-	-	-	P	-	-
Tobacco/Tobacco Product Sales	-	-	-	-	-	-	P	-	-
AGRICULTURAL USES						-			
Animal Production & Support (excl. Swing & Feed Lots) (8.3)	S	-	-	-	-	-	-	-	-
Auction Sales - Livestock only (8.3)	S	-	-	-	-	-	-	-	-
Crop Production (9.3)	S	-	-	-	-	-	-	-	-
Crop Production Support Activities (8.3)	S	-	-	-	-	-	-	-	-
Feed Lots (8.3)	S	-	-	-	-	-	-	-	-

P - Permitted Use	S - Permitted Use with Supplemental Regulations	C - Conditional Zoning	(-) Prohibited Use

Use	Zoning Districts								
	OPS	GR	NR	CC	HC	LHC	CBI	MH	TND-O
Forestry and Logging (8.3)	S	-	-	-	-	-	-	-	-
Hunting, Fishing and Game Preserves (commercial) (8.3)	S	-	-	-	-	-	-	-	-
Swine Farms (8.3)	S	-	-	-	-	-	-	-	-
MANUFACTURING AND INDUSTRIAL USES									
Abrasive Products Manufacturing	-	-	-	-	-	-	P	-	-
Automotive Race Cars and Parts Manufacturing	-	-	-	-	-	-	P	-	-
Beverage & Tobacco Manufacturing	-	-	-	-	-	-	P	-	-
Broom, Brush & Mop Manufacturing	-	-	-	-	-	-	P	-	-
Burial Casket Manufacturing	-	-	-	-	-	-	P	-	-
Candle & Potpourri Manufacturing	-	-	-	-	-	-	P	-	-
Cement/Concrete (ready-mix) and Concrete Produce Manufacturing	-	-	-	-	-	-	P	-	-
Chemical Manufacturing	-	-	-	-	-	-	P	-	-
Clay & Brick Product Manufacturing	-	-	-	-	-	-	C	-	-
Computer, Electronics & Appliance Manufacturing	-	-	-	-	-	-	P	-	-
Concrete (dry mix), Synthetic Stone, Stucco Manufacturing	-	-	-	-	-	-	P	-	-
Contractors Office/Shop (with outdoor storage)	-	-	-	-	-	-	C	-	-
Contractors Office/Shop (with indoor storage)	-	-	-	-	-	-	P	-	-
Cut Stone & Stone Product Manufacturing (excl. quarrying)	-	-	-	-	-	-	P	-	-
Dental Laboratories (5,000 sq. ft or less gross floor area)	-	-	-	-	-	-	P	-	-
Dental Laboratories (exceeding 5,000 sq. ft of gross floor area)	-	-	-	-	-	-	P	-	-
Electronic Shopping & Mail-Order Houses	-	-	-	-	-	-	P	-	-
Equipment Manufacturing (all types)	-	-	-	-	-	-	P	-	-
Fabricated Metal Product Manufacturing	-	-	-	-	-	-	P	-	-
Fastener, Button, Needle & Pin Manufacturing	-	-	-	-	-	-	P	-	-
Food Manufacturing (excl. Animal Slaughtering & Processing)	-	-	-	-	-	-	P	-	-
Food Manufacturing - Animal Slaughtering & Processing)	-	-	-	-	-	-	P	-	-
Furniture & Related Products Manufacturing	-	-	-	-	-	-	P	-	-
Gasket, Packing & Sealing Device Manufacturing	-	-	-	-	-	-	P	-	-
Glass/Glass Product Manufacturing	-	-	-	-	-	-	P	-	-
Industrial Launderers	-	-	-	-	-	-	P	-	-
Jewelry & Silverware Manufacturing	-	-	-	-	-	-	P	-	-
Landfill - Demolition & Inert Debris	-	-	-	-	-	-	P	-	-

P - Permitted Use	S - Permitted Use with Supplemental Regulations	C - Conditional Zoning	(-) Prohibited Use

	Zoning Districts								
Use	**OPS**	**GR**	**NR**	**CC**	**HC**	**LHC**	**CBI**	**MH**	**TND-O**
Lime & & Gypsum Product Manufacturing (excl. quarrying)	-	-	-	-	-	-	P	-	-
Mineral Wool/Fiberglass Insulation Manufacturing	-	-	-	-	-	-	P	-	-
Mining/Extraction Industries	-	-	-	-	-	-	P	-	-
Musical Instrument Manufacturing	-	-	-	-	-	-	P	-	-
Office Supply (excl. Paper) Manufacturing	-	-	-	-	-	-	P	-	-
Paper/Paper Product Manufacturing	-	-	-	-	-	-	P	-	-
Petroleum, Asphalt & Coal Manufacturing	-	-	-	-	-	-	P	-	-
Plastics & Rubber Manufacturing	-	-	-	-	-	-	P	-	-
Primary Metal Processing/Manufacturing	-	-	-	-	-	-	P	-	-
Printing and Related Support Activities	-	-	-	-	-	-	P	-	-
Retail (on premise secondary use) with Outdoor Storage	-	-	-	-	-	-	C	-	-
Retail (on premise secondary use) with Indoor Storage	-	-	-	-	-	-	P	-	-
Sign Manufacturing (with indoor storage)	-	-	-	-	-	-	P	-	-
Sign Manufacturing (with outdoor storage)	-	-	-	-	-	-	C	-	-
Solid Waste Collection and/or Disposal (non-hazardous)	-	-	-	-	-	-	P	-	-
Solid Waste Collection and/or Disposal (hazardous)	-	-	-	-	-	-	C	-	-
Sporting & Athletic Goods Manufacturing	-	-	-	-	-	-	P	-	-
Textile Mills & Apparel Manufacturing	-	-	-	-	-	-	P	-	-
Toy, Doll & Game Manufacturing	-	-	-	-	-	-	P	-	-
Transportation Equipment Manufacturing	-	-	-	-	-	-	C	-	-
Waste Remediation/Recovery Services (incl. salvage/junk yard)	-	-	-	-	-	-	C	-	-
Wood Products Manufacturing (excl. sawmills, manufactured homes)	-	-	-	-	-	-	P	-	-
Wood Products Manufacturing (manufactured homes)	-	-	-	-	-	-	P	-	-
Wood Products Manufacturing (sawmills,)	-	-	-	-	-	-	P	-	-
Vending Machine Operators	-	-	-	-	-	-	P	-	-
TRANSPORTATION, WAREHOUSING & UTILITIES USES									
Air Transportation & Support Facilities (8.4)	-	-	-	-	-	-	S	-	-
Charter/Limousine Services (8.26)	-	-	-	-	C/S	-	-	-	-
Electric Power Generation	-	-	-	-	-	-	P	-	-
Electric Power Transmission and Distribution	P	P	P	P	P	-	P	P	P
Lumber - Bulk Storage	-	-	-	-	P	-	P	-	-
Natural Gas Distribution Facilities/Equipment	P	P	P	P	P	-	P	P	P

P - Permitted Use	S - Permitted Use with Supplemental Regulations	C - Conditional Zoning	(-) Prohibited Use

Use	Zoning Districts								
	OPS	GR	NR	CC	HC	LHC	CBI	MH	TND-O
Petroleum - Bulk Storage (refer to Fire Marshal)	-	-	-	-	-	-	S	-	-
Pipeline Transportation of Petroleum & Natural gas						-	P		
Public Urban, Interurban and Rural Transit Systems	P	P	P	P	P	-	P	P	P
Sewage Treatment Facility, public	P	-	-	-	-	-	-	-	-
Taxi Service/Stand	-	-	-	-	C	-	-	-	-
Truck Transportation, Terminal & Support Facilities (8.40)	-	-	-	-	-	-	S	-	-
Warehousing and Storage, Farm Products (8.26)	S	-	-	-	-	-	S	-	-
Warehousing and Storage, General & Refrigerated (8.26)	-	-	-	-	-	-	S	-	-
Water Distribution Facilities/Equipment (excl. Water Treatment)	P	P	P	P	P	-	P	P	P
Water Transportation & Support Facilities	-	-	-	-	-	-	P	-	-
Water Treatment Facility	C	-	-	-	-	-	-	-	-
Wireless Telecommunications (WTS Tower) (8.9)	S	S	S	S	S	-	S	S	S
WTS Co-location of equipment on existing tower	S	S	S	S	S	-	S	S	S
SOLAR ENERGY FACILITIES						-			
Roof Mounted, Parking lot cover, or building integrated (not facing public street) (Level 1)	P	P	P	P	P	P	P	P	P
Ground Mounted: ≤ 1/2 acre (level 2)	-	-	-	-	-	-	C	-	-
Ground Mounted: < 10 acres (level 2 or 3)	-	-	-	-	-	-	C	-	-
Ground Mounted: > 10 acres (level 3)	-	-	-	-	-	-	C	-	-

2.6 LOT DIMENSIONAL AND DENSITY STANDARDS

Zoning District	Minimum Lot Size (sq. ft.)	Maximum Density (per acre)	Minimum Lot Width	Minimum Lot Depth
OPS	30,000	1	100	300
NR	20,000	2	90	225
GR	20,000	2	90	225
CC	5,000	10	50	100
HC	-	-	50	100
LHC	-	-	50	100
CBI	-	-	50	100
MH	7,500	2	-	-

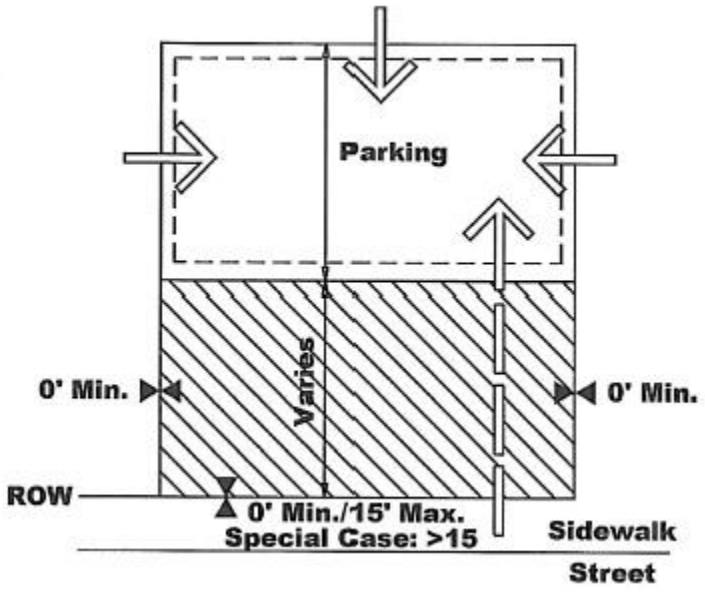
Building Setbacks

Zoning District	Minimum Front Setback (feet)	Maximum Front Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Setback (feet)
OPS	30	-	20	40
NR	30	-	15	20
GR	30	-	15	20
CC	-	30	5	20
HC	30	30	20	20
LHC	30	30	20	20
CBI	30	-	20	20
MH	20	30	10	20

ARTICLE 3 - BUILDING AND LOT TYPES

3.1 URBAN WORKPLACE

3.1.1 Building Placement/Parking/Vehicle Access



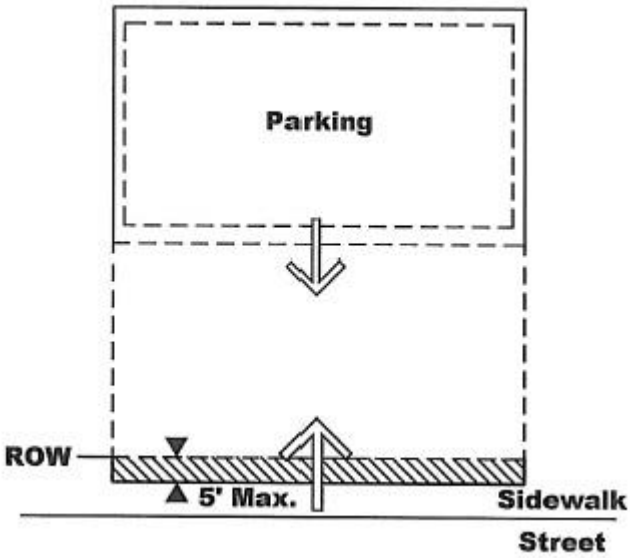
1. Buildings shall be placed on the lot within the zone presented by the hatched area. In most cases, the build to line will range from 0' to 15' behind the street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.
2. Building facades shall be generally parallel to frontage property lines.
3. Parking shall be located primarily to the rear of the building; side yard parking shall occupy no more than 35% of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.
4. Points of permitted access to the parking indicated by arrows.
5. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
6. Parking areas on adjacent lots shall be connected wherever practical.
7. Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the ROW.
8. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.
9. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

3.1.2 Description:

The workplace building may be a large structure (15,000+ square feet) and may have a single use/tenant. Office, industrial, and commercial tenants are typical. Southern mill villages often provide examples of how these buildings can reasonably coexist with other businesses and homes. Locke Mill Plaza, in Concord, provides a good example with its placement at the end of prestigious Union Street. These buildings are critical to the City as employment centers and commercial service locations. The buildings will provide space for industry, large offices, as well as large retail uses such as full-service grocery store. Lighting of parking lots, buildings and canopies shall not exceed the most recently published standards established by the Illuminating Engineering Society of North America.

3.1.3 Encroachment/Pedestrian Access to Building

1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height (min. 7'-6") are permitted within the sidewalk as shown by the hatched area. Encroaching arcades should cover entire sidewalk.
2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

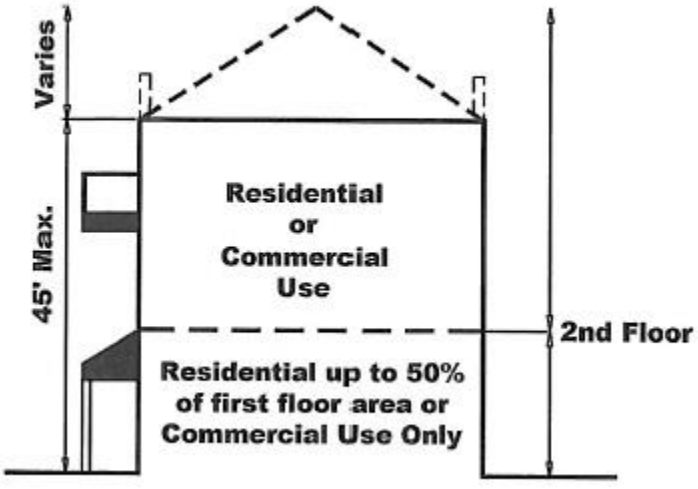


3.1.4 Special Conditions:

1. Buildings in all locations should relate the principal facade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. Side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourage pedestrian activity. For example, squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

3.1.5 Permitted Height and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above.



3.1.6 Architectural Standard:

Principles:

1. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are compatible to the historic architectural vocabulary of the area in their massing and external treatment.
2. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
3. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
4. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
5. Trailers (mobile units) may not be used as permanent workplace buildings.
6. F. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

Configurations:

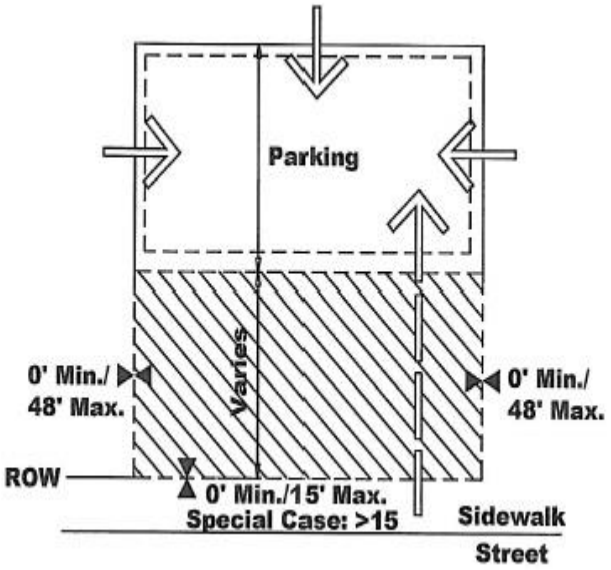
1. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding).
2. Mirrored glass is nor permitted in any location.
3. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.

Techniques

1. Windows should be set to the inside of the building face wall.
2. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.

3.2 SHOPFRONT BUILDING

3.2.1 Building Placement/Parking/Vehicular Access



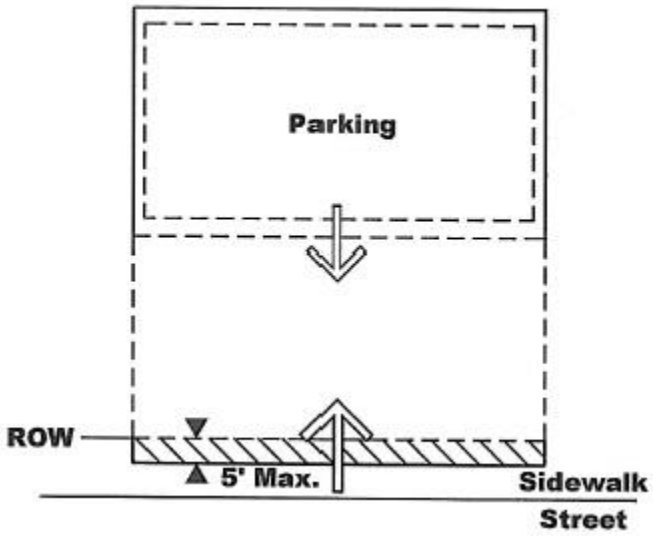
1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.
2. Building facades shall be generally parallel to frontage property lines.
3. Parking shall be located to the rear of the building; side-yard parking shall occupy no more than 25 percent of the primary frontage line and shall not be placed in an established side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.
4. Points of permitted access to the parking indicated by arrows.
5. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
6. Parking areas on adjacent lots shall be connected wherever practicable.
7. Trash containers shall be located in a rear parking area (see Parking Regulations).
8. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.

3.2.2 Description:

The shopfront building is a small-scale structure which can accommodate a variety of uses. The structure is typically a maximum of 15,000 square feet. A group of shopfront buildings can be combined to form a mixed-use neighborhood center. Individual shopfront buildings can be used to provide some commercial service, such as a convenience food store, in close proximity to homes. Traditional commercial buildings in the old town provide good examples. Lighting of parking lots, buildings and canopies shall not exceed the most recently published standards established by the Illuminating Engineering Society of North America.

3.2.3 Encroachment/Pedestrian Access to Building

1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height are permitted within the sidewalk as shown by the hatched area. Encroaching arcades should cover entire sidewalk.
2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).



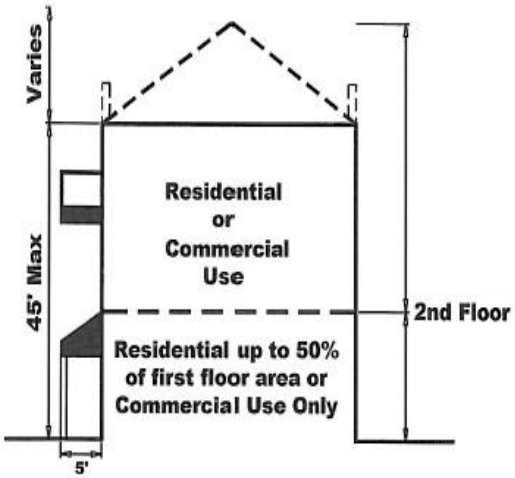
3.2.4 Special Conditions:

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Drive-through customer services. If permitted in the district, must be located at the rear of the building or on a side which does not abut a street.
3. Corners: Setbacks at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
4. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

3.2.5 Permitted Height and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to ridge may vary depending upon the roof pitch.
4. Permitted uses are indicated above.

3.2.6 Architectural Standards



Principles:

1. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external treatment.
2. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
3. The front elevations facing the street, and the overall massing shall communicate emphasis on the human scale and the pedestrian environment.
4. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
5. Trailers (mobile units) may not be used as permanent shopfront buildings.
6. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

Configurations:

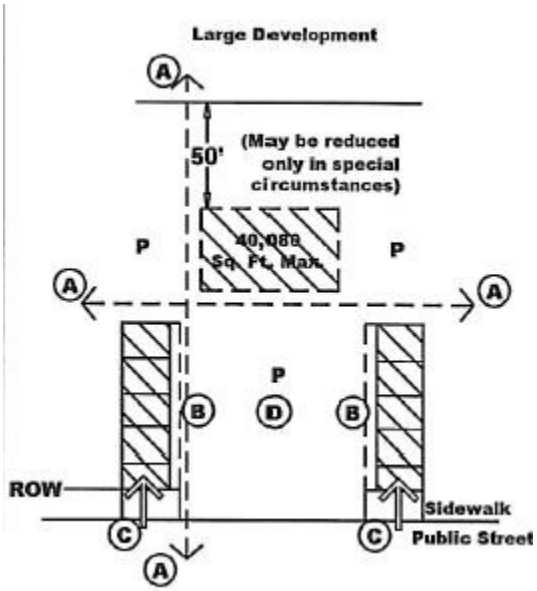
1. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding).
2. Mirrored glass is not permitted in any location.
3. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.

Techniques:

1. Windows should be set to the inside of the building face wall.
2. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.

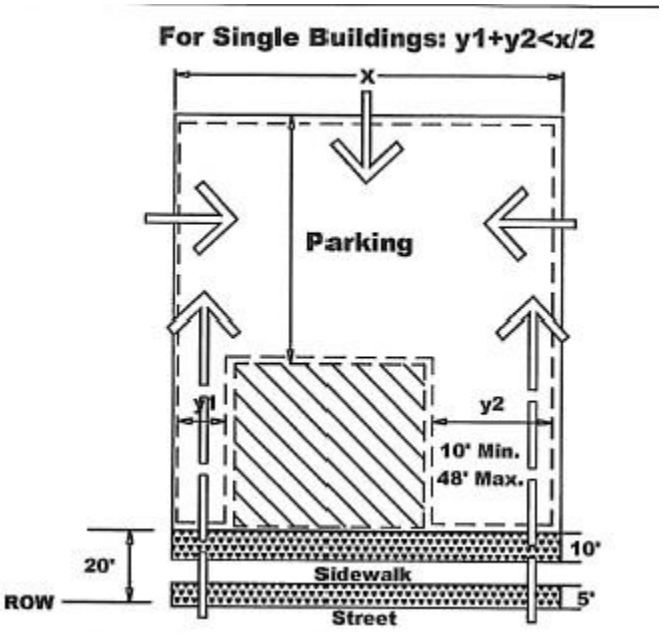
Typical Site Layout Criteria

1. Potential for interconnecting streets.
2. Smaller shops must extend to sidewalk and have pedestrian arcades to main parking plaza.
3. End units must have street entrance and clear glass windows comprising not less than 30% of wall area facing the public ROW.
4. Parking plaza enclosed on a minimum of two sides.



3.3 HIGHWAY COMMERCIAL

3.3.1 Building Placement/Parking/Vehicular Access



1. Buildings shall be placed on the lot within zone represented by the hatched area. In most cases, the build to line will be a maximum of 80’ behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.
2. Setbacks may vary according to setting within limits indicated.
3. Building facades shall be generally parallel to frontage property lines.
4. Parking shall be located to the rear, side, or within 80’ along the front of the building and shall not be placed in any side yard abutting an intersecting street.
5. Points of permitted access to the parking indicated by arrows.

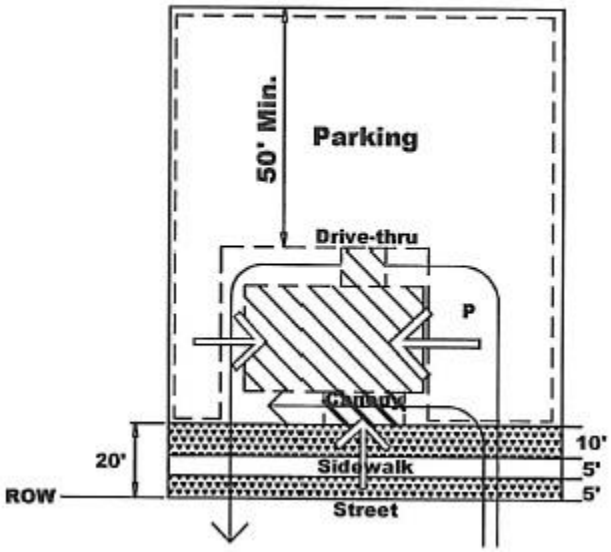
6. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
7. Parking areas on adjacent lots shall be connected wherever practicable.
8. Trash containers shall be located in a rear parking area (see Parking Regulations).
9. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.

3.3.2 Description:

This building type generally comprises fast food retail, drive through banks, motels and other highway dependent uses. These regulations are designed to bring these building types into a framework of town streets. This building type shall be limited to the Highway Commercial. Campus Business, and Special Purpose Districts. Lighting of parking lots, buildings and canopies shall not exceed the most recently published standards established by the Illuminating Engineering Society of North America.

3.3.3 Vehicular Circulation/Pedestrian Access

1. Main pedestrian access to the building may be from the side (indicated by the larger arrows). Secondary access must be from the street frontage (indicated by the smaller arrow).
2. Drive-throughs shall be located to the rear of the building.
3. Entrance canopies (for motels, etc.) shall face the street.
4. Typical vehicular circulation movement is indicated by thin line arrows.

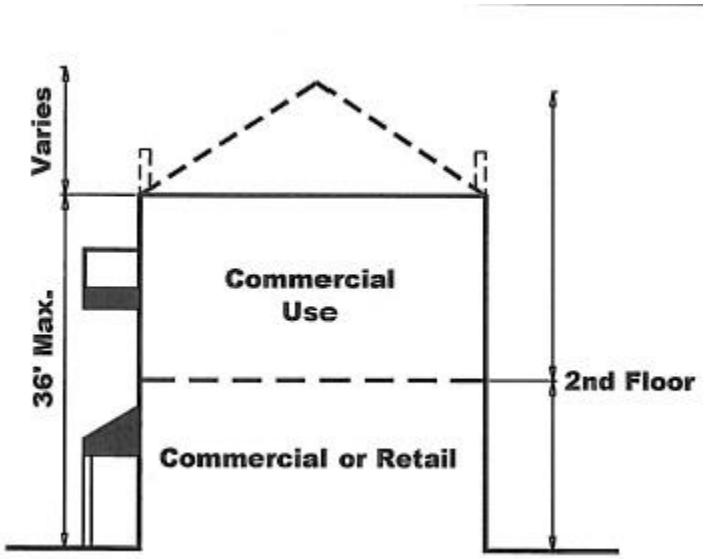


3.3.4 Special Conditions:

1. Buildings in all locations should relate a principal facade to the sidewalk and public space of the street.
2. Corners: Setback at street comers will generally replicate frontage conditions

3.3.5 Permitted Height and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to ten eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above.



3.3.6 Architectural Standards

1. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
2. All walls not visible from a public right-of-way may be constructed of cinder block, bricks, wood or vinyl siding, or metal paneling but shall be pointed to match the overall color scheme of the rest of the building.
3. Trailers (mobile units) may not be used as permanent highway commercial buildings.
4. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

Configurations

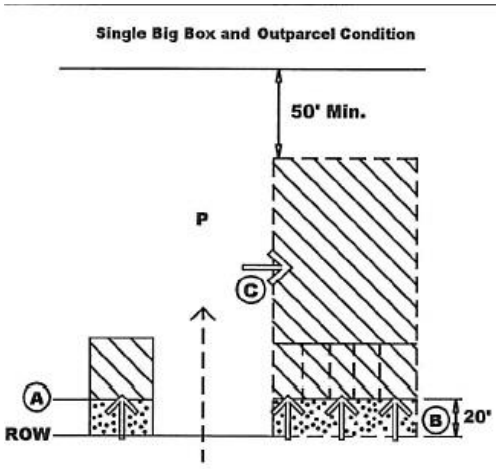
1. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below (i.e. brick below wood siding).

Techniques

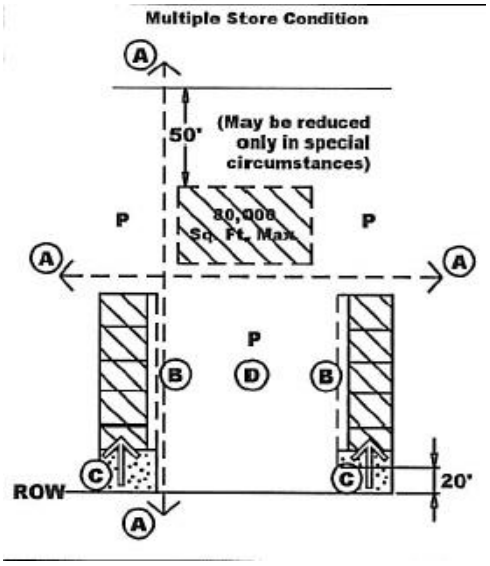
1. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

3.3.7 Typical Shopping Center Site Layout Criteria

1. **Single Big Box and Outparcel Condition**
    a. All buildings must extend to build-to line.
    b. Entrances to smaller retail units (if included) should relate to the street, if no small stores, a similar pattern of windows and architectural features should be maintained.
    c. Main entrance to retail store should be rotated 90 degrees from street to "frame" parking area.



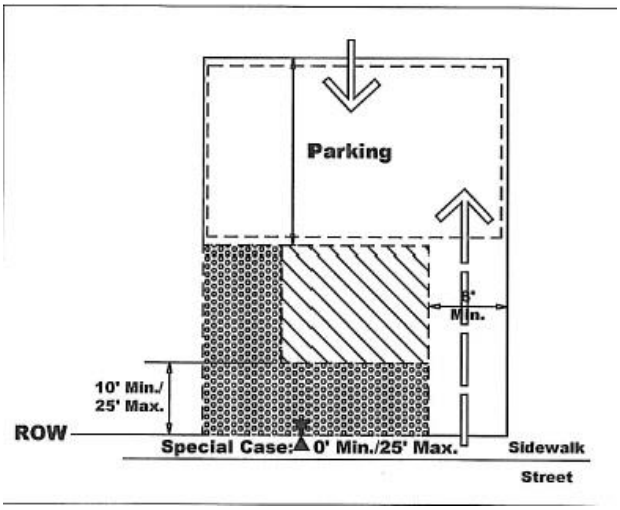
2. **Multiple Store Condition**
    a. Potential for interconnecting streets.
    b. Smaller shops must extend to build-to line and have pedestrian arcades to main parking plaza.
    c. End units must heave street entrance and clear glass windows comprising not less than 30% of wall area facing the public ROW.
    d. Parking plaza enclosed on a minimum of two sides.



3.4 APARTMENT BUILDING

3.4.1 Building Placement/Parking/Vehicular Access

1. Buildings shall be placed on the lot within the zone represented by the hatched area.
2. In most cases, the build to line will range from 10' to 25' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a smaller or larger building setback.
3. In urban conditions, apartments may be set up to the property line at the sidewalk. Including corner conditions.



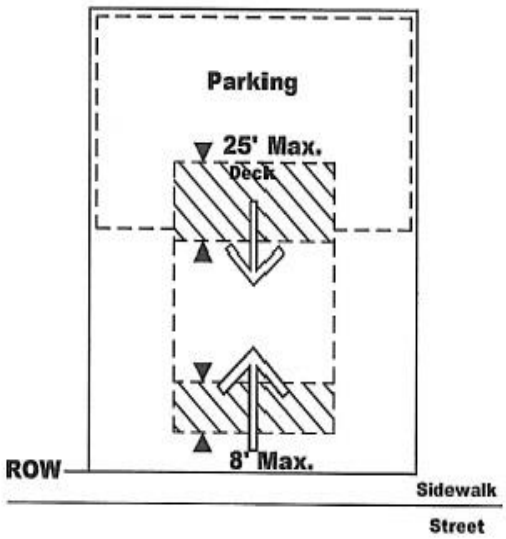
4. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street unless a site-specific development plan for multiple buildings on one parcel has been approved.
5. Parking shall be located to the rear of the building on all apartments fronting a public street.
6. Points of permitted access to the parking indicated by arrows.
7. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
8. Trash containers shall be located in the rear parking area (see Parking Regulations) or if located in a site-specific development plan shall follow dumpster guidelines in Off-street parking regulations and be screened by vegetation.
9. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.

3.4.2 Description:

The apartment building is a residential building accommodating several households. In traditional towns, this building type coexists with a variety of other building types. A successful contemporary design permits its integration with other residential types through the coordination of site and building design (see Architectural Regulations). Apartment complexes should be one or more separated buildings similar in their scale on the public street to large detached housing. Lighting of parking lots, buildings and canopies shall not exceed the most recently published standards established by the Illuminating Engineering Society of North America.

3.4.3 Encroachment/Pedestrian Access

1. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8'.
2. Decks, porches, and balconies are permitted to encroach into the established rear yard up to 25 feet.
3. For buildings set up to the sidewalk, upper level balconies and bay windows may encroach a maximum of 5'0' over the sidewalk.
4. Main pedestrian access to the building Is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

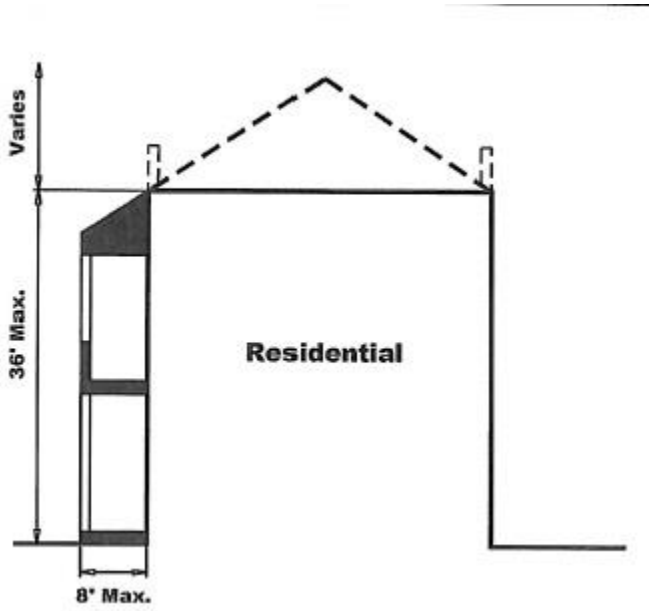


3.4.4 Special Conditions:

1. The Intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

3.4.5 Permitted Height and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending on the need to screen mechanical equipment.
3. Building height to ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above.



3.4.6 Architectural Standards

Principles:

1. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external treatment.
2. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
3. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
4. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
5. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings.

6. Porches should form a predominant motif of house designs, and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building.
7. Front loaded garages, if provided, shall meet the standards of section 7.16.
8. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

Configurations:

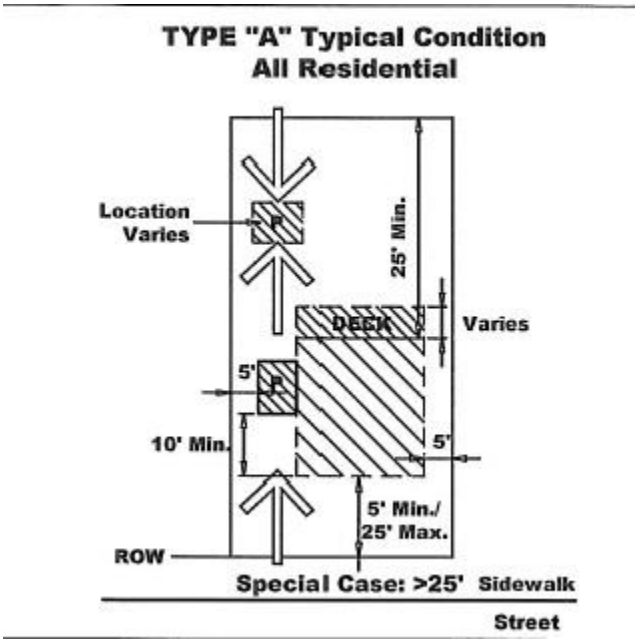
1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch shall be less than 4:12. All accessary buildings shall have roof pitches that conform to those of the main building.
2. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
3. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below.
4. Exterior chimneys should be finished in brick or stucco.

Techniques:

1. Overhanging eaves may expose rafters.
2. Flush eaves should be finished by profiled molding or gutters.

3.5 DETACHED HOUSE

3.5.1 Building Placement/Parking/Vehicular Access



1. Buildings shall be placed on the lot within zone represented by the hatched area. Along new streets, the build-to line will range from 10' to 25' behind the street ROW. Special site conditions such as topography or lot widths permit a larger setback. Along existing streets, front build-to lines shall be equal to the average setbacks for buildings on the same side of the street within 300'. Only in the most exceptional circumstances having to do with extreme topography or very special design composition may such placement be varied.
2. Garages may be detached (entered from front or rear), or attached to the

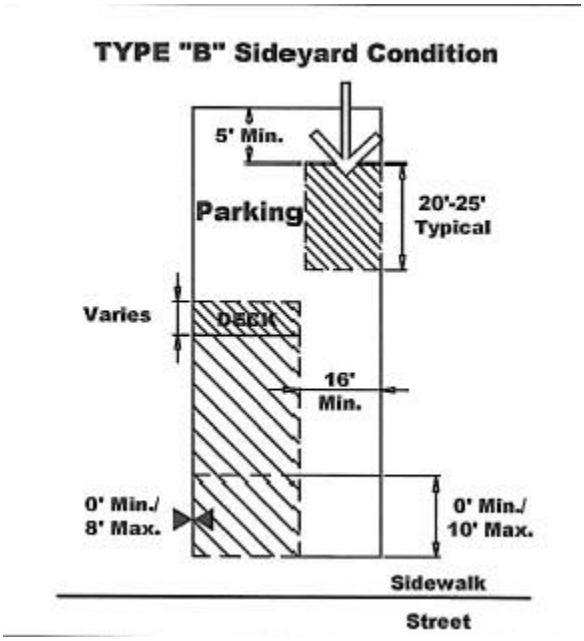
main dwelling, with or without habitable rooms above. Front loaded garages, if provided, shall meet the standards of section 7.16

3. A detached garage may be located only in the rear yard.
4. Points of permitted front or rear access to parking indicated by arrows.
5. Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
6. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
7. Decks must be constructed only in rear yard area and are permitted to encroach into the rear setback up to 25'.

3.5.2 Description:

The detached house may coexist with other, similarly scaled buildings along town streets. When other building types are integrated with the detached house, the scale of the detached house type and lot shall control. Civic buildings, however, may exceed the scale of the detached house.

3.5.3 Building Placement/Parking/Vehicular Access



1. Generally, buildings shall be placed on the lot within zone represented by the hatched area. The build-to line will range from 0' to 10' behind street ROW. Special site conditions such as extreme topography may require a larger setback. Side yard houses are not permitted on in-fill sites abutting existing all-yard houses.
2. A detached garage may be located only in the rear yard. Attached garages are not permitted on side yard houses.
3. Points of permitted rear access to parking indicated by arrow.
4. Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
5. For buildings set up to the sidewalk, balconies and upper level bay windows may encroach over the sidewalk up to 5'.
6. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
7. Decks must be constructed only in rear yard area and are permitted to encroach into the rear setback up to 25'.

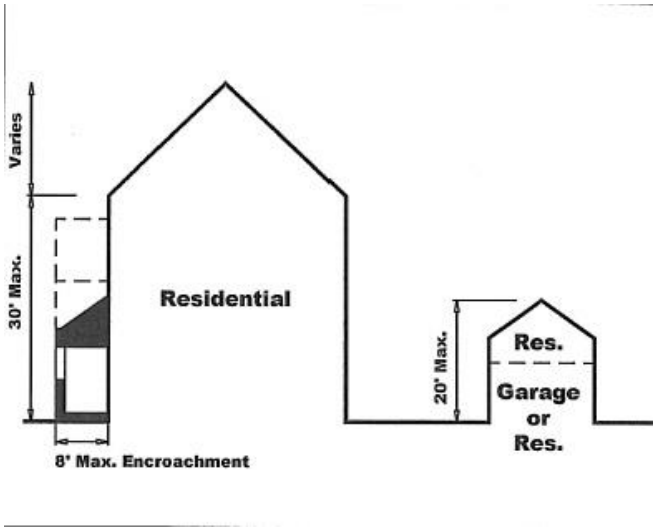
3.5.4 Special Conditions:

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.

2. Corners: Setback of street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, these regulations apply to all houses built on public streets. For detached homes on large lots accessed by a private drive in Rural Neighborhoods, building placement and site planning will be dictated by landscape features and landscape preservation.

3.5.5 Permitted Height/Uses/Encroachments

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
2. Building height of main dwelling to ridge may vary depending on the roof pitch.
3. Permitted uses are indicated above.
4. Maximum footprint for a building housing a detached accessory dwelling is 650 square feet.
5. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8'.



6. Decks, balconies, and porches are permitted to encroach into rear yard setback up to 15'.

3.5.6 Architectural Standards

Principles:

1. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external treatment. Manufactured homes will not be permitted as part of any multi-unit residential development under this ordinance except within the MH-O District.
2. Building elevations fronting or visible from public streets shad be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
3. The front elevations facing the street, and the overall massing shall communicate a emphasis on the human scale and the pedestrian environment.
4. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
5. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings.
6. Porches should form a predominant motif of house designs and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at

least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building.

7. Front loaded garages. If provided, shall meet the standards of section 7.16.

Configurations:

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch shall be less than 4:12. All accessary buildings shall have roof pitches that conform to those of the main building.
2. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
3. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below.
4. Exterior chimneys should be finished in brick or stucco.
5. Columns should be simple wooden posts, typically 5" square; or if columns with classical details, the dimensions and moldings should be of correct proportions. Extended and distorted classical proportions are not acceptable.

