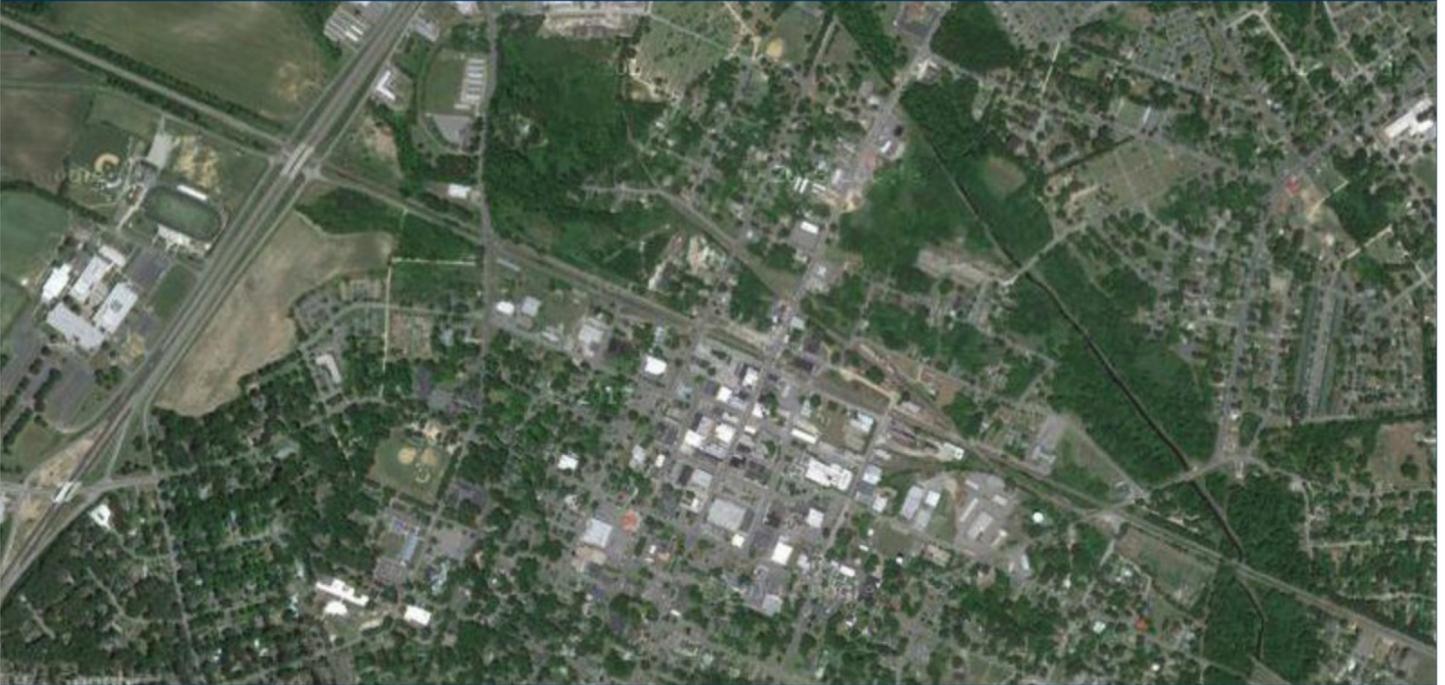


City of Laurinburg, NC



Unified Development Ordinance

Adopted: April 2015, includes
amendments through June 2016



Prepared by:



TABLE OF CONTENTS

| | | |
|-------------|--|-------|
| ARTICLE 1. | PURPOSE AND APPLICABILITY | 1-1 |
| ARTICLE 2. | GENERAL REGULATIONS. | 2-1 |
| ARTICLE 3. | ADMINISTRATIVE/LEGISLATIVE AUTHORITY. | 3-1 |
| ARTICLE 4. | LEGISLATIVE/QUASI-JUDICIAL PROCEDURES | 4-1 |
| ARTICLE 5. | DEVELOPMENT REVIEW PROCESS. | 5-1 |
| ARTICLE 6. | ZONING DISTRICTS | 6-1 |
| ARTICLE 7. | SUPPLEMENTAL REGULATIONS | 7-1 |
| ARTICLE 8. | NONCONFORMING SITUATIONS | 8-1 |
| ARTICLE 9. | PERFORMANCE STANDARDS | 9-1 |
| PART I. | LANDSCAPE REQUIREMENTS. | 9-4 |
| PART II. | OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS | 9-20 |
| PART III. | SIGN REGULATIONS | 9-30 |
| PART IV. | SUBDIVISION REGULATIONS | 9-47 |
| PART V. | RECREATIONAL FACILITIES AND OPEN SPACE | 9-58 |
| PART VI. | STREET AND SIDEWALKS | 9-62 |
| PART VII. | UTILITIES | 9-73 |
| PART VIII. | FLOOD DAMAGE PREVENTION | 9-83 |
| PART IX. | STORMWATER CONTROL. | 9-106 |
| PART X. | SEDIMENTATION AND EROSION CONTROL | 9-106 |
| PART XI. | RIPARIAN BUFFERS. | 9-106 |
| APPENDIX A. | DEFINITIONS | |

ARTICLE 1.
PURPOSE AND APPLICABILITY

Section 1.1 Short Title 1-2
Section 1.2 Authority 1-2
Section 1.3 Applicability 1-2
Section 1.4 Severability..... 1-3
Section 1.5 Violation of UDO Regulations 1-4
Section 1.6 Effective Date 1-5

ARTICLE 1. PURPOSE AND APPLICABILITY

SECTION 1.1 SHORT TITLE.

This Ordinance shall be known and may be cited as the *Laurinburg Unified Development Ordinance (UDO)*. This Ordinance is designed to serve as a land development regulatory document which combines traditional zoning provisions, subdivision regulations, flood damage prevention regulations, and street and utility standards. The principal objectives of the Laurinburg Unified Development Ordinance are to (1) assist in the implementation of the city's land development plan, (2) provide a flexible means to administer land development regulations, and (3) expedite the land development permit review process.

SECTION 1.2 AUTHORITY.

Zoning provisions enacted herein are under the authority of North Carolina General Statute (NCGS) 160A-381 to 160A-392, which extends to towns/cities the authority to enact regulations which promote the health, safety, morals, or the general welfare of the community. It is further authorized under NCGS 160A-382 which authorizes cities to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

Subdivision provisions enacted herein are under the authority of NCGS 160A-372 which provide for the coordination of streets within proposed subdivisions with existing or planned street and with other public facilities, the dedication or reservation or recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation areas serving residents of more than one neighborhood in the immediate area, and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding.

This UDO, which combines zoning and subdivision authority, is further enacted under Section 1 of SL 2005-418, a revision to NCGS 160A-363.

SECTION 1.3 APPLICABILITY.

1.3.1. This Ordinance shall be effective throughout the city's planning jurisdiction. The city's planning jurisdiction comprises the area within the corporate boundaries of the city as well as the area described in that ordinance adopted by the City Council which establishes the city's extraterritorial jurisdiction. Such planning jurisdiction may be modified from time to time in accordance with NCGS 160A-360.