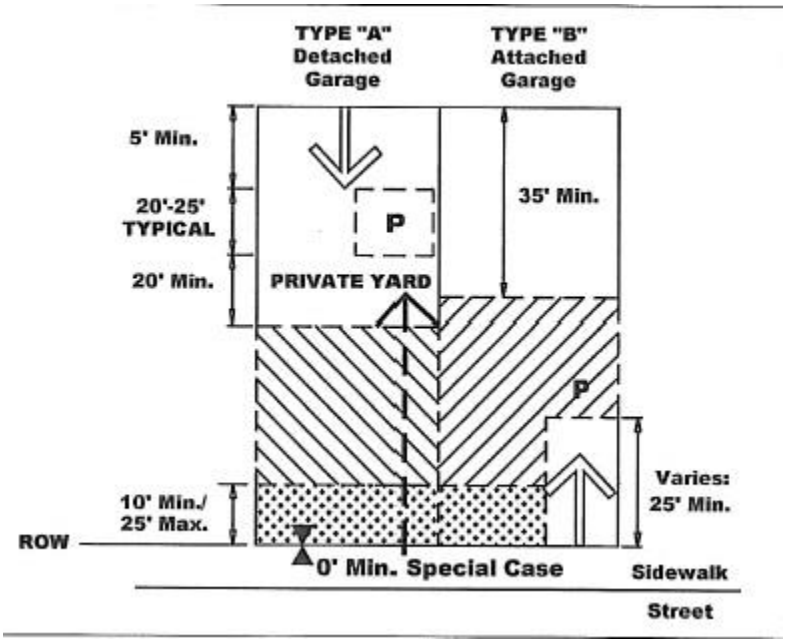
Techniques:

1. Overhanging eaves may expose rafters.
2. Flush eaves should be finished by profiled molding or gutters.

3.6 ATTACHED HOUSE

3.6.1 Building Placement/Parking/Vehicular Access

1. Buildings shall be placed on the lot within zone represented by the hatched area.
2. Along new streets, the build-to line will range from 10' to 25' behind street ROW. Special site conditions such as topography or lot widths permit a larger setback. Along existing streets, front build-to lines shall typically be equal to the average setbacks for buildings on the same side of the street within 300 feet. However, in more urban conditions, dwellings may be set up to the property line at the sidewalk.

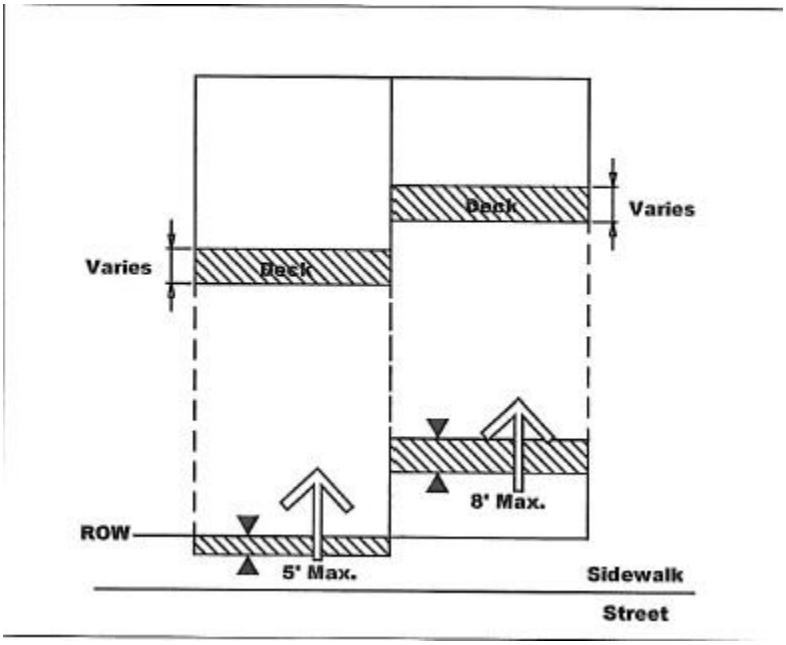


3. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street.
4. Front loaded garages. If provided, shall meet the standards of section 7.16.
5. Points of permitted access to parking indicated by arrows. Front access to parking at rear of Type 'A' is permitted to duplexes only.

3.6.2 Description:

The attached house is a rowhouse, a townhouse. or a duplex. Traditional southern homes in Savannah and Charleston provide the historic model. Dilworth Crescent in Charlotte provides a good contemporary example. Generally, building plans will have narrow frontages with the plan depth being greater than its width.

3.6.3 Encroachment/Pedestrian Access



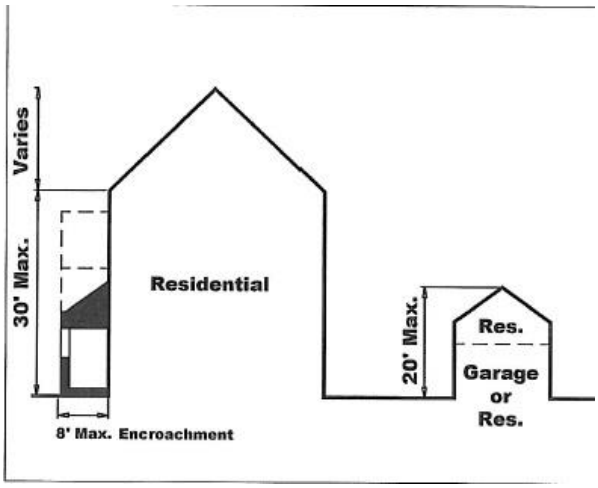
1. For buildings set up to the sidewalk, balconies and upper level bay windows may encroach over the sidewalk area up to 5'.
2. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
3. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).
4. Decks must be constructed only in rear yard area and are permitted to encroach into the rear setback up to 25'.

3.6.4 Special Conditions:

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Front and side setbacks may vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity.

3.6.5 Permitted Height and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
2. Building height to ridge will vary depending upon the roof pitch.
3. Permitted uses are indicated above.
4. Maximum footprint for a building housing a detached accessory dwelling is 650 square feet.



3.6.6 Architectural Standards

Principles:

1. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external treatment. Manufactured homes will not be permitted as part of any multi-unit residential development under this ordinance.
2. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
3. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
4. Each building should be designed to form part of a larger composition of the area in which it is situated.
5. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings.
6. Porches should form a predominant motif of house designs and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building.
7. Front loaded garages, if provided, shall meet the standards of section 7.16.

Configurations:

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 4:2 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch shall be less than 4:12. All accessary buildings shall have roof pitches that conform to those of the main buildings.

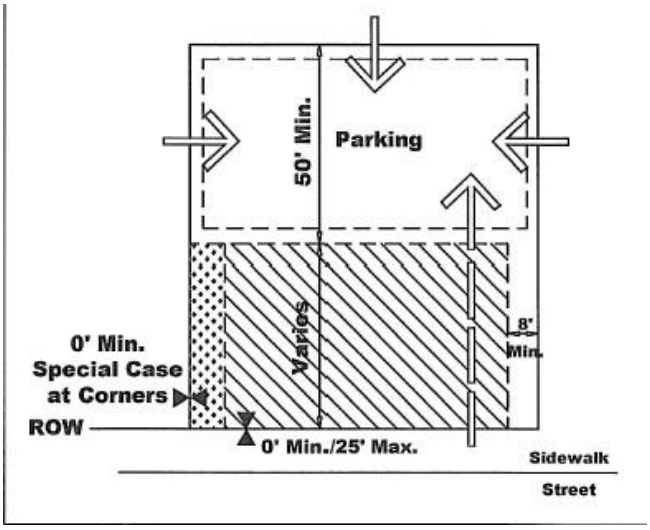
2. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
3. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below.
4. Exterior chimneys should be finished in brick or stucco.
5. Columns should be simple wooden posts, typically 5" square, or if columns with classical details, the dimensions and moldings should be of correct proportions. Extended and distorted classical proportions are not acceptable.

Techniques:

1. Overhanging eaves may expose rafters.
2. Flush eaves should be finished by profiled molding or gutters.

3.7 CIVIC BUILDING

3.7.1 Building Placement/Parking/Vehicular Access

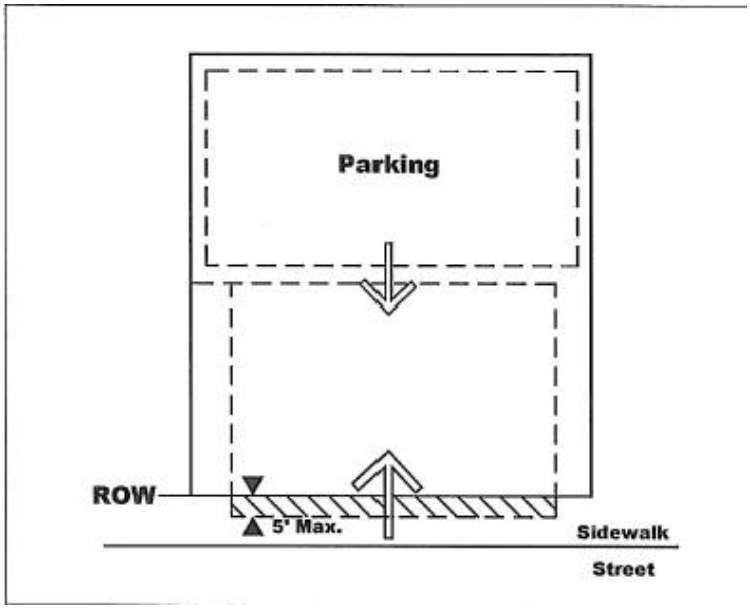


1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build-to line will range from 0' to 25' behind street ROW. Special site conditions such as topography, lot width, or provision of a green or plaza will permit a larger building setback.
2. Parking shall be located to the rear of the building; side-yard parking snail occupy no more than 25% of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict placement of parking behind buildings, the limitations on side yard parking may be modified.
3. A planting strip or defined plaza should be provided to relate the building to the street.
4. Generally, building and street facades must extend parallel to frontage property lines.
5. Points of permitted access to the parking indicated by arrows.
6. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
7. Parking areas on adjacent lots should be connected.
8. Trash containers shall be located in the parking area (see Parking Regulations).
9. Mechanical equipment at ground level should be placed on the parking lot side of building and away from buildings on adjacent sites.

3.7.2 Description:

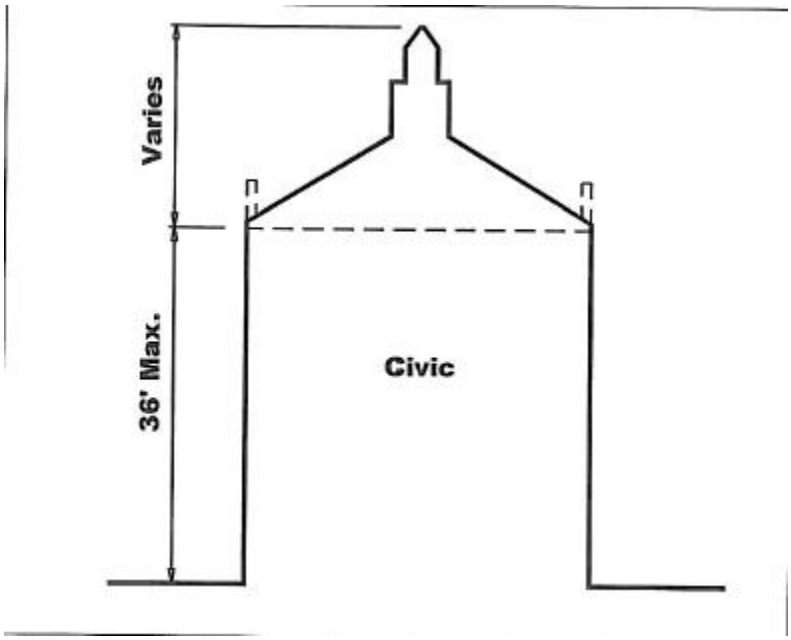
A civic building is a building used for purposes that are public in nature (eg. schools, libraries, government buildings, and churches). These buildings must be designed to take their appropriate places within neighborhoods as integral parts of the community. It is expected that the scale and architectural sophistication of these buildings will match their civic importance. Where possible, civic structures shall be designed to terminate vistas or serve as key focal points in the neighborhood. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street. Civic buildings shall not be set back on the lot behind a standard parking lot; however, a plaza may be used for occasional parking. Lighting of parking lots, buildings and canopies shall not exceed the most recently published standards established by the Illuminating Engineering Society of North America.

3.7.3 Encroachment/Pedestrian Access



1. For buildings set up to the sidewalk, upper level balconies and bay windows may encroach a maximum of 5'0" over the sidewalk.
2. For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into front setback area up to 8'.
3. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

3.7.4 Permitted Height and Uses



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Maximum height of occupiable building shall be 45 feet. Uninhabitable portions of buildings with foot print area 500 square feet or less may exceed 45 feet (example: spire, cupola).
4. Permitted uses are indicated above.

3.7.5 Architectural Standards

Principles:

1. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external treatment.
2. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
3. The front elevations facing the street, and the overall massing shall communicate on emphasis on the human scale and the pedestrian environment.
4. Each building should be designed to form part of a larger composition of the area in which it is situated.
5. Trailers (mobile units) shall not be used as permanent civic buildings.
6. Schools, churches, and government buildings shall be built so that they terminate a street vista whenever possible and should be of sufficient design quality to create visual anchors for the community.
7. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

Configurations:

1. Mirrored glass is not permitted in any location.

2. Flat roof lines are allowed.
3. The orders, if provided, should have proportions and moldings according to The American Vignola.

Techniques:

1. Windows should be set to the inside of the building face wall.
2. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.
3. Windows should be of square or vertical proportion. Special windows may be circular or regular polygons.

ARTICLE 4 - STREETS

Introduction

Streets in Locust are to be inviting public space and integral components of community design. A transportation system should have a rich variety of types, including bicycle and pedestrian. All streets should connect to help create a comprehensive network of public areas to allow free movement of automobiles, bicyclist and pedestrians. In order for this street network to be safe for motorists and pedestrians, all design elements must consistently be applied to calm automobile traffic.

In summary, streets shall:

1. Interconnect within a development and with adjoining development. Cul-de-sacs shall be allowed only where topographical and/or lot line configurations offer no practical alternatives for connections. Street stubs shall be provided within development adjacent to open land to provide for future connections. The Land Development Map should be reviewed to locate potential connections in new neighborhoods.
2. Be designed as the most prevalent public space of the town and, thus, scaled to the pedestrian.
3. Be bordered by sidewalks on both sides, with the exception of rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways.
4. Be lined with street trees on both sides, with the exception of rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways. Private drives are permitted only as described in the Open Space District.
5. Be public. Private streets are not permitted within any new development. Alleys may be either public or private depending upon function.
6. Be the focus of buildings. Generally, all buildings will front on a public street.

4.1 PURPOSE FOR STREET DESIGN STANDARDS

The purpose for the Street Design Standards is to provide flexible design guidelines that establish a framework by which individual modes of transportation function as an integrated system, thus providing functional connections within the transportation system and choices for citizens to move about Locust.

The transportation system is one of the most visible components of Locust's infrastructure system. The City of Locust has the responsibility to ensure that the transportation system is designed in a manner that is safe and efficient and fits the context of the community, within reasonable and prudent expectations. These Street Design Standards have been developed in a manner that balances the rights and interests of property owners and the needs of the traveling public for safe and efficient streets. The policy and standards included herein meet the following objectives:

- To provide street designs that enhance the safety of vehicles and pedestrians
- To provide street designs that are consistent with the context of the surrounding environment
- To provide street design and construction criteria that accommodate pedestrian and bicycle activities
- To provide access management to and from streets in a manner consistent with their classification.

4.2 ADMINISTRATIVE

4.2.I Plan Review/Approval

a. General Requirements

1. The street network is the foundation for Locust's transportation system. The primary goal is to integrate motor vehicle, pedestrian, and bicycle facilities in a well-balanced network that provides connections and choices for citizens to move about Locust. To accomplish this goal, the Street Design Standards have been developed to provide the minimum specifications and standards for the design and construction of roadway improvements for all classifications of the street system. Additional requirements may be deemed necessary by the Public Works Director, City Engineer, or their designee depending on the proposed improvement. The additional requirements may be utilized in conjunction with or in lieu of current ordinances or specifications utilized for development within the city limits or jurisdictional boundaries of the City of Locust.
2. There are several methods by which streets are designed and constructed within the City. These methods include: 1. Private developers building public streets 2. The City designing and constructing new streets or improving existing streets. 3. The North Carolina Department of Transportation designing and building new streets or improving existing streets
3. The design standards set forth in this Manual are intended to be used by any entity, public or private, and shall be designed and constructed in conformance with the standards set forth in this Manual.
4. Streets constructed or improved within the City of Locust and its jurisdictional boundaries on public rights-of-way shall be designed and constructed in conformance with the standards set forth in this Manual, the North Carolina Department of Transportation Specifications for Roads and Structures, and other engineering publications as required supporting the design of the proposed improvement. In the event of conflicts between specifications, the more restrictive specification shall be enforced.
5. It shall be unlawful for any person to construct or improve a public street or construct a new private street except as authorized by provisions of this Manual.
6. All streets to be constructed or improved on City rights-of-way shall be reviewed and approved by the Director of Public Works, or a designated representative, and the City Engineer, or a designated representative, prior to the issuance of a permit to undertake such construction or improvement.

7. Any street constructed, improved, or connecting to a state-maintained roadway shall conform to the specifications of the North Carolina Department of Transportation (NCDOT) and obtain approval from NCDOT prior to beginning construction.

b. Permits and Fees

1. No person, firm, or corporation shall remove, alter, or construct any street or perform any other improvement on any public street or dedicated street rightof-way without permits authorizing such improvements.
2. Driveways connecting to City streets or public right-of-way shall require a permit prior to installation and inspection by the City during construction of the driveway.

c. Submittal Requirements

1. Construction plans shall be submitted to the City as outlined in the Code of Ordinance for the City of Locust. Construction plans shall adhere to the specifications set forth by the City.

d. Protecting the Public from Injury

1. Whenever any person shall do or undertake to do any of the activities set forth in this Manual, it shall be the responsibility of such person to protect from harm and damage all persons who may be using any street or sidewalk or other public place where such activity is in progress. To that end, such person shall erect and maintain suitable signs, lights, barricades, and other traffic control devices at the proper location where such work is in progress. These safeguards shall be applied in accordance with the current (NCDOT)Work Zone Traffic Control, Section 1101-1180.

e. Traffic Impact Analysis (TIA)

1. A TIA shall be prepared by Professional Engineer registered in the state of North Carolina.
2. The City and the Developer will discuss possible firms to prepare the TIA. The City shall make the final decision of the firm preparing the TIA.
3. A TIA may be required to support the proposed improvements associated with a new development.
4. Once staff has determined a TIA is required, a scoping meeting shall be required to outline specific data to be included in the TIA. City staff, NCDOT, and the Developer are required at the scoping meeting. The Developer should invite the needed support staff of their design team.
5. During the scoping meeting, a Memorandum of Understanding shall be prepared by the City to specify the scope of work to be performed in the TIA.
6. All costs associated with the preparation of a TIA shall be encumbered by the developer.
7. The review of the TIA shall be the responsibility of the City of Locust and/or the NCDOT.
8. Adoption of specified improvements listed in the TIA shall be agreed upon by the City of Locust, NCDOT, and the developer prior to plan approval. An Agreement of Mitigation form

outlining the prescribed measures of improvement shall be executed by all entities listed above and/or responsible party with the proposed development.

9. All improvements agreed to be performed for the development shall be completed prior to acceptance of the Final Plat and/or Certificate of Occupancy unless otherwise noted in the executed agreement.

10. All costs of the improvements shall be the responsibility of the Developer unless otherwise noted.

11. Any TIA prepared for developments within the jurisdictional limits of the City of Locust shall follow the criteria and methodology of the ITE Trip Generation Manual.

12. A TIA shall be required when the following criteria is met or exceeded:

a. 1,000 trips for site specific developments (within a 24-hour period).
b. 75 trips for residential developments during peak hours.
c. 100 trips for other developments on adjacent roads and development roads during peak hours.
d. Upfits, redevelopment, expansion, and/or change of use projects will be evaluated by staff for the need and requirements of a TIA.
e. For the purpose of this document, Peak Hours shall be defined as 7:00AM to 9:00AM and 4:00PM to 6:00PM.

13. Expansions, upfits, and/or change of use applications will require the staff to determine the appropriate TIA trip generation threshold for each use. Trip generations for the proposed site shall be compared to the trip generations of the current site within the past six-month period. Development approvals within the most recent five-year period will be included in the trip generation unless a separate TIA has been performed for the previously approved development. Notwithstanding the values above, a TIA shall be required for a site-specific development plan if City staff determines one of the following conditions exist:

a. Traffic generated from a non-residential development will significantly impact adjacent residential neighborhoods.
b. Traffic operation problems for current and/or future years on nearby streets are expected to be substantially aggravated by traffic generated by the proposed new development.
c. Traffic safety issues exist at intersections or streets that would serve the new development.
d. The proposed land use differs significantly from that contemplated in the adopted Locust Land Use Plan.
e. The internal street or access system is not anticipated to accommodate the expected traffic generation.
f. The amount or character of traffic is significantly different from an earlier approved study or more than 24 months have passed since completion of the previous transportation study.

14. The capacity analysis included in the TIA shall utilize the Highway Capacity Manual and signalized intersections shall incorporate information from the City of Locust and/or NCDOT.

15. For developments with multiple phases, the TIA shall account for traffic counts of each phase as they are completed, as well as the cumulative traffic counts at the completion of the development.

16. Crash data within the scope of the project limits shall be included for a 3-year period for the following criteria:

a. Type
b. Number
c. Severity

17. Level of Service (LOS) shall show no signs of degradation or further delays on intersections with a current LOS of E or F.

18. The NCDOT Municipal School Transportation Assistance (MSTA) calculator should be used to calculate the projected trip generation for school sites. School sites may need to be sent to NCDOT MSTA in Raleigh for review as part of the review process.

f. Administrative Controls

1. The City of Locust recognizes that not all streets will be able to conform to every standard set in this Manual. Any street needing special attention due to exceptional conditions will be handled on a case-by-case basis. City of Locust reserves the right to override the standards set forth in this Manual should the street necessitate such action. If, based on sound engineering judgment, there is a question as to whether or not a site will qualify for a variance in any standard documented in this Manual, The City of Locust Public Works should be contacted to discuss that potential variance.

4.2.2 Bonding

The following list contains information regarding the bonding process including minimum amounts, duration, and security type.

1. Release of the final subdivision plat will not occur until the improvements required for the area of the final plat is constructed and a final inspection has been performed and found to be in conformance with the plans approved by the City.
2. Securities shall be posted for a minimum of six months with a two (2) year maximum. The security shall be posted and remain in force until the construction is complete and found to be in conformance with the plans approved by the City. The security will be reevaluated when an extension to the security is being considered.
3. Upon receipt of a notice from the bond holder, a final inspection will be made by the Director of Public Works, or a designated representative to check completeness of the project.
4. One type of security may be replaced by another type of security in certain situations. The amount of the replacement security will be based on the Director of Public Works estimate of the work remaining. If the estimate of work results in a lower amount, the replacement security will be treated as a reduction. Certain situations will require an increase in a security and in such cases the replacement security shall be required to equal the higher amount.

4.2.3 Final Inspection

A final inspection of all streets to be turned over to the City for maintenance must be inspected by the Director of Public Works or designated inspector. Contact the Director of Public Works for scheduling of final inspections. When a phase/map of a subdivision reaches 80% occupancy, the phase/map will be considered eligible for acceptance by the City. The City may consider acceptance at an occupancy as low as 65%; however, in the case of early acceptance (<80%), the developer will be required to post, at minimum, a 2-year maintenance bond. The procedures for requesting a final inspection are as follows:

1. Submit a written request for final inspection. b. A representative from the City and/ or designated inspector will proceed with the Final Inspection.
2. Necessary repairs will be marked in the field, and indicated on a punch list, which shall be valid for a period of thirty days.
3. When the necessary repairs have been completed, the City should be contacted to verify the repairs have been completed.
4. When all conditions have been met, the developer may then proceed with requesting the City to accept the streets for maintenance.

4.2.4 Street Maintenance Acceptance

Once the required information has been submitted and an approved final inspection has been issued by the City, the City Council shall then consider the acceptance of the subject street(s). The City of Locust City Council shall not adopt any resolution accepting a new street unless:

1. The Council receives a report from the City Administrator that all conditions of street acceptance are met. The City Council determines that such street corresponds in its location and aligns with a street shown on preliminary subdivision plat formally approved by the City of Locust Planning and Zoning Board or that said street was established as a public street prior to the adoption of this policy and therefore not subject to this policy. The street acceptance policy includes streets, curbs, gutters, sidewalks, and all items located within the right-of-way.

4.3 STREET DESIGN

4.3.1 Specifications

1. All streets shall be constructed in conformance with the construction plans and specifications approved by the Director of Public Works, or a designated representative, and the City Engineer, or a designated representative. Designs should permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds, and the number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the building types which have frontage and the relationship of the street to the overall city street network. The following specifications apply to street design:
    a. Street trees and sidewalks are required on both sides of streets except rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways.

Planting area for street trees should be a minimum of five (5) feet in width and sidewalks should also be a minimum of five (5) feet in width. On streets which serve as main business streets, sidewalks should be a minimum of seven (7) feet in width. Generally, canopy trees shall be planted at a spacing not to exceed forty (40) feet on center. Where overhead utility lines preclude the use of canopy trees, small maturing trees may be substituted, planted thirty (30) feet on center.

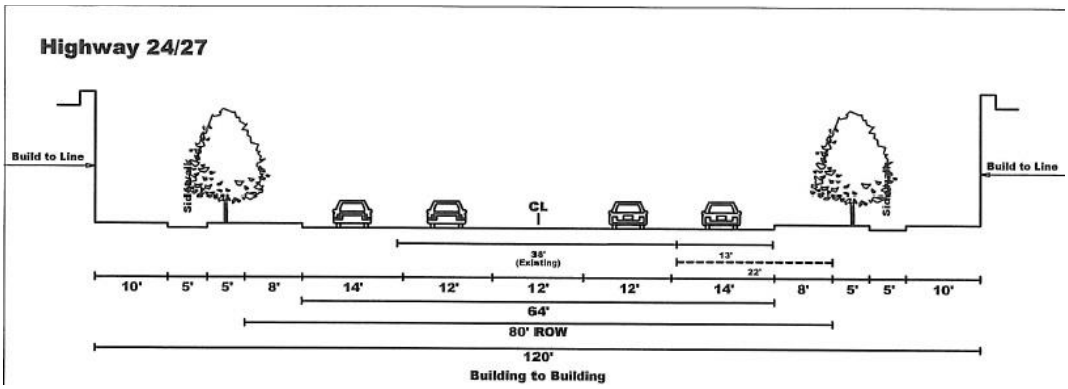
b. On-street parking is recommended where building type and use will generate regular use. Occasional on-street parking can be accommodated without additional pavement width. For streets which serve workplace and storefront buildings, on-street parking is required and should be marked as such. On-street parking on at least one side of the street is also required on streets serving apartments, attached houses, and detached houses with lots sixty (60) feet or less in width. On-street parking must also be provided on one side of any street adjacent to a square, park or other open space area. Parallel on-street parking width is seven (7) feet to eight (8) feet. On-street parking should be parallel; angled parking is only permitted as an intentional design element for the retail center of a planned mixed-use development.

c. Design speeds should not exceed twenty-five (25) miles per hour on any neighborhood street. Only major town streets and boulevards should exceed this design speed. These specifications may be varied only in accordance with the design principles above and as approved by the Director of Public Works, or a designated representative.

4.3.2 Street Types

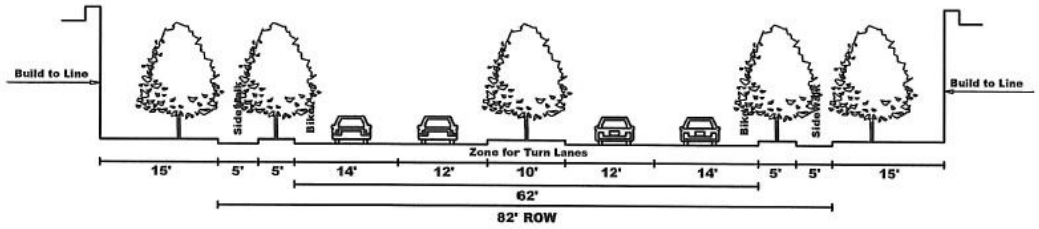
The Street Design Standards Manual establishes set methods for the modification, construction, and/or enhancement for the following street classifications:

Highway 24/27



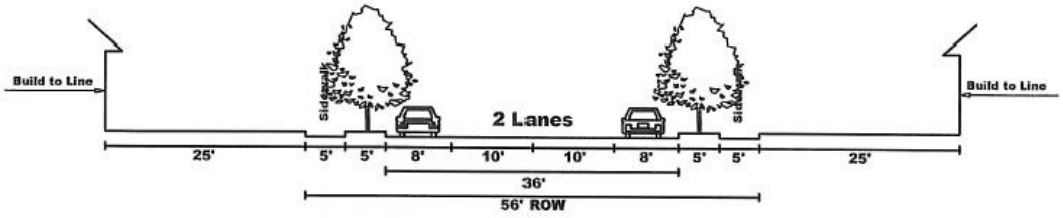
General Requirements	Specifications	
1. General Maximum/No parking in setback. 2. Trees in setback spaced between street trees. 3. Street trees planted at 40’ intervals; 30’ or small maturing trees. 4. ROW may be increased to provide designated on-street parking lanes, 8’ in width	Design Speed	TBD by NCDOT
	Centerline Radius	TBD by NCDOT
	Pavement Width	TBD by NCDOT
	ROW Width	TBD by NCDOT
	Curb Radius	TBD by NCDOT
	Drainage	Curb & Gutter

Boulevard



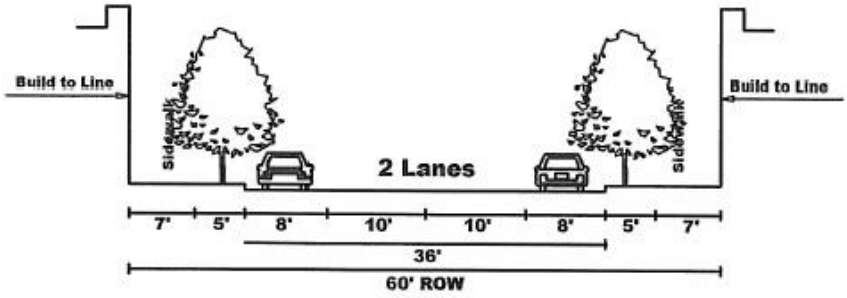
General Requirements	Specifications	
1. General Maximum/No parking in setback. 2. Trees in setback spaced between street trees. 3. Street trees planted at 40’ intervals; 30’ or small maturing trees. 4. ROW may be increased to provide designated on-street parking lanes, 8’ in width. 5. Required for residential subdivisions in excess of 250 acres.	Design Speed	35 mph
	Centerline Radius	TBD by NCDOT
	Pavement Width	62’
	ROW Width	82’
	Curb Radius	15’
	Drainage	Curb & Gutter

Residential Town Street



General Requirements	Specifications	
1. General Maximum 2. 0’ min.; 25’ max. setback. May be increased only for extreme site topography. 3. Street trees planted at 40’ intervals; 30’ or small maturing trees.	Design Speed	25-30 mph
	Centerline Radius	165’ – 195’
	Pavement Width	36’
	ROW Width	56’
	Curb Radius	15’
	Drainage	Curb & Gutter

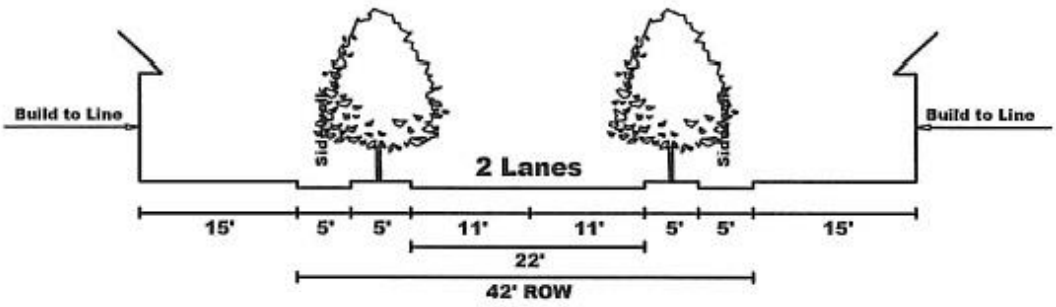
Neighborhood Center / Minor Town Center Street



General Requirements	Specifications	
1. Street trees planted at 40’ intervals; 30’ for small maturing trees. 2. Planting plan to ensure reasonable visibility of shopfront entries and displays.	Design Speed	25-30 mph
	Centerline Radius	195’
	Pavement Width	36’
	ROW Width	60’
	Curb Radius	15’
	Drainage	Curb & Gutter

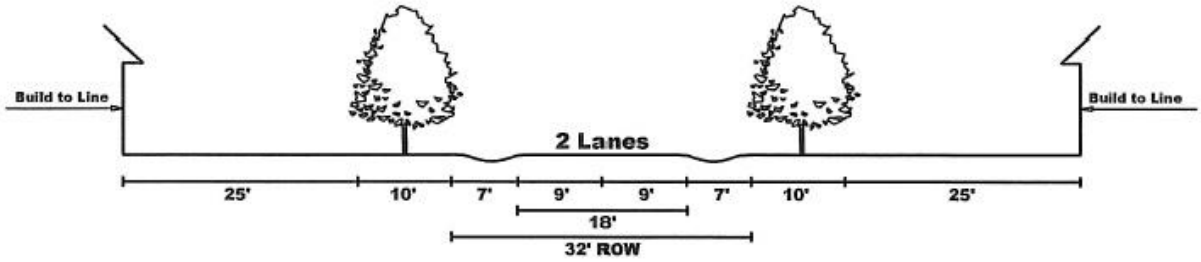
Residential Town Street (Type 2)

(for use in situations of exceptionally low traffic volume ie. closes or culs-de-sac)



General Requirements	Specifications	
1. Setback 0’ to 30’ depending on house type. 2. Street trees planted at 40’ intervals; 30’ for small maturing trees.	Design Speed	20 mph
	Centerline Radius	90’
	Pavement Width	22’
	ROW Width	42’
	Curb Radius	10’
	Drainage	Curb & Gutter

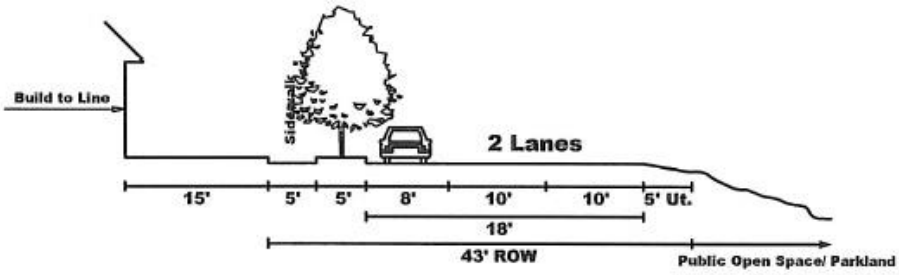
Rural Lane



General Requirements	Specifications	
1. Setback 10’ to 50’ depending on house type. 2. Street trees planted at 40’ intervals; 30’ for small maturing trees.	Design Speed	25 mph
	Centerline Radius	90’
	Pavement Width	18’
	ROW Width	32’
	Curb Radius	10’
	Drainage	Curb & Gutter*

*Drainage may remain as open section, depending on development density.

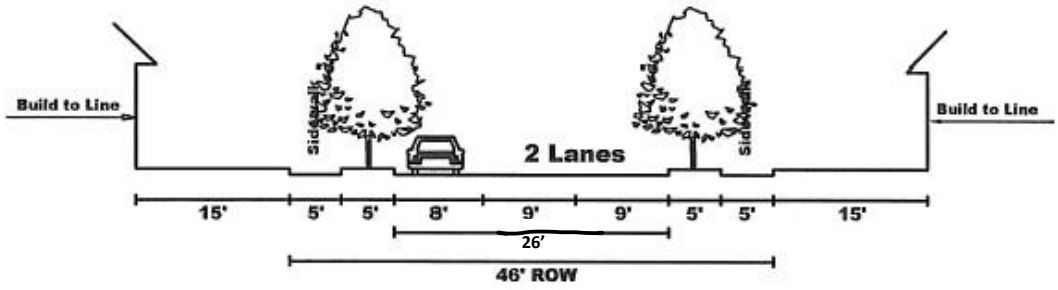
Neighborhood Parkway



General Requirements	Specifications	
1. Setback 0’ to 25’ depending on house type. 2. Street trees planted at 40’ intervals; 30’ for small maturing trees.	Design Speed	25 mph
	Centerline Radius	195’
	Pavement Width	28’
	ROW Width	43’
	Curb Radius	15’
	Drainage	Curb & Gutter*

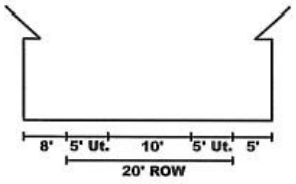
*Drainage may remain as open section, depending on development density.

Neighborhood Street (Type 1)
(for general use)



General Requirements	Specifications	
1. Setback 0’ to 25’ depending on house type. 2. Street trees planted at 40’ intervals; 30’ for small maturing trees.	Design Speed	20 mph
	Centerline Radius	90’
	Pavement Width	26’
	ROW Width	46’
	Curb Radius	10’
	Drainage	Curb & Gutter

Alley



General Requirements	Specifications	
1. Alley streets are privately maintained roads, and not subject to public ownership or maintenance.	Design Speed	15 mph
	Centerline Radius	N/A
	Pavement Width	10’
	ROW Width	20’
	Curb Radius	5’
	Drainage	Curb & Gutter

4.3.3 Erosion Control

Any construction activity within the City of Locust and its jurisdictional boundaries shall provide environmental safety to the adjacent properties, streams, wetlands, and obtain all appropriate permits via the controlling agencies for the potential environmental impacts resulting in the proposed construction.

1. The contractor shall do that which is necessary to control erosion and to prevent sedimentation damage to adjacent properties and streams in accordance with the appropriate NCDEQ and the City of Locust Erosion Control and Sedimentation Ordinances, regardless of the size of the project. Methods of conveyance of sedimentation from the site include water, air, gravity, or ice.
2. The contractor is responsible for installing and erosion control and sediment measures as required by the erosion control permit and/or construction plans. Maintenance and documentation as required by the erosion control and sedimentation permit is also the contractor’s responsibility and the erosion control measures shall not be removed without written permission from NCDEQ, Locust Public Works Director, or the City Engineer.
3. Construction entrances shall be installed as shown on the construction plans and remain functional throughout the project. Construction entrances shall be maintained as required by use and the requirements referenced in the NCDEQ Erosion and Sediment Control Planning and Design Manual, Chapter 6. Any sedimentation not captured by the construction entrance and tracked into the roadway, shall be cleaned immediately from any adjacent roadway impacted by the sediment.

4.3.4 Utilities

Underground utilities shall be located in alleys and lanes. If no alley or lane is provided, then a five (5) feet (minimum) utility easement shall be provided behind the sidewalk located within either the right-of- way or a public utility easement.

1. Avoid placement of sewer manholes in gutter pans, the crown of the road, wheel paths, wheel chair ramps, and over storm water lines.
2. Force mains and water lines shall not be placed under roadway pavement.
3. Water valves shall not be placed in curbing.
4. Manhole rings and lids and valve boxes shall match longitudinal and cross slopes of the roadway.
5. Sewer clean outs and water meter boxes shall be located outside of driveways and sidewalks. Any service connections determined to be located in driveways or sidewalks shall be relocated outside of the conflict area at no cost to the City.

4.3.5 Stormwater System Requirements

A drainage system shall be provided for by means of culverts under roadways and other drainage structures or outlet ditches that are necessary to provide adequate drainage of storm water for all streets in the subdivisions and for adjoining property where necessary. All such drainage systems shall be designed in accordance with sizes and specifications established in the North Carolina Department of Transportation Standard Specifications and the Roadway Standard Drawings.

a. Storm water systems shall be designed by a professional engineer and approved by the Director of Public Works or their designee. Installation of same shall be in accordance with City specifications and standards.
b. Adequate storm drainage shall be provided throughout by means of pipes or graded channels; storm pipe shall be placed at all low points in the street grade to transmit storm water transversely across the street with catch basins being constructed on both sides of the street at the low points. In no case, shall storm water be transmitted more than five hundred (500) feet in the gutter line. No open ditches will be permitted within the limits of the street rights-of-way except for pre-existing stream channels which may be approved by the Director of Public Works or their designee.
c. The minimum size pipe shall be fifteen (15) inches, regardless of drainage area. The minimum cover for all pipe shall be two (2) feet. Sub-drainage shall be provided where ground water table is within two (2) feet of the subgrade. Six-inch corrugated black plastic pipe or corrugated metal pipe with open joints or perforations laid on six (6) inches of clean sand or washed stone, covered with six (6) inches of clean sand or washed stone shall be used to lower water table. Ditches shall be a minimum of thirty six (36) inches deep and two (2) feet in width. All surface drainage pipe shall be concrete conforming to state Highway Commission Standard Specification. For special conditions, pipe recommended by the manufacturer for the type Installation involved, and approved by the Director of Public Works or their designee will be considered. Any

concrete pipe laid between the concrete curbs shall be reinforced. All pipe shall be laid with the bell or groove upgrade and joint entirely interlocking.

d. Catch basins shall be built as shown on the standard drawings. Improvised grates will not be acceptable. Catch basins walls shall be built straight with inside joints struck smooth. Precast catch basins may be acceptable with the approval of the Director of Public Works or their designee.
e. Catch basins with frame, grates and hoods installed in curb and gutter sections less than two feet, six inches (2'6") wide shall offset the frame, grate and hood to the back of the structure to maintain a consistent width of roadway.
f. Frames, grates and hoods shall not be offset from the catch basin more than four (4) inches, front to back.
g. All pipe shall be installed using NCDOT Specifications outlined in the NCDOT Standard Specifications for Roads and Structures, Section 300, unless otherwise noted in this manual.
h. Pipe velocities for the design storm event shall not exceed twenty (20) feet per second.
i. The minimum pipe slope is one-half percent (0.5%) for all pipes, excluding special structures used for stream crossings, which should match the existing stream bed grade.