ARTICLE 1. PURPOSE AND APPLICABILITY

1.3.2. In addition to other locations required by law, a copy of a map showing the boundaries of the city's planning jurisdiction shall be available for public inspection in the Planning and Zoning Department.

1.3.3. Except as hereinafter provided, no building or structure shall be erected, moved, altered, or extended, and no land, building, or structure or part thereof shall be occupied or used unless in conformity with the regulations specified for the district in which it is located.

1.3.4. Exemptions.

1.3.4.1. These regulations shall not apply to any land or structure for which, prior to the effective date hereof, there is a properly approved site specific plan as required by the requirements previously adopted or previously approved vested rights in accordance with NCGS 160A-385.1. Any preliminary or final subdivision plat approvals required for such approved or exempted site specific plans shall be conducted in accordance with the requirements of the previous Unified Development Ordinance.

1.3.4.2. In accordance with NCGS 160A-392, the City of Laurinburg UDO applies to state-owned lands only when a building is involved.

1.3.4.3. The following are not subject to the regulations of this Ordinance:

- 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 municipality as shown on its subdivision regulations.
- The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.
- The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.

SECTION 1.4 SEVERABILITY.

If any section or specific provision or standard of this Ordinance or any regulating district boundary arising from it is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

ARTICLE 1. PURPOSE AND APPLICABILITY

SECTION 1.5 VIOLATION OF UDO REGULATIONS.

1.5.1. Complaints Regarding Violations.

Whenever the UDO Administrator receives a written, signed complaint alleging a violation of the Ordinance, he/she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions will be taken.

1.5.2. Persons Liable for Violations.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may jointly and/or independently be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

1.5.3. Procedures Upon Discovery of Violations.

1.5.3.1. If the UDO Administrator finds that any provision of this Ordinance is being violated, he/she shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the UDO Administrator's discretion.

1.5.3.2. The final written notice (and the initial written notice may be the final notice) shall state what action the UDO Administrator intends to take if the violation is not corrected and shall advise that the UDO Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 4.4.1.

1.5.3.3. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of the Ordinance or pose a danger to the public health, safety, or welfare, the UDO Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 1.5.4.

1.5.4. Penalties and Remedies for Violations.

1.5.4.1. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or conditional use permits shall be punishable by a civil penalty in accordance with the fee schedule as set forth in the city's budget or as established by resolution of the City Council (see Section 2.8). If the offender fails to pay this penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.

1.5.4.2. This Ordinance may also be enforced by any appropriate equitable action.

ARTICLE 1. PURPOSE AND APPLICABILITY

1.5.4.3. Each day that any violation continues after notification by the UDO Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Separate notices will not be provided for each violation.

1.5.4.4. Any one, all, or a combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

1.5.5. Permit Revocation.

1.5.5.1. Any permit issued under this Ordinance may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to (1) develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the permit-issuing board, or (2) the permit was issued based on erroneous information.

1.5.5.2. Before a conditional use permit may be revoked, all of the notice and hearing and other requirements of Section 4.5 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

1.5.5.2.1. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in subsection 1.5.5.1. shall be upon the party advocating that position. The burden of persuasion shall also be upon the that party.

1.5.5.2.2. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

1.5.5.3. Before permits other than conditional use may be revoked, the UDO Administrator shall give the permit recipient ten (10) days notice of intent to revoke the permit, shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations, and shall comply with the notice and hearing requirements set forth in Section 4.4.6. If the permit is revoked, the UDO Administrator shall provide to the permittee a written statement of the decision and the reasons therefor. Appeals may be made to the Board of Adjustment as provided for in Section 4.4.1.

1.5.5.4. No person may continue to make use of land or building in the manner authorized by any permit issued under this Ordinance after such permit has been revoked in accordance with this Ordinance.

SECTION 1.6 EFFECTIVE DATE.

The provisions in this Ordinance were originally adopted and became effective on April 21, 2015.

ARTICLE 2.

GENERAL REGULATIONS

| | | |
|--------------|--|-----|
| Section 2.1 | Conflicts with Other Regulations | 2-2 |
| Section 2.2 | North Carolina State Building Code | 2-2 |
| Section 2.3 | Interpretation | 2-2 |
| Section 2.4 | Identification of Official Zoning Map | 2-3 |
| Section 2.5 | Zoning Map Interpretation | 2-4 |
| Section 2.6 | Relationship to Land Use Plan. | 2-5 |
| Section 2.7 | No Use or Sale of Land or Buildings Except in Conformity with Article Provisions. | 2-5 |
| Section 2.8 | Fees. | 2-5 |
| Section 2.9 | Computation of Time. | 2-5 |
| Section 2.10 | Reduction of Lot and Yard Areas Prohibited | 2-6 |
| Section 2.11 | Street Access | 2-6 |
| Section 2.12 | Relationship of Building to Lot | 2-6 |
| Section 2.13 | Required Yards Not to Be Used by Building | 2-6 |
| Section 2.14 | Lot Requirements/Dimensions | 2-6 |
| Section 2.15 | Street Intersection Sight Visibility Triangle | 2-7 |
| Section 2.16 | Property Dedicated for Private Use | 2-7 |
| Section 2.17 | Measurement of Distance. | 2-7 |

ARTICLE 2. GENERAL REGULATIONS

SECTION 2.1 CONFLICTS WITH OTHER REGULATIONS.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, restrictive covenants, or agreements, the provisions of this Ordinance shall govern.

SECTION 2.2 NORTH CAROLINA STATE BUILDING CODE.

The City of Laurinburg Building Code with appendices and the North Carolina State Building Code are incorporated herein by reference, and serve as the basis for Building Inspector authority to regulate building construction. This Ordinance is not intended to conflict with or supersede the North Carolina State Building Code regulations.

SECTION 2.3 INTERPRETATION.

2.3.1. Responsibility.

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of the UDO, the UDO Administrator shall be responsible for interpretation and shall look to the Ordinance for guidance. Responsibility for interpretation by the UDO Administrator shall be limited to standards, regulations and requirements of the UDO, but shall not be construed to include interpretation of any technical codes adopted by reference in the UDO, and shall not be construed as overriding the responsibilities given to any commission, board, building inspector, or city officials named in other sections or articles of the UDO.

2.3.2. Permitted Uses.

If a use is not specifically listed in any of the districts listed in this Ordinance, then the UDO Administrator shall have the authority to interpret in which district the use, if any, should be permitted. If the UDO Administrator rejects a proposal for a use that is not clearly disallowed in a particular district, then the UDO Administrator shall:

2.3.2.1. Ensure that the citizen is provided with a copy of the interpretation in writing.

2.3.2.2. Inform the citizen of the right to appeal the decision to the Board of Adjustment.

2.3.2.3. Assist with the development of a proposed zoning text change for consideration by the Planning Board and City Council allowing policy-makers to determine whether the proposed use should be an allowable use in the district or not. Financial responsibility for a proposed zoning text change shall be on the applicant.

ARTICLE 2. GENERAL REGULATIONS

2.3.3. Lots Divided by District Lines.

2.3.3.1. Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

2.3.3.2. Whenever a single lot greater than two acres in size is located within two or more different zoning districts, then:

2.3.3.2.1. If each portion of the lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the lot shall be subject to all regulations applicable to the district in which it is located.

2.3.3.2.2. If any portion of the lot located within a separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest portion to which it is attached.

2.3.3.3. This section applies only to lots created on or before the effective date of this Ordinance unless the Board of Adjustment, in a proceeding under Section 4.4.3. to determine district boundaries, concludes that a lot established after the effective date of this section was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this section.

SECTION 2.4 IDENTIFICATION OF OFFICIAL ZONING MAP.

2.4.1. The Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the Unified Development Ordinance, Laurinburg, North Carolina," together with the date of the adoption of this Ordinance and most recent revision date.

2.4.2. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other items portrayed on the Zoning Map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council, with an entry on the official zoning map denoting the date of amendment, description of amendment, and signed by the City Clerk. No amendment to this Ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

2.4.3. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and state law. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section 1.5.

ARTICLE 2. GENERAL REGULATIONS

2.4.4. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the City Clerk, shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the city.

2.4.5. In the event the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the City Council may by resolution adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting errors or other errors or omissions in the prior official zoning map, but no correction shall have the effect of amending the original official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced), as part of the Unified Development Ordinance, Laurinburg, North Carolina."

2.4.6. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 2.5 ZONING MAP INTERPRETATION.

Where uncertainty exists with respect to the boundaries of any district shown on the Zoning Map, the following rules shall apply:

2.5.1. Use of Property Lines.

Where district boundaries are indicated as approximately following street lines, alley lines, and lot lines, such lines shall be construed to be such boundaries. Where streets, highways, railroads, water courses, and similar areas with width are indicated as the district boundary, the actual district boundary line shall be the centerline of such area.

2.5.2. Use of the Scale.

In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shall be determined by use of the scale appearing on the map.

2.5.3. Vacated or Abandoned Streets.

Where any street or alley is hereafter officially vacated or abandoned, the zoning regulations applicable to each parcel of abutting property shall apply to the centerline of such abandoned street or alley.

2.5.4. Flood Hazard Boundaries.

Interpretations of the location of floodway and floodplain boundary lines shall be made by the Administrator.

ARTICLE 2. GENERAL REGULATIONS

2.5.5. Board of Adjustment.

In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

SECTION 2.6 RELATIONSHIP TO LAND USE PLAN.

It is the intention of the City Council that this Ordinance implement the planning policies adopted by the Council for the city and its extraterritorial planning area, as reflected in the land use plan and other planning documents. While the Council reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

SECTION 2.7 NO USE OR SALE OF LAND OR BUILDINGS EXCEPT IN CONFORMITY WITH ARTICLE PROVISIONS.

2.7.1. Subject to Article 8 of this Ordinance (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this Ordinance.

2.7.2. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

SECTION 2.8 FEES.

2.8.1. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, major and minor subdivision plat approval, zoning amendments, street closings, major and minor site plan review, variances, appeals, and other administrative relief. The amount of the fees charged shall be set forth in the city's budget or as established by resolution of the City Council filed in the Office of the City Clerk.

2.8.2. Fees established in accordance with subsection 2.8.1, above, shall be paid upon submission of a signed application or notice of appeal.

SECTION 2.9 COMPUTATION OF TIME.

2.9.1. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded.

ARTICLE 2. GENERAL REGULATIONS

2.9.2. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice and the notice or paper is served by mail (Certified Mail/Return Receipt Requested), three days shall be added to the prescribed period.

SECTION 2.10 REDUCTION OF LOT AND YARD AREAS PROHIBITED.

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least these minimum requirements.

SECTION 2.11 STREET ACCESS.

No building shall be erected on a lot which does not abut a street or have access to a public right-of-way, so as to afford a reasonable means of ingress and egress for emergency vehicles as well as for those likely to need or desire access to the property in its intended use. A building(s) may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

SECTION 2.12 RELATIONSHIP OF BUILDING TO LOT.

In no case shall there be more than one principal building and its customary accessory buildings on a lot except in the case of an approved site plan for professional, residential, commercial, or industrial buildings in an appropriate zoning district, i.e., school campus, shopping center, and industrial park. Detached garages and carports must meet the same setback requirements as the principal building, just as if they were attached. Accessory building setbacks are specified in Section 6.8.4.

SECTION 2.13 REQUIRED YARDS NOT TO BE USED BY BUILDING.

The minimum yards or other open spaces required by this Ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

SECTION 2.14 LOT REQUIREMENTS/DIMENSIONS.

2.14.1. Insofar as practical, side lot lines which are not right-of-way lines shall be at right angles to straight street lines or radial to curved street lines.

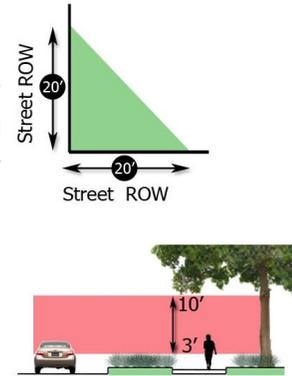
2.14.2. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this Ordinance.

ARTICLE 2. GENERAL REGULATIONS

2.14.3. The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

SECTION 2.15 STREET INTERSECTION SIGHT VISIBILITY TRIANGLE.

The land adjoining a street intersection or egress to a street from off-street parking areas shall be kept clear of obstructions to protect the visibility and safety of motorists and pedestrians. On a corner lot, nothing shall be erected, placed, or allowed to grow in a manner so as materially to impede vision between a height of three feet and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they intersect. A clear view shall be maintained on corner lots from 3 to 10 feet in vertical distance.



SECTION 2.16 PROPERTY DEDICATED FOR PRIVATE USE.

Any property dedicated for private ownership, including but not limited to property owners' association ownership, for any use permitted by this Ordinance is not the maintenance responsibility of the City of Laurinburg.

SECTION 2.17 MEASUREMENT OF DISTANCE.

All measurements for the purpose of the separation of uses shall be from the closest points of property line to property line for the parcels on which the uses are located.

ARTICLE 3.
ADMINISTRATIVE/LEGISLATIVE AUTHORITY

Section 3.1 UDO Administrator 3-2
Section 3.2 Conflicts of Interest..... 3-3
Section 3.3 Planning Board 3-3
Section 3.4 Board of Adjustment 3-7
Section 3.5 City Council 3-11

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

SECTION 3.1 UDO ADMINISTRATOR.

3.1.1. The UDO Administrator, to be designated by the City Manager, is hereby authorized and it shall be his/her duty to enforce the provisions of this Ordinance. This official shall have the right to enter upon any premises regulated by this Ordinance at any reasonable time necessary to carry out his/her duties. It is the intention of this Ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the UDO Administrator. Appeal from his/her decision may be made to the Board of Adjustment. The UDO Administrator may be assisted by other City staff in performing the duties herein.