4.3.6 Streets

1. The street design requirements in the City of Locust shall follow the minimum design standards within this manual, NCDOT Specifications for Roadways and Structures, NCDOT Standard Drawings, NCDOT Subdivision Manual, and the AASHTO Manual, A Policy on Geometric Design of Highways and Streets. All street improvements shall require approval from the City of Locust prior to beginning construction of the improvement. The City shall be notified prior to beginning construction. a. Insofar as practical, streets shall intersect at an angle of ninety (90) degrees at a minimum of fifty (50) feet from the roadway intersection. In no case shall the angle be less than seventy-five (75) degrees. Intersections having more than four (4) corners shall be prohibited. Proposed streets which intersects opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite of each other. Intersections which cannot be aligned shall be separated by a minimum length of two hundred (200) feet between survey center lines.
2. The minimum radius at intersections shall be thirty (30) feet. Depending upon the type of improvement, the radii may need to be adjusted to accommodate the traffic requirements of the improvement and shall be evaluated on a case by case basis.
3. Sight triangles shall be required at intersections. The minimum sight triangle shall be thirty-five (35) feet measured along the right-of-way lines. An additional ten (10) feet by seventy (70) feet sight triangle shall be provided at intersections connecting to NCDOT maintained roadways. Other sight distance requirements may be required for line of sight, by NCDOT and/or the City of Locust, and be evaluated on a case by case basis.

4. A sight triangle shall contain no fence, structure, earth bank, hedge, planting, wall or other obstruction between a height greater than two (2) feet above the property line grade as established by the City Public Works Director or City Engineer.
5. The minimum longitudinal slope on all streets shall be one (1) percent. The maximum slope on all streets shall be twelve (12) percent.
6. The crown on all streets shall be one-fourth (1/4) inch per foot, measured from the centerline of the street.
7. The maximum slope for cuts shall be two (2) feet horizontal to one (1) foot vertical (2:1) and for fill embankments, two (2) feet horizontal to one (1) foot vertical (2:1). Fill embankments shall be formed of suitable material placed in successive layers not to exceed more than ten (10) inches in depth for the full width of the cross-section, including the width of the slope area. No stumps, trees, brush, rubbish or other unsuitable materials or substances shall be placed in the embankment. Each successive ten (10) inch layer shall be thoroughly compacted by appropriate equipment as required by the work being performed, or other methods approved by the City Engineer. Embankments over and around all pipe culverts shall be of select material, placed and thoroughly tamped and compacted as directed by the City Engineer or his representative.
8. Aggregate Base Course (ABC) shall be a minimum depth of eight (8) inches compacted depth. The ABC shall be placed and wet set to grade prior to placing pavement.
9. Hot mix asphalt shall be placed at minimum depths as follows: two and one-half (2.5) inches I19.0C, two (2) inches S9.5B, placed in two (2), one (1) inch lifts. All asphalt placed shall conform to the latest edition of the NCDOT QMS SuperPave Manual.
10. A proof roll shall be required prior to placing curb and gutter, ABC and asphalt(1). Equipment to be used for the proof roll is as follows(2):
    - Curb and Gutter(3) Loaded tandem dump truck or loaded water truck.
    - ABC, Asphalt Loaded tandem dump truck or loaded water truck

    (1) Proof rolls will not be performed on frozen subgrades and inclement weather will void any proof roll if the associated work has not been completed.

    (2) Weight requirements for equipment:
        - Motor Grader 30,000 lbs.
        - Water Truck 30,000 lbs.
        - Tandem Truck 45,000 lbs.

    (3) A motor grader may be used in some circumstances for a proof roll on curb and gutter only. Prior approval by the City Engineer is required for use of a motor grader.

11. Stone Base Course (ABC) shall be placed at a depth as required to adequately support the design of the improvement proposed. The ABC shall be wet set and graded to provide positive drainage by either crown or super-elevation as required by the construction drawings.

12. The material for stone base course shall conform to the requirements of Section 1006 (Aggregate Quality Control/Quality Assurance), Section 1010 (Aggregate for NonAsphalt Type Bases) and Section 520 (Aggregate Base Course) of the NCDOT Standard Specifications for Roads and Structures.
13. The stone base shall be compacted to one hundred percent (100%) of that obtained by compacting a sample of the material in accordance with AASHTOT180 as modified by NCDOT when conventional density test number three (3) is used. When nuclear density testing is performed, a nuclear target density of at least ninety-eight percent (98%) shall be obtained. In addition, the nuclear density of any single test location shall be at least ninety-five percent (95%) of the nuclear target density. Compaction shall be obtained by rolling with ring or tamping roller or with a pneumatic tired roller with a minimum weight of ten (10) tons. When completed, the base course shall be smooth, hard, dense, unyielding and well bonded.
14. ABC will not be allowed within widening strips less than five (5) feet in width.
15. Prior to any asphalt being placed, a pre-pave meeting shall be required. Schedule the pre-pave meeting with the Public Works Director.
16. Asphalt shall not be placed unless the minimum temperatures are met in NCDOT Specifications, Section 610. Do not place surface course material that is to be the final layer of pavement between December 15 and March 16 of the next year if it is one (1) inch or greater in thickness, or between November 15 and April 1 of the next year if it is less than one (1) inch in thickness, unless otherwise approved. Do not place plant mix base course that will not be covered with surface or intermediate course during the same calendar year or within fifteen (15) days of placement if the plant mix is placed in January or February.
17. Drainage shall be maintained on the streets between the first lift of S9.5B and the second lift of S9.5B when the street is accepted.
18. Surfaces shall be tacked when asphalt is being placed over existing asphalt streets or adjoining concrete, storm drain and sanitary sewer structures. In the event more than one (1) lift of asphalt is placed in a single day, tack is still required between lifts.
19. All asphalt cuts shall be made with a saw when preparing street surfaces for patching or widening strips. Milling is an acceptable alternative to saw cuts when applicable.
20. Paper joints shall be used to seal the ends of an asphalt pour so that future extensions can be made without causing rough joints.
21. When placing asphalt against existing surfaces, a straight edge shall be used to provide a smooth and consistent transition between the two surfaces at that location.
22. Plant mixed asphalt shall conform in all respects to Section 610 (Asphalt Concrete Plant Mix Pavements) of the NCDOT Standard Specifications for Roads and Structures.
23. An approved NCDOT Job Mix Formula shall be required to be submitted for each mix to be used prior to paving.
24. The contractor shall have a QMS Roadway Technician on-site during the paving operation.

25. Quality Control for density on the asphalt is the responsibility of the contractor per the NCDOT HMA/QMS SuperPave Manual. Cores or nuclear density may be used on base, intermediate and first lift of surface course mixes. Cores will not be permitted on the final lift of surface course. Only nuclear density testing shall be used on the final lift of surface course.
26. Access must be maintained during the paving operation. Residents, emergency vehicles, solid waste collection and mail delivery will need to be addressed during the pre-pave meeting.
27. Failure to meet the above requirements may result in the delay or prevention of street acceptance by the City of Locust or NCDOT.
28. Proposed street rights-of-way shall be graded to their full width for ditch type streets or to a minimum of fifty (50) feet. Finished grade, cross-section and profile of the roadway shall be designed by a professional engineer or registered land surveyor and approved by the city engineer.

4.3.7 Curb and Gutter

All new streets and streets providing direct access to a new subdivision shall have concrete curb and gutter constructed in accordance to City of Locust specification and standards. The main factors in deciding what type of curbing, curb and gutter or valley curb, is required will be topography and drainage. The City of Locust reserves the right to waive the requirement of curb and gutter on access streets where it would not be feasible or warranted.

a. All curb and gutter shall be backfilled with soil approved by the City Engineer within seven (7) days after construction, but not before three (3) curing days has elapsed. Do not place ABC or pavement adjacent to the curb before the three (3) curing days has elapsed.
b. All excess concrete on the front edge (lip) of gutter shall be removed when curb and gutter is poured with a machine.
c. Straight forms shall not be used for forming curb and gutter in curves. d. Contraction joints, expansion joints and joint sealer shall follow NCDOT Specifications.
d. Curb ramp depressions shall be poured at the time of the installation of the curb and gutter.
e. Curb ramps shall not be located in conflict with fire hydrants, street lights, and/or driveways.

4.3.8 Sidewalks

Sidewalks shall be provided for the safe movement of pedestrians, separate from the movement of vehicular traffic, through residential areas, as well as to commercial and public places. Sidewalks shall be constructed along both sides of all new streets in a subdivision and along any street that provides access to the subdivision.

Specifications

1. Shall be a minimum of five (5) feet in width, unless otherwise directed by the Public Works Director, City Engineer, or construction plans.
2. The subgrade shall be compacted to ninety-five (95) percent of the maximum density.
3. Shall be constructed of not less than three thousand six hundred (3,600) PSI concrete.
4. Shall be a minimum four (4) inches thick, except that where a sidewalk crosses a driveway, it shall be six (6) inches thick.
5. Shall be constructed on an adequately compacted and properly graded base.
6. Shall have a lateral slope of not more than two (2) percent toward the street. In no case, sidewalks shall not have a lateral slope of less than one (1) percent.
7. Shall be steel troweled and light broom finished and cured properly. Contraction joints shall be provided at intervals of not more than five (5) feet and expansion joints at intervals of not more than fifty (50) feet. In the event sidewalks are wider than five (5) feet, the contraction joints interval shall equal the width of the sidewalk.
8. All contraction and expansion joints shall be sealed with a NCDOT joint sealer. i. Shall be constructed along all frontage roads providing access to the development for the full frontage of the development.
9. Shall be extended across any water ways, streams, creeks, rivers, or other water bodies, at the expense of the developer, to continue pedestrian connectivity along the frontage of the development. Connectivity may be provided across existing bridges or structures with the permission of the North Carolina Department of Transportation, or via a separate pedestrian bridge to be provided by the developer.
10. All sidewalks, curb ramps, and directional ramps shall meet requirements of the "Americans With Disabilities Act".

Note: (1) Concrete shall not be placed in inclement weather. The contractor shall protect freshly placed concrete in accordance with Section 420 (Concrete Structures) of NCDOT Standard Specifications. (2) Prior to any concrete being placed, a pre-pour meeting shall be required. Schedule the pre-pour meeting with the Public Works Director. (3) All concrete used for streets, curb and gutter, sidewalks and drainage structures, etc. shall be approved NCDOT mixes, unless otherwise directed by the City Engineer or project special provisions. The City Engineer may require concrete testing when deemed necessary. Concrete testing shall follow requirements and frequency set forth by NCDOT and ACI. (4) All concrete shall be cured with curing compound. Use white pigmented curing compound which meets ASTM C 309, as required by NCDOT Section 825 and Section 1026, applied at a uniform rate per manufacturer's instructions. Apply the membrane curing compound after the surface finishing is complete and immediately after the free surface moisture disappears, but at no point, more than twenty-four (24) hours of after placement of the concrete.

4.3.9 Street Lighting

Street lights shall be installed on all streets and the Initial installation shall be the responsibility of the developer. Pedestrian scale lights should be placed at intersections, mid-block, and end of the street. In addition, poles should not exceed 300' apart. Pedestrian scale lighting refers to

lighting with mounting height of less than 18'. Street lights must be provided through the utility provider in the area. Once the City has accepted the streets, the responsibility of the lights shall be transferred to the City.

4.3.10 Sign Installation

Standard street signs installed by the City of Locust. Initial installation shall be the responsibility of the developer. The developer shall be responsible for maintenance and replacement of the street signs while construction is ongoing, until such time when the City accepts the street improvements. Once the City has accepted the streets, the maintenance and replacement of signs shall be the responsibility of the City.

Custom street signs installed by the developer. In all subdivisions with architectural standards, restrictive covenants, and a property owner's association, custom street signs may be installed by the developer with all costs of installation, maintenance and replacement paid by the developer and/or homeowner's association and as set forth below.

- Street signs shall comply with the Manual on Uniform Traffic Control Devices and the North Carolina Department of Transportation and may be installed only after written approval by the Director of Public Works or their designee. Submission requirements for consideration of custom street signs shall include detailed color drawings, plans and specifications of the proposed street signs and a written statement describing funding for installation, maintenance and replacement.
- Replacement of lost or damaged regulatory or warning signs, as defined by the Uniform Manual, shall be accomplished immediately by the City using standard street signs until the developer or property owner's association installs replacement custom street signs. If the developer or property owner's association fails to install replacement custom street signs for regulatory and warning signs within ninety (90) days, the replacement by the City shall be considered permanent. Replacement of lost or damaged guide signs, as defined by the Uniform Manual, shall be accomplished by the developer or property owner's association within ninety (90) days or the City shall install standard street signs.

4.3.11 Street Names

Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the City. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to facilitate proper house numbering or to avoid further street name duplication.

4.4 Definitions

Alley - A roadway set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street. An alley is designed to have a pavement width narrower than that required for a street with no parking allowed. An alley shall only be utilized as outlined in the Traditional Neighborhood Design standards.

Average Daily Traffic (ADT) – The average number of vehicles that pass a defined point during a 24-hour period.

Bicycle Lane - A portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists. Bicycle Path - A bikeway physically separated from motorized vehicular traffic and either within the highway right-of-way or with an independent right-of-way.

Bicycle Route - A segment of a system of bikeways designated by the jurisdiction having authority with appropriate direction and information marker, with or without a specific bicycle route number.

Bikeway - A thoroughfare suitable for bicycles; may either exist within the right-of-way of other modes of transportation, such as highways, or along a separate and independent corridor.

Block – The land lying within an area bounded on all sides by streets.

Block Length – The distance, measured along each side of a street, between on (1) intersecting through street (not a cul-de-sac or loop street) and the next intersecting through street. Block Perimeter – The sum total of the linear street frontage around a block. The City- City of Locust

Clearance – The distance from the roadway to an object or feature.

- **Horizontal Clearance** - Lateral distance from edge of traveled way to a roadside object or feature.
- **Vertical Clearance** - The vertical distance between the roadway surface and an overhead object or feature.

Connectivity - The ability to enter and exit each parcel in more than one direction.

Continuity - The quality of uninterrupted connections both within the neighborhood network and between the neighborhood and the major street system.

Cul-de-sac - A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround. Its length is measured from the center of the through street to the center of the vehicular turnaround.

Desirable - A condition that should be met when attainable. Desirable values will normally be used where the social, economic, or environmental impacts are not critical.

Driveway Approach – An approach designed and intended to serve as access from a roadway to a lot or parcel of land that is adjacent to the roadway.

Easement – A grant of one or more of the property rights by the property owner to, or for use by, the public, a corporation, or other entity.

Frontage - All property on one side of a street between two intersecting streets (crossing to terminating) measured along the line of the street; or if the street is dead-ended, then all of the property abutting one side between an intersecting street and the dead-end of the street.

Grade - The change in elevation between two points along the vertical alignment of a roadway; usually expressed as the change per 100-feet or percent.

Gutter - A generally shallow waterway adjacent to a curb used, or suitable for, drainage of water.

Intersection - A point at which two (or more) streets join another street at an angle, whether the streets cross the other or not.

Local Street - A street whose primary function is to provide access to abutting properties.

NCDOT - North Carolina Department of Transportation. Pedestrian Way - A travel route designed primarily for pedestrian travel.

Permanent Dead-end Street - A street open to traffic at one (1) end and, due to physical or environmental constraints, impracticable to extend beyond its present terminus at the other end.

Private Drive - A vehicular travel way not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of individual residential driveways for townhouses or condominiums to the public street system. The designation of private drive shall only be utilized for townhomes or condominium developments. A private drive may be considered for public maintenance.

Private Driveway - A vehicular travel way not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two (2) or more principal buildings in a group housing, group nonresidential development, manufactured dwelling parks, or recreational vehicle parks. A private driveway shall not be considered for public maintenance.

Public street - A dedicated and accepted public right-of-way for vehicular traffic, and in City of Locust jurisdiction and extraterritorial jurisdiction of municipalities, public streets also include street rights-of-way offered for dedication, but not yet accepted, in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.

Right-of-Way – A strip of land occupied or intended to be occupied by a travel way for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

Right-of-Way Width - The shortest horizontal distance between the lines which delineate the right-of-way of a street.

Shared Parking - Parking that can be used to serve two or more individual land uses without conflict or encroachment.

Shared Roadway - Any roadway upon which a bicycle lane is not designated, and which may be legally used by bicycles regardless of whether such facility is specifically designated as a bikeway.

Shared-Use Path - A path or trail that is physically separated from the motorized vehicular traffic of a roadway. It is designed for the exclusive use of non-motorized uses, including bicycle riders, pedestrians, and other nonmotorized recreational uses. This shared-use path may be either within the roadway right-of-way or within an independent right-of-way.

Sidewalk - An improved surface intended to facilitate pedestrian access to or along adjacent streets, properties, or structures, and which is located within the right-of-way of a public street, within the common elements (common area) of a private street or private drive, within a sidewalk easement, or along the length of any façade abutting parking areas.

Sight Distance - The distance visible to the driver of a passenger automobile, measured along the normal path of roadway. The minimum sight distance available on a road should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

Street - A general term used to describe a right-of-way within the urban service. This right-of-way provides a channel for vehicular and pedestrian movement between certain points in the community and which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of underground and above ground utilities. A street shall include a right-of way, the street pavement, curb, and gutter. A street is primarily used as a channel for vehicular movement and secondarily as a drainage channel for stormwater.

Street Classification - The grouping of highways by major geometric features and/or the character of service they provide. Streets may also be classified based on the level of government responsible for the facilities, the method of financing the facilities, and/or the route numbering.

Street Improvement - For the purpose of this Manual, an improvement to an existing street shall include adding capacity at an intersection or along a street or reconstructing a street. In addition, these standards may be used to complement projects when minor retrofits are needed.

4.5 REFERENCES

- Locust North Carolina Code of Ordinance
- Locust North Carolina Land Development Ordinances
- Town of Harrisburg Unified Development Ordinance
- Street Design Standards Manual Department of Transportation, City of Greensboro

- Engineering Standards and Procedures Manual, Town of Huntersville
- North Carolina Department of Transportation Specifications for Roads and Structures
- American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highways and Streets
- City of Kannapolis Land Development Standards Manual

ARTICLE 5 - OFFSTREET PARKING

5.1 DESIGN STANDARDS

Off-street parking areas should be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage of pedestrians. The following standards shall therefore be met.

1. Parking lots shall be placed behinds buildings. Side of building parking will be permitted only as indicated by Building Type. Off-street parking is not permitted in front of the primary building facade, except where specified in an adopted street section, detailed as a public plaza, of expressly permitted in the Highway Commercial district.
2. Uninterrupted areas of parking lot shall be limited in size. Large parking lots shall be broken by buildings and or landscape features.
3. Parking lots are to be treated as enclosed rooms for cars. For small lots, (thirty six spaces or less) landscaping shall be required at the perimeter and placed to break the lot into parking modules of no more than thirty-six spaces.
4. Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small lots, this may be achieved by providing a sidewalk at the perimeter of the lot. On large lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors are delineated by a paving material, which differs from that of vehicular areas and planted to provide shade. Small posts of bollards may be included.
5. To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas should be no wider than 24 feet. Driveways connecting to store roads shall meet NCDOT requirements.

To the extent practicable, adjoining parking lots serving non-residential buildings shall be interconnected.

5.1.1 Number of Spaces Required

While it is expected that on-street parking will contribute substantially to every day parking needs; sufficient off-street parking must also be provided to serve the particular needs of the building(s). The following minimum requirements apply:

1. Residential
   - 2 space per 1-bedroom dwelling unit
   - 2.5 spaces per 2+ bedroom dwelling
   - 3 spaces per 3+ bedroom dwelling
2. Commercial and Office
   - 1 space per 500 Sq. Ft.
3. Warehouse
   - 2.5 spaces per 1000 Sq. Ft.
4. Civic
   - No minimum

5.1.2 Exceptions

1. In the Town Center District, existing buildings which were legally constructed without the provision of on-site parking and infill housing on existing lots of record may meet requirements with on-street parking and will be construed conforming as to parking. Such buildings are eligible for change of use permits to building unfits and expansion.
2. Residential buildings may meet or contribute to meeting parking requirements with on street parking if individual driveways are minimized and the fronting street is specifically designed to meet the parking needs of the residential buildings.

Where vehicular access is provided between adjoining non-residential sites and the operating hours of adjoining uses do not overlap. The uses may share up to 50 percent of the required parking spaces. Shared use of parking shall be guaranteed by a contact or other legally binding agreement.

5.1.3 Bicycle Parking

All non-residential buildings should include an area for parking bicycles. This area may be a designated parking space within the parking lot near the building or an area outside the parking lot adjacent to the building. The bike parking must include a bike rack with locking area.

5.1.4 Overflow Parking

Off-street areas used for special event parking (to accommodate occasional overflow volumes) may be constructed of any dust-free, compacted, pervious ground cover. The owner of the property shall be responsible for the maintenance if such parking in a clean and dust-free condition. Grass and mulch are examples of pervious ground cover; gravel and pavement are examples of impervious ground cover.

5.1.5 Lighting for Parking Lot

Lighting of parking lots, buildings and canopies shall not exceed the most recently published standards established by the Illuminating Engineering Society of North America.

5.1.6 Landscaping for Parking Lot

Perimeter landscaping of parking lots shall meet all standards below:

1. Screening shall be provided by installing along the perimeter of the parking lot evergreen shrubs, maximum separation 6’ on center (minimum height 3’ at installation, expected height at maturity at least 6’) and or a masonry wall 3’ to 6’ in height. This screen may be penetrated for access between parking lots.
2. As an alternative screening treatment for parking lot edge(s) which abut street rights of way is a 3’ masonry wall to provide casual seating may be installed in place of the opaque screen described in (A) above.
3. In addition to screening, large maturing canopy trees shall line the parking lot. They shall be planted at a maximum separation of 40’ on center. Tree planting strips at perimeter of lots shall be a minimum of 10’ in width. Only where pre-existing utility lines prevent use of large maturing trees may small maturing trees maximum 30’ on center be substituted.
4. Existing vegetation, which meets screening and or tree standards, may be applied toward landscaping requirements.

Interior landscaping of parking lots shall consist of large maturing canopy trees placed such that each section of parking (up to 36 spaces per section) is enclosed by trees (or building wall), with a maximum of spacing 40’ on center. Tree planting areas within parking lots shall be at least seven feet wide. edged with a curb at least six inches in height, and designed to minimize damage to trees by parking or moving vehicles. Only where pre-existing overhead utility lines prevent use of large maturing trees maximum 30’ on center be substituted.

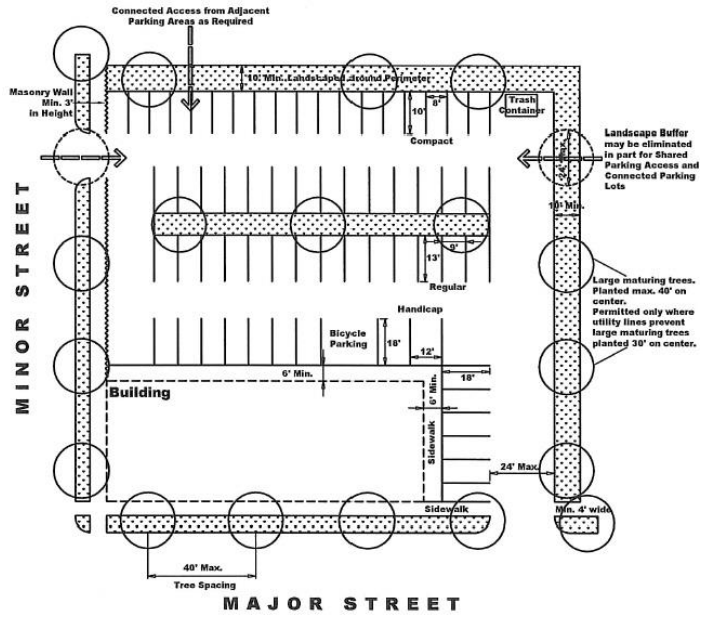
Dumpsters shall be set on a concrete bed and shall be hidden by an opaque fence a minimum of 8’ in height. Wooden shadow box fences are recommended. Fences and walls shall be constructed to match the architectural detail of the main building. Trash containers such as dumpsters shall not be located adjacent to residential property.

Wherever used, fences and walls shall be constructed to match the architectural detail of the main building(s).

Lots with less than 5 parking spaces are not subject to the parking area landscaping provisions of this section.

All mechanical equipment shall be screened from view.

Typical Conditions/Corner Lot



On Corner lots, sideyard parking shall be limited to the interior side yard.

5.2 OFF-STREET PARKING DESIGN

5.2.1 Design Standards

Parking lots shall be placed behind buildings, at the side of buildings as indicated by Building Type or within 80' along the front of a building in the Highway Commercial District.

5.2.2 Landscaping for Parking Lot

Street tree and landscaping rules shall apply along a 10' buffer placed between the ROW and any parking in front of a street facing facade.

ARTICLE 6 - LANDSCAPING AND OPEN SPACE

6.1 LANDSCAPE REGULATIONS

Purpose/Applicability

These regulations are established to protect and enhance the natural landscape of Locust and ensure the appropriate use of plant material In new construction. It is the Intent of these regulations to preserve natural tree cover and include new tree planting with development in order to:

1. Reinforce community identity
2. Reduce visual blight and noise
3. Increase building and property values
4. Prevent soil erosion
5. Reduce storm water runoff
6. Increase groundwater recharge
7. Create shade and reduce solar overheating

An approved species list is available from the Planning Department.

6.2 STREET TYPES

1. Street trees shall be planted along both sides of all public streets with the exception of lanes, alleys, and parkways, where street trees shall be installed along the side of the street opposite the park. Street trees shall be large maturing canopy species such as the Sugar Maple, Willow Oak, or Red Maple.
2. Street trees shall be planted a maximum of 40' on center and shall be a minimum of 3' in caliper.
3. Ornamental street trees (Bradford Pear, Crape Myrtle, etc.) are permitted where underground or overhead utilities prevent the planting of maturing canopy trees. Small maturing or ornamental trees shall be planted at a maximum of 30' on center.

6.3 TREE PRESERVATION AND PROTECTION

During the development and construction of a subdivision or non-residential development, or any lot therein, adequate protective measures shall be provided to minimize damage to existing trees and other vegetation to be retained. The subdivider, developer and builder shall make every reasonable effort to protect and retain existing trees and shrubbery not actually lying in public roadways, drainage ways, building foundation sites and a construction activity area equal to 20 ft. around

The following measures shall be followed to protect existing trees to be retained on a developing site:

1. Prior to construction, tree protective barriers shall be placed around all trees to be saved and their root protection area(s), to prevent damage to trees over 8 inches in caliper. These barricades shall be installed prior to grading, construction, or other land disturbing activity. The barricades shall be constructed from material substantial enough to protect the

roots. trunk, and crown of the tree, such as 2"x4" standards and 1"x4" rails, silt fencing or orange safety fencing, minimum 4 ft. In height on metal posts. The barricade shall be placed at a distance from the trunk, equal to the farthest drip line of the tree and should Include the total area beneath the tree's canopy.

2. Alternative tree protection measures proposed by the developer will also be considered In order to assure maximum preservation on specific sites.
3. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment is allowed in the areas designated for protection.
4. Root pruning shall be kept to an absolute minimum.
5. Pruning of existing trees shall be done according to the National Arborists' Association Standards In a manner that preserves the character of the crown.
6. Grading must not encroach on a tree's root zone In ways that threaten the survival of the tree. Root cuts and fills must be limited to 1/4 of the area within the drip line of the tree. Any cuts must be clean and painted promptly with a tree paint.
7. No ropes, signs, wires, unprotected electrical installation or other device or material, shall be secured or fastened around or through a tree or shrub.
8. A grading permit shall not be issued prior to approval of a tree protection plan.

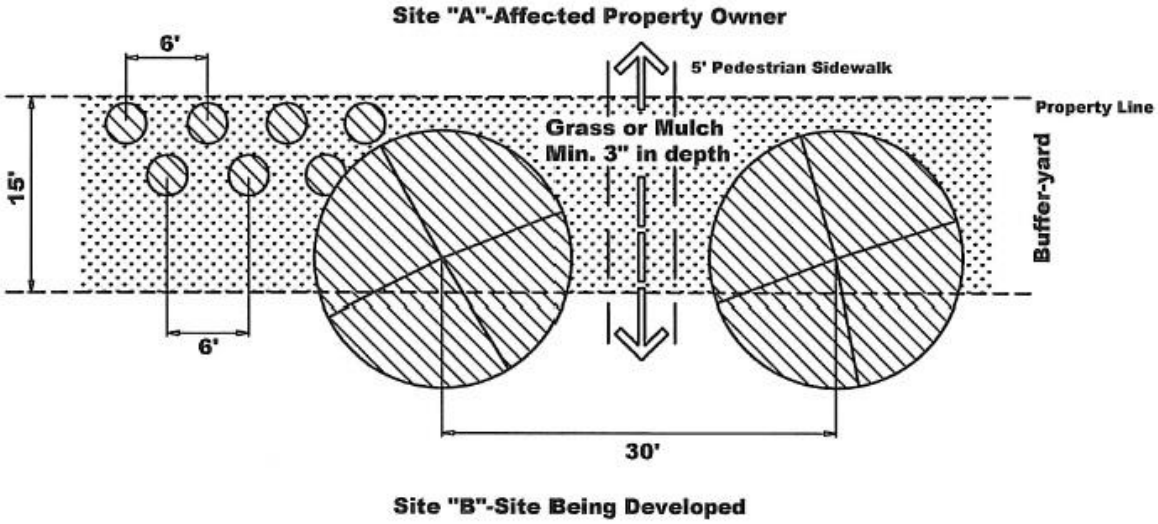
6.4 BUFFER YARDS

Landscape screens are required in situations where a new building is expected to create an incompatible relationship with existing buildings or districts, such as large scaled workplace buildings adjacent to residential uses. Screens are required to protect against noise, lighting and other disruptive effects, to protect the character of residential areas and conserve property values.

The buffer-yard area shall be a minimum of 15 feet and shall consist of plant material which at maturity creates a screen which is 100% opaque. For example, for every one hundred linear feet, the screen shall consist of a combination of at least three (3) canopy trees planted 40 feet on center and thirty-four (34) evergreen shrubs in a double-staggered row six (6) feet on center. New trees and shrubs should be evenly spaced at planting, with trees having an 8-foot minimum installed height, and shrubs have a 36-inch minimum installed height. For dimensions of less than 100', plantings and spacing shall be in pro-portion to the basic ratio described above. A solid masonry wall, minimum 6' in height, may be substituted for required shrubs. No mechanical equipment such as air conditioner units are permitted within the buffer area. Permanent detention and temporary erosion and sedimentation control basins are prohibited in buffer yards. Where existing topography prevents the strict application of these standards, alternative screening methods which perform to the same or higher level will be considered. Utility easements may cross but not be placed within the long dimension of a buffer yard. An example site plan is illustrated below:

Where practical, pedestrian access shall be provided through the buffer yard. For example, neighborhoods adjacent to/at the rear of commercial development.

Buffer-yard Example



Plantings will consist of evergreen shrubs, 6' on center, double staggered rows, and canopy trees planted 30' on center.

6.5 URBAN OPEN SPACE REGULATIONS

6.5.1 Design Standards

Open space is defined as all areas not divided into private or civic building lots, streets, rights-of-way, parking or easements.

Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.)

6.5.2 Amount of Open Space to be Provided

In new developments, urban open space is expected to be integrated into the design of the site. It is expected that such open space will be within 1 /4 mile of each residential building.

Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.

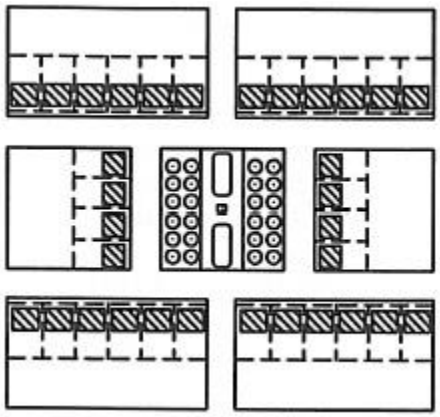
6.5.3 Conservation Areas

Significant stands of trees, stream bed areas, and other valuable topographic features should be preserved.

6.5.4 Urban Open Space Types

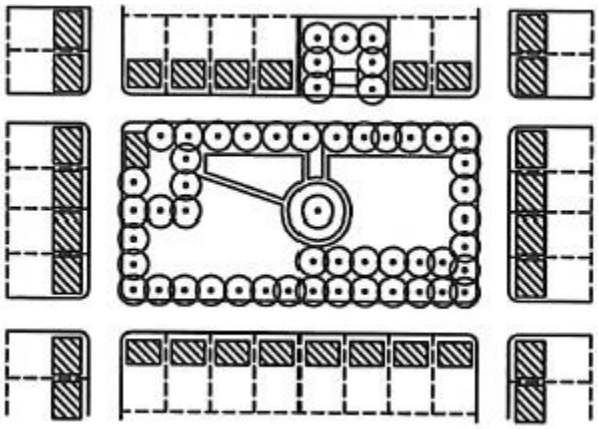
1. **Squares:** Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of three sides or 75% of their perimeter.
    - Minimum size: 500 sq. ft.
    - Maximum size: 1 acre

    Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape.



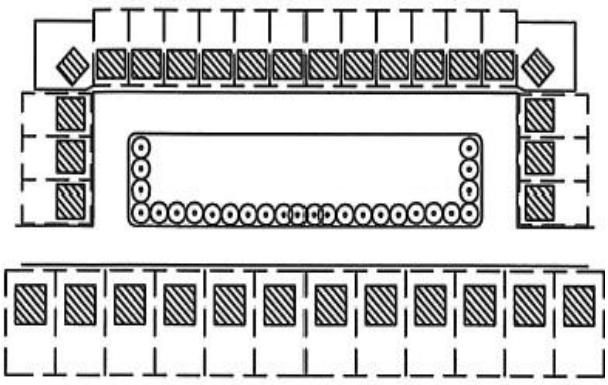
    Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged.

2. **Parks:** Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 50% of their perimeter and are encouraged to be enclosed by streets on all sides.
    - Minimum size: 1 acre
    - Maximum size: 3 acres

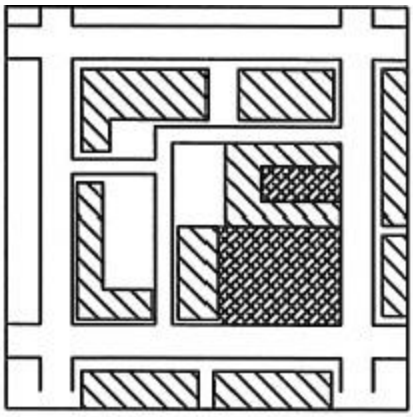


    Maximum park size may exceed 3 acres if through design the park creates a central open space which services an entire neighborhood or group of neighborhoods; or Incorporates physical features which are an asset to the community (i.e. lake, high ground, significant stands of trees).

3. **Forecourts:** Forecourts are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street ROW'S with one tree species. Such plantings shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.



4. **Plazas:** A plaza is an open area adjacent to a civic or commercial building. Plazas function as gathering places and may incorporate a variety of non-permanent activities, such as vendors and display stands. Limited parking is also permitted. Plazas are always paved in brick or another type of paver, or crushed stone. Plazas shall be level, stepped, or gently sloping (less than 5% grade).

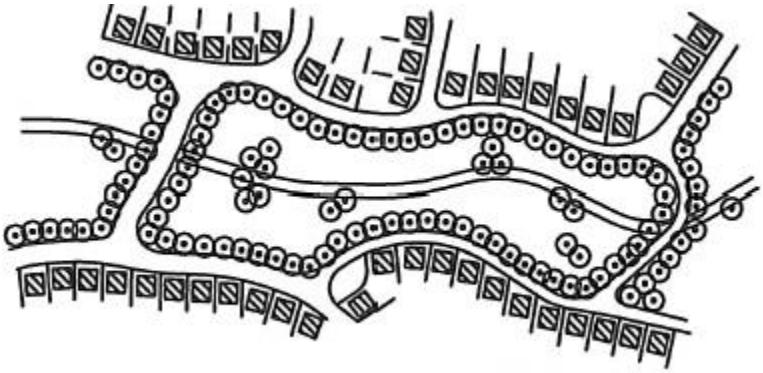


   The following sizes are recommended but may be smaller or larger depending on the building or facility design. At no time shall a plaza's horizontal length or width be greater than 3 times the height of surrounding buildings.

   - Minimum size: 2,000 sq. ft.
   - Maximum size: 30,000 sq. ft.

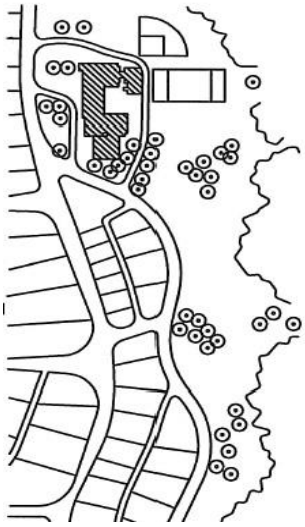
   Plazas may be left unplanted. If planted, trees should form the geometric frame of the plaza space or for the structure the plaza services. Spacing shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.

5. **Parkways:** Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkways are to be entirely bounded by streets or pedestrian ROW's within developed areas. Parkways differ from parks and squares in that their detailing is natural (i.e. informally planted). Parkways are used for walking, jogging, or bicycling. In addition, small scale recreational features such as a playground area or soccer field are appropriate in parkways. Streets bordering the parkway shall match the parkway street standards in the Land Plan Street Regulations.



6. **Greenbelts:** Greenbelts run along the perimeter of a neighborhood or town and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor, industrial district, or a town from agricultural areas or adjacent towns.

   Greenbelts are left natural but may include walking trails. In addition, schools located adjacent to Greenbelts can provide all recreational and athletic fields within the green-belt.



ARTICLE 7 - GENERAL PROVISIONS

APPLICABILITY

No structure shall be erected nor use established in conflict with:

- the district regulations of Article 2,
- the building and lot regulations of Article 3,
- the street regulations of Article 4,
- the off-street parking regulations of Article 5,
- the landscape and open space regulations of Article 6,
- the general provisions of Article 7, or
- the sign regulations of Article 9.

7.1 STREET FRONTAGE REQUIRED

Any lot on which a building (or buildings) is to be erected or use is to be established shall abut a public street with the following exceptions:

1. Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement.
2. Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
3. Up to six residential lots may be served by a privately maintained easement with a minimum 20 foot right-of-way.
4. A site specific development plan may be considered for approval in the CC, NR, OPS, and TND-O districts where residential and/or non-residential structures front upon a private courtyard, carriageway, or pedestrian way, where adequate access by emergency vehicles is maintained by way of a rear alley and where the off-street placement of uses does not diminish the orientation of building fronts on the public street.
5. A site specific development plan may be considered for approval in the Campus, Business, and Institutional District, Light Highway Commercial or Highway Commercial District to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the campus/building complex front upon public street(s).
6. To access a lot or lots in the Highway Commercial District, where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection, a private

drive may be substituted for the interior street which cannot be connected to the public network.

7.2 ONE PRINCIPAL BUILDING ON A LOT; EXCEPTIONS

Only one principal building and its customary accessory buildings) may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations and described by building and lot type.

7.3 LOT SIZE

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements for building and lot type cannot be met, or the performance standards for spacing of structures, building mass and scale, and street frontage relationships cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

7.4 YARD DESIGNATION

1. On lots which abut more than one street, building and lot shall generally front upon the more pedestrian oriented street, given the arrangement of existing and proposed streets and drives, and the orientation of buildings on adjoining lots.
2. Where multiple buildings are permitted on a single platted lot, each building shall generally front upon a pedestrian oriented street, either external- or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.
3. On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

7.5 YARD DIMENSIONS FOR CORNER LOTS

1. If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be at least 50 percent of the greater of the two front setbacks, existing or required.
2. In any district, where the side lot line of corner lot is substantially a continuation of the front lot line of the lot to its rear, the required side yard of the corner lot shall (a) be at least 50 percent of the established front setback of the adjacent lot or (b) establish a transition between existing buildings by stepping toward the street or back from the street a distance equal to the lesser building setback + one-half of the difference between the setbacks of the adjoining buildings.

7.6 THROUGH LOTS

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

7.7 HEIGHT LIMITATION

1. The height of habitable buildings and components is controlled by building type (Article 3).
2. Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (Article 4). When adjacent to a lot or lots located in a residential district, any part of a non-civic structure which extends above the height limit must be separated from the residential lot by a distance equal to its height measured from the ground.

7.8 STRUCTURES AND USES LIMITED IN YARDS

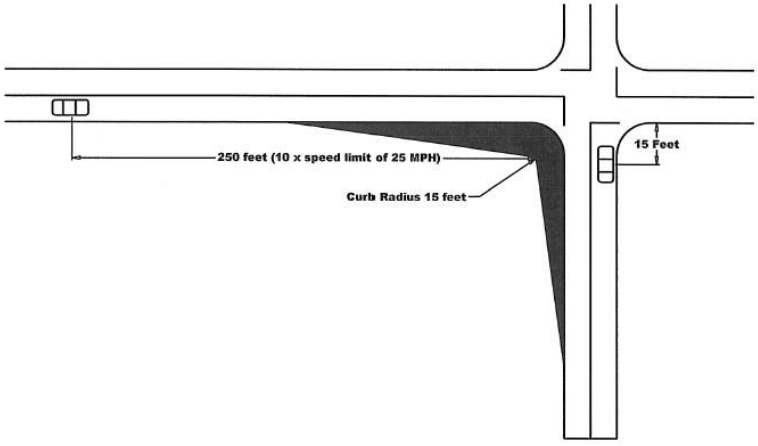
1. No principal building or structure shall be located within any required setback or yard, forward of the build-to line for a principle structure, within any setback or yard established by a recorded plat, nor in any required buffer or screen.
2. Except as otherwise provided in this section, no accessory structure shall be located within an established setback or required side yard, nor within five feet of a rear lot line. Where permitted, accessory dwellings may be located no closer than 5 feet to an abutting mid-block alley, nor closer than 15 feet to an abutting property line. Fences, walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in an established setback or required yard, so long as the sight triangle on corner lots is protected according to the provisions of Section 7.9.
3. Fences may be located in any yard, established or required, according to the standards of Section 7.11.2.
4. Signs may be located in an established front setback or a side yard abutting a public street as permitted by the provisions of Article 9, Signs.
5. Transit shelters may be located in any setback or yard which abuts a street, in accordance with Section 8.39.
6. Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in the established front building setback, which shall be landscaped, in any established side yard abutting a street, which shall be landscaped, and in any required buffer or screen. This restriction shall not apply to:
    1) a driveway which crosses a front yard to provide access from the street to a parking area; or
    2) an individual driveway, including conventional appurtenances thereto such as basketball goals, designed to also serve as a parking area for a detached or duplex dwelling; or
    3) plazas associated with civic buildings or campus quadrangles that have been designed and approved for occasional use as secondary parking areas;
7. No outdoor storage of goods and materials or refuse containers shall be located in any established setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.

8. Notwithstanding other provisions of this section, architectural features such as cornices, eaves, bays, awnings, steps, gutters, and fire escapes may project up to 3 feet into an established or required yard; additional encroachment is permitted for certain building and lot types established in Article 2.

   The limitations of this section may be modified in the instances noted below, so long as adequate visibility is maintained relative to intended speed limit:
   1) existing natural grades,
   2) trees trimmed such that no limbs or foliage extend into the area between 30 and 72 inches above the level of the adjacent intersection;
   3) fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;
   4) buildings located in the City Center District, or the commercial centers of TND-O Districts;
   5) the approved and intentional use of traffic calming techniques to reduce speed; these include but are not limited to: a series of hill crests, speed tables, neck downs, intersection diverters, and curb bulbs.
9. Subordinate structures attached to single family homes, such as decks, garages, porches, utility rooms, and similar features may extend into the required rear yard up to 25% of its depth and may consume up to 20% of its area. Such extensions may not exceed 50% of the width of the dwelling at the rear building line.
10. Above ground back flow preventers are expressly prohibited in the established front yards of buildings.

7.9 CLEAR SIGHT TRIANGLE AT STREET INTERSECTION

1. In most circumstances, a clear view at each corner of an intersection shall be maintained by establishing an unobstructed "sight triangle". The extent of the required sight triangle varies according to the speed limit of streets forming the intersection. For streets signed 35 MPH or greater, the area to be clear of view obstructions at unsignalized intersections is generally to be the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection. For intersecting streets signed for less than 35 MPH, the shaded area in the figure below illustrates the area which must, in most instances, be clear of obstructions to driver visibility at unsignalized intersections. As indicated, the clear sight triangle will vary according to speed limit for traffic on approaching street.



2. No planting, structure, sign, fence, wall, man-made berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between 30 inches and 72 inches above the level of the center of the street intersection.
3. The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
4. Commercial communication towers, where permitted, may exceed the height limit for structures when the standards of Section 8.9 are met.

7.10 BUILDING SEPARATION

All detached principle structures in all districts shall preserve a minimum building separation of 10 feet. The requirement of the district or the existing pattern of building spacing along a street may require a greater separation or the provision of specified side yards.

7.11 PERMITTED ACCESSORY USES IN ALL DISTRICTS

1. Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot.
2. Fences and walls.

• In a residential, mixed use, or commercial district, a fence or wall in the established front yard of a building shall be a minimum of 2 feet in height and a maximum of 5 feet in height. Decorative caps or spires which extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link or similar fencing materials, if used, shall be placed on the interior side of a masonry wall or solid wood fence and shall be planted with a semi-opaque vegetative screen between wall or fence and the public street.

• In a residential or mixed use district, a fence or wall in an established rear or side yard which abuts a street or alley may not exceed 6 feet in height unless placed 15 feet or more inside property boundary. Within the first 15 feet, fences of chain link or similar material are permitted only if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2 1/2 feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level

• In a residential or mixed use district, a fence or wall in an established rear or side yard which does not abut a street or alley may not exceed 8 feet in height.

• In a commercial district, a fence or wall shall not exceed 8 feet within the first 15 feet of an established side or rear yard abutting a street or alley. Fences of chain link or similar material are permitted in the first 15 feet of an established yard abutting a street or alley only if placed on the interior side of a masonry wall or solid wood fence and planted with a semi opaque vegetative screen between wall or fence and street or alley. Beyond the first 15 feet abutting a street or alley, such materials may be used if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2 112 feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level.

• In a commercial district, fences of chain link or similar material placed in an established yard which abuts a residential or mixed use district shall provide a semi-opaque vegetative screen on the exterior side of the fence.

• For parking lots as principal or accessory uses, the standards of Article 6 will control.

3. On-site Land Clearing and Inert Debris (LCID) landfill.

• Any on-site LCID landfill must obtain a permit from and comply with the standards of the Stanly County Environmental Protection Department and the State of North Carolina.

• Any such landfill must be closed in an approved fashion within six months of completion of construction or within 12 months of cessation of construction, if the development project has not been completed.

• The location of any such landfill must be indicated on the preliminary subdivision plan and the final subdivision plat. Further, any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the landfill recorded as part of the deed for the lot or parcel.

• No portion of any such landfill may be located within 75 feet of any property line which constitutes the external boundary of the project. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area

• Any on-site LCID landfill which is located in a campus business district is exempted from the 12 month requirement provided that no portion of the landfill is located within 300 feet of any adjoining property zoned for residential or mixed use, and so long as an opaque screen is provided and/or maintained which visually separates the landfill from the residential or mixed use adjoiners.

• A surety bond or irrevocable letter of credit in an amount to be determined by the consulting engineer must be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time.

4. Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
5. Temporary buildings and storage of materials, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot, the temporary uses shall be terminated upon completion of construction.

7.12 STANDARDS FOR CONSTRUCTION; DEVELOPER RESPONSIBILITY

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping are specified in this document or in the subdivisions of regulations of the City of Locust, City standards shall control. In the absence of a specified City standard, construction shall be in conformance with the most recent version of the Stanly County Land Development Standards Manual.

7.13 REGULATIONS OF NUISANCES

1. Noises. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. No nonresidential use shall be operated so as to generate any noise in an adjacent residential, research, or office-institutional district, as detected in that district without instruments, that is louder than the noise which could be generally expected from uses permitted in that district.
2. Fumes and Odors. No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.
3. Vibration. No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line without instruments.

7.14 GENERAL STANDARDS FOR DRIVEWAY PERMITTING

1. No driveway or other point of access to the street shall be constructed, relocated, or altered unless a driveway permit is obtained from the City of Locust or the State of North Carolina, whichever jurisdiction applies.
2. For development projects composed of multiple buildings and lots, access to the preexisting public street system shall be determined by the location of proposed intersecting streets. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area.

7.15 SPECIAL REQUIREMENTS FOR LOTS ALONG THOROUGHFARES

1. Authorization Pursuant to North Carolina General Statutes 160A-306 (which state that cities and counties shall have authority to (1) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic load, and other characteristics relevant to the achievement of the purposes of this section, and (2) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be set back from the right-of-way line or the center line of an existing or proposed street) the following requirements shall apply.
2. Minimum Setbacks Along Thoroughfares. The build-to or set back line for any lot which abuts a thoroughfare classified on the Stanly County Thoroughfare Plan shall be measured from the proposed right-of-way line, if existing right-of-way is of lesser width. The Proposed Right-Of-Way Line established for each classification of thoroughfare is as follows:

Thoroughfare Classification	Distance from ThoroughfareCenter line to "Proposed Right-of-Way Line"
Freeway or Expressway (Class I)	125-175 feet
Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	75 feet
Major Arterial (Class III)	50 feet
Minor Arterial (Class IV)	35 feet

3. Transitional Setbacks for Lots along Thoroughfares. A transitional setback or yard shall be established for each lot which abuts a thoroughfare that has an existing right-of-way which is not as wide as the ultimate right-of-way established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for those permanent uses which are prohibited in the established setbacks or yards. The area between the existing right-of-way and the Proposed Right-of-Way Line may not be used to satisfy any minimum open space requirement, any minimum lot size requirement, or any other minimum requirements imposed by this ordinance. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.
4. Exceptions. The standards herein prescribing setback from the proposed right-of-way line will not apply to any development for which a preliminary subdivision plan or a conditional district site plan has been approved prior to the effective date of regulations requiring setback from proposed right-of-way lines along thoroughfares. Nor shall they apply to structures in the City Center District.
5. Right to Appeal. An affected property owner shall have the right to appeal transitional yard or setback requirements to the Board of Adjustment for variance or modification as they apply to a particular piece of property. The Board of Adjustment may vary or modify these requirements upon a showing that:
    a) The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirements, and
    b) The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted, and

c) Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.

6. In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interests of neighboring properties. The Board of Adjustment's decision shall be subject to review by the superior court by proceedings in the nature of certiorari in accordance with N.C.G.S. 160D-1-9(d)

7.16 STANDARDS FOR RESIDENTIAL GARAGES AND PARKING IN RESIDENTIAL DISTRICTS

1. On lots 60 feet or less in width, alley access is required if on-site parking is provided.
2. When an elevated porch with steps to ground level provides permanent structural screening of a single bay front loaded garage, the garage setback may be measured from the front face of the porch.
3. In no case shall on-site residential parking extend into the public right of way, or into an easement for a public sidewalk on private property.
4. On-street parking at lot front, when specifically provided, may be counted toward all or part of the parking requirement of a dwelling unit.
5. Detached garages may only be placed in the established rear yard. Garages for more than two cars must be detached and located in the established rear yard. As an exception to this practice, a three-car garage may be attached to the rear corner of a dwelling subject to the following conditions:
    a. The front façade of the garage facing the public street must not project in Front of the line of the rear façade of the dwelling;
    b. The width of the garage façade facing the public street must not be greater than 50% of the width of the street façade of the dwelling;
    c. For garage facades facing the public street, the garage door openings must be constructed for single door widths;
    d. If the design provides for the garage to be turned at ninety degrees from the street, the width facing the public street front must not be greater than 50% of the width of the street façade of the entire dwelling. The façade of the garage facing the public street front must meet required front setbacks for the zoning district in which it is located.
6. Lots in subdivisions approved prior to the effective date of this ordinance, are exempt from the limitations of subsection 2, above.
7. Vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking on streets, in driveways, or on private property in residential districts. This shall not be construed as preventing the temporary parking of delivery trucks, moving vans, and similar vehicles which deliver goods or services.
8. All driveways from a public street shall be a minimum of 10 feet and a maximum of 16 feet in width. An exception to this general rule, for garage entrances greater than 14

feet, will allow a driveway to extend an additional 12 inches on each side of the garage opening centerline. In no case shall a driveway be greater than 22 feet in width.

7.17 FARM ANIMAL RESTRICTIONS

It shall be unlawful for any person to have or maintain any farm animals, such as but not limited to, horses, cows, pigs, hogs, chickens, turkeys, mules, ducks, donkeys, goats and sheep on his or her premises. Provided, however, the farm animal restriction shall not apply to a bonafide farm of three (3) acres or more (which three acres may include contiguous bonafide farmland outside the ETJ of the City. Bee keeping shall be permitted as long as all hives and related materials are located at least thirty (30) feet from any property or street line.

7.18 RESERVED

7.19 RESERVED

7.20 BUFFER YARDS

1. The purpose of a buffer yard is to exclude visual contact and create spatial separation between a large scale or high impact use and the view from public streets and abutting properties. Under most conditions, the standards below will meet the purpose of the buffer yard. Where topographical changes, the size and shape of existing lots of record, or other special conditions exist which would make adherence to the basic requirement either impossible or ineffective in meeting the purpose of the buffer yard, alternative buffer plans will be considered or may be required.

Condition	Buffer Yard Width
The perimeter of any Campus Business and Institutional (CBI) District except:	80 feet

• abutting a public street, where building scale, frontage relationship, and location of accessory uses ensures design compatibility off site, or where it abuts another CBI district

2. The composition of the buffer yard may include:

- a wall
- wood fence
- planted vegetation
- existing vegetation
- a combination of these elements which will meet the purpose of the requirement

3. A buffer shall function as an opaque barrier between the viewer and at least the lower eight feet of the use or structure to be buffered. Therefore the exact location and arrangement of materials in the buffer will be determined based upon an analysis of site topography and sight lines from public spaces or private properties which are to be protected. Performance of the buffer should meet or exceed:

a. the intermittent planting of deciduous and evergreen trees with height at maturity of no less than 20 feet and no unobstructed openings wider than ten feet between tree canopies upon maturity,
b. shrub plantings with minimum height of 3 feet upon installation, expected height at least 6 feet at maturity, and no unobstructed openings wider than four feet, and
c. at least 50 percent of required trees and at least 75 percent of required shrubs as evergreen species. All shall be locally adapted to the area and meet the specifications for the measurement, quality, and installation of trees and shrubs in accordance with "American Standards for Nursery Stock", published by the American Association of Nurserymen. Man-made berms are not permitted along public streets, whether as a matter of choice or as a means of meeting the buffer requirement of this section. Natural changes in topography and existing vegetation will be taken into account when evaluating sight lines and opacity of buffer.

4. Mechanical equipment, permanent detention, and temporary erosion and sedimentation control basins are prohibited in required buffer areas. Utility easements may cross but may not be placed laterally in a buffer.

7.21 SCREENS

1. The purpose of a screen is to provide a visual barrier between an unsightly or out of scale development feature and the view from public streets and abutting properties. It is required as specified below:
    - dumpster or trash handling areas: opaque screen
    - service entrances or utility facilities for building operation: semi-opaque screen
    - loading docks or spaces: semi-opaque screen
    - all other uses for which screening is specifically required under these regulations (see Article 8, Conditions for Certain Uses).
2. An opaque screen is intended to exclude all visual contact with the screened structure or use. It may be composed of:

- a wall
- wood fence
- planted vegetation
- existing vegetation
- a combination of these elements which will meet the purpose of the requirement

The width of the screen is that which is necessary to accommodate the screening materials. To provide maximum sight line obstruction, a screen is usually placed immediately adjacent to the structure or use to be screened. Performance of the screen shall meet or exceed the following exemplar: To produce an opaque screen, intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed

openings wider than ten feet between tree canopies upon maturity. At installation, shrub plantings shall have a minimum height of 3 feet, expected height at maturity at least 6 feet, and no unobstructed -openings wider than four feet. At least 50 percent of the required trees and at least 75 percent of the required shrubs shall be evergreen species. All shall be locally adapted to the area and meet the specifications for the measurement, quality, and installation of trees and shrubs in accordance with "American Standards for Nursery Stock". In most instances, a structural screening material such as a wall or wood fence must be augmented with vegetation. Exceptions can include the screening of dumpsters in rear yard parking lots. Man-made berms are not permitted along public streets, whether as a matter of choice or as a means of meeting the screening requirement of this section. Natural changes in topography will, however, are taken into account when evaluating sight lines.

3. A semi-opaque screen is intended to obscure visual contact with the screened structure or use. It can be used as a device to reduce the perceived scale and massing of a structure to enhance its compatibility with the existing built and natural environment. It may be composed of:

- a wall
- wood fence .
- planted vegetation
- existing vegetation
- a combination of these elements which will meet the purpose of the requirement

The width of the screen is that which is necessary to accommodate the screening materials. To obscure the sight line, a screen is usually placed immediately adjacent to the structure or use to be screened. Performance of the screen shall meet or exceed the following exemplar: To produce a semi-opaque screen, intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed openings wider than 20 feet between tree canopies upon maturity. At installation, shrub plantings shall have a minimum height of 3 feet, expected height of at least 6 feet' at maturity, and no unobstructed openings wider than four feet. At least 75 percent of the required shrubs shall be evergreen species. All shall be locally adapted to the area and meet the specifications for the measurement, quality, and installation of trees and shrubs in accordance with "American Standards for Nursery Stock". When a structural screening material such as a wall or wood fence is chosen by the builder or developer, it will in most cases require the addition of some supplemental vegetation. Man-made berms are not permitted along public streets, whether as a matter of choice or as a means of meeting the screening requirements of this section. Natural changes in topography will, however, are taken into account when evaluating sight lines.

7.22 STREET TREE PLANTING

1. Street tree planting is required along all major and minor thoroughfares and is the responsibility of the builder or developer. Planting shall be provided as follows:

a) if a street specific cross-section and planting plan has been adopted by the City Council for a new or existing thoroughfare, the requirements of the adopted plan shall control,

b) if no specific plan and section have been adopted for an existing thoroughfare, canopy trees shall be planted at a spacing not to exceed 40 feet on center; where overhead utility lines preclude the use of canopy trees, small maturing trees shall be planted 30 feet on center; man-made berms are not permitted along public streets, whether as a matter of choice or as a means of meeting the tree planting requirements of this section.

2. Along streets which are built by the developer as part of the development process, the standards of Article 4, Streets shall control.
3. Along roads or streets that are well-forested, or new streets that are to be maintained in a forested condition by the developer, the street tree planting requirement may be reduced or eliminated to minimize grading and enhance preservation of existing, mature trees.

7.23 INSTALLATION AND MAINTENANCE RESPONSIBILITY FOR LANDSCAPING

1. **Certificate of Compliance Accepted.** While land development occurs continuously, vegetation used in landscaping and screening should be planted at certain times of the year to improve survival rate. To ensure compliance with this section and to reduce the potential expense of replacing vegetation installed in an untimely or improper fashion, a letter of compliance must be filed with the zoning administrator at the time of building permit issuance. This letter will acknowledge that the applicant for the building permit is aware of any landscape requirements which apply to his property and that he or she will comply with those requirements by a specific date, generally within the next planting season, but in no case more than one year after the issuance of the building permit for the portion of the project or building for which the permit was issued. Failure to comply with the provisions of this section within the time specified in the letter of compliance constitutes violation of this section.
2. **Maintenance**. All landscape materials required or committed voluntarily by the developer, whether screen, buffer, urban open space, rural open space, street trees, or maintained vegetation shall be properly maintained by the property owner. Maintenance includes actions necessary to keep landscape materials healthy, neat and orderly in appearance, and free of litter and debris. Any landscaping lost shall be replaced unless increased maturity of remaining vegetation compensates for the loss of an individual shrub or tree, thereby causing the intent of the landscape standard to still be met.

ARTICLE 8 - CONDITIONS FOR CERTAIN USES

8.1 ACCESSORY DWELLING

1. An accessory dwelling may be attached, within, or separate from the principal dwelling.
2. The principal use of the lot shall be a detached or attached dwelling, built to the standards of the North Carolina Housing Code.
3. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
4. The accessory dwelling shall be owned by the same person as the principal dwelling.
5. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
6. A detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area (maximum footprint); the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.
7. A detached accessory dwelling shall be located in the established rear yard and meet the standards for the applicable building and lot type, Article 3, and the limitations on rear yard use of Section 7.8.
8. An accessory dwelling must be registered with the City Administrator at the time a certificate of occupancy is obtained.

8.2 ADULT ESTABLISHMENTS

Studies have shown that adult establishments tend to have serious deleterious effects upon nearby residential areas and uses where juveniles congregate, specifically schools, religious institutions, childcare centers, parks and playgrounds. Further, studies have shown that lowered property values and increased crime tend to accompany geographic concentrations of adult establishments. It is the intent of this section to establish regulations to prevent the concentration of adult establishments and to separate adult establishments from residential areas, schools, religious institutions, childcare centers, parks and playgrounds.

1. Adult establishments are permitted in the HC District subject to the requirements below
    a. Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 2500 feet from any residential or mixed use zoning district and from the following principal or accessory uses, defined as protected uses for purposes of this section: dwelling units, elementary and secondary schools, religious institutions, child care centers, parks and playgrounds, medical offices, government and public institutions.
    b. Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 2500 feet from any other adult establishment.
    c. The distance of separation from residential and mixed use zoning districts and from the protected uses listed in a), above, shall be measured from the closest point of the lot occupied by an adult establishment to the nearest residential or mixed use zoning district or the property line of a protected use. The distance of

separation between adult establishments shall be measured from the closest points of the lots occupied by adult establishments.

d. No more than one adult establishment may be located within the same structure or on the same lot.
e. In the interest of public health and safety, mini-motion picture booths shall be constructed without doors and shall orient the customer entrance of each booth toward the principal sales counter.
f. The entrance to the building should be in the principal facade facing the public street. This facade shall contain windows of clear glass whose glazing area shall not be less than 33% of the facade area and extend down to 3'-0" above ground level. These windows shall remain unobstructed at all times from posters, curtains, blinds, and other opaque materials so as to ensure a clear view between inside and out.
g. All display materials within the establishment must be so arranged as not to be visible from the public right-of-way.

8.3 AGRICULTURAL INDUSTRY IN THE OPS DISTRICT

Agricultural Industry, limited to the production of commercial poultry or small livestock in enclosed buildings, according to the procedures of Section 10.4.10.

The City Council shall issue a Special Use Permit for the production of commercial poultry or small livestock in enclosed buildings in the OPS District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
2. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property, and
3. That no part of the proposed use will be located or operated so as to emit dust, noise, fumes, or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties; and
4. That there will be a separation of no less than 250 feet between structures housing the agricultural industry and any property located in a residential district or developed for residential or mixed use purposes; and
5. That the proposed use shall be located on a lot of no less than ten acres.

8.4 AIRPORTS

Airports are not permitted except in the CBI District, and they're subject to a Special use permit, according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

3. That the proposed use will not constitute a nuisance to properties located in residential or mixed use districts or developed for residential purposes with respect to noise, dust, fumes, light, vibration, or traffic; and

That the proposed use will comply with all applicable Federal Aviation Administration regulations.

8.5 AMUSEMENT FACILITIES (OUTDOOR)

1. Outdoor amusement facilities will be separated by an opaque screen from any abutting property located in a residential or mixed use district;
2. No amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of any abutting property located in a residential district;
3. Hours of operation will be no earlier than 6:00 a.m. and no later than 12:00 midnight.

8.6 CAR WASH

The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking, Article 5.

8.7 CEMENTERIES

1. Tombstones, crypts, monuments and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property.
2. Buildings for maintenance, management, rent and/or sale of cemetery lots must conform to a building type permitted in the zoning district.

8.8 CHURCHES

The scale and activity level of churches is a function of size and the range of accessory uses associated with the institution; very high activity levels have the potential to be disruptive to residential and small scale mixed use areas. To diminish disruptive impacts by ensuring appropriate location and design standards, the development and expansion of religious institutions and accessory uses in residential, City center, and neighborhood center districts shall meet the following standards:

1. Churches shall meet the standard for civic building and lot type, Article 3.
2. Development Standards.
    a. Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.
    b. Accessory dwelling units for persons associated with or employed by the church may be provided at a ratio of 1 unit for each 3 acres of site; these limits do not apply to the placement of convents, rectories, parsonages or similar uses on the site.
3. Accessory uses such as church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever churches are permitted and shall meet the

civic building and lot type, or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such.

4. Church accessory uses which are not permitted as principal uses in a district shall adhere to the following restrictions:
    a. No merchandise or merchandise display shall be visible from outside the building;
    b. No business or identification sign pertaining to the accessory uses shall be visible from outside the building.
5. Except as noted in .3, above, accessory uses not permitted as principal uses (including television stations. radio stations, printing presses, or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
6. Applications for a building permit shall include a comprehensive site plan which addresses the required standards and conditions for the main site and all abutting holdings.

8.9 COMMERCIAL COMMUNICATION TOWER

A Commercial Communication tower shall meet the following standards:

1. To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas and must file a letter of intent with the City to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another.
2. No new commercial communication tower may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.
3. The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.
4. Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.
5. All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.
6. No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
7. Towers shall not be artificially lighted except to ensure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.

8. An opaque screen expected to reach minimum 8' height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing on site trees and other vegetation shall be preserved to the extent possible.
9. No more than one communication tower shall be constructed on a single tract of land.
10. If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed-use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district(s).
11. To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside church steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Board for approval. The affirmative decision of the Planning Board shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public.

8.10 COMMERCIAL OUTDOOR KENNEL

The outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed-use district.

8.11 DAY CARE CENTERS AND SMALL DAY CARE HOMES

1. Child Day Care Center.
    a. A center must meet a permitted building and lot type for the district in which it is to be located.
    b. Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources.
    c. Outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front lawn.
2. Adult Day Care Center
    a. A center must be a permitted building and lot type for the district in which it is to be located.
    b. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.
3. Child Day Care Home, small.
    a. The day care operation must be located within the residential dwelling unit occupied the director of the service. Preschool instruction and daytime care is limited to 6 children not related to the operator.
    b. A Child Day Care Home shall meet the following standards:
        i. Play space must be provided in accordance with the regulations of the North Carolina Department of Human Resources.
        ii. Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any established building setback from a street.

iii. Chain link and similar fencing materials shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation or be obscured by a comparable screening treatment.
iv. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
v. There are no specific limitations on the hours of operation of a Day Care Home, but no outdoor play shall be permitted after sundown.

4. Adult Day Care Home, small.
    a. An Adult Day Care Home must be located within the residential dwelling unit occupied by the operator of the service. Care is limited to no more than 6 adults who do not reside in the dwelling.
    b. An Adult Day Care Home shall meet the following standards:
        i. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
        ii. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

8.12 DRIVE THROUGH WINDOWS AS AN ACCESSORY USE

1. Drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street,
2. Drive-through service windows, stacking lanes, and circulation are treated as components of on-site parking for the purposes of screening (Article 5);
3. The length of on-site stacking lane(s), taken together, shall be a minimum of 200 feet if window access is provided directly from a major or minor thoroughfare; a minimum of 100 feet if window access is provided directly from a street of lesser capacity.
4. The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic. A separate circulation drive must be providing for passage around and escape from the outermost drive-through service lane.
5. Screening is not required for walk-up service accessories such as depositories and ATM's.
6. Service and Pick up windows to be located on driver side.

8.13 DUPLEX ON CORNER LOT

Duplexes are permitted on corner lots in any residential or mixed-use district according to the following standards:

1. The entrances to each unit in the structure will face different streets;
2. The dwelling must meet the minimum front yard setback from both streets upon which a unit faces;
3. The lot has at least 1.5 times the minimum lot area, if any, for the district.

4. 4 Duplexes which meet the standard for the attached house, or the apartment building are permitted without corner lot restrictions in those districts which permit attached housing and apartment building types.

8.14 ELECTRONIC GAMING, FORTUNTE TELLING & PALM READING OPERATIONS

The following specific provisions shall be met as minimum standards prior to the approval of any business engaging in electronic gaming operations as a use permitted with conditions in the Highway Commercial (HC) District.

1. Days/Hours of Operation: Businesses engaging in electronic gaming operations activities may operate from 8:00 am to 10:00 pm, Monday through Saturday.
2. The maximum number of machines/terminals/computers for any electronic gaming operations business is eight (8).
3. Minimum paved parking spaces
    a. One (1) space per every two (2) terminals or one (1) space per everyone hundred (100) square feet of total floor area, whichever is greater.
    b. Must meet parking requirements for the Highway Commercial district.
    c. Parking lot must be paved.
    d. One (1) additional space per each employee.
4. All applicable permits must be issued to the applicant prior to the issuance of a business license.
5. If food or beverage is served, the establishment must meet the requirements of the appropriate county health department, including any and all necessary permits and/or licenses.
6. The establishment must be a minimum of
    a. 500 feet from a residence or dwelling unit
    b. 1000 feet from another facility engaged in electronic gaming operations or any adult or sexually oriented business
    c. 1000 feet from a house of worship, daycare center, library, public park, elementary, middle, or high school, recreation area, or motion picture establishment where "G" or "PG" rated movies are shown to the general public on a regular basis.
7. A current certificate and straight line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and structures containing any existing electronic gaming operations within one thousand (1,000) feet of the property to be certified; the property lines of any established religious institution/synagogue, elementary, middle, and high school, daycare center, library, public recreation area or motion picture establishment where "G" or "PG" rated movies are shown to the general public on a regular basis that is within one thousand (1,000) feet of the property to be certified. For purposes of this Article, a use shall be considered existing or established if it is existing at the time an application is submitted.
8. Measurement of distance shall be in a straight line from the closest point of the structure at which the electronic gaming operations business is located.
9. No alcoholic beverages will be served or consumed on the premises of electronic gaming operations

8.15 ESSENTIAL SERVICES 1 AND 2

1. Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, should be installed underground, unless subsurface conditions make underground installation not possible or practical.
2. 2 Facilities used for the operation of essential services should whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
3. 3 Buildings and other structures which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets shall be provided an opaque screen to shield the view from all public rights-of-way and from abutting properties.

8.16 ESSENTIAL SERVICES 3

Essential Services, Class 3, will only be permitted subject to a Special Use Permit, according to the procedures of Section 10.4.10.

The City Council shall issue a Special Use Permit for the subject facility if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
3. 3 That the proposed use will not constitute a nuisance to properties located in residential districts or developed for residential or institutional purposes with respect to noise, dust, odors, light, vibration, or traffic; and
4. 4 That area of active use will be enclosed by a fence, not easily climbable, at least six feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines; and
5. 5 That a minimum separation of 100 feet, fully vegetated, will be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and
6. 6 That the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

8.17 FACILITIES FOR THE INTAKE AND TRANSFER OFF-SITE OF INORGANIC HOUSEHOLD WASTE AND RESIDENTIAL RECYCLABLES; AND THE INTAKE AND PROCESSING OF YARD WASTE

Inorganic household waste and residential recyclables intake and transfer facilities are not permitted except in the CBI District subject to a Special use permit, issued according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawn mowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclable of residential origin.
2. 2 The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
3. 3 A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
4. 4 The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

8.18 HAZARDOUS OR INFECTIOUS MATERIAL INCINERATION, HANDLING, OR STORAGE

Hazardous or infectious materials, storage and treatment facilities are not permitted except in the CBI District subject to a Special use permit, issued according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
3. That the use complies with the Federal Resource Conservation and Recovery Act of 1976, as amended (PL 94-580) and the North Carolina Solid Waste Management Act, as amended' (Article 13B, G.S. 130-166.16) for design, siting, and monitoring, and for materials to be stored or treated; and
4. That all storage, treatment, and loading facilities handling hazardous or infectious materials will be located at least 200 feet from any exterior property line and at least 2,000 feet from any lot zoned or used for residential, institutional, or office purposes; and
5. That the use will be entirely fenced with no climbable fencing material to a height of at least seven feet; and the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.
6. That vehicular access to the operation will be provided only by way of a designated thoroughfare; and

7. That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous materials; and
8. That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous or infectious materials; and
9. That no structures or operations of any kind on the site shall be located within 200 feet of any adjacent lot.

8.19 HELISTOP AS AN ACCESSORY USE

A helistop shall be permitted as an accessory use in the Campus, Business, and Institutional Districts provided it complies with all applicable Federal Aviation Administration regulations and guidelines. Hours of operation shall be limited to 7 am - 9 pm.

8.20 HOME OCCUPATION

A home occupation is permitted accessory to any dwelling unit in accordance with the following requirements:

1. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
2. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
3. The use shall employ no more than one person who is not a resident of the dwelling.
4. A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.
5. There shall be no visible outside display of stock in trade which is sold on the premises.
6. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
7. Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
8. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
9. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
10. Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis. This should not be construed as disallowing low volume occupations such as accounting and similar professional activities.
11. Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of 10 feet from abutting property lines.

12. No business identification or advertising signs are permitted, except a small brass plate or similar material, maximum size of 12" by 12", attached to the building or to a mailbox in a rural area.

8.21 JUNK YARDS

1. The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
2. A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
3. The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid wooden fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is used; it shall be placed on the interior side of the vegetation and wall or fence.

8.22 NEIGHBORHOOD AND OUTDOOR RECREATION

1. Buildings constructed in association with neighborhood recreation or outdoor recreation shall meet one of the building types permitted in the zoning district.
2. Permanent parking lots shall meet the standards of Article 5, Off-Street Parking.
3. Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
4. Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation.
5. Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use or into the windows of a residential structure.
6. Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m.

8.23 NEIGHBORHODD AND HIGHWAY COMMERCIAL GASOLINE STATIONS

1. Neighborhood Gasoline Stations, by definition, permit retail sale of gasoline and convenience products and the minor service and repair of motor vehicles; they have no more than two canopies for gasoline sales. Highway Commercial gasoline stations permit major service and repair of motor vehicles and are unlimited as to gasoline sales area.
2. Buildings shall meet the requirements of Article 3, Building and Lot Types.
3. Gasoline pumps, canopies, and associated service areas are prohibited in any established yard abutting a street except in Highway Commercial District.

8.24 OFF-SITE LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS

1. Any off-site LCID landfill must obtain a permit from and comply with the standards of the Stanly County Environmental Protection Department and the State of North Carolina.

2. Any LCID landfill which would be larger than 10 acres or operate for more than 24 months from the time that activity begins on the site shall be accessed by a designated thoroughfare.
3. No portion of any such landfill may be located within 75 feet of any exterior property line. This includes structure, equipment storage, parking areas, and fill areas; access drives may cross this area but may not be placed laterally through this area.
4. The actual fill area must be located at least 300 feet from any existing residential structure and at least 300 feet from any existing or former off-site LCID or demolition landfill.
5. Driveway access to the facility must be paved and must directly connect to a major or minor thoroughfare or to a non-residential collector or non-residential local street.
6. Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours when filling activities are not under way.
7. Use of the site for any purpose is limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.
8. Unless located on a designated thoroughfare, the fill area of the site is limited to 10 acres.
9. No filling of any kind is allowed in the regulatory flood plain or the floodway fringe.
10. The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.
11. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
12. A surety bond or irrevocable letter of credit in an amount to be determined by the City Administrator, in consultation with the consulting engineer, must be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time. No more than 25% of the total area to be filled may be actively used at any one time.
13. A reclamation plan shall be provided to show how the site will be reclaimed upon the closing of the LCID landfill.
14. A site plan showing how all of the above standards will be met, accompanied by an operating permit issued by Stanly County Environmental Protection Department, must be submitted to the Zoning Administrator for review and approval prior to the issuance of a permit for the proposed landfill. The site plan submitted to obtain an operating permit may also contain the information required by this ordinance.
15. Any LCID or demolition landfill which existed prior to April 3, 1997, but which does not comply with the standards of this section must be brought into compliance with these standards according to the following schedule.

Size of Site	*Time within Which Compliance Required*
0 - 10 acres	within 2 Years of April 3, 1997
>10 - 20 acres	within 3 years of April 3, 1997
>20 - 30 acres	within 4 years of April 3, 1997
>30 - 40 acres	within 5years of April 3, 1997
>40 acres	within 10 years of April 3, 1997

If a pre-existing demolition landfill is to be brought into compliance through a change in zoning, the zoning change must be completed and approved, not simply applied for or in process, prior to the expiration of the time period listed above. Any such use which does not comply with these standards within the prescribed time will be in violation of this ordinance.

8.25 ENVIRONMENTAL SENSITIVE USES NOT EXPRESSLY PERMITTED

Uses not expressly named in this ordinance, but which may constitute a greater than average impact on the environment or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances, are not permitted except in the CBI district and there only as subject to a Special use permit, according to the procedures of Section 10.4.10

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and,
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and,
3. That a comprehensive site plan addresses the development standards below:
    a. Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;
    b. Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with no climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;
    c. Vehicular access to the proposed use will be provided by way of a road sufficiently sized to absorb the generated trips and accommodate the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood or from a residential neighborhood street.

8.26 OUTDOOR DISPLAY OF VEHICLES AND BOATS FOR SALE

1. Vehicles and boats for sale shall not be displayed in an area located to the rear, side, or within 80’ along the front of the main sales building.
   Vehicles and boats for sale may be displayed in a side yard which does not abut directly on a street, so long as:

a. the display area meets the standards for a parking lot (Article 5);
b. the display area is screened from abutting properties by an opaque screen (Section 7.21).

2. Nothing in this section shall prohibit a break in a planted screen or wall for the crossing of a driveway which provides access to on-site parking from the fronting street or a rear alley, or access between the parking lots of abutting businesses.

8.27 OUTDOOR STORAGE

1. 0utdoor storage defined:
    a. includes all goods and materials not returned to an enclosed building at the end of each business day; regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot; (to be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day);
    b. includes up to two storage trailers placed on a single lot or in conjunction with a single principal use,
    c. includes all items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles, (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
    d. includes vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair;
    e. does not include construction equipment; where permitted, outdoor storage of construction equipment is regulated by Section 8.27.
2. 0utdoor storage, where expressly permitted, may be established on a lot according to the following standards:
    a. where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;
    b. where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;
    c. all areas established for outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen (Section 7.21); wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

8.28 OUTDOOR STORAGE OF CONSTRUCTION EQUIPMENT

Outdoor storage of construction equipment, where expressly permitted, may be established on a lot according to the following standards:

1. where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;
2. where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;

3. the area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen (Section 7.21.2); wherever security fencing is desired, it shall be placed on the interior side of the opaque screen. -

8.29 PARKING LOT AS PRINCIPAL USE

Parking lots not associated with a building shall adhere to the standards of Article 5, 0ff-Street parking except that parking lots may be constructed up to the prevailing established setback line for structures within 300' in either direction on the same side of the street. The prevailing established setback applies for both the fronting street and any abutting side street.

8.30 PARKS (INCLUDING GREENWAYS)

1. Buildings constructed in association with a park or greenway shall meet the standards of one of the building types permitted in the zoning district.
2. Permanent parking lots associated with parks and greenways shall meet the standards of Article 5, 0ff-Street Parking.
3. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas, if maintained in a natural condition, need not conform to Article 5.
4. Service areas shall be separated by an opaque screen from view from any street and from abutting properties (Section 7.21.2).
5. 0utdoor lighting associated with active outdoor recreation shall not shine directly into yards associated with a residential use or into the windows of a residential structure.
6. Hours of operation of outdoor recreation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.

8.31 PETROLEUM STORAGE FACILITIES

1. The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association;
2. All storage tanks and loading facilities will be located at least 100 feet from any exterior property line;
3. Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or a commercial street directly intersecting a thoroughfare;

8.32 QUARRIES

Quarries are not permitted except in the CBI District and only there as subject to a Special use permit issued according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
3. That the quarry and all its buildings, pits, and processing equipment will be separated by a 100 foot buffer from the street and from any adjacent property that is located in a residential district or developed for residential or institutional use; and

4. That the quarry and all its buildings, pits, and processing equipment will be provided with an opaque screen to shield the view from the public street and from all abutting properties, regardless of use; and
5. That an unclimbable fence, at least 8 feet high, will be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 2 inches or equivalent and must be placed on the interior side of screening and/or buffering devices; and
6. That access to the quarry may not make use of a residential collector street nor of a City street; and
7. That any crushing of rock or processing of material must be done in such a way as to minimize the amount of air-borne dust created, and
8. That the minimum distances of quarry operations from adjacent properties shall be:
    a. for any quarry building 100 feet
    b. for any crushing of rock, processing of stone, 300 feet gravel or other material
    c. for any blasting 500 feet
9. That all blasting must be limited to the hours of 8 am to 6 pm, Mondays through Fridays. No blasting is permitted on weekends or on public and -religious holidays.
10. And that upon termination of quarrying operation, the site must be reclaimed in accordance with NC General Statutes.

8.33 RACEWAYS AND DRAG STRIPS

Raceways and Drag strips are not permitted except in the CBI District and there only as subject to a Special use permit issued according to the procedure of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
3. That the use will be located on a lot of at least 50 acres; and
4. That vehicular access to the -use will be provided only by way of a major or minor thoroughfare; and
5. That no direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district; and
6. That a minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and
7. That the site shall be screened from the street(s) by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence; and
8. That hours of operation will be no earlier than 8:00 a.m. and no later than 10:00 p.m., Monday through Saturday.

9. That noise levels should not exceed 60 decibels when measured 50' from the raceway track.

8.34 RIDING ACADEMIES AND COMMERCIAL STABLES

Riding academies are permitted in the 0PS and NR Districts if the following standards are met.

1. All buildings and structures related to the care of animals and to the conduct of the academy must be located at least 100 feet from property boundaries.

Maximum number of horses is 2 per acre.

Off-street parking, service areas, and buildings which are not used for residential purposes, farm purposes, or the stabling of horses, shall be separated by an opaque screen from the view from any street and from abutting properties.

8.35 SANITARY LANDFILL

Sanitary Landfills are not permitted except in the CBI district and only there as subject to a Special use permit, according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the the objectives of the most detailed plan adopted for the area; and
3. That the comprehensive site plan addresses each of the development standards below:
    a. The use shall be located on a lot of at least 50 acres;
    b. All land filling operations and off-street parking and service areas will be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from the view from a public street;
    c. No structure or land filling operation. will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential or mixed use;
    d. Vehicular access to the proposed use will not be provided by a residential collector or a City street and access roads to the site will connect directly to a designated thoroughfare; and
4. That the plan for development .and operation of' the site addresses the environmental standards below:
    a. The siting and design of the facility will comply with the "Siting and Design Requirements for Disposal Sites" of the North Carolina Solid Waste Management Rules (T15ANCAC 13B) in effect at the time of review of the application;
    b. Monitoring of surface water and groundwater will be conducted in accordance with the State of North Carolina permit and monitoring documents developed pursuant to the State of North Carolina Solid Waste Management Rules;
    c. The facility complies with the Stanly County Department of Environmental Protections policy concerning Actual and Suspected Contaminants of Stanly County Surface and Groundwater; and

5. That there is a general timetable indicating the development phases and projected life expectancy of the landfill; and
6. That there is a detailed plan for the re-use of the property, after landfill operations cease, that is not in conflict with the objectives of the most detailed plan approved for the area; and
7. That the plan for close-out of the landfill includes the creation of an escrowed fund to finance closeout, with contributions to the fund escrowed annually, beginning at the time facility development begins.

8.36 SCHOOLS

1. Schools shall conform principal buildings to the standards of Civic Buildings and lots, Article 3. Accessory and incidental buildings may be placed within a street fronting yard if they conform to a building and lot type permitted in the zoning district. Buildings which do not so conform shall be placed within established rear and side yards which do not abut a street.
2. Permanent parking lots associated with schools shall meet the standards of Article 5, 0ff-Street Parking.
3. Notwithstanding subsections 1 and 2, above, where the safe transport of students requires functional separation of parking and circulation areas (i.e. school bus, auto drop-off, etc.), the location of parking and circulation according to building and lot type may be modified, so long as street abutting parking and circulation areas are, to the extent practicable, detailed as plazas.
4. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform with Article 5 if they are maintained in a natural condition (for example, as a grassed field).
5. Service areas shall be separated by an opaque screen from the view from any street and from abutting properties (Section 7.21.2).
6. Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.
7. Outdoor lighting associated with active outdoor recreation shall not shine directly into yards of a residential use or into the windows of a residential structure.
8. Elementary and Junior High Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
9. Senior high schools shall be on a lot which abuts a minor or major thoroughfare; primary vehicular access shall be provided from the thoroughfare.