3.1.2. In administering the provisions of this Ordinance, the UDO Administrator shall:

3.1.2.1. Make and maintain records of all applications for permits, conditional uses, and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved;

3.1.2.2. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his/her office and shall be available for inspection at reasonable times by any interested party;

3.1.2.3. Transmit to the Planning Board, City Council, and/or the Board of Adjustment all applications and plans for which their review and approval is required;

3.1.2.4. Review and approve minor site plans, minor subdivisions, engineering drawings, and final plats;

3.1.2.5. Approve major and minor subdivision final plats; and

3.1.2.6. Conduct inspections of premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The UDO Administrator shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or of additions, alterations, or structural changes thereto which are not compliant with the UDO; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

3.1.3. In addition, the UDO Administrator shall have the following duties:

3.1.3.1. Prepare a report of his/her recommendations for the Planning Board, Board of Adjustment, or City Council as may be required;

3.1.3.2. Provide administrative interpretations of the UDO;

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

3.1.3.3. Provide nonconformity determinations, including expansions of nonconforming uses and structures;

3.1.3.4. Review and approve zoning compliance applications;

3.1.3.5. Review and approve applications for temporary uses, including special events;

3.1.3.6. Conduct concept meetings with applicants for development approval as necessary or appropriate;

3.1.3.7. Maintain the official zoning map and the public records of the Planning Board and Board of Adjustment; and

3.1.3.8. Perform site inspections.

SECTION 3.2 CONFLICTS OF INTEREST.

Members of the City Council, Planning Board, and Board of Adjustment must act in the public interest and not to advance their own financial interests. A member of an elected board, planning board or board of adjustment may not vote on a UDO action where there is a potential financial conflict of interest. If the outcome of the vote is "reasonably likely to have a direct, substantial, and readily identifiable financial impact" on the member, the member must not vote on it. If a Planning Board or Board of Adjustment makes conditional use, variance, appeal, or interpretation decisions, they must not participate in the discussion or voting if they have a personal bias, a predetermined opinion on the matter, a close family or business tie to a party, or a financial interest in the outcome. When a member is disqualified for a conflict of interest, that member must not participate in the hearing in any way, neither asking questions, nor debating, nor voting on the case. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

SECTION 3.3 PLANNING BOARD.

3.3.1. Authority.

The Planning Board of the City of Laurinburg is created pursuant to NCGS 160A-361.

3.3.2. Purpose.

The Planning Board shall act in an advisory capacity to the City Council in the matter of guiding and accomplishing a coordinated and harmonious development of the area within the city jurisdiction.

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

3.3.3. Membership.

3.3.3.1. There shall be a Planning Board consisting of seven (7) members. Four (4) members, appointed by the City Council, shall reside within the city. Three (3) members, appointed by the Scotland County Board of Commissioners, shall reside within the city's extraterritorial planning area. If the Scotland County Board of Commissioners fails to make these appointments within ninety (90) days after receiving a resolution from the City Council requesting that they be made, then the City Council may make them.

3.3.3.2. Planning Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies may be filled by the respective appointing authority for the unexpired terms only.

3.3.3.3. Members may be appointed to successive terms without limitation.

3.3.3.4. Planning Board members may be removed by the City Council at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty percent (30%) or more of the meetings within any twelve-month period or for any other good cause related to performance of duties.

3.3.3.5. If an in-city member moves outside the city or if an extraterritorial area member moves outside the planning jurisdiction, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by City Council or Scotland County Board of Commissioners, as applicable.

3.3.3.6. All members of the Planning Board shall be compensated for attending the regularly scheduled monthly meetings. The rate of compensation shall be determined by the City Council. Members shall be expected to attend any specially called meetings of the Board without further compensation.

3.3.4. Meetings of the Planning Board.

3.3.4.1. The Planning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 4.4.4 (Requests to be Heard Expeditiously).

3.3.4.2. Since the Board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Sections 4.4.9 through 4.4.12. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

3.3.4.3. Minutes shall be kept of all Board proceedings.

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

3.3.4.4. All Board meetings shall be open to the public and whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.

3.3.4.5. Whenever the Board is called upon to make recommendations concerning a conditional use permit request or a zoning amendment proposal, the Planning staff shall post on or near the subject property one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the Board's agenda at a specified date and time. The Planning staff shall also send written notice to adjoining property owners in accordance with subsections 4.4.6 and 4.1.4.2.

3.3.5. Quorum and Voting.

3.3.5.1. A quorum for the Planning Board shall consist of a majority of the Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.

3.3.5.2. All actions of the Planning Board shall be taken by majority vote, a quorum being present. For the purposes of this subsection, vacant positions on the board and members who are excused from voting shall not be considered "members of the board" for calculation of the requisite majority.

3.3.5.3. A roll call vote shall be taken upon the request of any member.

3.3.5.4. Extraterritorial planning area members may vote on all matters considered by the Board, regardless of whether the property affected lies within or without the city.

3.3.6. Planning Board Officers.

3.3.6.1. At its first meeting in January each year, the Planning Board shall, by majority vote of its membership (excluding vacant seats), elect one (1) of its members to serve as Chairman and preside over the Board's meetings, and one (1) member to serve as Vice-Chairman. The persons so designated shall serve in these capacities for terms of two (2) years. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

3.3.6.2. The Chairman and Vice-Chairman may take part in all deliberations and vote on all issues.

3.3.6.3. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman and at such times shall have the same duties and powers as the Chairman.

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

3.3.6.4. The Planning staff shall serve as Secretary to the Planning Board. The Secretary shall keep all records and generally supervise the clerical work of the Board. The Secretary shall not have voting rights. The secretary shall keep the minutes for every meeting, which shall include the record of all important facts pertaining to each meeting, of every resolution acted upon, and all votes taken in final determination of any question. Minutes shall indicate, by name, abstaining from a vote. The official minutes of the meeting of the Planning Board shall be a public record, kept in the Planning and Zoning Department and available for inspection during normal business hours.

3.3.7. Powers and Duties of the Planning Board.

3.3.7.1. The Planning Board may:

3.3.7.1.1. Make studies and recommend to the City Council plans, goals, and objectives relating to the growth, development, and redevelopment of the city and the surrounding extraterritorial planning area.

3.3.7.1.2. Develop and recommend to the City Council policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.

3.3.7.1.3. Make recommendations to the City Council concerning proposed conditional use permits and proposed zoning map changes, as provided in Sections 4.1. and 4.5.

3.3.7.1.4. Perform any other duties assigned by the City Council.

3.3.7.2. The Planning Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

3.3.8. Planning Board Initiated UDO Amendments. The Planning Board may initiate from time to time proposals for amendments of the UDO and Zoning Map, based upon its studies and plans. It shall review and make recommendations to the City Council concerning all proposed amendments to the UDO and Zoning Map.

3.3.9. Advisory Committees.

3.3.9.1. From time to time, City Council may appoint one (1) or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Council may appoint advisory committees to consider thoroughfare plans, bikeway plans, housing plans, economic development plans, etc.

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

3.3.9.2. Members of such advisory committees shall sit as nonvoting members of the Planning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning Board. However, all formal recommendations to the City Council shall be made by the Planning Board.

3.3.9.3. Nothing in this Article shall prevent the City Council from establishing independent advisory groups, committees, or boards to make recommendations on any issue directly to the Council.

SECTION 3.4 BOARD OF ADJUSTMENT.

3.4.1. Powers and Duties.

3.4.1.1. The Board of Adjustment shall hear and decide:

3.4.1.1.1. Requests for variances (as provided in Section 4.4.2) and appeals of decisions of administrative officials charged with enforcement of this Ordinance (as provided in Section 4.4.1). As used in this subsection, the term "decision" includes any final and binding order, requirement, or determination. The Board of Adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances. The Board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use and development.

3.4.1.1.2. Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines (as provided in Section 4.4.3).

3.4.1.1.3. Any other matter the Board is required to act upon by any other city ordinance.

3.4.1.2. The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Article.

3.4.2. Membership.

3.4.2.1. There shall be a Board of Adjustment consisting of five (5) regular members and three (3) alternates. Four (4) regular members and two (2) alternates, appointed by the City Council, shall reside within the City. One (1) regular member and one (1) alternate, appointed by the Scotland County Board of Commissioners, shall reside within the City's extraterritorial planning area. If the Scotland County Board of Commissioners fails to make these appointments within ninety (90) days after receiving a resolution from the Council requesting that they be made, the Council may make them.

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

3.4.2.2. Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms only.

3.4.2.3. Members may be reappointed to successive terms without limitation.

3.4.2.4. Regular Board of Adjustment members may be removed by the Council at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty percent (30%) or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the City Council shall hold a hearing on the removal before it becomes effective.

3.4.2.5. If a regular or alternate in-city member moves outside the city, or if an extraterritorial area regular or alternate member moves outside the planning jurisdiction, that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.

3.4.2.6. Extraterritorial planning area members may vote on all matters coming before the board.

3.4.2.7. The in-city alternate may sit only in lieu of a regular in-city member and the extraterritorial area alternate may sit only in lieu of the regular extraterritorial area member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

3.4.2.8. The Board of Adjustment shall keep minutes of its procedures, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be taken, all of which shall be of public record.

3.4.3. Meetings of the Board of Adjustment.

3.4.3.1. The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 4.4.4 (Requests to be Heard Exeditiously).

3.4.3.2. The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Sections 4.4.9 through 4.4.12.

3.4.3.3. All meetings of the Board shall be open to the public and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

3.4.4. Quorum.

3.4.4.1. A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular Board membership (excluding vacant seats). A quorum is necessary for the board to take official action.

3.4.4.2. A member who has withdrawn from the meeting without being excused as provided in Section 3.4.5.3. shall be counted as present for purposes of determining whether a quorum is present.

3.4.5. Voting.

3.4.5.1. The concurring vote of four-fifths of the Board membership (excluding vacant seats) shall be necessary to grant a variance. A simple 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 (see Section 4.4.8).

3.4.5.2. Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection 3.4.5.3. or has been allowed to withdraw from the meeting in accordance with subsection 3.4.5.4.

3.4.5.3. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

3.4.5.3.1. If the member has a direct financial interest in the outcome of the matter at issue; or

3.4.5.3.2. If the matter at issue involves the member's own official conduct; or

3.4.5.3.3. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

3.4.5.3.4. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

3.4.5.4. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

3.4.5.5. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

3.4.5.6. A roll call vote shall be taken upon the request of any member.

3.4.6. Board of Adjustment Officers.

3.4.6.1. At its first regular meeting in January, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats), elect one (1) of its members to serve as Chairman and preside over the Board's meetings and one (1) member to serve as Vice-Chairman. The persons so designated shall serve in these capacities for terms of two (2) years. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

3.4.6.2. The Chairman or any member temporarily acting as Chairman may administer oaths to witnesses coming before the board.

3.4.6.3. The Chairman and Vice-Chairman of the Board of Adjustment may take part in all deliberations and may vote on all issues.

3.4.6.4. The Planning staff shall serve as secretary to the Board of Adjustment.

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

3.4.8. Rules of Procedure.

The Board of Adjustment shall adopt rules of procedure for the conduct of its affairs and in keeping with the provisions of this Ordinance. Such rules of procedure shall not be effective until approved by the City Council. All meetings held by the Board of Adjustment shall be held in accordance with NCGS Chapter 143A, Article 33 B, or as may be amended. The Board shall keep minutes of its proceedings suitable for review in Court showing:

3.4.8.1. The factual evidence presented to the Board of Adjustment by all parties concerned.

ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE AUTHORITY

3.4.8.2. The findings of fact and the reasons for the determinations by the Board of Adjustment.

3.4.8.3. The vote of each member, or if absent or failing to vote, indicating such fact, all of which shall be public record and be filed with the office of the City Clerk.

SECTION 3.5 CITY COUNCIL.

3.5.1. The City Council, in considering conditional use permit applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Sections 4.4.9 through 4.4.12.

3.5.2. In considering proposed changes in the text of this Ordinance or in the zoning map, the Council acts in its legislative capacity and must proceed in accordance with the requirements of Section 4.4.1.

3.5.3. Unless otherwise specifically provided in this Article, in acting upon conditional use permit requests or in considering amendments to this Article or the zoning map, the council shall follow the regular, voting, and other requirements as set forth in other provisions of the city code, the city charter, or general law.

3.5.4. The City Council, in considering the approval of a site-specific development plan (as defined in Section 4.2, Establishment of Vested Rights), shall follow the procedural requirements set forth in Section 4.5 for the issuance of a conditional use permit.

ARTICLE 4.
LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

Section 4.1 Amendment/Rezoning Procedures 4-2

Section 4.2 Establishment of Vested Rights 4-6

Section 4.3 Moratorium 4-8

Section 4.4 Appeals, Variances, and Interpretations 4-9

Section 4.5 Conditional Use Permits 4-16

Section 4.6 Expiration of Permits 4-20

Section 4.7 Effect of Permit on Successors or Assigns 4-21

Section 4.8 Rehearings 4-22

Section 4.9 Appeals of Quasi-Judicial Decisions 4-22

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

SECTION 4.1 AMENDMENT/REZONING PROCEDURES.

4.1.1. Procedure.

The City Council may amend, supplement, or change the text of this Ordinance and zoning map following review and recommendation of the Planning Board according to the procedures established in this Article.

4.1.2. Action by Applicant.

The following action shall be taken by the applicant:

4.1.2.1. Proposed changes or amendments may be initiated by the City Council, Planning Board, or by one or more interested parties.

4.1.2.2. An application for any change or amendment shall contain a description and statement of the present and proposed zoning regulation or district boundary to be applied, the names and addresses of the applicant, the owner of the parcel of land involved in the change if different from the applicant, and all adjacent property owners as shown on the Scotland County tax listing. One (1) hard copy and one (1) electronic copy of such application shall be filed with the UDO Administrator not later than thirty (30) calendar days prior to the Planning Board meeting at which the application is to be considered.

The UDO Administrator shall not accept an application for rezoning on the same property more than once in a twelve-month period unless the following conditions exist:

4.1.2.2.1. Materially changed conditions;

4.1.2.2.2. Clerical error was the basis for the denial of the previous rezoning request;

4.1.2.2.3. Newly discovered evidence of adverse impact of the current zoning which by due diligence could not have been discovered in time for the earlier hearing; or

4.1.2.2.4. Substantially changed rezoning request.

The twelve-month period shall commence on the date a rezoning request is denied by the City Council.