8.37 SOLID WASTE INCINERATION

Solid Waste Incineration, materials that are neither hazardous not infectious, is not permitted except in the CBI district and only there as subject to a Special use permit, according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
3. That the incineration units(s) will be constructed and operated in compliance with environmental regulations, both current and future, as annotated in the United States Code of Federal Regulations, particularly Chapter 40, which deals with environmental regulations, as amended by the State of North Carolina and Stanly County Department of Environmental Protection; and
4. That all storage, handling, incineration, and loading facilities will be located at least 200 feet from any exterior property line and at least 1,250 feet from any lot located in a residential or mixed use district or developed for residential, institutional, or mixed use; and
5. That structures, off-street parking and service areas will be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from the view from all public streets.
6. That active use portions of the site will be entirely fenced with no climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer, and
7. That vehicular access to the operation will be provided only by way of a designated thoroughfare; and
8. That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the potential for contamination; and
9. That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the potential for contamination.

8.38 SHOOTING RANGES (INDOOR & OUTDOOR)

1. This section shall apply to any and all type of ranges including archery ranges.
2. All applicable local, state and federal permits must be obtained prior to zoning permitting.

For Indoor Shooting Ranges:

3. Facility design shall be such that it absorbs or dissipates noise from the firing of weapons and/or any mechanical equipment.
4. The facility shall be located a minimum of 150 feet from the property line of any residentially used or residentially zoned property.
5. Any person, corporation or organization operating a rifle, pistol, skeet or trap range or other firing range including turkey shoots, which range is substantially in accordance with specifications promulgated by the National Rifle Association or by an equivalent nationally recognized firearms safety authority for the type and caliber of firearm being fired.

For Outdoor Shooting Ranges:

1. For outdoor ranges only, applicant must proof the ability to contain a fired projectile that does not hit its intended target from the point fired.
2. The minimum lot size shall be 5 acres.
3. Shooting ranges may not be located accessory to a residence.
4. No portion of the range or associated Safety Fan shall be closer than 1500 feet to any exterior property line.
5. No portion of the range or associated Safety Fan shall be closer than 2500 feet to any existing residential dwelling, institutional use or building.
6. Ingress and egress to the site and to the range area shall be secured and controlled to prevent unregulated entrance to the facility and the target area.
7. The entire property shall be posted every 100 feet at the property line with signage indicating there is a shooting range located on the property.
8. Elevations from the range area, from shooter to target, shall be constructed to prevent rounds from being fired over the berm, and shall be shown on the site plan.
9. The complete layout of each range, including, shooting stations or firing lines, target areas, shot-fall zones, backstops, and berms, shall be shown on the site development plan.
10. The development plan shall also identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based on evidence and address the design effectiveness of berms, overhead baffles or other safety barriers to contain projectiles to the Safety Fan area.
11. Shots fired on site, whether on the range or in air, shall be contained entirely on site. Clay pieces associated with in air target practice shall also be contained entirely on the site.
12. The owner/operator of the range shall be required to carry liability insurance with a minimum policy limit of $3,000,000.00 per occurrence. Such insurance shall name the City of Locust as an additional insured and shall contain a provision that the insurance may not be cancelled or modified except upon 30 days prior written notice to the City of Locust. Such policy shall provide coverage that holds the City and its elected and appointed officials and its employees harmless from and against all claims, demands, losses and expenses of any kind or nature, including the costs of defense and attorney fees, in favor of any person, arising from the ownership, operation or existence of the range.
13. Ranges shall be designed in accordance with industry standards as described in The National Rifle Association (NRA) Range Source Book.
14. Ranges shall use Best Management Practices for Lead Management. See EPA Management Practices for Lead at Outdoor Shooting Ranges (EPA-902-B-01-001).

8.39 TEMPORARY USES AND STRUCTURES, INCLUDING SEASONAL MARKETS

1. The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months upon the issuance of a temporary use permit by the Zoning Administrator. The following conditions apply.
    a. Storage of goods in or sale of goods from trailer(s) on the site is prohibited.
    b. The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
    c. The use shall be conducted behind the prevailing established setback line for structures within 300' in either direction on the same side of the street.
    d. 0ff-street parking may be provided behind or to the side of the established use, but not forward of the prevailing established setback line, defined in (c), above.
    e. 0n-site parking may be provided on a dust-free, pervious surface area and need not comply with Article 5. -
    f. Signs on the premises of a temporary use shall meet the same standards as the correlative building and lot type permitted in the district.

2. Temporary accessory structures, including but not limited to school mobile classrooms and temporary offices placed on development sites during construction and sale of buildings, are permitted for up to a maximum of two years, renewable thereafter in one year increments, upon the issuance of a temporary use permit by the Zoning Administrator. Such structures shall meet the standards for building and lot type to the extent practicable, given the location of existing buildings and improvements on the site and location of permitted construction areas. Temporary structures associated with construction projects shall be removed upon completion of construction.

8.40 TRANSFER STATION FOR ORGANIC AND INORGANIC WASTE PRODUCTS

Transfer Stations are not permitted except in the CBI District, and only there as subject to a Special use permit, according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby the property; and
2. That the proposed use will not conflict with the objectives of the most detailed plan adopted for the area; and
3. That the comprehensive site plan addresses the development standards below
    a. The active use areas of the site shall be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from all public streets;
    b. That active use portions of the site will be entirely fenced with no climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen; and
    c. No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed use; and

d. Vehicular access to the proposed use will not be provided by a residential collector or a City street, and access roads to the site will connect directly to a designated thoroughfare.

8.41 TRANSIT SHELTER

1. Transit shelters may be located within any street right-of-way or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle (Section 7.9).
2. Only governmental signs are permitted in association with a transit shelter.
3. If constructed by other than the City of Locust, a schematic plan must be submitted and approved by the City Council. The plan must include the following:
    a. the location of the proposed shelter relative to street, property lines, and established building yards, and
    b. the size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers.
4. A building permit shall be issued only after approval by the City Council of the proposed schematic plan in subsection 3, above.
5. A transit shelter located within a street right-of-way or an established yard may be removed by the City of Locust if the City Council determines that it no longer serves the best interest of the public.

8.42 TRUCKING TERMINALS

Trucking Terminals are not permitted except in the CBI District and only there subject to a Special use permit according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and,
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and,
3. That a comprehensive site plan addresses the development standards below:
    a. Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;
    b. Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with no climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;
    c. Vehicular access to the proposed use will be provided by way of a road sufficiently sized to absorb the generated trips and accommodate the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood or from a residential neighborhood street.
    d. The area designated for truck parking shall be located no closer than 40 feet from an abutting street right-of-way. Truck parking areas are not classified as

parking lots. Therefore, they are exempt from the standards of Article 6, but subject to the alternative standard in (e), below.

e. The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
f. the use shall be located on or directly accessible to a major thoroughfare, expressway, or freeway; truck terminals shall not be sited such that residential or City streets are regularly traversed to access the larger capacity road.

8.43 CORRECTIONAL FACILITIES

Correctional Facilities are not permitted except in the CBI District and only there subject to a Special use permit according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will comply with all standards which this ordinance applies to uses in the CBI District, and
2. That the proposed use will not conflict with the objectives of the most detailed plan adopted for the area; and
3. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
4. That the principal structure and any accessory use or structure (excluding property boundary fencing) will be located at least 500 feet from any property located in a residential district or mixed use district; and
5. That property boundary fencing shall not employ barbed wire, razor wire, electrical fencing, or similar materials where abutting property located in a residential district or mixed use district; and
6. That security fencing will be provided an opaque screen on the exterior of fencing wherever it is adjacent to a street or property in a residential or mixed use district; and
7. That all lighting for the facility will be oriented so that direct beams of light shine away from all abutting properties and into the correctional facility property; and
8. That the use will be located on a lot of at least 10 acres if the facility has beds for more than 100 inmates; and
9. That the use will be located on a lot of at least five acres if the facility has beds for more 100 or fewer inmates.

8.44 HEAVY INDUSTRIAL USES

Heavy Industrial Uses as defined in Section 11.2.1, are not permitted except in the CBI District, and there subject to a Special use permit, according to the procedures of Section 10.4.10.

In addition to the provisions of Section 10.4.10, the following conditions must be satisfied:

1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and,
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and,
3. That a comprehensive site plan addresses the development standards below:

a. Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;
b. Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with no climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;
c. Vehicular access to the proposed use will be provided by way of a road sufficiently sized to absorb the generated trips and accommodate the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood or from a residential neighborhood street.

ARTICLE 9 - SIGNS

9.1 PURPOSE

The purpose of this section:

1. To maintain public safety and traffic safety by ensuring that signs are properly designed, constructed, installed, and maintained;
2. To minimize the distractions and obstruction of view that contribute to traffic hazards and endanger public safety;
3. To protect existing development and promote high standards of quality in new development by encouraging appropriately designed. placed, and sized signage.
4. To provide an effective guide for communicating identification through signage while preventing signs from dominating the visual appearance of the areas in which they are located.

9.2 APPLICABILITY

Except as otherwise provided in this ordinance, it shall be unlawful to construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Stanly County Building Standards Department or designated permit agency. In addition, a certificate of occupancy for a change in the use of a property shall require compliance with Article 9, Signs.

Not withstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign to render it in violation of this ordinance.

9.3 GENERAL PROVISIONS

The following provisions shall apply to all signs.

1. Construction Standards. All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
2. Electrical Standards. All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source.
3. Maintenance of Signs. All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters, and exposed light bulbs shall be evidence of a lack of maintenance.
4. Content. Content of message, commercial or noncommercial, is not regulated by this ordinance.
5. No sign shall be placed so as to obstruct the clear sight triangle at a street intersection (Section 7.9)

9.4 DISTRICT CLASSIFICATION

For purposes of this Article, zoning districts are classified as follows:

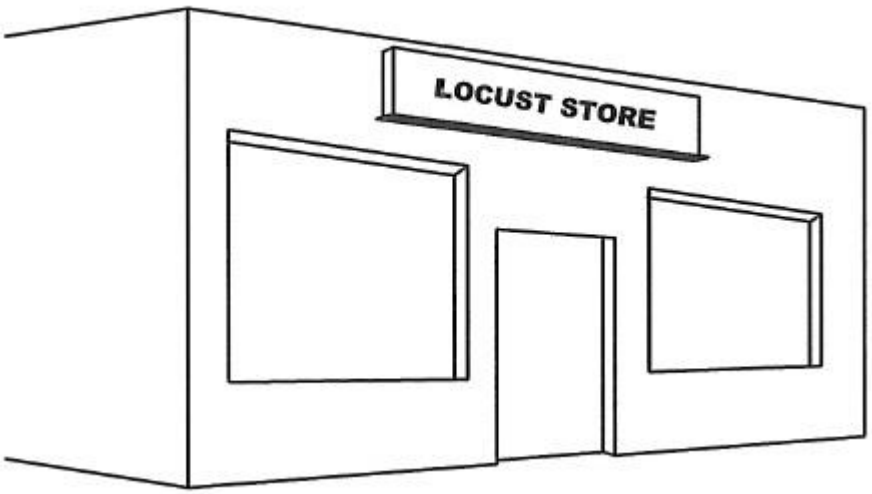
- Open Space District (OPS) Residential
- General Residential (GR) Residential

- Neighborhood Residential (NR) Residential
- Mobile Home (MH) Residential
- City Center (CC) Mixed Use
- Traditional Neighborhood Development Overlay (TND-O) Mixed Use
- Campus & Business Institutional (CBI) Mixed Use
- Highway Commercial (HC) Commercial
- Light Highway Commercial (LHC) Commercial

9.5 SIGN TYPES

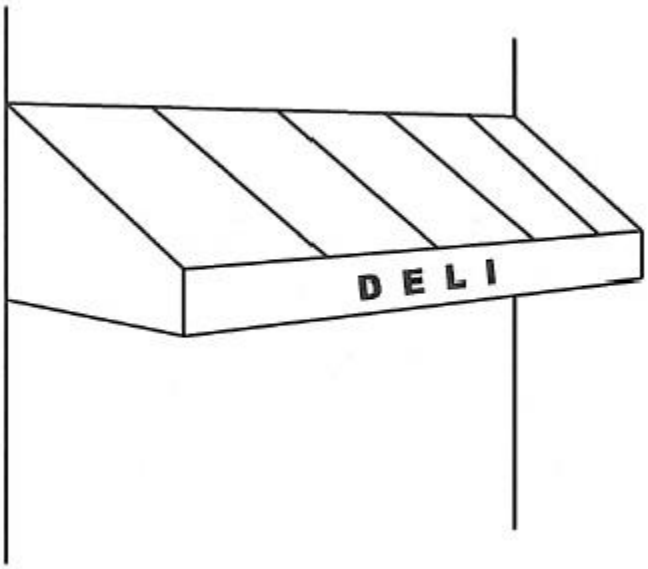
Sign types are defined as follows:

1. **Wall Mounted Signs**: One or a combination of the wall sign types below may be used on a building. Wall sign area is the total of the square footage of all wall signs associated with a business or structure.
    a. A flush wall sign is mounted or applied directly to the building wall, generally on the fascia. It may in no instance extend above the parapet, or eaves line of any building.



    b. A hanging sign is also a wall sign. A hanging sign is suspended from a simple bracket attached to a building wall and requires 8 or more feet of vertical clearance from the ground. It is most appropriately used along pedestrian-oriented streets to identify attached or closely spaced shops, restaurants, and service businesses. Only one hanging sign is permitted per building or business bay (in a multi-tenant building such as a shopping center). The sign face area does not include the area of the bracket. A hanging sign may project no more than 4 feet from the building wall. It may project up to 3 feet over a sidewalk in a City maintained right-of-way upon approval by the Zoning Administrator.

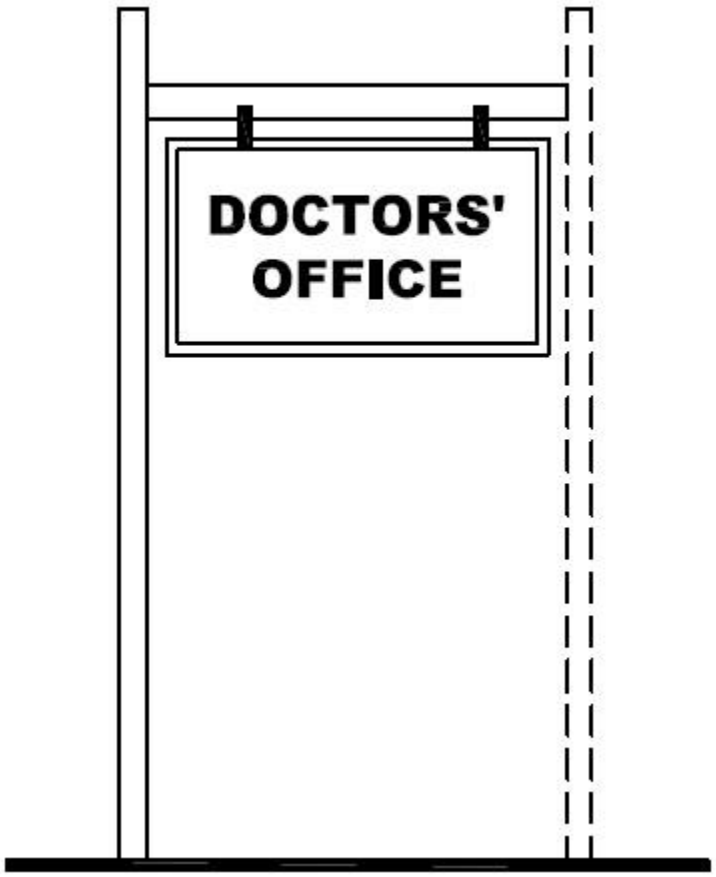
c. A canopy or awning sign is sign copy applied directly onto a canopy or awning.



2. Ground Mounted Signs

a. A monument sign is mounted generally flush with the ground plane. It may not be mounted on a pole or pylon, nor raised by placement on a berm, wall, or similar structure. Supporting elements may not exceed one foot in height and are included in measurement of sign height.

b. A raised sign may hang from a pole and beam frame as illustrated below or be placed within a frame mounted on up to two supporting poles.



3. **Electronic Message Centers (EMC), LED Signs and all illuminated signs including Outdoor Advertising.**

Electronic Message Center signs are permitted as freestanding, wall, projecting, monument or outdoor advertising signs where allowed based on the following conditions:

(1) EMCs, LED signs and all illuminated signs must be located at a minimum distance of 25 feet from any street or highway intersection and a minimum distance of 150 feet from any residential zoned area.
(2) Advertising messages or information shall remain in a fixed, static position for a minimum of eight (8) seconds (hold time). The change sequence must be accomplished immediately without transition slides and/or features.
(3) Ground Mounted Sign only. Maximum Number: 1 per street front, but no more than two sides. Maximum Area: 32 Square Feet. Maximum height: 15 feet.
(4) No moving, rotating, fluttering, blinking, or flashing elements are permitted. No animation, video, audio, pyrotechnic, or bluecasting components are permitted.
(5) White backgrounds are not permitted.
(6) The sign must have an automatic dimmer (factory set to the illumination intensities set below) and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that is shall not cause glare or impair the vision of motorist and shall not interfere with any driver's operation of a motor vehicle. The sign shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn.
(7) The sign must contain a default design that will freeze the sign in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.
(8) All signs along state-maintained roadways must meet North Carolina Department of Transportation regulations.
(9) The signs are only allowed in CC, HC, CBI zoning

9.6 SIGN MEASUREMENT

1. **Sign Face Area**: the area within a single continuous perimeter enclosing the characters, lettering, logos, illustrations, and ornamentation, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.
2. **Sign Height:** the distance from the ground directly beneath the sign to the highest point of the sign's frame. Ornamentation atop signs, such as small caps and spires, are not included in the height measurement.
3. **Sign Frame Area:** In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the area. Back-to-back signs shall be -defined as double-faced signs. Otherwise, the surface area of each sign is to be separately computed. In

the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

9.7 SIGN ILLUMINATION

1. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. All lighted signs shall meet all applicable Electrical Codes.
2. No commercial sign within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this provision.

9.8 PERMANENT SIGNS REQUIRING A PERMIT

1. Civic buildings in any district:
    - Wall mounted sign.
    - 10% of any wall faces area fronting a street, up to a maximum of 128 square feet.
    - Ground mounted sign.
    - Maximum number: 1 per street front.
    - Maximum area: 32 square feet.
    - Maximum height: 8 feet.
    - Not permitted for zero setback buildings.
2. Any building type in a mixed-use district except a detached house:
    - Wall mounted sign
    - 10% of any wall faces area fronting a street, up to a maximum of 128 square feet.
    - Ground mounted sign.
    - Maximum number: 1 per street front.
    - Maximum area: 32 square feet.
    - Maximum height: 8 feet.
    - Not permitted for zero setback buildings.
3. Any building type in a commercial district, except detached house
    - Wall mounted sign
    - 10% of any wall faces area fronting a street, up to a maximum of 128 square feet.
    - Ground mounted sign.
    - Maximum number: 1 per street front.
    - Maximum area: 32 square feet.
    - Maximum height: 8 feet.
    - Not permitted for zero setback buildings.
4. Mixed use buildings where permitted in residential districts

- Wall mounted sign.
- 1 sign per business by, up to a maximum of 12 square feet per bay. The sign area for any mixed use structure shall not exceed 5% of any wall face area fronting a street.
- Ground mounted sign.
- Maximum number: 1 per building
- Maximum area: 6 square feet
- Maximum height: 8 feet
- Type permitted: pole and beam or framed only, as identified in 9.5.2b.
- Illumination permitted: picture lighting or indirect lighting (no internal illumination.)

5. Directory Sign
    - Maximum number: 1 per street front.
    - Maximum 3 signs.
    - 1000 foot separation.
    - Maximum area: 96 square feet per sign feature.
    - Maximum height of grounded mounted signs: 12' (includes shopping centers, office complexes, schools, Churches, institutional or business campuses, and similar large complexes which have a variety of tenants or uses)
    - No individual tenant ground mounted signs are permitted.
6. Mini Directory Sign – Ground mounted sign in CC, CBI and HC.
    - Maximum number: 1 per street front.
    - Maximum 3 signs.
    - 500 foot separation.
    - Maximum area: 64 square feet.
    - Maximum height: 10 feet. (includes small shopping centers, office complexes, schools, churches, institutional or business campuses and similar complexes which have 2 or more businesses/units/divisions combined in one location.)
7. Planned Development Entrance Sign
    - Maximum number: 1 per street front.
    - 2 sign faces may be used with a wall, fence or other architectural entrance.
    - Maximum area: 24 square feet.
    - Maximum height: 8 feet.
    - Permitted for all residential, mixed use, and non-residential projects of 10 acres or more.
    - Limited to name and/or logo.

9.8.1 Permanent off-premise signs limited to non-commercial public service direction signs.

For the purpose of directing the public-at-large to non-commercial community facilities of general interest, permanent off-premise directional signs may be erected in addition to signs otherwise permitted in this regulation.

1. **Non-commercial Public Service Directional Signs** are permitted subject to the following standards:

a. The community facility is open to the general public and operated by a non-commercial civic, charitable, and religious, community, or similar organization.
b. No more than 2 directional signs shall be erected for each facility.
c. Signs may not exceed 4 square feet in area or 5 feet in height.
d. Signs may be placed no more than one mile from the subject property.
e. Along state roads, such signs shall be located outside of the right-of-way or further than 11 feet from the edge of any public street, whichever distance from edge of pavement is greater: signs shall not violate the sight distance triangle requirements of this ordinance.
f. Along City maintained roads, such signs shall be located at least 11 feet from the edge of pavement and respect the sight distance triangle.
g. No sign shall be placed on private property without the written consent of the property owner on the permit application.
h. Every Non-Commercial Public Service Directional Sign shall be separated by a distance of 400 feet from any other such sign on the same side of the street, and by a distance of 200 feet from any other such sign on the opposite side of a street.

9.9 TEMPORARY SIGNS REQUIRING A PERMIT

The following temporary signs shall be allowed subject to the standards below, in lieu of on-site real estate or construction signs.

1. **Temporary Planned Development Signs,** provided:
    a. Only one primary sign and two secondary signs shall be allowed per street front of development.
    b. The maximum sign face area of a primary sign shall not exceed 32 square feet; height of ground mounted signs shall not exceed 6 feet.
    c. The maximum sign face area of secondary signs shall not exceed 12 square feet; height of ground mounted signs shall not exceed 6 feet.
    d. Only one permit shall be required for all temporary planned development signs for each planned development. Permits shall be valid until a project is completed or two years, whichever comes first. Completion shall be evidenced by the issuance of all certificates of occupancy for a development by the Building Standards Department. If a project is not completed in two years, a new permit must be obtained. However, in no instance shall more than 5 permits be issued for a development. Additional permits shall not allow secondary signs. All secondary signs shall be removed when the first permit issued expires.
    e. Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development, shall be permitted so long as such signs do not exceed 12 square feet in sign area, 6 feet in height, and are removed upon completion of the portion of the project to which the signs are giving direction.

9.10 TEMPORARY OFF-PREMISE SIGNS REQUIRING APPROVAL

The following temporary off-premise signs are permitted subject to the standards below.

1. **Temporary off-premise signs or banners** for special community events open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations, provided:
    a. At least five business days before signs are to be posted, the designated representative of the sponsoring group shall provide a sign installation and removal plan for review by the Zoning Administrator, who shall grant written permission for signs to be posted if the standards below are met.
    b. Signs or banners shall be located outside of the public right-of-way or further than 11 feet from the edge of any public street, whichever distance from edge of pavement is greater: signs shall respect the sight distance triangle.
    c. Signs or banners may be posted up to 14 days before the event and must be removed within 7 days following the event.
    d. Every temporary off-premise sign or banner shall be separated by a distance of 400 feet from any other such temporary off-premise sign on the same side of a street, and by a distance of 200 feet from any other sign on the opposite side of a street.
    e. Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.
2. **Temporary cross-street banners** for community events as may be approved by the City Clerk and installed by City personnel, according to policies established by the City Council.

9.11 SIGNS NOT REQUIRING A PERMIT

The following types of signs are exempt from permit requirements and allowed in all zones but shall be in conformance with all other requirements of this ordinance.

1. Memorial signs, plaques, or grave markers.
2. Public interest signs.
3. Public information kiosks on public or civic property, subject to design approval by the City Council and permission of the agency upon whose property the kiosk is to be placed.
4. On premises directional and instructional signs not exceeding 6 square feet in area, unless such sign is a monument sign, in which case it may not exceed 9 square feet. Maximum height: 4 feet.
5. 5 Identification signs not exceeding 1 1/2 square feet in area that indicate the same and/or address of the occupant. Maximum height: 4 feet.
6. Window signs with a total copy area not exceed *50%* of the window or glass door on which the sign(s) are located.
7. Incidental signs.
8. Flags on permanent poles.
9. Campaign or Election signs provided that:
    a. Individual signs shall not exceed 16 square feet in area or 6 feet in height.

b. All signs shall be removed within 7 days after the election for which they were made.
c. No signs shall be permitted in the public right-of-way.

10. Real estate signs, other than the temporary signs described in Section 9.8.
    a. Signs advertising a single-family home or lot, a duplex, triplex, or quadriplex, or an individual unit within an attached housing development shall not exceed 6 square feet. Rider signs not exceeding a total of 2 square feet in sign face area shall be permitted in addition to the 6 square feet. Maximum height: 4 feet.
    b. Signs advertising all other uses shall not exceed one square foot for every 5 linear feet of frontage of the advertised property, up to a maximum sign face area of 32 square feet and maximum height of 6 feet.
    c. Only one sign per street front of the advertised property shall be erected.
    d. Properties having a continuous frontage in excess of 850 linear feet may be allowed an additional sign so long as such sign is no closer than 850 feet from another real estate sign on the property.
    e. Signs shall not be illuminated.
    f. Signs shall be removed within 7 days after the sale is closed or rent or lease transaction is finalized.
11. Construction signs, other than Temporary Planned Development Signs. Section 9.8 provided:
    a. Signs located on single family lots or duplex, triplex, or quadriplex lots shall not exceed 6 square feet in area. Rider signs not exceeding 2 square feet in area shall be permitted in addition to the 6 square feet. Maximum height: 4 feet.
    b. Signs for all other uses shall not exceed one square foot for every 5 linear feet of frontage of property under construction, up to a maximum sign face area of 32 square feet and a maximum height of 6 feet.
    c. Signs are confined to the site of construction.
    d. Only one sign per street front of the property under construction shall be erected.
    e. Signs shall not be illuminated.
    f. Signs shall be removed within 7 days after the completion of a project.
12. Temporary farm products signs provided:
    a. Signs are located on the premises where the products are sold in conjunction with a bona fide farm use.
    b. Signs shall not exceed 32 square feet in area nor 6 feet in height.
    c. Only one sign shall be erected.
    d. Signs shall be removed within 7 days of the termination of sale activities.
13. Temporary special event signs or banners for religious, charitable, civic. fraternal, or similar organizations, provide:
    a. No more than one sign per street front shall be permitted per event.
    b. Signs shall be located on the property on which the event will occur.
    c. Signs shall not exceed 32 square feet in area or 6 feet in height.
    d. Signs shall be erected no sooner than 14 days before and removed 7 days after the event.

14. Temporary banners in non-residential districts, provided:
    a. Only one banner per establishment shall be allowed at a time.
    b. All banners shall be attached in total to a building wall or permanent canopy extending from a building.
    c. No paper banners shall be allowed.
    d. Banners shall be erected for a period not to exceed 2 weeks.
    e. No more than 6 such signs per establishment shall be erected within a calendar year. f') No banner shall extend above the second occupiable floor level of a building.
15. Public Service and advertising signs in association with athletic fields. Signs may be attached to the interior face of any fence which encloses or partially encloses an athletic playing field upon the property of a school or public park subject to the following Conditions:
    a. No sign face area shall be visible neither from any public street nor from any abutting property in a residential or mixed-use district.
    b. No sign shall extend above the top of the enclosing fence.
    c. The property owner or an authorized representative shall provide the City with a signed statement granting permission for signs to be displayed. The statement shall also acknowledge responsibility for management of the signs and their content as well as the appropriate removal disposal of damaged or obsolete signs.

9.12 MASTER SIGNAGE PROGRAMS

Master signage programs provide latitude to develop appropriate signage designs for new or existing area with special unifying features. Master signage programs require approval by the City Council following review and recommendation by the Locust Planning Board.

9.12.1 Special Sign Districts

For the purpose of establishing, enhancing, preserving, and developing the character, quality, and property values of areas of unique character and special development potential, districts in which signs are regulated by special provisions may be established subject to the following conditions:

1. As a prerequisite to the establishment of such a special sign district, it must be determined that the modified rules established for said district shall:
    a. Preserve and enhance the special character of the area; and
    b. Not contravene the intent of this ordinance; and
    c. Cause no disturbance to neighboring property lying outside the proposed district.
2. Without changing the basic structure of this ordinance, the modified rules for a special sign district may impose sign regulations which provide greater latitude or are more stringent than those provided elsewhere in this ordinance.
3. The special sign district constitutes an overlay district and shall conform to the procedures of Article 10 for purposes of adoption and administration. Districts for which

special sign regulations may be imposed include, but shall not be limited to, the City Center District. the TND-O, and any future Historic District Overlay(s).

9.12.2 Planned Development Flexibility Option

For the purpose of providing flexibility and incentives for coordinated, well-designed sign systems for large scale development, special provisions varying the standards of this ordinance may be approved by the City Council. The Planned Development Flexibility Option is initiated by developer submission of a Master Sign Program to the City Administrator, who shall first place the request on the agenda of the Planning Board for a recommendation, and then on the agenda of the City Council for approval, subject to the following:

1. The development is a planned residential, non-residential, or mixed used development. 10 acres or greater in size; a hospital or other large-scale institutional complex; a large scale cultural civic or recreational facility; or a similar large scale development.
2. A Master Sign Program that includes the following information in booklet form is submitted:
    a. Detailed designs of all proposed signs including the size. height, copy, materials. and colors of such signs.
    b. Proposed number and location of signs.
    c. Sign Illumination Plans.
    d. Plans for landscaping or architectural features to be used in conjunction with such plans.
3. The proposed signs meet the following criteria:
    a. All signs are coordinated in terms of design features.
    b. The maximum size of detached signs is not varied by more than 25%.
    c. The number of detached signs along a street frontage does not exceed.
    d. The maximum height of a detached sign does not exceed 6 feet.
    e. Multi-information directional signs are no greater than 16 square feet and are located in the interior of a development.
    f. Changeable copy highlighting special events on signs for cultural, civic, or recreational facilities shall not exceed 25% of the sign face area of a sign.

9.13 PROHIBITED SIGNS

The following signs are prohibited in all zoning districts:

1. Any sign which the Zoning Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
2. Illuminated, highly reflective signs or spotlights which hamper the vision of motorists or bicyclists.
3. Signs which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop". "Yield", etc.

4. Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
5. Any sign (other than a government sign), banner or display placed on any curb, sidewalk. post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, or any banner, placed on stakes on a property, unless otherwise permitted. Banners shall be permitted on buildings and existing signs only.
6. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
7. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages (except government signs and signs which give time and temperature information.) If a time and temperature sign alternates between a time message and a temperature message it shall continuously show one message a minimum of three (3) seconds in time before switching to the other message.
8. Portable signs
9. Vehicular signs
10. Rotating signs, other than on-premise rotating identification names which contain a logo and/or business name on it.
11. Roof signs.
12. 12 Off premise advertisings signs (i.e. Billboards) except those sponsored by any government. non-profit or not-for-profit organization in accordance with Section 9.7.
13. Signs placed on a piece of property without permission of its owners or agents.
14. 14 Inflatable signs [including inflated balloons having a diameter of greater than two (2) feet.]
15. Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "free-standing" sign as herein defined.
16. Other signs not expressly allowed by this ordinance.

9.14 APPLICATION AND ISSUANCE OF SIGN PERMITS

9.14.1 Application

Applications for permits shall contain or have attached the following information:

1. The street name and street number of the building, structure or lot on which a sign is to be place.
2. Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign.
3. If the applicant is not the owner or lessee of the lot on which the sign will be located, written permission from the property owner or a designated representative stating agreement that the sign may be erected on the parcel for which the permit has been applied shall be required.

4. A site or plat plan of the property involved, showing accurate placement of the proposed sign and zoning district designation.
5. Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and size of existing wall signs shall also be included.
6. Locations of addresses. No permit for a sign shall be issued unless a street address has been assigned according to the requirements of the City of Locust or the Stanly County Street Address Ordinance, whichever is applicable.
7. Other information as the Zoning Administrator may require determining full compliance with this and other applicable codes.

9.14.2 Issuance of Permit.

Upon the filing of an application for a sign permit, the Zoning Administrator shall examine the plans and specifications, and, as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this ordinance and other applicable codes, a permit will be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly commenced within 6 months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

9.14.3 Fees

To obtain a sign permit, all fees, in accordance with the requirements of the permitting agency, shall be paid.

9.14.4 Construction Inspection.

The permit holder shall notify the Building Standards Department upon completion of construction and installation of any sign for which a permit is required.

9.15 ENFORCEMENT

9.15.1 Inspections and Investigations

1. The Zoning Administrator or other agents of the City of Locust will periodically inspect signs in order to determine whether there are violations of this Ordinance.
2. The City of Locust or the Zoning Administrator, acting on behalf of the City, shall have the power to conduct such investigations as may reasonably be deemed necessary to carry out enforcement duties prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of the City or of the Zoning Administrator who requests entry for purposes of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
3. The Zoning Administrator or other authorized agent of the City may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

9.15.2 Civil Penalties

If it is determined that a person has failed to comply with the provisions of this Ordinance, the Zoning Administrator or building inspector shall issue a warning citation to the violator. Violations shall be corrected within ten days of the issuance of such citation. If the violation is not corrected within the 10-day period, a citation subject to a $25.00 civil penalty shall be issued.

If the offender does not correct the violation and pay the penalty within 72 hours after being cited, a second citation subject to a $25.00 *civil* penalty for the same violation shall be issued. Failure to correct the violation and pay this civil penalty within 72 hours shall subject the offender to a third citation of $50.00 for the same violation. Subsequent citations subject to a $100.00 civil penalty for each day the penalty is not paid, or the violation not corrected shall be issued.

These civil penalties are in addition to any other penalties or actions imposed by a court for violation of the provisions of this ordinance.

9.15.3 Other Enforcement Methods

In addition to the civil penalties. the provisions of this ordinance may be enforced by any method used to enforce the Zoning Ordinance.

9.16 REMOVAL OF NONCONFORMING SIGNS

1. **Amortization**.
    a. For purposes of determining sign amortization date, signs which became non-conforming on or before April 3,1997 shall be brought into compliance or removed on or before April 3, 2002; signs which become non-conforming on the effective date of these regulations shall be brought into compliance within 5 years of its effective date.
    b. Any existing sign that exceeds the maximum sign face size, maximum sign height, or fails to meet the spacing requirement, and for which the applicable standard(s) is violated by a factor of more than 25%, shall be brought into compliance with the requirements of this ordinance or removed entirely within 5 years of the effective date of the regulations to which the sign does not conform. Removal shall include the entire sign and any associated equipment.
    c. Premises that exceed the number of allowable signs shall be brought into compliance with this ordinance within 5 years of the effective date of the regulations to which the site does not conform.
    d. Any sign not permitted in a zoning district shall also be removed entirely within 5 years of the effective date of the regulations to which the sign does not conform.
    e. All roof signs shall be removed within 5 years of the effective date of the regulations to which the sign does not conform.
    f. If for any reason, such as a rezoning, a sign becomes nonconforming after the date of adoption of this ordinance, such sign shall be removed 5 years from the date the sign becomes nonconforming.
2. **Exceptions to Amortization.** North Carolina General Statute 136-131.1 requires that "just compensation" to be paid upon removal of certain outdoor advertising signs

adjacent to the highway on the national system of interstate and defense highways or a highway on the federal-aid primary highway system for which there is in effect a valid permit issued by the Department of Transportation. Should any such state or federal requirement become inoperative or otherwise fail to apply to a given sign, then such sign shall be removed within 5 years of such state or federal requirement becoming inoperative or otherwise failing to apply to such sign.

3. **Maintenance of Nonconforming signs.** Normal maintenance of all nonconforming signs, including necessary nonstructural repairs, incidental alterations, or copy changes which do not extend or intensify the nonconforming features of the sign, shall be permitted during the amortization period for such sign. However, no structural alteration, enlargement, or extension shall be made to a nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign; or unless an order has been issued by the Zoning Administrator to ensure the safety of the structure.

ARTICLE 10 - ADMINISTRATION

10.1 ZONING ADMINISTRATION

1. **Conflict of Interest**
    a. **Governing Board**. – A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
    b. **Appointed Boards.** – Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
    c. **Administrative Staff.** – No staff member shall make a final decision on an administrative decision required by this Chapter 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. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.
    d. **Quasi-Judicial Decisions.** – A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
    e. **Resolution of Objection**. – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that

member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

f. **Familial Relationship.** – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4.)

2. **Zoning Administrators**

The various provisions of the City of Locust Zoning Ordinance shall be administered by the Zoning Administrator, (which term shall include an administrative officer designated by the City Administrator to perform these functions).

3. **Intent and Applicability**

The Zoning Administrator shall enforce. conduct reviews ensure zoning compliance. and manage the development approval procedures set forth in this article for the City of Locust

a. A building permit and a certificate of occupancy are required for uses permitted by right, under prescribed conditions, or subject to an approved conditional district or special use permit, and all uses and structures accessory thereto.
b. A certificate of occupancy is required for changes in the use of property.

Zoning compliance, under these regulations, is required for the issuance of building permits. certificates of occupancy, sign permits, and zoning use permits.

4. **Building Permit**

No development or building work shall occur except pursuant to a building permit, when one is required. By state law, a building permit is generally required for the construction activities noted below. Other building activities may also require a permit specified by the Stanly County Building Inspection Department as the permitting authority.

a. The addition, repair, or replacement of load bearing structures.
b. An addition or change in the design of plumbing.
c. The addition, replacement, or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment. The simple replacement of domestic appliances such as refrigerators or washing machines is excluded from this requirement.
d. The addition of roofing.
e. Commercial work of any value.
f. Work on single-family residential or farm buildings exceeding $5,000.
g. The following work, even if not in excess of $5,000:
    - construction of deck, fireplace, pier, or storage building;
    - installation or replacement of insulation, wood stove, or hot water heater;
    - moving a building;
    - demolition of a building.

5. **TRC (Technical Review Committee)**

Upon receipt of the requisite copies of the proposed development site plan and related information, the Zoning Administrator or designee, if required, shall schedule a meeting of the Technical Review Committee (TRC) to review the proposed development site plan. The TRC shall review the proposed development and any other reports or recommendations pertaining to the proposed site development plan/plat and shall recommend, recommend with conditions, or recommend disapproving the proposed site development plan. The TRC shall be made up of the following members:

- Zoning Administrator, (Shall serve as Committee Chair)
- City Administrator, or designee
- Utility Director, or designee (water, sewer, electric, gas)
- City Street Department Director or designee
- Public School Superintendent, or designee
- Emergency Management Director/Fire Marshall, or designee
- Environmental Health Supervisor, or designee
- NC Department of Environmental Quality or Storm Water Official, or designee
- NCDOT Division Engineer, or designee
- City Parks and Recreation Director or designee

6. **Certificate of Occupancy**

A certificate of occupancy must be issued prior to the occupation or use of any land, building, or structure, and prior to a change in the use of any land, building, or structure, except for land used for agricultural purposes.

10.2 ENFORCEMENT

1. **Administration and Enforcement Procedures**

If an application for a Building Permit or Certificate of Occupancy is denied because of noncompliance with these regulations, the Zoning Administrator shall provide notification of the denial and of the reasons therefore.

2. **Right of Appeal**

If a request for a zoning compliance permit is disapproved or if a ruling of the Zoning Administrator is questioned, any aggrieved party may appeal such ruling to the Locust Board of Adjustment as provided in Section 10.3. An appeal to the Board of Adjustment, lawfully and completely filed within 30 working days of the date of the decision, shall stay enforcement action and penalties until a hearing has been held and a decision rendered by the Board of Adjustment.

3. **Penalties**

In case any structure is erected, constructed. reconstructed, altered, repaired, converted or maintained in violation of this ordinance, an action for injunction, mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the Zoning Administrator or other authority designated by the City Council as enforcement agent(s) for this ordinance. Penalties and remedies are as follows:

a. **Criminal.** Any person, firm or corporation convicted of violating the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars ($500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation shall be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty (30) days after notice of said violation is given.
b. **Equitable Remedy.** The Zoning Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Zoning Administrator's application for equitable relief that there are other remedies provided under general law or this ordinance.
c. **Injunction.** Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.
d. **Order of Abatement.** In addition to an injunction, the Zoning Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:
    - Buildings or other structures on the property be closed, demolished, or removed;
    - Fixtures, furniture or other movable property be moved or removed entirely; improvements, alterations, modifications or repairs be made; or
    - Any other action be taken that is necessary to bring the property into compliance with this ordinance.
e. **Execution of Court Decisions.** If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Zoning Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic's or material man’s lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of

abatement does not suspend or cancel an injunction issued in conjunction with the order.

f. **Stop Work Order Issuance and Revocation of Permits.** Whenever a building, structure or part thereof is being constructed, demolished, renovated, and altered. or repaired in substantial violation of any applicable provision of this ordinance. the Zoning Administrator may order the specific part of the work that is in violation. or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

The Zoning Administrator may revoke any permit (e.g., building, certificate of occupancy) by written notification to the permit holder when violations of this ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this ordinance, or a permit has been mistakenly issued in violation of this ordinance.