4.1.2.3. When a proposed amendment is initiated by individuals or parties other than the City Council or Planning Board, a fee established by the City Council shall be paid to the city for each application for an amendment to cover the necessary administrative costs and advertising.

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

If the UDO Administrator determines that the development for which a rezoning is requested will have or may have substantial impact on surrounding properties, he may require that the applicant conduct an informational meeting prior to Planning Board consideration to discuss the impacts of the proposed rezoning with the adjoining property owners. The purpose of the information meeting is to involve those property owners most likely impacted by a proposed project in the early steps of the development process. Consequently, the information meeting should be held prior to the public hearing date established for the rezoning request.

4.1.3. Action by the Planning Board.

The Planning Board shall advise and comment on whether the proposed text amendment or map amendment is consistent with the adopted comprehensive plan and any other applicable officially adopted plans. The Planning Board shall provide a written recommendation with staff report to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council. The statement of consistency must specifically state why the proposed amendment is consistent or inconsistent with the Comprehensive Plan. In its deliberations, the Planning Board shall provide the public an opportunity to comment on consistency with the Comprehensive Plan. *(Amended 6/21/2016)*

4.1.4. Action by the City Council.

Action to consider a rezoning petition, including the scheduling of a public hearing, will be at the discretion of the City Council.

4.1.4.1. Notice and Public Hearings - Zoning Text Amendment. No amendment shall be adopted by the City Council until after public notice and hearing. Notice of such a public hearing shall be published once a week for two successive calendar weeks in a local newspaper of general circulation in the city.

4.1.4.2. Notice and Public Hearings - Zoning Map Amendment.

4.1.4.2.1. In any case where the City Council will consider a change in the zoning classification of a parcel of land, notice of the proposed petition or application shall be mailed by first class mail to the owner of that parcel of land and all abutting property owners as shown on the Scotland County tax listing at the last addresses listed for such property owners on the Scotland County tax abstracts. The party applying for the change in zoning classification shall submit, with the request for rezoning, a list of the names of the owners, their addresses and the tax parcel numbers of the property involved in the change and all properties any portion of which is within two hundred (200) feet of the property to be considered for rezoning, as shown on the Scotland County tax listing. The application shall be considered incomplete without such material.

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.1.4.2.2. At least ten but no more than 25 calendar days prior to the date of the meeting at which the City Council will consider the request for rezoning, the City Clerk shall mail a letter of notification in the supplied envelopes containing a description of the request and the time, date and location of the public hearing. Additionally, the site proposed for rezoning or an adjacent public right-of-way shall be posted with a notice of the public hearing not less than ten calendar days prior to the City Council meeting at which the rezoning is to be considered. When multiple parcels are included in a proposed zoning map amendment, a posting of each individual site is not required, but the city shall post sufficient notices to provide reasonable notice to interested persons. The City Clerk shall certify to the City Council that such notices have been made and such certification shall be deemed conclusive in the absence of fraud.

4.1.4.2.3. The first class mail notice required under subsections 4.1.4.2.1 and 4.1.4.2.2 of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice. In this instance, the city may elect to either make the mailed notice provided for in this section or may as an alternative elect to publish a notice of the hearing as required by NCGS 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Scotland County property tax listing for the affected property, shall be notified according to the provisions of subsections 4.1.4.2.1 and 4.1.4.2.2.

4.1.4.3. Recommendations of Planning Board. Before an item is placed on the consent agenda to schedule a public hearing, the Planning Board's recommendation and staff report on each proposed zoning amendment must be received by the City Council. If no recommendation is received from the Planning Board within 60 days from the date when submitted to the Planning Board, the petitioner may take the proposal to the City Council without a recommendation from the Planning Board. However, the Planning Board may request the City Council to delay final action on the amendment until such time as the Planning Board can present its recommendations. *(Amended 6/21/2016)*

4.1.4.3.1. After receiving a recommendation from the Planning Board on a proposed amendment, the City Council may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

4.1.4.3.2. The City Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.1.4.3.3. No member of the City Council shall vote on any zoning map amendment or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

4.1.4.3.4. Prior to adopting or rejecting any zoning amendment, the City Council shall adopt a statement describing whether the action is consistent with the adopted comprehensive plan and any other applicable officially adopted plans and explaining why the City Council considers the action taken to be reasonable and in the public interest. The statement of consistency must specifically state why the proposed amendment is consistent or inconsistent with the Comprehensive Plan. The Planning Board and staff recommendations must be recorded in the City Council minutes of the meeting at which Council action was taken. *(Amended 6/21/2016)*

4.1.4.3.5. The City Council shall adopt a statement of reasonableness for all small scale re-zonings as defined by the state statutes.

4.1.4.3.6. In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the City Council is whether the proposed amendment advance the public health, safety, or welfare. All other issues are irrelevant and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and excluded. When considering proposed map amendments:

4.1.4.3.6.1. The City Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the City Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

4.1.4.3.6.2. The City Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

4.1.4.4. Citizen Comments. Zoning ordinances may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the Clerk to the Board at least two business days prior to the proposed vote on such change, the Clerk to the Board shall deliver such written statement to the City Council. If the proposed change is the subject of a quasi-judicial proceeding under NCGS 160A-388, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Council shall not disqualify any member of the Council from voting. *(Amended 6/21/2016)*

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.1.4.5. Statement of Consistency. Prior to adopting or rejecting any zoning text and/or map amendment, the City Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the City Council considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

4.1.5. Withdrawal of Application.

An applicant may withdraw his or her application at any time by written notice to the UDO Administrator and may resubmit at a subsequent date in compliance with the submittal schedule contained herein.

SECTION 4.2 ESTABLISHMENT OF VESTED RIGHTS.

4.2.1. A vested right shall be established upon the approval or conditional approval of a site-specific development plan by the City Council in accordance with the provisions outlined in this section. A right which has been vested as provided for in this section shall, as a general rule, remain valid for two (2) years and shall attach to and run with the land. The two (2) years may be extended up to five (5) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the city.

4.2.2. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the meaning indicated when used in this section.

4.2.2.1. Landowner. Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site-specific development plan.

4.2.2.2. Property. All real property subject to the regulations and restrictions of this Ordinance as well as the zoning district boundaries established by this Ordinance and depicted on the official zoning map.

4.2.2.3. Site-Specific Development Plan. A site-specific development plan which has been submitted to the City of Laurinburg by a landowner describing in detail the type and intensity of use for a specific parcel or parcels of property. Such plan shall be in the form of a site plan required to obtain a conditional use permit and shall include the information required by Section 4.5.2 and Section 5.6.4. All site-specific development plans shall be approved by the City Council.

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.2.2.4. Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

4.2.3. A vested right shall be deemed established upon the effective date of approval by the City Council of a site-specific development plan. Following the approval of a site-specific development plan, the UDO Administrator shall issue a vested right certificate to the landowner which indicates the duration of the vesting period, the conditions, if any, imposed on the approval of the site-specific development plan, and any other information determined by the UDO Administrator to be necessary to administer the vested right.