Civil Penalty. In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to NC General Statute 160A-175, the regulations and standards of this ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator.

Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a warning situation) after it has been issued unless the offender has sought an appeal to the decision of the Zoning Administrator through the Board of Adjustment. Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.

The following penalties are hereby established:

Warning citation	Correct Violation Within 10 Days
First Citation	$50.00
Second Citation for Same Offense	$100.00
Third and Subsequent Citations for Same Offense	$500.00

If the offender fails to pay the civil penalties within three (3) days after having been cited, the City may recover the penalties in a civil action in the nature of debt.

10.3 APPEALS AND VARIANCES

ZONING BOARD OF ADJUSTMENT

10.3.1 General Rules

The Zoning Board of Adjustment, herein referred to as Board, shall be governed by the terms of Chapter 160D-302 of the General Statutes of North Carolina and by the Zoning Ordinance of the City of Locust, North Carolina, and shall consist of five (5) regular members and two (2) alternate members. The City Council shall appoint (5) regular members and two (2) alternates. The Board shall serve staggered (3) three-year terms and shall not serve more than (2) two full successive terms. The Board, being a public body, shall always conduct meetings in conformity with the applicable Open Meetings Law statutes. All members of the Board shall thoroughly familiarize themselves with these laws.

10.3.2 Officers and Duties

Terms of appointment shall begin January 1st and end December 31st. At the regular Board meeting held in the month of January, the Board shall elect officers. If there is no regular meeting scheduled for January the Board shall elect officers at its next held meeting. All regular and alternate members shall be allowed to have an equal vote. The office of Chairman and Vice-Chairman shall be limited to the Board's regular members. Terms of office shall be for one year. Persons may be reelected to the same office for successive terms.

Chairman: A chairman shall be elected by a majority vote of the Board's regular and alternate members. His term of office shall be one year or until his successor is elected. The chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The chairman shall appoint any committees found necessary to investigate any matters before the Board.

Vice-Chairman: A vice-chairman shall be elected by the Board from among its regular and alternate members in the same manner and for the same term as the chairman. He shall serve as acting chairman in the absence of the chairman, and at such times he shall have the same powers and duties as the chairman. In the event of the absence of the chairman and vice-chairman, the remaining voting members present shall elect a temporary chairman for that meeting.

Clerk: A clerk shall be appointed by the chairman of the Board, either from within or outside its membership, to hold office during the term of the chairman or until a successor clerk shall have been appointed. The clerk shall be eligible for reappointment. The clerk shall be subject to the direction of the chairman and the Board, shall keep all records, shall conduct all correspondence of the Board, shall arrange for all public notices required to be given, shall notify members of pending meetings and their agenda, shall notify parties to cases before the Board of its decision on such cases, and shall generally supervise the clerical work of the Board. The clerk shall keep in a permanent volume the minutes of every meeting of the Board. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote. If the clerk is chosen from outside the membership of the Board, he shall not be eligible to vote upon any matter.

10.3.3 Alternate Members

The alternate members of the Board shall be required to attend all regular meetings and special meetings and shall be able to cast a vote when a regular member of the Board is absent or if any Board member has a conflict of interest. Assignments to sit on the Board shall be rotated between the alternate members. At any meeting which they are called upon by the chairman to serve, alternate members shall have the same powers and duties as regular members. Except at the election of officers, at no time shall alternates be allowed to participate officially in any meeting or hearing when all regular Board members are present and participating.

10.3.4 Rules of Conduct for Members

Members of the Board may be removed by the appointing City Council for cause, including violation of the rules stated below:

Attendance: Faithful attendance at all meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite of continuing membership on the Board. It is imperative that the clerk be notified in advance, except in an emergency, if a Board member is not able to attend a meeting.

Conflicts of Interest – Recusal from Voting: No member of the Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board which may result in a private benefit to themselves, their immediate relatives or their business interest. A member may recuse himself/herself from voting on a issue under any of the following circumstances:

- If the matter at hand involves the member's own official conduct.
- If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.
- If the member has a direct financial interest in the outcome of the matter at hand.
- If the member did not attend the public hearing on the application or appeal, or thoroughly review minutes and records of the public hearing.
- If the member has a fixed opinion, that is not susceptible to change, regarding the outcome of the matter prior to hearing the case.

If an objection is raised to a member's participation and that member does not recuse himself/herself the remaining Board of Adjustment members shall by majority vote rule on the objection.

Discussion of Board Cases: Board members shall refrain from discussing upcoming matters of business with any parties, including other Board members, prior to the meeting at which such items are to be publicly discussed; provided however, that members may receive and/or seek general technical information pertaining to the case from the Clerk, City Attorney, or Zoning Officer prior to the Board meeting at which the case is to be heard. A Board member, individually, may view the subject property prior to the hearing but shall not disclose any information regarding his/her findings to another Board member or anyone else involved in the case until the hearing for that case is in progress.

Individual Opinions of Board Members: Members of the Board will not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case. Violation of this rule shall be cause for dismissal from the respective appointing City Council or by the Board of County Commissioners.

10.3.5 Meetings

Regular Meeting: Regular meetings of the Board shall be held on the first Tuesday of each month at 7:00 P.M. at the City Hall; provided that meetings may be held at any other convenient place in the County if directed by the clerk, concurrent with advance notice of the meeting to parties involved.

Continued Meeting: The Board may vote to continue any meeting/hearing upon due cause being stated and time, place, and date of the continued meeting being decided during the initial meeting/hearing. Due cause shall be constituted by unavailability of evidence necessary to the Board's deliberation, time constraints, or similar administrative causes. No public hearing may be continued to more than thirty-one (31) days from the date of the hearing it was continued from.

Special Meeting: Special meetings of the Board may be called at any time by the chairman. At least forty-eight (48) hours written notice of the time and place of special meetings shall be given, by the clerk or by the chairman to each member of the Board.

Cancellation of Meeting: When there are no applications submitted for appeals, special use permits, or variance~~s~~, or other business for the Board, or when so many regular and alternate members notify the clerk of inability to attend that a majority will not be available, the clerk may dispense with a regular meeting by giving written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

Conduct at Meeting: All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

a. roll call;
b. approval of minutes of previous meetings;
c. hearing of cases and consideration and determination of cases heard;
d. reports of committees;
e. unfinished business;
f. new business.

10.3.6 Voting

All regular members shall vote on any issue unless they have disqualified themselves for one or more of the reasons listed in Section 10.3.4 (Conflicts of Interest – Recusal from Voting.) The concurring vote of four-fifths of the members of the Board shall be necessary to grant a variance from the ordinance provisions. A majority vote of the members shall be required to decide any other quasi-judicial matter before the Board. For the purpose of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial

matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates to take the place of such members. No Board member shall vote on any matter deciding an application or appeal unless he/she attended the public hearing on that application or appeal, or thoroughly reviewed minutes and records of the public hearing.

Legislative decision for development regulation on first reading may be approved by simple majority; no need for two-thirds majority on first reading.

10.3.7 Variance, Special Use Permit, and Appeal Applications

All applications shall be made upon the form furnished for the purpose, and all information required shall be completed by the applicant before an application shall be considered as having been filed. Appropriate and reasonable conditions and safeguards which must be related to the condition or circumstances that give rise to the need for a variance or special use permit may be imposed on any approval issued by the Board. No change in permitted use may be authorized by variance.

Variance: When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

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

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection. (2019-111, s. 2.4.)

Special Use Permit: The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where

appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government.

The regulation[s] may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved shall only be applicable to those properties whose owners apply for the modification. The regulation may require that special use permits be recorded with the register of deeds.

Appeals of administrative decisions:

Appeals. - Except as provided in Chapter 160D-405(c) appeals of decisions made by the staff under Chapter 160D-403 shall be made to the board of adjustment. Appeal of a decision made pursuant to an erosion and sedimentation control regulation, a stormwater control regulation, or a provision of the housing code shall not be made to the board of adjustment.

Standing. - Any person who has standing under G.S. 160D-1402(c) or the City of Locust may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the City of Locust City Clerk. The notice of appeal shall state the grounds for the appeal.

Judicial Challenge. - A person with standing may bring a separate and original civil action to challenge the constitutionality of an ordinance or development regulation, or whether the ordinance or development regulation is ultra vires, preempted, or otherwise in excess of statutory authority, without filing an appeal under Chapter 160D-405(a).

Time to Appeal. - The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person withstanding to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

Record of Decision. - The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

Stays. - An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development

regulation. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation shall not stay the further review of an application for development approvals to use such property; in these situations, the appellant or local government may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

Alternative Dispute Resolution. - The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The development regulation may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution. (2019-111, s. 2.4.)

10.3.8 Quasi-Judicial Hearings and Judicial Review

Process Required. Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.

Notice of Hearing. Notice of evidentiary hearings conducted pursuant to Chapter 160d-406 shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

Administrative Materials. The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

Presentation of Evidence. The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

Appearance of Official New Issues. The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

Oaths. The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

Subpoenas. The board making a quasi-judicial decision under Chapter 160d-406 through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Appeals in Nature of Certiorari. When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in G.S. 160D-1402(j).

Voting. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter

under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Decisions. The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

- The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice pursuant to G.S. 160D-403(b) given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

Judicial Review. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d). (2019-111, s. 2.4.)

Special Use Permits. Applicant must record all Special Use Permits with the Register of Deeds.

- The board cannot impose conditions on special use permits that the local government (City Council) does not otherwise have statutory authority to impose.
  The board must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability.

10.4 AMENDMENT PROCESS

10.4.1 Purpose and Authority

1. The purpose of this article is to provide a means for amending the text of these regulations and the classification of any parcel of land identified on the Official Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in response to changed conditions or changes in public policy.

2. Upon compliance with the provisions of this article, the City Council shall have the authority to amend or repeal the text of these regulations or the classification of any parcel of land indicated on the Official Zoning Map.

10.4.2 Planning Board

1. **Establishment**: The Planning Board of the City of Locust shall consist of seven (7) members from within the City limits ("members") and extraterritorial members proportionate to the percentage of population in the extraterritorial zoning jurisdiction.
2. **Membership:**
    a. **Members From Within the City Limits**: Each member shall be appointed by the City Council for a term of three years, except that the initial appointment shall be as follows: Two shall be appointed for a three year term, two for a two year term, and one for a one year term and thereafter all appointments shall be for three years. Provided further that the expiration date for each term shall be the 31st day of December of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of January of the succeeding year; provided, further, that if the initial members appointed under this ordinance are so appointed so that their term of office begins prior to a January 1 date, such term for the initial member shall be extended by the period of time between their appointment and December 31 of the year of their appointment, it being the intent of this proviso that each initially appointed member shall serve a term of one, two, or three years, as the case may be, plus a period of time between their initial appointment and December 31 of the year of their initial appointment. A retiring member shall be eligible for reappointment to succeed himself
    b. **Extraterritorial Members**: In addition to the members hereinabove provided for, members of the Planning Board shall be appointed from the area within the extraterritorial jurisdiction of the City of Locust, pursuant to the provisions of the North Carolina General Statutes, as they may be from time to time amended. These members so appointed shall have all of the obligations and duties of the other members of the Planning Board, including rights to vote on all matters coming before the Board. Extraterritorial members shall be appointed, as provided in the North Carolina General Statutes, by the Board of County Commissioners upon recommendation of the City Council, provided that if said City Council fails to make the appointment as provided in the General Statutes, then the County Commissioners shall make the appointment. Each extraterritorial member shall serve for a period of three years, except as to those appointed initially, in which case one shall serve for a period of two years and one for a period of three years following initial appointment. Expiration dates for each term, initially and thereafter, shall be the 31st day of December of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of January of the succeeding year. A retiring extraterritorial member shall be eligible for reappointment to succeed himself
    c. **Meetings**: Meetings shall be held on a monthly basis unless otherwise determined by the Board. The Chairman of the Board, or in his absence the vice chairman, may call a

special meeting of the Board at any time by giving each member 24 hours notice. Special meetings shall also be scheduled upon request by four or more board members. A quorum of the Board shall consist of a simple majority of the appointed members, and a quorum shall be in attendance before any action of an official nature can be taken.

d. **Powers and Duties**.

1. The Planning Board shall serve as the advisory board on all requests for changes in the zoning laws and ordinances of the City of Locust. As such, and pursuant to any authorities set forth in the zoning ordinance, the Planning Board shall hear all requests for zoning changes or other zoning action and shall, upon such hearings, make a recommendation to the City Council as to any requested changes or action regarding this ordinance. Hearings on zoning petitions may, by joint decision of the City Council and the Planning Board, be held at joint meetings, or may be held separately. The Planning Board is hereby empowered to set procedures for the filing of zoning petitions so long as said procedures do not conflict with or are not in derogation of the then existing laws and ordinances of the City of Locust.
2. The Planning Board shall review and make recommendations on applications for approval of subdivisions pursuant to the Subdivision Ordinance of the City of Locust, and shall make such recommendations as may be permitted by said subdivision ordinance and as the Planning Board deems to be in the best interest of the City.
3. The Planning Board is empowered to make recommendations to the City Council or other governmental agencies consistent with the Planning Board's charged obligation to provide for proper planning for the future growth of the City of Locust and its environs.
4. To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
5. To facilitate and coordinate citizen engagement and participation in the planning process.
6. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
7. To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
8. To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
9. To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.

10. To perform any other related duties that the governing board may direct. (2019-111, s. 2.4.)

10.4.3 Initiation

1. Any amendment to the zoning text or map, except for the classification of property to a parallel conditional zoning or TND Overlay district, may be initiated
    a. by the City Council or the Planning Board on its own resolution;
    b. by the property owner(s), upon filing an official petition, submitting the fee established by the City Council, and providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible,
    c. by someone other than the property owner following:
        1. **filing** of an official petition and submission of the established fee by the initiating party, and in addition, for a map amendment, providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, or, for a text amendment, submitting the prepared text and rationale for seeking the amendment;
        2. **preliminary evaluation** by the Planning Board to evaluate consistency of the proposal with the objectives and policies of plans adopted by the City of Locust, and
        3. **determination** by the City Council whether the petition should be granted a public hearing or rejected.
2. An amendment for the reclassification of property to a parallel conditional zoning or TND Overlay district may be initiated only by the property owner(s), or an agent authorized in writing to act on the owner's behalf, and upon filing an official petition, submitting the established fee, and providing documentation as required by paragraph a) below and as may be required by paragraph b) below.
    a. A petition requesting the reclassification of property to a parallel conditional zoning or overlay district must be accompanied by a site plan, drawn to scale, and any necessary supporting text, which shall include all data specified in paragraphs (a) through (n) below that are applicable to the project. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the City Administrator or designated administrative officer may waive individual items.
        1. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;
        2. Existing topography and the general nature of the proposed topography at four-foot contour intervals or less,
        3. All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
        4. Number and general location of proposed structures,

5. Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
6. All yards, buffers, screening, and landscaping required by these regulations;
7. Any screening, buffers, and landscaping proposed over and above that required by these regulations, as well as proposed treatment of any existing natural features;
8. All existing and proposed points of access to public streets; the location of proposed new streets,
9. Delineation of areas within the regulatory floodplain as shown on the Official Floodway Maps for Stanly County;
10. Proposed number and location of signs;
11. Proposed phasing, if any, and approximate completion time for the project;
12. The location of existing and proposed storm drainage patterns and facilities intended to serve the development;
13. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
14. A listing of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible.

b. In the course of evaluating the proposed use, the City Administrator, Planning Board or City Council may request additional information from the petitioner. Information requested may include the following:
    1. The location of significant trees on the petitioned property;
    2. Scale of buildings relative to adjoining properties, including sight lines;
    3. Height of structures;
    4. Exterior features of proposed development
    5. Any other information needed to demonstrate compliance with these regulations.

c. The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the petition for all purposes under these regulations.

3. The City Administrator shall determine the number of copies of each and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment.

10.4.4 Withdrawal or Amendment of Petition

1. A petition filed according to this section may be withdrawn by the petitioner at any time up to adoption of a resolution by the City Council scheduling the date of the public hearing on the petition.
2. If the petitioner wishes to withdraw the petition after adoption of a resolution scheduling the public hearing, the petitioner may file a request to withdraw with the City Administrator. On the date scheduled for the hearing, the City Council may approve

the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.

3. Once the petition has been filed; the petitioner shall not be allowed to amend it except by request to the City Administrator no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Board, City Council, and other interested parties may be presented at the hearing and considered by the Planning Board and City Council during their deliberations.
4. If the City Council deems any amendment to be a substantial change to the petition, it shall defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition.
5. If the City Council deems any amendment to be an intensification of the petition, it shall call a new public hearing as required by North Carolina General Statutes.

10.4.5 Protested Zoning Amendment

1. Written protest against an amendment to the zoning classification of property, excepting amendments which initially zone property added to the territorial coverage of the ordinance, shall require a favorable vote of three fourths (3/4) of all members of the City Council under the following conditions:
    a. If written protests are submitted by the owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or
    b. If written protests are submitted by the owners of twenty percent (20%) or more of the area of the property immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet there from. or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots.
2. To be valid and effective, protest letters shall:
    a. Be presented in writing; and
    b. Bear the signature and address of the protesting property owner; and
    c. State that the signer does protest the proposed amendment, and
    d. Be received by the City Administrator at least two working days before the date established for a public hearing on the proposed amendment, to establish the sufficiency and accuracy of the petition.

10.4.6 Hearing

1. Notice of public hearings required under these regulations shall be in accordance with the North Carolina General Statutes.
2. Conduct of Public Hearing.
    a. No amendment shall be adopted until after the City Council and Planning Board have held a public hearing on the proposed amendment.

b. The hearing shall be conducted in accordance with rules and procedures established by the Mayor and City Council.
c. When presenting a petition for the reclassification of property to a conventional district, the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development site design, except for those which would apply to any use or development site design permitted in the requested district.

10.4.7 Recommendation and Decision

1. No proposed amendment shall be approved unless it is first submitted to the Planning Board for a recommendation. If the Planning Board does not make a recommendation to approve, approve with conditions, deny, or defer a decision on the proposed amendment within 31 calendar days after the petition has been referred to it, then the Planning Board shall be considered to have recommended deferral for additional deliberation. The petition, along with the recommendation of the Planning Board, shall be placed on the agenda of the City Council at its next regular zoning meeting.
2. The City Council, after receiving the recommendation of the Planning Board, shall within a reasonable time either reject the proposed amendment or approve the proposed amendment, with or without modifications.
3. In considering any petition to reclassify property the Planning Board in its recommendation and the City Council in its decision should consider:
    a. Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area;
    b. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property;
    c. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection. hospitals and medical services, schools. storm water drainage systems, water supplies, and wastewater and refuse disposal; and
    d. Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.
4. When considering a petition to reclassify property to a conventional district, the Planning Board and the City Council shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.
5. In approving an amendment to reclassify property to a conventional district, or with the consent of the petitioner in the reclassification to a parallel conditional zoning or TND Overlay district, the City Council may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested or to a classification or classifications between the existing and requested classifications, or to any higher classification in the hierarchy of zoning districts established in Section 2.1.1 of these regulations.

6. The City Council may modify any proposed text amendment upon adoption of an ordinance enacting the amendment, without the withdrawal or modification of the petition or further public hearings.

10.4.8 Effect of Denial of Petition

1. A petition for the reclassification of property that has been denied in whole or in part, or approved to a classification other than the one originally requested, shall not be re-submitted within one year of the date of the City Council's action on the original petition, unless a petitioner applies for a district which is "lower" in the Hierarchy of Zoning Districts in Section 2.1.1.
2. The City Council may allow re-submission of a petition within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
    a. There has been a similar change in the zoning district classification of an adjacent property; or
    b. The City Council has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed; or
    c. Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification; or
    d. There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this shall not include a change in the ownership of the subject property nor, in the case of a petition for reclassification to a parallel conditional use or TND Overlay district, a change in the scale or features of the development proposed in the prior petition.
3. Any petition allowed by the City Council must be reviewed and approved in accordance with the procedures and standards of Section 10.4. Amendment Process, of these regulations.

10.4.9 When Development Not Begun Within 3 Years

It is intended that property shall be reclassified to a parallel conditional zoning or a TND Overlay district only in light of firm development plans for the property. Therefore, three years after the date of approval of any petition for a parallel conditional use, or TND Overlay district, the Planning Board shall examine the progress made toward developing the property in accordance with the approved petition and any conditions attached thereto. Bonded improvements fully in effect of the 3-year deadline may be a consideration to extend for one or more one-year periods at the full discretion of the Planning Board. If the Planning Board determines that construction has not commenced in furtherance of the approved petition and conditions, the Planning Board may, at its discretion, initiate a rezoning to the general zoning district consistent

with the most detailed plan adopted for the area which includes the property, according to the procedures of Section 10.4, Amendment Process.

10.4.10 Special Use Permit

1. **Purpose**: This section provides the standards and procedures for locating uses that may be compatible in certain instances with the purpose and intent of a given zoning district, but nonetheless have the potential for substantial impacts on the surrounding area, including uses permitted in the same zoning district. In order to ensure that these uses would be compatible with surrounding development, consistent with the most detailed plan for the area, and in keeping with the purposes of the district in which they are proposed to be placed, they are not allowed to be established as a matter of right. They may be established only after a review of the specific proposal and approval of a special use permit.
2. **Application**: A request for a special use permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner. Applications for all special use permits or amendments to any approved special use permit must be filed in the office of the City Administrator, accompanied by a fee established by the City Council, and must include documentation as required by paragraph 1, below and as may be required by paragraph b, below.
    a. A petition requesting a special use permit must be accompanied by a site plan, drawn to scale, and any necessary supporting text, which shall include all data specified in paragraphs (a) through (m) below that are applicable to the project. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the City Administrator may waive individual items.
        1. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;
        2. Existing topography and the general nature of the proposed topography at four-foot contour intervals or less;
        3. All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
        4. Number and general location of proposed structures:
        5. Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
        6. All yards, buffers, screening, and landscaping required by these regulations;
        7. Any proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
        8. All existing and proposed points of access to public streets; the location of proposed new streets;
        9. Proposed number and location of signs;

10. Proposed phasing, if any, and approximate completion time for the project;
11. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development, for evaluation by the City's consulting engineer;
12. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
13. A listing of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible.

b. In the course of evaluating the proposed use, the City Administrator, Planning Board or City Council may request additional information from the petitioner. Such requests shall stay consideration of the special use permit by the Planning Board or City Council. Information requested may include the following:
    1. The location of significant trees on the petitioned property;
    2. Scale of buildings relative to adjoining properties, including sight lines,
    3. Height of structures;
    4. Exterior features of proposed development;
    5. Any other information needed to demonstrate compliance with these regulations.

c. The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the special use permit application for all purposes under these regulations.

3. The City Administrator shall determine the number of copies of each petition and accompanying documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment.
4. **Withdrawal or Amendment of Special Use Permit Application**: An application for a Special Use Permit may be withdrawn or amended in the same manner as a proposed amendment to the zoning map, following the procedures of Section 10.4.4.
5. **Hearing**: A Special Use Permit hearing will be conducted as a quasi-judicial hearing before the City Council, with the Planning Board having made an Administrative review and recommendation for consideration. The applicant has the burden of producing competent. material, and substantial evidence establishing that:
    a. The proposed special use will comply with all of the lot, size, and yard. and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located; and
    b. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.
6. **Recommendation and Decision.**
    a. In considering an application for a special use permit, the Planning Board in an administrative and advisory capacity and the City Council, in a decision making capacity, shall consider, evaluate and may attach reasonable and appropriate

conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized.

b. Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the City Council may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the City Council.

7. **Effect of Approval.** An approved application for a special use permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the special use permit and all plans, specifications, and conditions unless terminated by procedures established below. The City may accept a bond and allow phases of the development to be developed if in the opinion of the Zoning Administrator the public health and safety are preserved.

8. **Effect of Denial.**

    a. If an application for a special use permit is denied by the City Council, a reapplication for that special use on that property may not be instituted within one year of the date of denial.
    b. The City Council may allow resubmission of the application within the one-year restricted period if it determines that, since the date of action on the prior application, one of the following criteria has been met:
        1. The City Council has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the special use permit should be developed: or
        2. Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed special use permit; or
        3. There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on resubmission of a special use permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.

9. **Amendment to an Approved Special Use Permit.**

    a. The owner of property which is subject to an approved special use permit may petition for an amendment of the special use permit and accompanying conditions by following the procedures applicable to initiation of new special use permits.

    b. Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the present standards and requirements in this zoning ordinance.

10. **Appeals.** Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after a written copy of the decision of the City Council is filed in the office of the City Administrator or is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later.

11. **Recognition of Previously Approved Special use permits.** Special Use Permits which have been previously granted by the City Council of the City of Locust will be recognized for a building permit and other administrative purposes for three (3) years after the effective date of this Ordinance. If after three (3) years construction of the development has not begun or there is no valid building permit in effect for the property. the Special Use Permit will be considered null and void. If a use approved as a Special Use becomes non-conforming and discontinues operation for six consecutive months, or is displaced by structural damage, the use may not be resumed nor a building permit issued without approval of the appropriate zoning classification and the issuance of a new Special Use Permit.

10.5 NONCONFORMITIES

10.5.1 Purpose and Applicability

The purpose of this article is to regulate and limit the continued existence of uses and structures that were established prior to the effective date of these regulations and that do not conform to these regulations. Any nonconformity created by a change in the text of these regulations or by the reclassification of property shall be regulated by the provisions of this chapter. The "effective date" referenced below shall be the date the text of these regulations or the Zoning Map is amended to render a particular use, structure, or lot nonconforming. Many nonconformities may continue, but the provisions of this chapter are designed to curtail substantial investment in nonconformities, and to bring about their eventual improvement or elimination.

10.5.2 Nonconforming Uses

1. Nonconforming uses of land or structures; and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this section.

2. Normal repair and maintenance may be performed to allow the continuation of a nonconforming use; this shall include the replacement of a manufactured home with another manufactured home of same or greater width.
3. A nonconforming use shall not be expanded, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located or through the occupation of additional lands.
4. A structure in which a nonconforming use is located shall not be moved unless the use thereafter shall conform to the standards of the zoning district(s) to which it is moved.
5. A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, the nonconforming use shall not be re-established.
6. Where a nonconforming use is discontinued or abandoned for six consecutive months, or displaced for any period of time due to structural damage exceeding the limits under subsection g) below, then the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations.

ARTICLE 11 - DEFINITIONS AND RULES OF CONSTRUCTION

11.1 RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction apply.

1. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.
2. In the event of any conflict in standards applying to a project. the standard more consistent with the Plan shall apply.
3. The words "shall". "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
4. The word "may" is permissive in nature except when used in the negative.
5. The word "should", whether used in the positive or the negative, is a suggested guideline.
6. References to "days" will always be construed to be business days. excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
7. For purposes of interpreting this Ordinance, certain words, concepts, and ideas are defined below. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition.

11.2 DEFINITIONS

Words and terms in the City of Locust Zoning Ordinance are defined in the sections which follow. The definitions are divided into three sections. As captioned.

Section 11.2.1 provides the general zoning definitions that apply to this ordinance. The definitions of Section 11.2.2 provide special definitions applicable to the sign regulations of Article 9. For the purposes of these regulations, the following words and terms have the meanings specified in this section.

11.2.1 General Definitions

Abandon. To cease the regular use or maintenance of a lot, building, or structure.

Abutting. Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first-floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home.

Accessory structure or use. A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure "be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.

Adjacent. Either abutting or being directly across a street.

Administrative decision. Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as “ministerial” decisions or “administrative determinations”

Administrative hearing. A proceeding to gather facts needed to make an administrative decision.

Adult establishment. Any principal or accessory structure or use of land which meets the definition of adult establishment as set forth in North Carolina General Statute Section 14-202.10, including topless bars, but excluding massage therapy as defined in Section 11.1 of these regulations. Notwithstanding the definition of "adult bookstore" provided in G.S. 14-202.10(1), for purposes of this ordinance "adult bookstore" means a retail establishment:

1. which receives a majority of its gross income during any calendar month from the sale or rental of (i) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities", as defined in G.S. 1-202.10(10), or "specified anatomical areas", as defined in G.S., 1-202.10(11); and/or (ii) merchandise that are "sexually oriented devices". as defined in G.S. 1-202.10(9): or
2. having as a preponderance of its publications and/or merchandise (a) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", as defined in G.S. 1-202.10(10), or "specified anatomical areas", as defined in G.S., 1-202.10(11), and/or (b) merchandise that comprises "sexually oriented devices", as defined in G.S. 1-202.10(9).

As used in this definition, "publications" include books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

Agricultural industry Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Airport. A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

Airport uses Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

Alley. A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the listed street types defined herein or in Article 5 of the

Locust Zoning Ordinance. An alley may be accepted for public maintenance only if it serves a broad public function. Residential alleys will generally remain private.

Amendment. Any change by the City Council to the text of these regulations or the of official zoning maps.

Amusement. commercial outdoor. Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters.

Amusement. commercial indoor. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public but does not include indoor motion picture theaters.

Apartment house. More than four dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.

Arena. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Attached house. Rowhouse, townhouse, duplex. triplex, or quadriplex houses, generally developed side by side for condominium unit sale, or where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.

Automotive repair. A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

Automotive service station. Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Also referred to as retail sale of gasoline.

Bed and Breakfast Inn. A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where the breakfast meal only is provided and is available only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s).

Best Management Practices (BMPs). A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMPs. Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMPs. Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Board of Adjustment. The Zoning Board of Adjustment of the City of Locust.

Boarding House. A dwelling unit with up to six rooms for rent to boarders, or designed and intended to be rented to boarders, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

Buffer. (See also Screening.) A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer (watershed). A natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Build-to line. A line extending through a lot which is generally parallel to the front property line and marks the location from which the principal vertical plane of the front building elevation must be erected, intended to create an even building facade line on a street. The build-to line is established on the record plat (final plat).

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building face. The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

Building lines. Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections there from, parallel to front. side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building setback line. A line extending through a lot which is parallel to the front property line and between which and such line no building shall be erected.

Building site. (See also Development.) An area of land, or property where development is undertaken.

Built-upon Area (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Bus stop shelter/ Transit Shelter. A freestanding structure less than 100 square feet, located on a bus transit route, which is designed to accommodate embarking and disembarking bus transit passengers.

Canopy tree. Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of 1,200 square feet.

Carports. Any non-enclosed structure constructed for the purpose of sheltering a vehicle, boat or similar. Carports are considered the same as garages.

Change of Use. The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another **use listed in the commercial use** category, as herein defined.

City Attorney. The attorney for the City of Locust, duly retained by the City Council of the City of Locust.'

City Administrator. The City Administrator of the City of Locust.

Civic. social service or fraternal organization facility. A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

Clinic. medical. dental. or optical. A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Clinic, veterinary. A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district: and not used for the training of animals.

Close. A short public residential street preferred to the cul-de-sac. that forms a short "eyebrow" curve off a neighborhood street. Houses generally face onto a small common area.

Cluster development. A tract of land planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations. and in accordance with an approved site plan. The development on the tract is limited by overall density or intensity. rather than minimum lot dimensions. The site-specific development plan for a cluster development requires review and approval by the City Council.

Collector street plan. The system of streets shown on the Locust Land Development Plan which indicates the conceptual network of primary connecting streets expected to connect arterials and/or provide access to public institutions within the Locust Planning Area.

Commencement of construction. The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial communication tower. A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Commercial use. A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), hotels and inns, theatres, restaurants without drive-through windows, bars, and day care facility-as a principal use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in Article 9. Conditions for Certain Uses. Excluded from the commercial use category are adult uses: vehicle, boat, or manufactured home sales, service, and repair, drive-through windows as a principal or accessory use; wholesale sales; heavy manufacturing;' outdoor storage; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

Congregate housing. Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

Consulting engineer. A North Carolina Registered Engineer appointed from time to time by the City Council of Locust.

Corner lot. A lot which abuts the right-of-way of two streets at their intersection.

Correctional Institution. A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

Cultural facility. An indoor or outdoor theater, auditorium. or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

Day Care Center. Day care, as a principal use or an accessory use, provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child Day Care Center. An individual. agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult; usually serving more than 10 children at a time; not an accessory to residential use.

Adult Day Care Center. An individual, agency, or organization providing supervision or care on a regular basis for more than 6 adults in a place other than their usual place of abode, on less than a 24-hour basis.

Day Care Home (small accessory use). Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child Day Care Home (small accessory use). Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for 6 to 10 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Adult Day Care Home (small accessory use). Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 adults who do not reside in the dwelling.

Density. gross residential. The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

Density. net residential. The number of dwelling units on a parcel of land from whose area is subtracted the area of public rights-of-way, areas of flood hazard, lakes or water bodies or wetlands under jurisdiction of the U.S. Army Corps of Engineers, or areas of permanently dedicated open space under the provisions of the OPS Zoning District.

Dependent living facility. Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Designated Administrative Agent (also Designee). A government agency or consulting professional which has been designated by the Locust City Council through contract or agreement to administer the Subdivision Ordinance.

Detached house. A dwelling unit that is developed with no party walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.

Determination. A written, final and binding order, requirement, or determination regarding an administrative decision.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. Unless the context clearly indicates otherwise, the term means:

a) The construction, erection, alteration, enlargement, renovation, substantial repairs, movement to another site, or demolition of any structure;
b) Excavation, grading, filling, clearing, or alteration of land;
c) The subdivision of land as defined in G.S. 160D-8-2; or

The initiation or substantial change in the use of land or the intensity of use of land.

Development approval. An administrative or quasi-judicial approval made pursuant to Chapter 160D-403 that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to Chapter 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development regulation. A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulations, housing code, State Building Code enforcement, or any other regulation adopted pursuant to Chapter 160D-403, or a local act or charter that regulates land use or development.

Discharge. The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.

Dormitory. A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

Drive-through service window. A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

Duplex. Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls.

Dwelling . A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Easement. A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

Electronic Gaming Operations: Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, beach sweepstakes, or cybercafes. This does not include lottery approved by the State of North Carolina.

Elementary and secondary schools. Publicly owned or privately-owned pre-schools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions the primary function of which is child day care.

Essential Services. Publicly or privately-owned facilities or systems for the distribution of gas. electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet);

Class 2 Elevated water storage tanks; package treatment plants: telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities: raw water treatment facilities.

Class 3 Generation, production, or treatment facilities such as power plants. sewage treatment plants, and landfills.

Evidentiary hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under Chapter 160-D-406.

Existing Development. Existing development, as defined for the purpose of this section, means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the Locust Zoning Ordinance based on at least one of the following criteria:

i) Substantial expenditures of resources (time. labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or

ii) Having an outstanding valid building permit.

Existing Lot (of Record). 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 adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Exterior features. The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

Facade. The principal vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the facade above which the facade sets back; the location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony).

Family An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

Farm. bona fide. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm shall not include agricultural industries. **Property in the City's ETJ that is used for bona fide farm purposes is exempt from the City's zoning regulation to the same extend bona fide farming actives are exempt from county zoning pursuant to 160D-903(c)**

Farmhouse Cluster. A rural subdivision for up to six house lots accessed by private drive, permitted only in the Open Space District.

Financial institution. A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Flood. A temporary rise in stream flow or stage that results in water over topping its banks and inundating areas adjacent to the watercourse.

Floodway. That portion of the channel and flood plain of a stream designated to provide passage for the Regulatory Flood without increasing the elevation of that flood at any point by more than one foot.

Floodway encroachment lines. The outer boundaries of the floodway. Floodway fringe. The proportion of the flood hazard area not in the floodway.

Flood protection elevation. The elevation shown on the Flood Area Map and to which structures and uses allowed under these regulations are to be elevated or flood proofed.

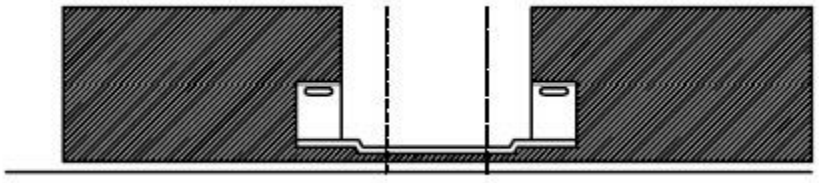
Floor. The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor area. The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

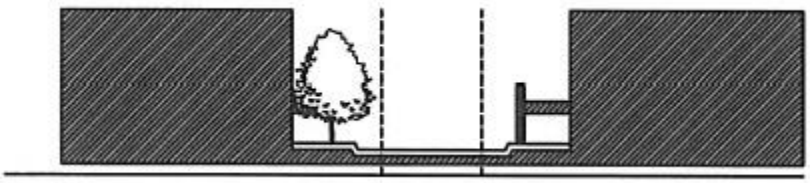
Floor area ratio [FAR). The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Frontage. The lot boundary which coincides with a public thoroughfare or space. The facade of the structure facing the street. There are seven ways in which a building may address the street.

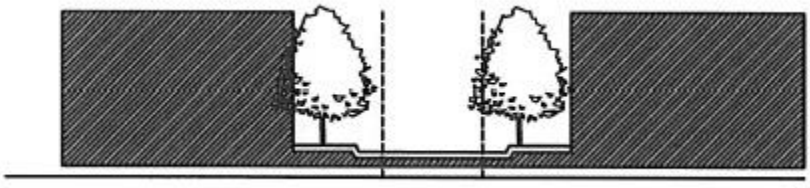
1. Arcade: A covered passage with shops on one or both sides. Generally, the facade overlaps the sidewalk while the shop front remains setback. Sidewalk is fully covered with overhang.



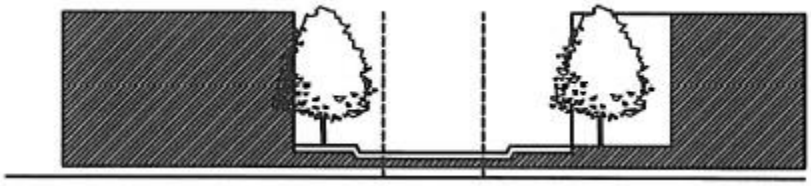
2. Shop front: A business or retail use where the facade is aligned directly on the frontage line with the entrance at grade; typical of sidewalk retail. Shop fronts often have awnings or a colonnade. A transition line should separate the signage from the facade below.



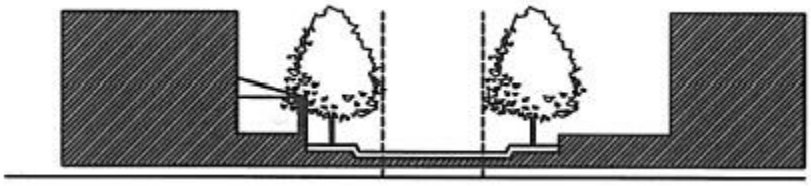
3. Stoop: The facade is aligned directly on the frontage line with the first floor elevated to secure privacy at window height. This type is suitable for residential uses such as row houses and apartment buildings. An easement may be necessary to accommodate an encroaching stoop.



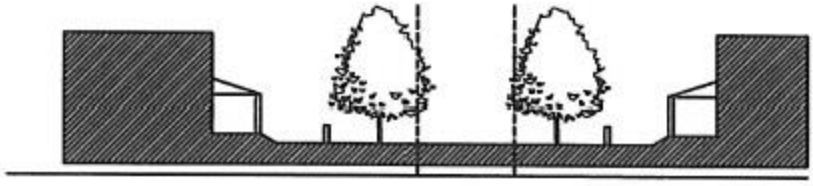
4. Forecourt: The facade sets back and is replaced by a low wall at the frontage line. The forecourt is suitable for gardens and car drop offs. It should be used sparingly and in conjunction with a shop front or stoop. Trees within the forecourt should be placed to have their canopies overhanging the sidewalks.



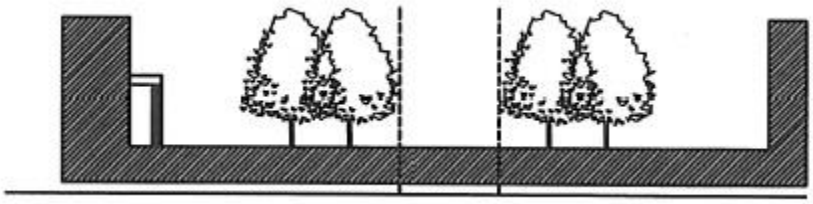
5. Dooryard: The facade is set back from the frontage line with an elevated garden or terrace between. This type effectively removes the front yard from the sidewalk and reinforces privacy. A roofed and elevated terrace is especially suitable for restaurants and cafes.



6. Porch and Fence: The facade is set back substantially from the frontage line with an encroaching porch. The porch should be within conversational distance of the sidewalk. The fence at the frontage line establishes the demarcation of private from public use. The fence row may be designated by a vegetative hedge or structural material but should not be less than 3 feet nor more than 4 feet in height.



7. Front lawn: The facade is set back substantially from the frontage line. The front lawn should be visually continuous with adjacent yards and should be unfenced. The large setback provides a good buffer from heavy traffic volumes and is an appropriate design in areas where large lot single family homes are placed along a major road.



Frontage Build out. The portion of lot frontage which has a building or wall running parallel to it.

Government Building. A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade. The elevation of the land or land level at a specific point.

Group home. A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others as defined in G.S, Sec. 122C-3(11)b, as amended. Group homes for up to six persons are permitted in any district which allows residential use.

Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLE Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous materials treatment facility. A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as

amended **(**42 U.S.C. Sec.6901etseq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

1. A facility which manufactures hazardous materials from component nonhazardous materials; or
2. A facility or location for the long term or perpetual storage of hazardous materials; or
3. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Heavy Industrial Uses. Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" refers to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget). Unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in " in defining types of manufacturing operation, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use".

The following uses are subject to the issuance of a special use permit, and are classified as Heavy Industrial uses:

- Meat packing plants and poultry dressing plants (SIC #2011, 2015)
- Pickled fruits and vegetables (SIC #2035)
- Flour and other grain mill products, sugar refining (SIC #2041.2061,2062, 2063)
- Animal feeds and pet foods (SIC #2047, 2048)
- Fats and oils (SIC Group #207)
- Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082,2083, 2084, 2085, 2095)
- Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC #2091, #2092)
- The following manufacturing listed under SIC #2099:
    a. Yeast
    b. Molasses and sweetening syrups
    c. Vinegar
- Tobacco products (SIC Major Group #21)
- Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers.

- Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
- Sawmills and planning mills, general (SIC Group #2421)
- Wood building and mobile homes (SIC Group #245)
- Wood preserving: reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493, SIC Group #261, SIC Group #262, SIC Group #263)
- Industrial inorganic chemicals, plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC Group #281,SIC Group # 282)
- Soaps, detergents and cleaning preparations: perfumes, cosmetics, and other toilet preparations (SIC Group #284)
- Paints, varnishes, lacquers.enamels and allied products (SIC Group #285)
- Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides. etc.)(SIC Group #281; SIC Group #287)
- Miscellaneous chemical products (all products listed under SIC Group #289) (e.g. adhesives, sealants. explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899).
- Petroleum refining (SIC Group #291)
- Asphalt paving and roofing materials (SIC Group #295)
- Lubricating oils and greases (SIC #2992)
- Products of petroleum and coal classified under SIC #2999
- Tires and inner tubes (SIC Group #301)
- Plastic products found under SIC Group #308 when resins are made at the same facility.
- Leather tanning and finishing (SIC Group #311)
- Flat glass; glass and glassware; (SIC Group #321, SIC Group #322)
- Cement, hydraulic (SIC Group #324)
- Structural clay products (SIC Group #325)
- Pottery and related products (SIC Group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space.
- Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
- Abrasive products; asbestos products; mineral wool (SIC #3291. #3292, #3296)
- Minerals and earths, ground or otherwise treated L(SIC #3295)
- Non-clay refractories (SIC #3297)
- Miscellaneous nonmetallic mineral products listed under SIC Code #3299.
- Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331; SIC Group #332; SIC Group #333 and #334; SIC Group #335; SIC Group #336)
- Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIOC #3462 and #3463; SIC Group #347)
- Manufacture of other primary metal products listed under SIC #3399
- Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)

- Power, distribution and specialty transformers (SIC #3612)
- Electrical industrial carbon and graphic products (SIC #3624)
- Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)
- Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes; (SIC #3711, #3713; SIC #3715; SIC #3716)
- Railroad equipment (SIC #3743)
- Motorcycles (SIC #3751) except bicycles and bicycle parts
- Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)
- Camping trailers (SIC #3792)
- Military tanks and related armored vehicles (SIC #3795) but not tank components
- Photographic supplies (SIC #3861) but not photographic equipment
- All inks, paints, oils, enamels, and crayons (SIC #3952)
- Carbon paper and inked ribbons (SIC #3955)
- Linoleum, asphalt felt base, and other hard surface floor covering listed under SIC #3996
- Mining (SIC Division B)

Heavy Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards: or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.

Heliport. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Helistop. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Home Occupations. A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

Horse Farm. Any tract of land of three or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including up to one dwelling unit per each five acres and facilities for the sale of horses raised or maintained on the immediate premises.

Hospital. A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

Hotel or Motel. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without

meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services.

Impervious Ground Cover. Any structure or ground cover consisting of 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.

Independent Living Facility. Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

Indoor Recreation. Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation "structures may include accessory uses such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource:
2. Wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
3. Storm water will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater; or
4. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Interconnected. Refers to streets, which provide through access to other streets: interconnected street systems may be either rectilinear or curvilinear. See illustrations, Article 4, Streets.

Jail. A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Junk yard. A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

Kennels. Commercial. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Kennel, private. A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

Land Clearing and Inert Debris (LCID) landfill. A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or re-contour land, using only soil, is not construed to be such a landfill.

On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.

Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Landscaping. The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

Large Maturing Tree. A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

Legislative decision. The adoption, amendments, or repeal of a regulation under Chapter 160-D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consisting with the provisions of Chapter 160-D Article 10.

Legislative hearing. A hearing to solicit public comment on a proposed legislative decision.

Light Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place: where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

Lot. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

Lot front. That side of a lot, which fronts on a street.

Lot of Record. A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

Lot Types.

1. Corner Lot. A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135'.9
2. Interior Lot. A lot other than a corner lot with frontage on only one street.
3. Through Lot. A lot other than a corner lot with frontage on more than one street.
4. Reverse Frontage Lot. Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Lot Width.

1. The distance between the side lot lines measured along a setback line or build-to line: or
2. The distance between the side lot lines measured along an established setback line (when that line is greater the setback or build-to line required by this ordinance) along the turnaround portion of a cul-de-sac street; or
3. If no setback is required for a-lot according to this ordinance, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

Maintained Easement. A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

Manufactured Home. A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974". 42 U.S.C. Sec 5401 et seq.. which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

Manufactured Home Class A: A multi-sectional manufactured home that was constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

a. Is occupied only as a single family dwelling;
b. Has a minimum width of 16 feet;
c. Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;

d. Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
e. Is set up in accordance with standards established by the NC Department of Insurance.
f. Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:
    a. vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint)
    b. cedar or other wood siding;
    c. wood grain, weather resistant press board siding;
    d. stucco siding; or
    e. brick or stone siding.
g. Has an eave projection of no less than six inches, which may include a gutter.
h. Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. The use of wood stairs alone is prohibited at any entrance.

Manufactured Home Class B: A multi-sectional or single section manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

a. Is occupied only as a single-family dwelling.
b. Have the towing apparatus, wells, axles, and transporting lights removed and not included in length and measurements.
c. Is set up in accordance with standards established by the NC Department of Insurance.
d. Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:
    a. vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
    b. cedar or other wood siding;
    c. wood grain, weather resistant press board siding;
    d. stucco siding; or
    e. brick or stone siding.
e. Has an eave projection of no less than six inches, which may include a gutter.
f. Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. The use of wood stairs alone is prohibited at any entrance

Manufactured Home Park or Rental Community. Any parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of manufactured homes.

Manufactured Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

Massage therapy. Health massage or bodywork therapy performed by a practitioner credentialed in one of the following ways:

1. Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy, or
2. Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

Massing. The shape and form a building or assemblage of buildings assumes through architectural design. There are ten elements which affect the creation of public space and the relationship between one building and another. A specific project should consider, but may not need to incorporate, all ten elements. These diagrams are illustrative only and are not meant to convey any requirement for a particular architectural style.

Building silhouette.

<table>
<tr>
<td>Pitch and scale of a roof line.
 </td>
<td>Spacing between building facades: setbacks or notches between primary facades which frames a structure.
 </td>
</tr>
<tr>
<td>Setback from property line: building setback and/or primary facade setback from property line.
 </td>
<td>Proportion of windows, bays, and doorways: vertical or horizontal elements tied together in bands across facade lengths. This is also a function of the proportion of solids to voids in the building facade.
 </td>
</tr>
</table>

Proportion of primary facade size of facades in area and height to width ratios 	**Location and treatment of entryway:** important visual commonalities between structures
Exterior materials used: similar materials and treatment add to compatibility, of buildings 	**Building scale:** building height and configuration
Landscaping: ties together buildings and defines space. 	**Shadow patterns that form decorative features:** the light and dark surfaces from materials used and projections from window bays and setback.

Mean Sea Level. The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Stanly County are referenced.

Mixed Use. The combination of both commercial and residential uses within a single building of two or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

Mobile Home. A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.

Mobile Home Park, Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of mobile homes.

Mobile Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of mobile homes.

Modification, major. Include, but are not limited to, the addition of lots, the addition of streets, change(s) to the pattern of street connections, changes to open space provisions, reduction in dedications to the public, or any other feature(s) of the subdivision which assumed significance at the time of sketch plan approval.

Modification, minor. Include, but are not limited to, removal of lots, minor shifts in street and open space location, and other changes which do not alter the overall layout of the plan. Modification of use or density prohibited as minor modification.

Modular Home. A prefabricated single family dwelling structure in one or more parts, which is transported to a lot and placed on a permanent foundation, which can include a low-bearing chassis. Upon placement on the lot, the structure shall be considered a permanent, conventional dwelling unit. A mobile home, in any form, shall not be considered to be a modular home, even if placed on a permanent foundation. Modular homes shall comply with the North Carolina State Building Code.

Motel. See Hotel.

Multi-family. Three or more attached dwellings located on a single lot of record.

Multiple Building Site. A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

Neighborhood Gasoline Station. A building and use for the sale of gasoline primarily to non-commercial vehicle operators, having no more than two pumping canopies, and providing only minor automotive repairs.

Neighborhood Recreation. Public or private neighborhood, tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Nightclub. Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

Nonconforming Structure. Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the zoning maps which render such structure nonconforming, which does not comply with all of the

standards and regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Use. Any use, lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the zoning maps which render such use nonconforming, which does not comply with all of the regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Vacant Lot. Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment thereto, whichever may be applicable.

Nonresidential Development. All development other than residential development, agriculture and silviculture.

Nursing Home. Rest Home. or Home for the Aged. A facility or housing development in which an agency, organization, or individual provides care for 3 or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

Off-street parking. Parking which occurs on a lot and not on a street or other public right of way.

Office. A use or structure in which business or professional services are conducted or rendered.

Open Space. Any area which is not divided into private or civic building lots, streets, rights-of way, parking, or easements. In the Farmhouse Cluster. open space may also include portions of private building lots subject to an open space easement dedicated to the City.

Planning and development regulation jurisdiction. The geographic area defined in part 2 of Chapter 160-D within which a city may undertake planning and apply the development regulations authorized by Chapter 160-D.

Urban Open Space assumes one or more of the forms detailed in Article 6, and may contain recreation equipment and amenities as indicated.

Rural Open Space is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance as described in Section 2.2.1, will be construed. in whole or in part, to be rural open space.

Outdoor lighting Any light source that is installed or mounted outside of an enclosed building, but not including streetlights installed or maintained along public or private streets.

Outdoor recreation. Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation "shall include any

accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Overnight camping trailer park. Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation, or vacation uses may be located on a non-profit or for-profit basis.

Owner. Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

Parallel Conditional Zoning. A use, which because of some special characteristic's attendant to its operation or installation is permitted in a district subject to the approval of the City Council, and subject to special requirements, different from those usual requirements for the district in which the conditional use may locate. -

Parcel. Any quantity of land and or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

Parking Lot. An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

Pedestrian Oriented Development. Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance equally the needs of the pedestrian and car.

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. They are identified on United States Geological Survey Quadrangle Maps by solid blue lines.

Person. An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Pilot plant. A building or operation in which processes planned for use in production elsewhere can be tested, but not including the production of any good on the premises primarily or customarily for sale, or for use in production operations.

Planning area. The land located within the boundaries of the most recently adopted Locust Land Development Plan, and consistent generally with the city's annexation sphere of influence.

Planning Board. The City of Locust Planning and Zoning Board established by ordinance in accordance with NCGS 160A-36.1 and 160D-307.

Plat. A map or plan of a parcel of land which is to be, or which has been, subdivided.

Plaza. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

Principal building or structure. A building or structure containing the principal use of the lot. Principal use. The primary purpose or function that a lot serves or is proposed to serve.

Private Stable. An accessory use to a principal residential structure and permitted only in the OPS and NR district.

Project area. Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Proposed right-of-way line. The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in the Subdivision ordinance.

Prototype production plant. A building or operation in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations on the premises.

Public utility structure. An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching. boosting, distribution, or transfer station for electricity, water. wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Quadrangle. A rectangular area, such as a courtyard. enclosed by buildings.

Quadriplex (apartments). Four apartments placed side by side and one above the other, usually sharing a common entrance hallway, and with common walls, floors, and ceilings, located on a single lot of record.

Quarry. An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the

application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Reach. A longitudinal segment of a stream or river, such as the segment between two bridge crossings or the mouths of two tributaries to the stream or river.

Redevelopment. The demolition and reconstruction of a building or a portion of a building.

Reclassification of land. A change in the zoning district assigned to a lot pursuant to a public hearing before the City Council and a subsequent decision by the City Council.

Regulatory Flood. A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious institution. A church, synagogue, temple, mosque, or other place of religious worship. including any accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

Research laboratory. A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

Residential use. Any detached, duplex, triplex, quadriplex, attached, or multifamily dwelling, manufactured mobile home, group home for up to six clients, limited residence boarding house, or dormitory.

Restaurant. A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Retail establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Rezoning. See Reclassification of Land.

Riding Academy. A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for-profit basis.

Sanitary Landfill.. A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Sawmill. A mechanized facility for cutting logs into timber for carpentry.

Screening. A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

Septic Tank System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Setback. established. The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also Yards.

Setback required. The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. In most conditions, the required setback is replaced with a build-to line. See also Yards.

Shop front. A business or retail use with facade aligned directly on the frontage line and the entrance at grade. Found in sidewalk retail.

Shopping Center. A group of two or more retail establishments or restaurants, including all associated out parcels (whether or not they have been subdivided from the primary tract), having a unified design of buildings, coordinated parking and service areas, and developed in accordance with the requirements of the zoning district in which it is located.

Shrub, A woody, branching plant of relatively low height.

Sign. Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identity, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

Significant tree. Any tree other than a pine tree with a caliper of 18 inches or more.

Single Family Residential. Any development where i) no buildings contain more than one dwelling unit and each dwelling unit is on a separate lot (exception: duplex house); ii) no lot contains more than one dwelling unit (exception: garage/studio apartments as accessory dwellings).

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Small Maturing Trees. A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock "published by the American Association of Nurserymen.

Solid Waste. Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
    a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,
    b. Irrigation return flows, or
    c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.)and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
4. Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104EI through 104E-23); or
5. Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68)' and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

Specimen Tree. See Significant Tree.

Stadium. A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

Storm Drainage Design Manual. The most recent edition of the manual adopted by the City Council setting forth standard details for the design and construction of storm water management systems.

Story. That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof.

Street Line. The outer boundary of a street right-of-way.

Street Orientation. The direction of the architectural front facade of a building in relation to the street.

Street. Private. An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

Street. Public. A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the City of Locust or the State of North Carolina.

Street Right-Of-Way. Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the City of Locust or Stanly County, if so authorized: or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the City of Locust or has otherwise been established as a public street prior to the adoption of this ordinance.

Street Vista. A view framed by buildings at the termination of the axis of a thoroughfare or large neighborhood street.

Street Yard. The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

Streets (NCDOT and LDSM classification).

Freeway or Expressway (Class I). A multi-lane, grade-separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large volumes at high speeds. Such a facility may be part of the interstate, federal, or state primary highway system. A Class I road will be built to or approaching interstate design standards.

Limited Access Arterial (Class II). A multi-lane limited access. major road connecting major activity centers or major roads. It is designed to accommodate large volumes of traffic at moderate speeds. Intersections are at grade, with access only at cross streets, rather that at individual driveways. All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road.

Major Arterial (Class III). A multi-lane major roadway connecting Class I, II, or III streets with lesser streets in the network. The Class III road may also provide connections between this and other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses.

Commercial Arterial (Class III-C). A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network the Class III-C road may also connect this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds while also providing direct access to nonresidential high trip generating land uses. A Class III-C road may be part of state primary or secondary highway systems.

Minor Arterial (Class IV). A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system. It is designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting this region to other regions. Therefore, it usually only handles trips of short to moderate distances.

Collector (Class V). A roadway which assembles traffic from local streets, and distributes it to the nearest arterial street. The Class V road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds.

Local (Class VI). This is a two lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations. These unique environments include innovative housing developments and other similar techniques, or cul-de-sac streets in conventional subdivisions. A Class VI-L street may not provide vehicular access to elementary, junior or senior high schools, colleges, or of official sites for such schools or to proposed places of public assembly including public or private parks, recreation facilities, or greenways.

Cul-de-sac. A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

Marginal Access Street. A public or private street adjoining or parallel to an arterial street to relieve the arterial street of the necessity of providing access to abutting property.

Streets (City of Locust classification). City street classification refers to the hierarchy of low speed, interconnected streets with pedestrian orientation of buildings and a fine-grained section which includes street tree planting and sidewalks either side of pavement. Specific street types are illustrated in Article 4, Streets, of this ordinance. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function/rank of the street in the hierarchy. Streets meeting the standards of Article 4 are eligible for acceptance and maintenance by the City as public streets. Alleys may. be accepted for public maintenance only if they serve a broad public purpose. Residential alleys will generally remain private. (see also Close).

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type (including both residential and non-residential multiple building sites and multisite projects even if there is no division of the underlying land into separate parcels for recordation with the Register of Deeds) and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

1. The combination or re-combination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and

the resultant lots are equal to the standards of this ordinance and the appropriate zoning classification

2. The division of land into parcels greater than 5 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
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 street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
9. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance or the Subdivision Ordinance of the City of Locust.
10. Transfers of tracts or parcels by inheritance or bona fide gift.
11. Condemnation or deed in lieu of condemnation, by either a public. or private condemner; provided, however, that the condemner must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever occurs first.

Subdivision. limited. A subdivision that is not otherwise exempt from the provisions of this ordinance and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten (10) acres. For each subdivision the owner shall be required to plat only the parcel(s) to be transferred or leased and only said parcel(s) shall be subject to the requirements of this ordinance.

Subdivision, major. A subdivision not otherwise exempt from these regulations that involves any of the following:

1. Any subdivision of land into 11 or more residential lots or any number of nonresidential lots.

2. The creation of any' new public street or street right-of-way, or improvements to an existing street.
3. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
4. The extension of any needed right-of-way or easement for the water or sewer system operated by Locust or Stanly County Utility Departments.
5. The installation of drainage improvements through one or more lots to serve one or more other lots.
6. The installation of a private wastewater treatment plant or private water supply system for more than one lot or building site.

Subdivision, minor. A subdivision that is not otherwise exempt from the provisions of this ordinance and that does not involve any off the following:

1. The creation of any new public street or street right-of-way, or improvements to an existing street.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. The extension off any needed right-of-way or easement for the water or sewer system operated by Locust or Stanly County Utility Departments.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of private wastewater. treatment plant or private water supply system for more than one lot or building site.

Substantial Improvement. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or City health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

Temporary Structure. A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

Thoroughfare. Any street on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, Ill-c, or N.

Thoroughfare Plan. The most recent map adopted by the Locust City Council and the Board of County Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

Threshold elements. Porches, stoops, stairs, balconies, eaves, and cornices, loggias, arcades, chimneys, doors and windows, which are placed at or near the build-to line and interface between the main body of the building and the street.

Through lot. A lot with frontage on two streets.

Traditional Neighborhood. A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15-minute walk.
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A well-defined and detailed system of interconnected streets serve the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of plazas, squares. and parks. in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional neighborhoods pursue certain objectives through their design.

1. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
2. Reduced traffic congestion and road construction costs by reducing number and length of car trips.
3. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
4. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
5. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
6. Accessible places public assembly and civic engagement by identification of suitable sites for civic buildings.

Transitional Setback or Yard. That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

Transitional use. A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Turkey Shoot. A place or event at which contestants discharge shotguns in competition for prizes.

University. College and Junior College. A use, whether privately-owned or publicly owned, providing academic education beyond the high school level.

Variance. An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on a parcel of land.

Vested right. The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved site plan.

Vocational School. A use, whether privately-owned or publicly owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar skills.

Warehousing. The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wastewater Treatment Facility. A facility operated by a licensed utility, in compliance with all applicable state, county, and City regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage into a specific stream, creek lake or other body of water.

Watershed Administrator. The individual appointed and duly sworn by the City Council of the City of Locust to administer and enforce the provisions of the watershed.

Water Dependent Structures. Those structures for which the use requires access or proximity to or sitting within the surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for beat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Wholesale Establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Working Day. Any day on which the offices of the City of Locust are officially open, not including Saturdays, Sundays, and other holidays designated by the City Council.

Yard. rear required. When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard rear. established. The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard. side required. When required by this ordinance or established by recorded plat. a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the required rear yard.

Yard side, established. The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the established rear yard.

Zero lot line. The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a side yard house.

Zoning Administrator. The employee(s) or agent(s) designated by the City Administrator to oversee the administration and enforcement of these regulations.

12.2.2 Sign Definitions

For the regulation of signs according to this ordinance, the following words and phrases shall be defined as specified below.

Amortization. A provision requiring nonconforming signs to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

Awning. A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

Building Wall. The entire surface area, including windows and doors. of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for only the first three stories, or 45 feet in height of a building, whichever is less.

Canopy. A permanent structure not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

Changeable Copy. Copy that is or can be changed in the field. either manually or through mechanical means; e.g., reader boards with changeable letters.

Commercial Message. A message placed or caused to be placed before the public by a person or business. enterprise directly involved in the manufacture or sale of the products, property. accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

Copy; Any words, letters; numbers; figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Farm Product Sales. Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

Grade. The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.

Linear Frontage. The length of a property abutting a public right-of-way from one side lot line to another.

Logo. A business trademark or symbol.

Out Parcel. A parcel of land associated with a shopping center or multi-tenant development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to, banks, savings and loans, dry cleaners, service stations, offices, restaurants, retail establishments, or combination of uses thereof, and adjoins the shopping center or multi-tenant development, or the parking and service drives associated with it, on any side adjacent to a public right-of-way.

Parapet. A low wall encircling the perimeter of a flat building roof generally used to screen roof-mounted mechanical equipment.

Planned Development, A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according 'to an approved development plan.

Premises. A parcel of real property with a separate and distinct identifying number shown on a recorded plat. record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable zoning. Out parcels of shopping centers shall be considered on the premises of the shopping center for the purpose of this ordinance.

Roof Line. The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation

Sight Triangle. The triangular area formed by the point of intersection of two street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection

Sign. Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any

fraternal, religious, or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign Structure or Support. Any structure that supports or is capable of supporting a sign. Sign Types. The following are types of signs included in this ordinance.

Banner. A sign intended to be hung, with message. or symbol applied to plastic or fabric of any kind but excluding flags or emblems of any nation; organization of nations, state, city, or any fraternal, religious, or civic organization.

Bulletin Board. A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial place of public assembly.

Business Sign. A sign that directs attention to a business, to a product sold, manufactured, or assembled, or to services or entertainment offered upon the premises where the sign is displayed; but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Campaign or Election Sign. A sign that advertises a candidate or issue to be voted upon on a definite election day.

Canopy and Awning Signs. A sign attached to or painted or printed onto a canopy or awning. The permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Construction Sign. A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project

Detached Sign. Any sign that is not affixed or attached to a building and Is securely and permanently mounted in the ground. Such sign may be a ground mounted, sign, or monument sign.

Directional or Instructional Sign., An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Directory Sign. A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or arcades, office complexes, schools, churches, institutional or business campuses, and similar large complexes which have a variety of tenants and/or uses.

Ground Mounted Sign. A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground.

Government Sign. A permanent sign erected and maintained for any governmental purposes.

Flag. A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

Flashing Sign. A sign that uses an intermittent or flashing light source to attract attention.

Identification Sign. Sign which display only the name, address, and/or crest, insignia. trademark, occupation or profession of an occupant. or the name of any building on the premises.

Incidental Sign A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive-through-window menu boards; signs on automatic teller machines, gas pumps, or vending machines; or newspaper delivery boxes.

Memorial Sign or Plaque. A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

Monument Sign. A monolithic sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.

Nonconforming Sign Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this ordinance.

Off-Premises Sign. A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected.

On-Premises Sign. A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected

Outdoor Advertising Sign, A type of sign, generally, but not always, consisting of a rigidly assembled sign, display, or device, usually free standing that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.

Planned Development Sign A sign used in conjunction with an approved planned residential, office, business, industrial, or mixed-use development.

Portable or Movable Sign. A sign that is not. permanently attached to the ground, a structure, or a building, and which can easily be moved from one location or another. For example. a sign on wheels.

Projecting Sign. A sign which is affixed to a building and supported only by the wall on which it is mounted; considered a wall sign for purposes of this ordinance.

Public Interest Sign. A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

Real Estate Sign. Sign that are used to offer for sale, lease, or rent the premises upon which such sign is placed.

Primary Sign. The main or principal sign located on the premises.

Roof Sign. A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Secondary Sign. A sign used in addition to a primary sign on premises.

Temporary Sign. A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.

Temporary Development Sign. A sign that pertains to the development of a new commercial. residential or mixed-use development while it is under construction.

Vehicular sign. Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Wall Sign. Any sign directly attached to an exterior wall of a building or dependent upon a building for its support. Signs directly painted on walls shall be considered wall signs.

Window Sign. Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building.

ARTICLE 12 - SUBDIVISION ORDINANCE

12.1 PURPOSE AND APPLICABILITY

12.1.1 Short Title

This ordinance will be known and may be cited as the Locust Subdivision Ordinance.

12.1.2 Purpose

The provisions of this ordinance are adopted pursuant to the authority conferred by Section 160D-801 through Section 160D-808 of the General Statutes of North Carolina for the purpose of providing for the orderly development of the City of Locust, North Carolina and its environs by regulating the subdivision of land. The regulations contained herein are intended to coordinate proposed development with existing development and with officially adopted plans for future development of the city; to coordinate streets within subdivisions with existing or planned streets or with public facilities; to secure or protect adequate rights-of-way and easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; to ensure the proper legal description, monumentation, and recording of subdivided land; and to create conditions essential to public health, safety, convenience, and the general welfare.

12.1.3 Jurisdiction

The provisions of this ordinance shall apply to all subdivision activities, as defined in Section 12.2.1 of this ordinance, within the corporate limits and the extraterritorial zoning jurisdiction of the City of Locust, North Carolina as now or hereafter established. Any subdivision for which a preliminary plan has been approved by Stanly County prior to becoming subject to the Locust Subdivision Ordinance, may, at the option of the developer, be developed in its entirety in accordance with the Stanly County Subdivision Ordinance. Any subdivision for which a preliminary plan has been submitted to Stanly County, but not approved prior to becoming subject to the Locust Subdivision Ordinance, shall comply with Locust ordinance standards.

12.1.4 Separability

If any section, paragraph, subdivision, clause or provision of this Ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication will apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance will be deemed valid and effective.

12.1.5 Compliance with Ordinance

All plats for the subdivision of land must conform to the requirements of this ordinance and be submitted in accordance with the procedures and specifications established herein. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this ordinance. No utility shall be extended nor any permit be issued by an administrative agent of the City of Locust or Stanly County for the construction of any building or other improvement upon any land for which a plat is required until the requirements of this ordinance have been met and the final plat approved.

12.1.6 Applicability

1. For the purpose of this Article, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Article:
    a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
    b. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
    c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
    d. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
    e. 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 General Statutes.
2. A local government may provide for expedited review of specified classes of subdivisions.
3. A local government may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all the following criteria are met:
    a. The tract or parcel to be divided is not exempted under subdivision (2) of subsection 1 of this section.
    b. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
    c. The entire area of the tract or parcel to be divided is greater than 5 acres.
    d. After division, no more than three lots result from the division.
    e. After division, all resultant lots comply with all of the following:
        i. All lot dimension size requirements of the applicable land-use regulations, if any.
        ii. The use of the lots is in conformity with the applicable zoning requirements, if any.
        iii. A permanent means of ingress and egress is recorded for each lot. (2019-111, s. 2.4.)

12.1.7 Effective Date

This ordinance shall become effective April 4, 1997.

12.2 DEFINITIONS AND RULES OF CONSTRUCTION

12.2.1 Definitions

As used in this ordinance, the following terms will have the meanings indicated in this section:

Alley: A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the listed street types defined herein or in Article 5 of the Locust Zoning Ordinance. An alley may be accepted for public maintenance only if it serves a broad public function. Residential alleys will generally remain private.

Appeal: An action requesting reversal or modification of an interpretation or decision made by City staff or Administrative Agent in the application of these regulations.

Build-to line: A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation must be erected; intended to create an even building facade line on a street. The build-to line is established on the record plat (final plat).

Building face: The dominant structural plane of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is considered to be the two-story elevation of such structure.

Building Setback Line: A line extending through a lot which is parallel to the front property line and between which and such line no building shall be erected.

City Council: The City Council of Locust.

City Administrator: The City Administrator of Locust.

Collector Street Plan: The system of streets shown on the Locust Land Development Plan which indicates the conceptual network of primary connecting streets expected to connect arterials and/or provide access to public institutions within the Locust Planning Area.

Consulting Engineer: A North Carolina Registered Engineer appointed from time to time by the City Council of Locust.

Corner Lot: A lot which abuts the right-of-way of two streets at their intersection.

Designated Administrative Agent (also Designee): A government agency or consulting professional which has been designated by the Locust City Council through contract or agreement to administer the Subdivision Ordinance.

Easement: A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

Land Clearing and Inert Debris (LCID) Landfill: A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina.

Lot: A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

Lot Front: That side of a lot which fronts on a street. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations and the Locust Zoning Ordinance by labeling the front and side building lines as such on the final plat.

Open Space: Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements. In the Farmhouse Cluster, open space may also include deed restricted portions of private building lots. **Urban Open Space** assumes one or more of the forms detailed in Article 7 of the Locust Zoning Ordinance and may contain recreation equipment and amenities as indicated. **Rural Open Space** is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance will be construed, in whole or in part, to be rural open space.

Planning Area: The land located within the boundaries of the City limits of Locust and its extra-territorial jurisdiction (ETJ).

Planning Board: The Planning Board of the City of Locust.

Plat: A map or plan of a parcel of land which is to be, or which has been, subdivided.

Reverse Frontage: The configuration of lots or a development site so that vehicular access to the lots or development site does not involve individual driveway connections to the street to which access is restricted, but rather is from another means such as a public or private street or easement which either intersects or runs parallel to the street to which access is restricted. Reverse frontage does not relate to any particular orientation of a structure to the street.

Streets (by classification).

1. **Freeway or Expressway (Class I):** A multi-lane, grade-separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large volumes at high speeds. Such a facility may be part of the interstate, federal, or state primary highway system. A Class I road will be built to or approaching interstate design standards.
2. **Limited Access Arterial (Class II):** A multi-lane limited access major road connecting major activity centers or major roads. It is designed to accommodate large volumes of traffic at moderate speed. Intersections are at grade, with access only at cross streets, rather that at individual driveways. All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road.
3. **Major Arterial (Class III):** A multi-lane major roadway connecting Class I, II, or III streets with lesser streets in the network. The Class III road may also provide connections between this and other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses.
4. **Commercial Arterial (Class III-C):** A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network, the Class III-C road may also connect this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds while also providing direct access to nonresidential high trip generating land uses. A Class III-C road may be part of state primary or secondary highway systems.

5. **Minor Arterial (Class IV):** A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system. It is designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting this region to other regions. Therefore, it usually only handles trips for short to moderate distances.
6. **Collector (Class V):** A roadway which assembles traffic from local streets, and distributes it to the nearest arterial street. The Class V road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds. The Collector Street is characteristic of conventional subdivisions approved prior to April 3, 1997, the effective date of this Ordinance. Its function is replaced by one or a combination of the City Street types defined in Article 5, Locust Zoning Ordinance.
7. **Local (Class Vi):** This is a two lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations. These unique environments include innovative housing developments and other similar techniques, or cul-de-sac streets in conventional subdivisions. A Class VI-L street may not provide vehicular access to elementary, junior or senior high schools, colleges, or official sites for such schools or to proposed places of public assembly including public or private parks, recreation facilities, or greenways. The Local (Class VI) street is characteristic of conventional subdivisions approved prior to April 3, 1997. It is replaced by one or more of the City Street types defined in Article 5, Locust Zoning Ordinance.
8. **Cul-de-sac:** A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround. Cul-de-sac may not exceed 250 feet in length and must be accessed from a street providing internal or external connectivity. They are permitted where topography makes a street connection impracticable.
9. **Marginal Access Street:** A public or private street adjoining or parallel to an arterial street to relieve the arterial street of the necessity of providing access to abutting property.
10. **City Streets:** The street types defined in Article 5 of the Locust Zoning Ordinance, intended to serve developments submitted and approved after April 3, 1997, the effective date of this amendment.

Street, Private: An interior circulation road designed and constructed to carry vehicular *traffic* from public streets within or adjoining a Highway Commercial Zoning District where existing development or limited access arterial prohibits extension and connection of the public street network; not dedicated to or maintained by the public.

Street Right-of-Way: Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the City of Locust or Stanly County, if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by

the City of Locust, or has otherwise been established as a public street prior to the adoption of this ordinance.

Subdivision: A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type (including both residential and non-residential multiple building sites and multi-site projects even if there is no division of the underlying land into separate parcels for recordation with the Register of Deeds) and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance and the appropriate zoning classification.
2. The division of land into parcels greater than 5 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
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 street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
9. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
10. Transfers of tracts or parcels by inheritance or bona fide gift.
11. Condemnation or deed in lieu of condemnation, by either a public or private condemner; provided, however, that the condemner must comply with the requirements of this ordinance as to the property acquired, either prior to the

commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever occurs first.

Subdivision Administrator: The person designated by the City Council to assume the duties of the Subdivision Administrator.

Subdivision, Limited: A subdivision that is not otherwise exempt from the provisions of this ordinance and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten (10) acres. For such subdivisions the owner shall be required to plat only the parcel(s) to be transferred or leased and only said parcel(s) shall be subject to the requirements of this ordinance.

Subdivision, Major: A subdivision not otherwise exempt from these regulations that involves any of the following:

1. The creation of any new public street or street right-of-way, or improvements to an existing street.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. The extension of any needed right-of-way or easement for the water or sewer system operated by the City of Locust and/or the Stanly County Utility Department.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

Subdivision, Minor: A subdivision that is not otherwise exempt from the provisions of this ordinance and that does not involve any of the following:

1. The creation of any new public street or street right-of-way, or improvements to an existing street.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. The extension of any needed right-of-way or easement for the water or sewer system operated by the Utility Department.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

Thoroughfare: Any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, III-c, or IV.

Thoroughfare Plan: The most recent map adopted by the Locust City Council and the Board of County Commissioners which indicates the system of roads expected to serve major access and

travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

Through Lot: A lot with frontage on two streets.

Variance: An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

12.2.2 Rules of Construction

For the purposes of these regulations, the following rules of construction apply.

1. These regulations will be construed to achieve the purposes for which they are adopted.
2. In the event of any conflict in limitations, restrictions, or standards applying to a project, the provision more consistent with the Locust Zoning Ordinance shall apply.
3. The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
4. The word "may" is permissive in nature except when used in the negative.
5. References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

12.3 DECISION MAKING AND ADMINISTRATIVE BODIES

12.3.1 City Staff

In addition to any authority granted to the Subdivision Administrator by other ordinances of the City of Locust, the Subdivision Administrator and the employees under his or her direction, and such agent as may, from time to time, be designated by the Locust City Council to administer the Subdivision Ordinance (Designee), will have the following duties in accordance with these regulations.

1. To review all petitions for subdivisions of land, within the authority and jurisdiction of these regulations, and comment on completeness of petitions and conformity to the requirements of these regulations.
2. To review and provide comments on variance petitions.
3. To maintain files and other public records related to the administration and enforcement of these regulations.
4. To comment on proposed amendments to these regulations.
5. To interpret the provisions of these regulations.
6. To coordinate all local, state, and other appropriate agency review and comment on all subdivisions proposed under these regulations.
7. To establish such procedures as necessary and proper for the administration of their responsibilities under these regulations.
8. To approve for recordation in the Stanly County Register of Deeds those divisions of land which, according to the definition of Subdivision found in Section 12.2.1, are not subject to the requirements of this ordinance.
9. To approve for recordation in the Stanly County Register of Deeds those divisions of land, defined as Limited Subdivisions and Minor Subdivisions in Section 12.2.1, which

meet the standards of the Subdivision Ordinance and Zoning Ordinance, except as otherwise provided in Section 12.6.5.

10. To approve Major Subdivision Preliminary Plans and Final Plats which are identical to or include only minor revision(s) to the approved sketch plan. **Major modification** include, but are not limited to, the addition of lots, the addition of streets, change(s) to the pattern of street connections, changes to open space provisions, reduction in dedications to the public, or any other feature(s) of the subdivision which assumed significance at the time of sketch plan approval.
11. To approve minor revisions to conditional zoning, , special use permits, and other development approvals.; **Minor modification** include, but are not limited to, removal of lots, minor shifts in street and open space location, and other changes which do not alter the overall layout of the plan.

12.3.2 Planning Board

In addition to any authority granted to the Planning Board by other ordinances of the City of Locust, the Planning Board will have the following powers and duties to be carried out in accordance with these regulations.

1. To hear and make advisory recommendations on proposed amendments to the text of these regulations; to propose, as needed, amendments to change the text of these regulations.
2. To review and make recommendation on sketch plans for major subdivisions and major changes to approved sketch or preliminary plans for major subdivisions within the authority and jurisdiction of these regulations.
3. To hear and make recommendation on appeals from the interpretation of any provisions of this ordinance by the City staff or Designated Administrative Agent. The Planning Board may recommend reversal or modification of any action under appeal upon finding an error in the application of these regulations.

In all of these matters, the Planning Board may recommend approval of the request, denial of the request, or approval of the request with conditions relating to the intent and standards of this ordinance.

12.3.3 City Council or Designated Administrative Agent

In addition to all other authority reserved to the City Council by other ordinances, the City Council will have the following powers and responsibilities in accordance with these regulations.

1. To hear and decide proposed amendments to the text of these regulations.
2. To review and decide all applications for approval of Major Subdivision Sketch Plans and major changes to approved sketch plans or preliminary plans for Major Subdivisions. To hear and decide requests for variances from the standards of this ordinance in accordance with the provisions of Section 12.4
3. To hear and decide appeals from the interpretation of any provisions of this ordinance by the City staff or Designated Administrative Agent. The City Council may reverse or

modify any action under appeal upon finding an error in the application of these regulations.

In all of these matters, the City Council may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of this ordinance.

12.3.4 Staff to the Planning Board

The Subdivision Administrator and the employees under his or her direction, will have the following additional powers and duties to be carried out in accordance with these regulations:

1. To maintain the text of these regulations.
2. To recommend and prepare amendments to the text of these regulations.
3. To accept and file petitions for variances.
4. To accept and file notices of appeals within ten (10) days of the day an administrative interpretation or decision is issued.

12.4 APPEALS AND VARIANCES

12.4.1 Authority

The Planning Board may recommend, and the City Council shall decide petitions for appeals from an interpretation or decision made by the City staff or Designated Administrative Agent and petitions for variances from the requirements of these regulations. Any reversal, modification or affirmation of an interpretation or any variance thus authorized will be entered in writing in the minutes of the City Council with the justification set forth.

12.4.2 Initiation

A petition for an appeal of an administrative interpretation or decision may be initiated by any person aggrieved or by any *officer* or department of the City of Locust. A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

1. **Filing of Notice of Appeal*:*** A notice of appeal, in the form prescribed by the Subdivision Administrator, must be filed with the Planning Staff within 10 days of the day an administrative interpretation or decision is issued. The notice filed with the Planning Staff must be accompanied by a nonrefundable filing fee as established by the Locust City Council. Failure to timely file such notice, and fee will constitute a waiver of any rights to appeal under this section. The filing of such notice will require the officer whose action is appealed to transmit to the City Administrator and Subdivision Administrator all administrative papers, records, and other information regarding the subject matter of the appeal.
2. **Standards for Granting an Appeal:** The Planning Board may advise and the City Council may decide to reverse or modify the decision or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the decision or interpretation.

12.4.3 Filing of Variance Petition

A petition for variance, in the form prescribed by the Subdivision Administrator, must be filed with the Planning Staff, accompanied by a nonrefundable filing fee as established by the City Council.

12.4.4 Standards for Granting a Variance

Before granting variance, the City Council must determine that:

1. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and
2. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or
3. The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or
4. The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or
5. The granting of a variance would permit the preservation of an historic structure or site, or a significant natural feature.

12.4.5 Planning Board Review

After receipt of a complete variance petition, the Planning Board will review the petition and send a recommendation and supporting reasons for granting or denying the variance to the City Council. Recommendation and supporting reasons shall be recorded in the minutes of the Planning Board.

12.4.6 Action by City Council

The City Council may approve or deny the variance application or approve with conditions relating to the intent and standards of the ordinance. The reasons that the City Council used to reach its decision shall be recorded in the minutes.

12.4.7 Rehearing

When the City Council has denied any petition for a variance, it will not thereafter accept any other petition for the same variance affecting the same subdivision or any portion thereof, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

12.4.8 Effect of Grant of Variance

After the approval of a variance by the City Council, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variance to these regulations granted to the petitioner by the City Council.

12.5 AMENDMENTS

The Planning Staff may from time to time, and at the request of the Locust City Council or Planning Board shall, prepare certain improvements to the text of the subdivision ordinance to

correct errors, update or modify the requirements, or otherwise improve the operation of the ordinance in regulating the subdivision of land.

Amendments to this ordinance may only be enacted pursuant to public notice and public hearing on the proposed amendments. Notice of such public hearing shall be published once per week for two successive weeks in a newspaper of general circulation in the City of Locust. The notice shall be first published not less than ten (10) days nor more than twenty-five (25) days prior to the date fixed for the hearing. The notice shall indicate the date, time, and place of the hearing and shall include a statement of the substance of the proposed amendment.

All text amendments must be referred to the Planning Board for a recommendation prior to final action by the elected officials. Failure of the Planning Board to act within forty-five (45) days following the public hearing will be deemed to constitute an affirmative recommendation on the proposed amendment. An action to defer a recommendation for cause will constitute an action for the purposes of this section.

12.6 THE SUBDIVISION PROCESS

12.6.1 Compliance Required

After the effective date of this ordinance, no plat of a subdivision of land subject to the jurisdiction of this ordinance will be filed or recorded by the Stanly County Register of Deeds until it has been submitted to and approved by the City of Locust in accordance with these regulations. This applies to all subdivision activities included in the definition of Subdivision, found in Section 12.2.1.

12.6.2 General Requirements

The following statements provide general requirements and policies to be used in the design, review, and approval of any subdivision under the jurisdiction of this ordinance. Questions of interpretation of any of these provisions should be discussed with the Subdivision Administrator or Designated Administrative Agent at the earliest possible time in the development of a subdivision proposal. (See Section 12.4 for appeal process).

1. **Consistency with adopted public plans and policies.**

All subdivision of land approved under these regulations should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools, and other similar facilities. Plans and policies for the community are on file in the offices of the City of Locust.