4.2.4. A vested right shall confer upon the landowner the right to undertake and complete the development and use of the property as delineated in the approved site-specific development plan. The City Council may approve a site-specific development plan upon such terms and conditions as may be determined necessary to protect the public health, safety, and welfare. Failure to comply with the approved terms and conditions shall result in a forfeiture of vested rights.

4.2.5. Approval by the City Council of a site-specific development plan shall follow the procedural requirements for the issuance of a conditional use permit as outlined in Section 4.5. Changes in or modifications to an approved site-specific development plan shall be made only with the concurrence of the City Council in accordance with the provisions of Section 4.5.8.

4.2.6. A vested right obtained under this section runs with the land and is valid for two (2) years from the effective date of approval by the City Council of a site-specific development plan. A vested right shall not be extended by any amendments or modifications to an approved site-specific development plan unless expressly provided for by the City Council. A vested right shall expire at the end of two (2) years if no building permit applications have been filed with the city to construct the use or uses proposed in the approved site-specific development plan. If building permits are issued, the provisions of GS 160A-418 and GS 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the lack of progress during the two-year vesting period.

4.2.7. A vested right, once established or provided for in this section, precludes any zoning action by the city which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in this approved site-specific development plan, except:

4.2.7.1. With the written consent of the affected landowner;

4.2.7.2. Upon findings, by ordinance after notice and a public hearing, that natural or man-made hazards in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan;

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.2.7.3. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the city, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

4.2.7.4. Upon findings, by ordinance after notice and a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the city of the site-specific development plan; or

4.2.7.5. Upon the enactment or promulgation of a state or federal law or regulation which precludes development as contemplated in the site-specific development plan, in which case the city may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a public hearing.

4.2.8. The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the city, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

4.2.9. Notwithstanding any provisions of this section, the establishment of a vested right shall not preclude, change, or impair the authority of the city to enforce provisions of this Ordinance governing nonconforming situations or uses.

4.2.10. A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site-specific development plan, all successors to the original landowner shall be entitled to exercise such vested rights.

4.2.11. The city shall not require a landowner to waive his vested rights as a condition of developmental approval.

SECTION 4.3 MORATORIUM.

The City of Laurinburg may adopt temporary moratoria on any city development approval required by North Carolina General Statutes in accordance with NCGS 160A-381.

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

SECTION 4.4 APPEALS, VARIANCES, AND INTERPRETATIONS.

4.4.1. Appeals.

4.4.1.1. Any person who has standing under GS 160A-393(d) or the city may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the City Clerk. The notice of appeal shall state the grounds for the appeal. A notice of appeal shall be considered filed with the City Clerk when delivered to the City Hall, and the date and time of filing shall be entered on the notice by the city staff.

4.4.1.2. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

4.4.1.3. The owner or other party shall have thirty (30) days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

4.4.1.4. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property for at least ten (10) days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

4.4.1.5. The official who made the decision shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action 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.

4.4.1.6. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause immediate peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. 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 of Adjustment shall meet to hear the appeal within fifteen (15) days after such a

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

request is filed. Notwithstanding the foregoing, appeals of decisions granting permit or otherwise affirming that a proposed use of property is consistent with the Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the Board of Adjustment may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

4.4.1.7. Subject to the provisions of subsection 4.4.1.6., the Board of Adjustment shall hear and decide the appeal within a reasonable time.

4.4.1.8. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board of Adjustment shall continue the hearing. The Board of Adjustment 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 of Adjustment shall have all the powers of the official who made the decision.

4.4.1.9. When hearing an appeal pursuant to GS 160A-400.9(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 GS 160A-393(k).

4.4.1.10. The parties of an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The Ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

4.4.2. Variances.

4.4.2.1. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the UDO Administrator. Applications shall be handled in the same manner as applications for permits.

4.4.2.2. When unnecessary hardships would result from carrying out the strict letter of the UDO, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of all of the following:

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

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.4.2.2.2. 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.

4.4.2.2.3. 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.

4.4.2.2.4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

4.4.2.3. 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 ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

4.4.2.4. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

4.4.3. Interpretations.

4.4.3.1. The Board of Adjustment is authorized to interpret the zoning map and to act upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the UDO Administrator, they shall be handled as provided in Section 4.4.1.

4.4.3.2. An application for a map interpretation shall be submitted to the Board of Adjustment by filing an appeal form with UDO Administrator. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.

4.4.3.3. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the rules of interpretation as specified in Section 2.5 shall be applied. Where uncertainties continue to exist after application of the above rules, appeal may be taken to the Board of Adjustment as provided in Section 4.4.1 of this Ordinance.

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.4.3.4. Interpretations of the location of floodway and floodplain boundary lines may be made by the UDO Administrator as provided in Article 9, Part VIII.

4.4.4. Requests to be Heard Expeditiously.

As provided in Article 3, the Planning Board, City Council, and Board of Adjustment (as applicable) shall hear and decide all applications, appeals, variance requests, and requests for interpretations, including map boundaries, as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Section 4.4.6, and obtain the necessary information to make sound decisions.

4.4.5. Hearing Required on Appeals, Variances, and Interpretations.

4.4.5.1. Before making a decision on an appeal or an application for a variance or interpretation, the Board of Adjustment shall hold a hearing on the appeal or application within thirty (30) days of the submittal of a completed appeal or application.

4.4.5.2. Subject to subsection 4.4.5.3, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments. All persons presenting evidence or arguments shall be sworn in prior to the presentation of any evidence or arguments. The oath may be administered by the Chairperson, any member acting as Chairperson, or the Clerk to the Board.

4.4.5.3. The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.

4.4.5.4. The Board of Adjustment may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

4.4.5.5. The required application fee and all supporting materials must be received by the UDO Administrator before an application is considered complete and a hearing scheduled.

4.4.6. Notice of Hearing.

The UDO Administrator shall give notice of any hearing required by Section 4.4.5 as follows:

4.4.6.1. Notice of hearings conducted pursuant to this section 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 this

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

Ordinance. In the absence of evidence to the contrary, the city 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 ten (10) days, but not more than twenty-five (25) days, prior to the date of the hearing. Within that same time period, the city 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.

4.4.6.2. In the case of conditional use permits, notice shall be given to other potentially interested persons by publishing a notice in a newspaper having general circulation in the area one (1) time not less than ten (10) nor more than twenty-five (25) days prior to the hearing.

4.4.6.3. The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

4.4.7. Burden of Proof in Appeals and Variances.

4.4.7.1. When an appeal is taken to the Board of Adjustment in accordance with Section 4.4.1, the UDO Administrator shall have the initial burden of presenting to the Board of Adjustment sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

4.4.7.2. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth in Section 4.4.2.2, as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

4.4.8. Board of Adjustment Action

The concurring vote of four-fifths of the Board of Adjustment 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 shall not be considered members of the board for calculation of the requisite majority.