When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the

approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

2. **Conformity.**

All proposed subdivisions should be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with established development, new subdivisions should be planned to protect and enhance the stability, environment, health, and character of neighboring areas. The geometry of streets and intersections and the location of street connections will be assessed to minimize the detrimental effects of high volume, high speed neighborhood through traffic. This assessment will consider the location of large-scale traffic generating uses as well as the adopted thoroughfare plan and the Land Development Plan.

3. **Reasonableness Statement for Rezoning.**

When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors:

a. the size, physical conditions, and other attributes of the area proposed to be rezoned,
b. the benefits and detriments to the landowners, the neighbors, and the surrounding community,
c. the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
d. why the action taken is in the public interest; and
e. any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

4. **Access Between Adjoining Properties.**

To the extent practicable, all streets shall connect to create a comprehensive network of public areas which allows free movement of automobiles, bicyclists, and pedestrians. The purposes, hierarchy, and design standards for City Streets, as further described in Article 4 of the Locust Zoning Ordinance, shall be met.

5. **Relation to topography.**

In sloping terrain, streets will generally parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of surface storm water runoff. Variations are allowed to meet design objectives for the development and/or to calm vehicular speeds.

6. **Mature trees and natural vegetation.**

Streets and development sites shall be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation. Minor adjustment of street alignment on the ground is permitted to achieve this objective, so long as standard drainage requirements. continue to be met and the actual location of the street on the ground is reflected on the final plat or an amended final plat.

7. **Access to parks, schools, etc.**

Streets and sidewalks shall be designed to assure convenient access to parks, greenways, playgrounds, schools, and other places of public assembly. Supplemental walkways not associated with streets may not be less than 10 feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.

8. **Discourage through traffic.**

Methods to discourage high volume, high speed through traffic should consider street geometry, intersection design, and other traffic calming measures.

9. **Relationship to railroad rights-of-way.**

When a subdivision adjoins a railroad right-of-way the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.

10. **Half streets.**

Whenever an existing half street is adjacent to a tract of land to be subdivided the other half of the street should be platted within such tract. New half streets are prohibited except when essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

11. **Parallel streets along thoroughfares.**

Where a tract of land to be subdivided adjoins a federal or state highway or a major arterial street, the subdivider may be required to provide a marginal access street parallel to the highway.

12. **Public School and Public Park Sites.**

The subdivider shall determine if the tract of land to be subdivided appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site by contacting the appropriate agency. The subdivider shall provide certification to the Subdivision Administrator or Designated Administrative Agent to indicate whether or not the area proposed to be subdivided includes any identified future public school or public park site. If no certification is provided, the Subdivision Administrator or Designee shall make the

determination by contacting the appropriate agencies. If such site(s) are included in the area to be subdivided, the Subdivision Administrator or Designee will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above have commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the "transfer of development rights" (on the same site) provisions found in the Zoning Ordinance.

13. Public Facilities.

When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing, and other public uses, falls within an area proposed to be subdivided, the Subdivision Administrator or Designated Administrative Agent will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above have commenced the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the "transfer of development rights" (on the same site) provisions found in the Zoning Ordinance.

14. Proposed street names.

Proposed street names shall be coordinated with the Subdivision Administrator or staff, Stanly County, other or designee.

15. Easements.

Easements established to the width and in the locations required by the Consulting Engineer, Albemarle Utility Department, Oakboro Utility Department should be provided for open or piped storm drainage, sanitary sewers, water lines, and other utilities. This requirement applies to such lines installed at the time of the development of the subdivision, and to easements for such lines which may reasonably be expected to be installed in the future.

16. Proposed water and sewerage system.

The preliminary subdivision plan must be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

(a) Where, at the time of preliminary plan approval, these systems are to be a part of the public water and sanitary sewerage system owned and operated by the Albemarle and Oakboro Utility Departments, the preliminary subdivision plan shall be accompanied by a complete set of construction plans for the proposed systems, prepared by a registered engineer, which shall be required to meet the standards established by said utility owner/operator for connection to the system upon completion and dedication.

(b) Where, at the time of preliminary plan approval, the proposed systems to serve more than one structure do not contemplate the use of facilities owned and operated by the Albemarle and Oakboro Utility Department, the proposed systems must be reviewed and approved by the agency or agencies with jurisdiction over the approval. This shall also include, but not be limited to, review and approval by Charlotte-Stanly Utility Department to establish that construction plans meet public utility standards for adequacy and compatibility with the public system(s) in order to provide for the future orderly development of the city. Whether the proposed system serves one structure or more than one structure the developer must provide evidence prior to preliminary plan approval of the required discharge permit or a perk test for sewage disposal on each lot, whichever is applicable. Where lots are to be served by septic tank systems, the preliminary plan and the final plat shall clearly label any lots which do not perk and for which a building permit shall not be issued until alternate sewage disposal methods are available to such lots. Prior to final plat approval, evidence must be provided that both the sewage and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

12.6.3 Sketch Plan Required for Major Subdivisions

Prior to the filing of an application for approval of a major subdivision Preliminary Plan, a Sketch Plan shall be submitted to the Subdivision Administrator and any Designated Administrative Agent for review. When submitted, this Sketch **Plan shall be on a topographical map showing original contours at intervals of not less than four feet and existing tree lines.** It should show in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. It should include the following information:

1. the boundary lines of the property being subdivided;
2. water courses on the land to be subdivided;
3. the location, names, and rights-of-way of any existing streets on or within 300 feet of the land to be subdivided;
4. the location of all property lines which intersect the boundaries of the property being subdivided; the zoning district of each adjacent property;
5. the location of proposed streets, lots, parks or other open spaces, reservations, building lines, street cross-sections, number and type of buildings, and the location of any building restriction flood lines rimed-by
6. zoning information for the proposed project site;

7. proposed front, rear, and side yard dimensions for each building type along each street type;
8. for projects within a regulated watershed protection area, the location of required buffers and high-density option detention, if applicable;
9. the location of general buffers or screens required for the project area, as a whole;
10. the scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date;
11. a small-scale vicinity map.

12.6.3.1 Sketch Plan Also Required for Minor Subdivisions

In order to facilitate the review and approval of a minor subdivision for which a preliminary plan is not required, a sketch plan must be submitted to the Subdivision Administrator and any Designated Administrative Agent, who will advise the applicant of any deficiencies that must be corrected prior to submission of the final plat.

12.6.3.2 Review of Major Subdivision Sketch Plan

Upon submission, the Subdivision Administrator and any Designated Administrative Agent shall have ten (10) working days to review and comment on the Sketch Plan. A technically deficient sketch plan shall be returned to the subdivider with comments; a technically correct sketch plan, or a resubmitted sketch plan which has been made technically correct, shall be forwarded to the staff to the Planning Board to place on the Planning Board's agenda for their next scheduled meeting.

If received by the staff to the Planning Board fourteen days before the next regular meeting date of the Planning Board, it can be reviewed by the Planning Board at their next regularly scheduled meeting date.

The Planning Board shall have forty-five (45) consecutive days from their first meeting to review and make a recommendation to the City Council on the Sketch Plan. The Planning Board shall advise the applicant of any deficiencies that should be corrected prior to being placed on the City Council's agenda.

If there are no deficiencies in the Sketch Plan, it will be placed on the next City Council agenda for review and approval. If deficiencies exist, but the corrected plan is received by the staff of the Planning Board seven days before the next regular meeting date of the City Council, it will be reviewed, and a decision rendered by the City Council at their next regularly scheduled meeting.

12.6.4 Preliminary Plan Requirements

The preliminary subdivision plan must be drawn to the following specifications and must contain or be accompanied by the information listed below. No processing or review of a preliminary plan will proceed without all of the information listed. Detailed standards and specifications for construction of state standard roads are contained in the North Carolina Department of Transportation's Highway Design Manual. For City Streets, the standards of Article 5 of the Locust Zoning Ordinance shall control.

1. The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad line, water courses, easements or other significant features of the tract.
2. The location, size, elevations of existing sanitary sewers, storm drains, and culverts within the tract and immediately adjacent thereto.
3. Original contours, including tree lines, shown at intervals of not less than 4 feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coast and Geodetic survey. Proposed contours for the full width of all street rights-of-way, along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.
4. The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines, front build-to lines and rear and side yard dimensions for each lot, street dimensions, tentative building locations.
5. The location of all proposed storm drains and appurtenances with grades, inverts, and sizes indicated, together with a map of the drainage area or areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures.
6. The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Subdivision Administrator and or Designated Administrative Agent.
7. The scale of the plan which shall not be smaller than 100 feet to the inch, north point, date.
8. Typical cross sections of internal or abutting streets showing width, sidewalk, and planting details and proposed construction of roadways.
9. Proposed profiles of roadways. Where a proposed street is an extension of an existing street the profile shall be extended to include 300 feet of the existing roadway and storm drains if present and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
10. The proposed method of water supply and sewer disposal.
11. A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
12. The location of any existing LCID landfills on the site and the location of any proposed LCID landfills on the site.
13. A timetable for estimated project completion of the area covered by the preliminary plan.

14. The zoning district(s) in which the project is located.
15. For subdivisions within which open space is required, a draft of the documents by which irrevocable preservation of open space shall be assured.

12.6.5 Procedures for Approval

To the extent consistent with the scope of regulatory authority granted by Chapter 160D-403, no person shall commence or proceed with development without first securing any required development approval from the local government with jurisdiction over the site of the development. A development approval shall be in writing and may contain a provision that the development shall comply with all applicable State and local laws. A local government may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to Chapter 160D-403 attach to and run with the land.

12.6.5.1 Preliminary Plan: Submission and Approval

A preliminary plan of the proposed subdivision developed in accordance with the specifications set forth in Section 12.6.4 must be submitted to the Subdivision Administrator or Designated Administrative Agent. The plan must be accompanied by an application in duplicate signed by the owner or his duly authorized agent on application forms to be furnished by the Subdivision Administrator or Designated Administrative Agent. At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in Section 12.6.4. Application for preliminary plan approval shall be accompanied by the appropriate development review fee(s) as established by ordinance.

The Subdivision Administrator or Designee shall have thirty (30) working days to review and comment on the initial preliminary plan. If subsequent corrections or changes to the initial preliminary plan are necessary, the reviewer shall have twenty (20) working days to review any revised plan. The preliminary plan time limits listed above do not apply to plans for which no sketch plan has been submitted, nor to plans which contain any proposed school, park, greenway, or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits. Upon determination by the Subdivision Administrator, Designee, or such other engineering agent designated by the City Council to review Subdivision Plans, that the preliminary plan is complete, correct, and in compliance with Section 12.6.2 as submitted, or has been resubmitted and found complete and correct, the plan is eligible for approval.

If the preliminary plan shows only minor revisions to the approved sketch plan, the Subdivision Administrator or staff under his direction is authorized to approve the plan, approve with conditions, or deny the plan. Administrative decisions to deny approval of a preliminary plan may be appealed to the City Council.

If the preliminary plan includes major revisions to the approved sketch plan, or if a sketch plan has not been submitted and approved by the City Council, the Subdivision Administrator will schedule consideration of the preliminary plan before the Planning Board within 30 business days. Upon receipt of the Planning Board's recommendation, the Subdivision Administrator will, within 30 business days, place the preliminary plan and the Planning Board's recommendation for approval, denial, or approval with conditions on the agenda of the City Council. The time limits do not apply to plans for which no sketch plan has been submitted to the Subdivision Administrator, nor to plans which contain any proposed street, school, park, greenway, or other public facility for which reservation may be required. The applicant may consent to an extension of any of the above time limits. Should the Subdivision Administrator or Designated Administrative Agent fail to respond within the time limits set out above, the application will be considered recommended for denial.

The City of Locust reserves the right to approve, disapprove in whole or in part, or condition its approval of the whole or any of its parts upon such requirements of this ordinance as may be necessary for the health, safety and general welfare, and to achieve compliance with Section 12.6.2. If a preliminary plan is disapproved, the Subdivision Administrator will furnish a written notice of the denial and the reasons for the denial upon request of the applicant. An administrative disapproval may be taken to the Planning Board and City Council in accordance with the provisions of Section 12.4.

The administrative staff making the determination shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

12.6.5.2 Exceptions: When Preliminary Plan Not Required

The required preliminary plan may be waived by the Subdivision Administrator or Designee for subdivisions defined as Minor Subdivisions in Section 12.2.1 of these regulations provided:

1. A minor subdivision sketch plan has received approval.
2. A plat of the tract being subdivided, accompanied by two (2) applications signed by the owner or his duly authorized agent has been filed with the Subdivision Administrator or Designee, and the required fee submitted; and
3. The required preliminary plan may also be waived by the Subdivision Administrator for those subdivisions, including Limited Subdivisions, which do not involve the dedication of a new street, improvement to or right-of-way for an existing street, or site designated for a future public facility.

However, a final plat must be prepared and recorded as provided in Section 12.6.6.

12.6.5.3 Effect of Approval of Preliminary Plan

An approved preliminary plan will be valid for a period of three (3) years from the date of approval. If no work in furtherance of the plan except grading on the site has commenced

within the three-year period, the preliminary plan approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, and such work involves any utility installations or street improvements except grading, the plan will remain valid and in force.

12.6.5.4 Release of Grading Permit

Preliminary Plan approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. Once the preliminary plan is approved, further approvals under this provision are not required for grading permits for individual sites within the development, so long as grading conforms to the approved Preliminary Plan.

12.6.5.5 Final Plat: Submission and Approval

Upon approval of the preliminary subdivision plan, the subdivider may proceed to comply with the other requirements of this ordinance, and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new streets shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in Section 12.8.4 prior to any final plat approval.

The final subdivision plat must be developed in accordance with the specifications set forth in Section 12.6.6. The official plat or plats, together with copies thereof sufficient for distribution, shall be presented for approval to the Subdivision Administrator or Designated Administrative Agent for review. The plat shall be accompanied by an application for final plat approval, submitted in duplicate and signed by the owner and/or his duly authorized agent. The reviewer shall have thirty (30) working days to review and comment on the final plat.

If the final plat for a major subdivision shows only minor revisions to the approved preliminary plan and/or sketch plan, the Subdivision Administrator or staff under his direction is authorized to approve the plat.

If the final plat for a major subdivision includes major revisions to the approved preliminary plan and/or sketch plan, the staff's comments along with final plat copies will be forwarded by the staff to the Locust Planning Board for Planning Board review at their next scheduled meeting date. The staff to the Planning Board must receive the final plat and staff comments at least fourteen (14) days before the next regularly scheduled meeting of the Planning Board in order to place the final plat on their agenda. If subsequent corrections or changes to the initial final plat are necessary, the reviewer shall have twenty (20) working days to review any revised plan.

The Planning Board shall recommend approval, disapproval, or approval with conditions of said plat. The final plat and Planning Board recommendation shall within 30 business days be presented to the City Council, which shall approve, disapprove, or approve with conditions. The City Council shall approve the final plat if all requirements of this ordinance, including Section 12.6.2 have been met.

The Subdivision Administrator or staff under his direction is authorized to approve plats of minor subdivisions and limited subdivisions which meet all the requirements of this ordinance, including Section 12.6.2. If the Subdivision Administrator determines that the final plat fails to meet any of the requirements of Section 12.6.2, or that the manner in which the tract is proposed for subdivision significantly affects the implementation of adopted public plans or policies, the Subdivision Administrator shall present the final plat to the Planning Board for recommendation and to the City Council for approval, approval with conditions, or disapproval, in the manner provided in this section. For Limited Subdivisions the owner shall be required to plat only the parcel to be transferred or leased and only that parcel shall be subject to the requirements of this ordinance. If a final plat is disapproved, the Subdivision Administrator will furnish a written notice of the denial and the reasons for the denial upon request of the applicant. An administrative disapproval may be taken to the Planning Board and City Council in accordance with the provisions of Section 12.4.

Upon approval, the final plat will be noted approved and made available to applicant for recordation in the Office of the Register of Deeds for Stanly County, North Carolina, which such Register of Deeds is authorized to accept the plat for recordation.

12.6.6 Final Plat Requirements

The final plat will be prepared by a registered surveyor and must be drawn to scale not smaller than 100 feet equal 1 inch, and must contain the following information:

1. The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.
2. The lines and names of all streets, alley lines, lot lines, lot and block numbers, front build-to line and side and rear yard dimensions for each lot, easements, reservations, and areas dedicated to public purposes with notes -- stating their purposes. In addition, on-site LCID landfills must be shown on the final plat and on deed(s) for affected lot(s).

   For subdivisions within which open space is required, a designation on the plat denoting the area of preservation and the limitations on its use and a reference to the recorded documents by which irrevocable preservation of open space shall be assured. A copy of such documents shall also be provided to the Planning Department.

   Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

3. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, building line, easements required hereunder or of record in Stanly County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof The maximum allowable error of linear. closure shall not be in excess of 1: 10,000. In closed traverses the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.

4. Sufficient data to determine readily and reproduce accurately on the ground the location and extent of rural and/or urban open space to be preserved, the method of preservation, and any limits on use. In addition, the subdivider shall provide to the Locust Planning Staff a copy of any covenants and restrictions governing disposition and use of preserved open sp
5. "As built" drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.

   Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

6. "As built" cross-sections of each city street type used in the development. Such cross-sections should show improvements in the public rights-of-way and in any easement associated with the detail of the street. Features to be shown will usually include travel lanes, parking lanes (if any), curb and gutter (or ditch), planting strip, sidewalk, utility allocation. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
7. The name of the township in which the subdivision is located, the name of the subdivision, the zoning district, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
8. The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two (2) per block located along a common line, including coordinates computed from the North Carolina Plane Rectangular Coordinate System provided a control monument is within two thousand (2,000) feet of the subdivision. The corners of all lots and parcels must be marked with iron posts driven flush with the ground. The iron posts must be placed where lot boundaries intersect railroad and public street rights-of-way. As an alternative the iron posts for the lot corners intersecting street rights-of-way may be placed behind the curb and gutter on the same line as the property line if the locations of these irons are noted on the record plat.
9. The following signed certificates (lettered or stamped) shall appear on each copy of the final plat submitted by the subdivider:
    a. <u>Certificate of Ownership and Dedication:</u>

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all sewer lines and all water lines to the

Date Owner(s)

Final written approval by the Subdivision Administrator or staff under his direction must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this ordinance. A copy of the sealed and recorded final plat must be delivered to the Locust Planning Department within 5 days of recording.

12.6.7 Plats Already Established by Survey and Record

Plats already established by survey and recorded in the Stanly County Register of Deeds prior to the effective date of this ordinance will be eligible for development and other administrative permits without complying with the requirements of this ordinance, but must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of the approval.

A subdivision for which a preliminary plan has been approved but for which a final plat has not been recorded in the Stanly County Register of Deeds prior to April 3, 1997 shall be approved for recording without complying with the requirements of this ordinance if final plats conform to the requirements of the subdivision ordinance in effect at the time of preliminary plan approval. Such subdivision will be inspected and must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of preliminary plan approval.

12.6.8 Multi-Building Sites

The following requirements will apply for the preparation, submission, and approval of preliminary site plans for both residential and non-residential developments with more than one principal building on a single lot.

12.6.8.1 Pre-Application Conference

A pre-preliminary site plan conference will be arranged by the developer with both the Planning Staff and any other Designated Administrative Agent prior to the submission of a preliminary site plan for a multi-building site.

12.6.8.2 Preliminary Plan Requirements

A developer must submit to the Subdivision Administrator or Designee a preliminary site plan and supplemental documents for review and approval. The preliminary site plan must be prepared in accordance with the requirements of Section 12.6.4 and must include the following additional information:

1. The use, approximate height, bulk, and location of all buildings and structures.
2. All proposed land uses and, for residential development, the densities of dwelling units.
3. In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed.
4. The proposed location, use, improvements, ownership, and manner of maintenance of common open space areas.
5. Final drafts of legal documents dedicating and restricting the common areas and establishing the means of common area ownership and maintenance.

6. Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.

12.6.8.3 Preliminary Plan Review Criteria

The Subdivision Administrator or employees under his or her direction will review the preliminary site plan to ensure conformance with the requirements of the Zoning Ordinance. The Subdivision Administrator or Designated Administrative Agent will review the preliminary site plan to ensure conformance with the requirements of this ordinance. In addition, the multi-building site will be evaluated against the standards listed below.

1. The character, amount and arrangement of open space areas will adequately serve the needs of residential or non-residential occupants.
2. Proposed means of dedication, ownership, and maintenance of all common areas, the restrictions on its uses, and the organization and authority of such associations as may be established for ownership and maintenance of common areas will assure the continuance of such space for its designed purpose.
3. Site planning for the overall development will provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development.
4. The terms and conditions proposed for development over a period of years are sufficient to protect the interests of the public and the occupants of the development.

12.6.8.4 Preliminary Plan Approval and Final Plat

The Subdivision Administrator or staff under his direction is authorized to approve, approve with conditions, or disapprove the preliminary site plan for a multi-building site which adheres to or shows only minor revisions to:

1. an approved parallel conditional district or overlay district zoning plan which specifies the location of open space, edge conditions, approximate location of buildings, internal circulation, and relationship to public streets; or
2. a sketch plan which has been reviewed by the Planning Board and approved by the City Council in accordance with Section 12.6.3.

For multi-building sites which do not adhere to a detailed approved plan as described in (1) or (2) above, the Planning Board will recommend and the City Council will take action to approve, tentatively approve with conditions, or deny the preliminary site plan. When granted tentative approval with conditions, the developer must submit a revised plan that is in conformance with those conditions. If a preliminary site plan is disapproved, the Subdivision Administrator will furnish a written notice of the denial and the reasons for the denial upon request of the applicant.

The final plat for a multi-building site or innovative housing development shall be prepared in accordance with the requirements of Section 12.6.6 and shall contain the following additional information:

1. The use, height, bulk, and location of all buildings and structures;
2. All land uses;

3. The location, use, improvements, ownership, and manner of maintenance for all open space and for all common areas.

The Subdivision Administrator or staff under his direction is authorized to approve, approve with conditions, or disapprove the final plat for a multi-building site which adheres to or shows only minor revisions to an approved preliminary plan. If the final plat includes major revisions to the approved preliminary plan, it will be placed on the agendas of the Planning Board for recommendation and the City Council for approval, approval with conditions, or disapproval.

An administrative disapproval may be taken to the Planning Board and City Council in accordance with the provisions of Section 12.4.

12.6.9 Revocation of Development Approvals.

In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the City of Locust by notifying the holder in writing stating the reason for the revocation. The City of Locust shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the City of Locust for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by the City of Locust pursuant to Chapter 160D-403(f), the provisions of G.S. 160D-405(e) regarding stays shall be applicable.

12.7 SUBDIVISION DEVELOPMENT REQUIREMENTS.

12.7.1 Design Standards for Streets

Detailed construction standards and specifications for state standard streets are contained in the North Carolina Department of Transportation's Highway Design Manual. For City Streets, the standards of Article 5 of the Locust Zoning Ordinance shall control.

12.7.1.1 Right-of-way

1. On proposed streets, right-of-way must be of sufficient width to accommodate the required cross section. However, in no case will the dedicated and/or reserved right-of-way be proposed to be less than the standards below. The City Council, on the advice of a designated consulting engineer, may certify that special circumstances exist which make the dedication and/or reservation of the full right-of-way unnecessary or impractical. Minimum R.O.W. by Street Classification

Street Type:

- Freeway or Expressway (Class I): 250 – 350 feet
- Limited Access Arterial (Class II): 200 feet
- Commercial Arterial (Class III-C): 150 feet
- Major Arterial (Class III): 100 feet
- Minor Arterial (Class IV): 70 feet

- Collector (Class V): 60 feet
- City Streets: varies according to the standards of Article 4: Streets

These standards represent the normally required rights-of-way for state standard streets. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis. When a subdivider elects to establish a roadway divided with a center strip or median, the right-of-way width must be at least the proposed width of the center strip or median plus 62 feet.

2. Along existing streets, neither right-of-way dedication nor reservation is required unless:
    a. an existing street has a right-of-way less than 60 feet wide and will provide access to the subdivision, in which case a right-of-way up to 30 feet on each side of the centerline may be required to be dedicated; or
    b. an existing street will provide access to the subdivision and volume of traffic projected to be generated by the subdivision necessitates intersection and/or other improvement(s), in which case dedication of right-of-way sufficient for the subdivision developer to make intersection and/or other improvements to serve said subdivision may be required.

The City Council, after consulting applicable plans and programs and after consulting with appropriate county, state, and/or federal officials, is responsible for classifying streets or segments thereof within the zoning and subdivision jurisdiction of the City of Locust.

12.7.1.2 Freeways/Expressways

Whenever a tract of land to be subdivided includes any part of the right-of-way of a planned freeway or extension of a freeway, as shown on the adopted Thoroughfare Plan, and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved, platted in the location and to the width specified in the plan, and remain undeveloped pending future acquisition by the state or other governmental unit. The subdivider is responsible for the reservation of the right-of-way in accordance with the provisions of Section 12.8.1.1, Improvement Responsibility. The entire right-of-way must be shown as such on the final plat. All measurements involving minimum lot standards under this ordinance and under the Zoning Ordinance will be made at the edge of the full right-of-way. Right-of-way that is dedicated by the subdivider will count toward the transfer of development rights on the same site.

12.7.1.3 Arterial Street Right-of-way

Whenever a tract of land to be subdivided includes any part of a planned arterial or extension of an existing arterial street shown on the adopted Thoroughfare Plan, and whenever a right-of-way for such a street has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. The subdivider is responsible for the dedication and/or reservation of the right-of-way in accordance with the provisions of Section 12.8.1.1, Improvement Responsibility. The entire right-of-way (that which has been reserved and that which has been dedicated) must be shown as such on the final plat. All measurements involving minimum lot standards under this ordinance and under the Zoning Ordinance will be made at

the edge of the full right-of-way. Arterial Street right-of-way that is dedicated by the subdivider will count toward the transfer of development rights in accordance with Section 12.7.1.4.

12.7.1.4 Transfer of Development Rights – Right-of-way Dedication

All of the area dedicated by the developer as right-of-way for any public street may be used in the computation of development rights on the site, but may not be used for the computation of lot area or open space, or fulfill storm water detention, or any other mandatory requirement. On-street parking which is planned, provided for, and approved will, however, be applied to the mandatory parking requirement. A developer may choose to dedicate the full right-of-way and thereby use the entire dedicated area for the density calculation. Transfer-of development rights can only be used on the same parcel of land involved with the right-of-way dedication.

12.7.1.5 Cul-de-sac

Cul-de-sacs (streets designed to be permanently closed at one end), may not be longer than 250 feet and must be terminated by a vehicular turnaround design, as approved by the Subdivision Administrator provided, however, that this requirement may be waived where topographical or other unusual conditions exist.

12.7.1.6 Street Off-Sets

Where there is an off-set in the alignment of a street across an intersection, the off-set of the center lines should not be less than 300 feet for arterials. Off-sets for other street types will be determined based upon projected traffic volumes and the applicability of traffic calming measures.

12.7.1.7 Block Lengths and Widths

Block lengths may generally not exceed 500 feet, except as hereinafter provided. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in an arrangement of lots and public space more consistent with Articles 5 and 7 of the Locust Zoning Ordinance, the City Council may authorize greater block lengths.

12.7.2 Design Standards for Lots

12.7.2.1 Frontage on Street

Each lot must have frontage on a street, but with the following exceptions:

1. Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement.
2. Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.

3. Up to six residential lots may be served by a privately maintained easement with a minimum 20-foot right-of-way if designed according to the specifications of the Open Space District's (OPS) Farmhouse Cluster development found in the Locust Zoning Ordinance.
4. A site specific development plan may be considered for approval in certain zoning districts 1) where residential and/or non-residential structures front upon a private courtyard, carriageway, or pedestrian way, 2) where adequate access by emergency vehicles is maintained by way of a rear alley and 3) where the off-street placement of uses does not diminish the orientation of building fronts on the public street.
5. A site specific development plan may be considered for approval in the Campus Districts to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the campus front upon public street(s).
6. In certain zoning districts in the Zoning Ordinance, an exception may be considered at specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection. A private drive may be substituted for the interior street which cannot be connected to the public network.

12.7.2.2 Side Lines

Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

12.7.2.3 Lot Sizes

Lot dimensions and yard dimensions are controlled by the Locust Zoning Ordinance.

12.7.2.4 Building Lines

Building lines shall be established on all lots in residential subdivisions and shall be determined on the basis of zoning district and classification of any abutting streets, existing or planned, in accordance with Section 12.8.1.5 of the Locust Zoning Ordinance.

12.7.2.5 Driveway Connections

Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured from the North Carolina Department of Transportation or the City of Locust, for a state or a local road respectively.

12.8 REQUIRED WORK ON THE GROUND

12.8.1 Standards and Specifications

Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the City or the North Carolina Department of Transportation (NCDOT) minimum improvements (including drainage and soil erosion) must have been completed by the developer and approved by NCDOT or other designated engineer, in accordance with the standards and specifications of the NCDOT Highway Design Manual or Article 5 of the Locust Zoning Ordinance, whichever applies. Minimum improvements not

completed and approved must be bonded in accordance with the provisions of Section 12.8.4 prior to final plat approval.

The intent of the specifications set out in this sub-section is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of NCDOT or the City's designated engineer, will qualify streets in the City to be accepted for maintenance by the City and streets in the county to be considered for maintenance by the state.

12.8.1.1 Street Improvement Responsibility

In order to facilitate the provision of street rights-of-way and necessary improvements, the following sections establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner in return for the transfer of development rights on the same site. In addition, all streets built by the developer will be credited to the developer for the transfer of development rights on the same site.

Class I (Freeway-Expressway):

• New Class I or extension of existing Class I street:

Right-of-way — Entire width reserved by developer for future acquisition, provided the certification in Section 8.115 can be made

• **Improvements —** Installed by public

• Existing Class I street:

. No right-of-way or improvements required of developer

Class II (Limited Access Arterial):

• New Class II or extension of existing Class II street:

Right-of-way — Entire width reserved by developer for future acquisition, provided the certification in Section 8.115 can be made

Improvements — Installed by public

• Existing Class II street:

. No right-of-way or improvements required of developer

Class Ill (Major Arterials):

• **Right-of-way —** For new Class III streets, the developer is responsible for the dedication of up to 100 feet of right-of-way (50 feet each side of the centerline). Along existing Class III streets, any development which requires specific improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.

Improvements — Installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet vehicular and/or traffic needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be responsible. The developer has the option, after consultation with the City Administrator, NCDOT, and/or the City's designated engineer to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new Class III streets or extensions of Class III streets must limit access points to public streets or specifically approved street type entrances.

Class III-C (Commercial Arterial):

Right-of-way — For new Class III-C streets, the developer is responsible for the dedication of up to 100 feet of right-of-way (50 feet each side of the centerline) and reservation of the remaining required right-of-way. Along existing Class III-C streets any development which requires specific improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.

Improvements — Installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet the vehicular and/or pedestrian access needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be responsible. The developer has the option, after consultation with the City Administrator and NCDOT and/or the City's designated consulting engineer, to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new Class III-C streets or extensions of Class III-C streets must limit access points to public streets or specifically approved street type entrances.

Class IV (Minor Arterial)

• **Right-of-way —** For new Class IV streets the developer is responsible for the dedication of up to 70 feet of right-of-way (35 feet each side of the centerline). Along existing Class IV streets any development which requires improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.

Improvements — Installed by the public in accordance with a schedule of public street improvements, except where specific improvements are required to meet the vehicular and/or pedestrian access needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual

construction, but remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the City Administrator, NCDOT, and/or the City's designated consulting engineer to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new Class IV streets or extensions of Class IV streets must limit access points to public streets or specifically approved street type entrances.

Class V (Collector):

- **Right-of-way —** Dedicated by the developer.
- **Improvement —** Constructed by the developer. City Streets:
- **Right-of-way ---** Dedicated by the developer.
- **Improvements --** Constructed by the developer.

All streets constructed in Locust shall be public and shall be constructed to comply with the minimum standards shown in NCDOT's Highway Design Manual or Article 5 of the Locust Zoning Ordinance, whichever applies, and all applicable city or state requirements. Public improvements will be made in accordance with adopted plans, programs, and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector unless those improvements are scheduled and funded in accordance with public policies and programs.

12.8.1.2 Responsibility for State Roads

No dedication or reservation of right-of-way for a new street or highway within a corridor for a street or highway on a plan established and adopted pursuant to N.C.G.S. 136-66.2 for a street or highway that is included in the Department of Transportation's "Transportation Improvement Program" will be required by the provisions of this ordinance unless and until the City Administrator has determined and certified in writing (1) that the dedication or reservation does not result in the deprivation of a reasonable use of the original tract and (2) that the dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the land remaining in the original tract, or the impact of the dedication or reservation is mitigated by measures provided in this Ordinance. For these purposes the term "original tract" will mean all contiguous land owned by the applicant. The ability of the applicant to transfer development rights attributable to the dedicated right-of-way to contiguous land owned by the same applicant is deemed to be a measure which mitigates the impact of the dedication or reservation.

12.8.1.3 Drainage

1. Storm drainage adequate to accommodate a 10 year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with the standards of NCDOT's current issue of Handbook forthe Design of Highway Surface Drainage Structures and has been dedicated and accepted or otherwise conveyed to the City, the City will assume the responsibility for maintenance of the drainage pipe. Where

adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and on deeds for the affected lots. Such "open shoulder" ditches are only allowed along lanes and alleys.

2. In addition to drainage improvements as required by this section, the subdivider may provide for storm water detention to serve the entire subdivision as part of the drainage plan to be approved by a designated engineering consultant. For the purposes of this subsection, the subdivision shall include the streets, sidewalks, driveways, rooftops and other impervious surfaces proposed to be constructed upon completion of the subdivision.

12.8.1.4 Curb and Gutter

Standard curb and gutter must be constructed on all arterial and commercial streets, and on City streets or portions of City streets which serve primarily urban functions, such as that of the workplace or the shopping district. Standard curb and gutter is recommended for curb and gutter installations on all street types. Valley curb and gutter may be used on collector streets, on City streets that serve less urban purposes such as residential neighborhood streets. Curb and gutter are not required on alleys or lanes.

12.8.1.5 Sidewalk

Sidewalks are required on both sides of new or existing collector streets, on both sides of city streets except lanes, alleys, and on the undeveloped edge of neighborhoods. Installation of sidewalks is the responsibility of the developer.

Sidewalks are required on both sides of new or existing arterial streets with installation by developer to meet the pedestrian access requirements of the development. Sidewalk construction may be waived by the City Council when accessibility by pedestrians does not now exist and is not expected to exist in the future.

Location. Approval of sidewalk construction plans must be obtained from the designated consulting engineer as part of the subdivision review process. The designated consulting engineer will review and comment on the location of the required facilities at the time of plan review. Except in unusual circumstances, sidewalks may not be located less than 5 feet, but preferably 7-10 feet, from the back of the curb or edge of pavement when no curb and gutter is required. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement. While in most instances a sidewalk will be placed parallel to and off-set from the curb line, developers are encouraged and expected to meander sidewalks to preserve existing trees of significance. Adjustments may be made in the field to accommodate such circumstances.

Sidewalks must be a minimum of 4' in width and be constructed of concrete, brick pavers or a similar material approved by the Zoning/Subdivision Administrator. On streets which serve as main business streets, sidewalks should be a minimum of 7' in width.

12.8.1.6 Street Trees

The developer shall install street trees along all streets within a development and along the abutting side of streets forming the perimeter of the development. Street trees shall be placed between the sidewalk, if present, and the back of curb or edge of pavement, when no curb and

gutter is required. Large maturing trees should be planted 30' to 40' on center; small maturing trees should be planted 20' to 30' on center. Street tree plantings conceived to produce a clear vertical edge to a street or plaza may require denser spacing. The planting plan shall adhere to Article 7 of the Locust Zoning Ordinance.

12.8.1.7 Street Lights

Street lighting will be installed in each new subdivision pursuant to a street lighting plan which shall be submitted to the City Administrator for approval. This shall be the responsibility of the developer. Street lights compatible in height and scale with the streetscape are strongly recommended.

12.8.1.8 Street Markers and Barricades

1. Standard street markers must be installed by the developer at one corner of all street intersections, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, materials, location and installation of the signs must be submitted to the City Administrator for approval. Responsibility for the installation, maintenance, and replacement of non-standard street markers remains with the developer and subsequently with the homeowners. If maintenance and replacement of non-standard street markers is not provided by the developer or homeowners, the City shall install standard street markers as replacements are needed. All standard street markers will be maintained and replaced by the City once initial installation has been completed by the developer.

2. Barricades must be installed at the end of all dead-end streets except cul-de-sac streets which have been improved with a permanent turnaround as required by this Ordinance. Design, material and installation of the barricades must be in accordance with NCDOT standards.

12.8.1.9 Utilities

All utilities shall be placed underground. Easements shall be provided, where necessary, across lots or centered on rear or side lots and shall be at least twenty (20) feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas, and power lines.

The City Council will determine if one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

12.8.2 No Service Unless Street Accepted/Approved

No department, officer, agent, or employee of the City will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of water mains, sewers, electrical service extensions or other facilities or utilities in any street within the City unless:

1. such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of this ordinance; or

2. for any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plan, tentatively approved by the City Administrator or Designated Administrative Agent; or
3. such street has been accepted as a public street by a vote of a majority of all the members of the City Council or by the State of North Carolina; or
4. such street has been accepted as a public street by the State of North Carolina.

12.8.3 Modification of Requirements; Bond

1. In subdivisions adjoining already established streets that have been accepted for maintenance by the North Carolina Department of Transportation, the requirements of Section 12.8 will apply as hereinafter provided; those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable; where the adjoining established street is a part of the North Carolina Department of Transportation's street system, the adjoining street must be improved in accordance with either the requirements of Section 12.8 and the requirements of the City of Locust or the North Carolina Department of Transportation, whichever establishes the higher standard.
2. Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the City Council or the North Carolina Department of Transportation or which have been accepted for maintenance by the North Carolina Department of Transportation, but have not been improved with a paved roadway, will be eligible for final approval when the requirements of Section 12.8 have been complied with as closely as may be reasonably required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.
3. Where the improvements required by this chapter have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing cash, a surety bond or an irrevocable letter of credit with the City Administrator or designated agency, in an amount to be determined by the City Administrator in consultation with the City's consulting engineer, and other affected agencies or departments, with sureties satisfactory to the City Administrator in order to guarantee the installation of the required improvements, allowing credit for improvements completed prior to the submission of the final plat. All bonds shall based on reasonable estimates to complete the required improvements by the City using private contractors. Bonds shall be 110% of the estimate to cover contingences and inflation. Upon completion of the improvements and the submission of "as built" drawings, written notice thereof must be given by the subdivider to the designated city consulting engineer. The designated city consulting engineer will arrange for an inspection of the improvements and if found satisfactory, will notify the City Administrator who will within 30 days of the date of such notification authorize in writing the release of the security given, subject to the warranty requirement below.
4. Maintenance Guarantee. All improvements required by this ordinance shall be guaranteed against defects in workmanship and materials by the subdivider for a period of one year from the date of the filing of the final plat or the date of the completion of

the improvement, whichever is later. The subdivider shall file with the City Administrator a maintenance bond with adequate sureties in an amount determined by the City Administrator or designated consulting engineer to be sufficient to assure proper maintenance and repair of such improvements for the one year warranty period. The maintenance amount shall be 5% of the total cost of all required improvements for the plat approval or all improvements as specified by the approving board.

5. Performance Guarantee. Subdivisions may require for performance guarantees to assure successful completion of required improvements.
    a. **Type** - The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" shall mean any of the following forms:
        i. Surety bond issued by any company authorized to do business in North Carolina.
        ii. Letter of credit issued by any financial institution licensed to do business in this State.
        iii. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
    b. **Duration**. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
    c. **Extension**. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the city or county, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.
    d. **Release**. – The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the city or county that the improvements for which the performance guarantee is being required are complete. The city or county shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of the city or county, or upon acceptance of the required improvements, if the required improvements are subject to city or county acceptance. When required improvements that are secured by a bond are completed to the specifications of the city or county, or are accepted by the city or county, if subject to city or county acceptance, upon request by the

developer, the city or county shall timely provide written acknowledgement that the required improvements have been completed.

e. **Amount**. – The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. dThe city or county may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
f. **Timing**. – A city or county, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.
g. **Coverage**. – The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
h. **Legal Responsibilities**. – No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
    i. The local government to whom such performance guarantee is provided.
    ii. The developer at whose request or for whose benefit such performance guarantee is given.
    iii. The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.
i. **Multiple Guarantees**. – The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (I) of this subsection, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees. Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section."

12.8.4 Inspection

1. The designated consulting engineer, or other responsible agency must be given sufficient advance notice of the work to be started so that he or she can arrange to make any and all necessary inspections of the work performed.

2. The inspector must be allowed access to all parts of the work, and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in compliance with the specifications.
3. No materials may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.
4. In the case of any disputes arising as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

12.9 ENFORCEMENT

1. After the effective date of this ordinance, a plat of a subdivision within the jurisdiction of this ordinance which is filed or recorded in the office of the Register of Deeds of Stanly County without the approval of the City of Locust will be null and void for purposes of this ordinance.
2. Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this ordinance, subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the Office of the Register of Deeds of Stanly County shall, upon conviction, be guilty of a misdemeanor which shall be punishable by a fine not to exceed $500.00, or imprisonment for not more than 30 days for each and every offense. The City of Locust through the City Attorney may enjoin such transfer or sale by action for injunction. All administrative actions relating to such land, including the issuance of any grading, construction, building, or occupancy permit will be suspended. This ordinance will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this ordinance.
3. In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained from the Stanly County Inspection Department. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance.

12.10 APPLICATION AND PROCESSING FEES

Fees for the submittal of preliminary and/or final subdivision plats and inspection of newly constructed city streets shall be established by the Locust City Council and shall be collected when a subdivision application is submitted, or at the time of street inspections. Fees shall be collected by the City Administrator, employees under his or her direction, or an Administrative Agent designated by the City Council to administer the Subdivision Ordinance.

Fees for variances and appeals of administrative decisions or interpretations shall be in accordance with the fee schedule established by the Locust City Council and shall be collected by the City Administrator or employees under his or her direction at the time a variance or appeal is submitted.