4.4.9. Evidence/Presentation of Evidence.

4.4.9.1. The provisions of this section apply to all hearings for which a notice is required by Section 4.4.6.

4.4.9.2. All persons who intend to present evidence to the decision-making board shall be sworn in by the Chairperson. The Chairperson of the Board or any member acting as Chairperson and the Clerk to the Board are authorized to administer oaths to witnesses in

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

any matter coming before the Board. Any person who, while under oath during a proceeding before the decision-making board, willfully swears falsely is guilty of a Class 1 misdemeanor. *(Amended 6/21/2016)*

4.4.9.3. All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (necessary findings) shall be based upon competent, material, and substantial evidence. The term "competent evidence," as used in this subsection, shall not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (1) the evidence was submitted without objection or (2) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making board to rely upon it. The term "competent evidence," as used in this subsection, shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:

4.4.9.3.1. The use of property in a particular way would affect the value of other property.

4.4.9.3.2. The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

4.4.9.3.3. Matters about which only expert testimony would generally be admissible under the rules of evidence. *(Amended 6/21/2016)*

4.4.9.4. The entirety of a quasi-judicial hearing and deliberation shall be conducted in open session.

4.4.9.5. Parties to a quasi-judicial hearing have a right to cross-examine witnesses.

4.4.9.6. Factual findings must not be based on hearsay evidence which would be inadmissible in a court of law.

4.4.9.7. If a member of the decision-making board has prior or specialized knowledge about a case, that knowledge should be disclosed to the rest of the decision-making board and parties at the beginning of the hearing. *(Amended 6/21/2016)*

4.4.9.8. The decision-making board through the Chairperson, or in the Chairperson's absence, anyone acting as the Chairperson may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under GS 160A-393(d) may make a written request to the Chairperson explaining why it is necessary for certain witnesses or evidence to be compelled. The Chairperson shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chairperson shall rule on any motion to quash or modify a

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

subpoena. Decisions regarding subpoenas made by the Chairperson may be appealed to the full decision-making board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the decision-making 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 property parties. *(Amended 6/21/2016)*

4.4.10. Modification of Application at Hearing.

4.4.10.1. In response to questions or comments made in sworn testimony at the hearing, the applicant may agree to modify his application, including the plans and specifications submitted.

4.4.10.2. Unless such modifications are so substantial or extensive that the decision-making board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the decision-making board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the UDO Administrator. *(Amended 6/21/2016)*

4.4.11. Record.

4.4.11.1. A record shall be made of all hearings required by Section 4.4.5 and such recordings shall be kept as provided by state law. Minutes shall also be kept of all such proceedings. A transcript may be made, but is not required. *(Amended 6/21/2016)*

4.4.11.2. Whenever practicable, all documentary evidence, including any exhibits, presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the city in accordance with NCGS 160A-393(I). *(Amended 6/21/2016)*

4.4.12. Quasi-Judicial Decision.

The Board shall determine contested facts and make its decision within a reasonable time. 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 and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision within the Clerk to the Board or such other office or official as this Ordinance species. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to 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 that proper notice has been made.

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

SECTION 4.5 CONDITIONAL USE PERMITS.

4.5.1. Purpose and Applicability.

This Ordinance provides for a number of uses to be located by right in each general zoning district subject to the use meeting certain area, height, yard, and off-street parking and loading requirements. In addition to these uses, this Ordinance allows some uses to be allowed in these districts as a conditional use subject to issuance of a conditional use permit by the City Council upon recommendation of the Planning Board. City Council consideration of conditional use permits are quasi-judicial decisions. The purpose of having the uses being conditional is to ensure that they would be compatible with surrounding development and in keeping with the purposes of the general zoning district in which they are located and would meet other criteria as set forth in this section. All conditional use permits require some form of a site plan as outlined in Section 5.6.4. (Amended 6/21/2016)

4.5.2. Application Process/Completeness.

4.5.2.1. The deadline for which a conditional use permit application shall be filed with the UDO Administrator is twenty (20) calendar days prior to the meeting at which the application will be heard. Permit application forms shall be provided by the UDO Administrator. In the course of evaluating the proposed conditional use, the Planning Board or City Council may request additional information from the applicant. A request for any additional information may stay any further consideration of the application by the Planning Board or City Council.

4.5.2.2. No application shall be deemed complete unless it contains or is accompanied by a site plan drawn to scale which complies with the requirements contained in Section 5.6.4 and a fee, in accordance with a fee schedule approved by the City Council for the submittal of conditional use permit applications.

4.5.2.3. One (1) hard copy of the application, and all attachments and maps, for a conditional use permit shall be submitted to the UDO Administrator.

4.5.3. Planning Board Review and Comment.

4.5.3.1. The Planning Board may, in its review, suggest reasonable conditions to the location, nature, and extent of the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other conditions the Planning Board may find appropriate. The conditions may include dedication of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.5.3.2. The Planning Board shall forward its recommendation to the City Council within 45 days of reviewing the application. If a recommendation is not made within 45 days, the application shall be forwarded to the City Council without a recommendation from the Planning Board.

4.5.3.3. All comments prepared by the Planning Board shall be submitted by a Planning Board representative to the City Council as testimony at the public hearing required by this section. This representative of the Planning Board shall be subject to the same scrutiny as other witnesses. Review of the conditional use application by the Planning Board shall not be a quasi-judicial procedure. The Planning Board shall include in its comments a statement as to the consistency of the application with the city's currently adopted Comprehensive Plan. Comments of the Planning Board may be considered with other evidence submitted at the public hearing. *(Amended 6/21/2016)*

4.5.4. City Council Action.

4.5.4.1. City Council consideration of conditional use permits are quasi-judicial decisions approved by a simple majority vote. Quasi-judicial decisions must be conducted in accordance with Sections 4.4.9 through 4.4.12. For the purposes of this section, vacant positions on the City Council and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Council" for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

4.5.4.2. Once the comments of the Planning Board have been made, or the 45-day period elapses without a recommendation, the City Council shall hold a public hearing to consider the application at its next regularly scheduled meeting. A quorum of the City Council is required for this hearing. Notice of the public hearing shall be as specified in Section 4.4.6. *(Amended 6/21/2016)*

4.5.4.3. In approving an application for a conditional use permit in accordance with the principles, conditions, safeguards, and procedures specified herein, the City Council may impose reasonable and appropriate conditions and safeguards upon the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the City Council. Conditions and safeguards imposed under this subsection shall not include requirements for which the city does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the city. *(Amended 6/21/2016)*

4.5.4.4. The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions which subsection 4.5.4.5 below requires.

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.5.4.5. The City Council shall issue a conditional use permit if it has evaluated an application through a quasi-judicial process and determined that:

4.5.4.5.1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

4.5.4.5.2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood.

4.5.4.5.3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4.5.4.5.4. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

4.5.4.5.5. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.

4.5.4.5.6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

4.5.4.5.7. The conditional use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

4.5.4.5.8. Public access shall be provided in accordance with the recommendations of the city's land use plan and access plan or the present amount of public access and public parking as exists within the city now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

4.5.4.5.9. The proposed use shall be consistent with recommendation and policy statements as described in the adopted land use plan.

4.5.4.6. Conditions and Guarantees. Prior to the granting of any conditional use, the Planning Board may recommend, and the City Council may require, conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. In all cases in

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

which conditional uses are granted, the City Council shall require guarantees as specified in Section 5.7.4.7.1.1 or 5.7.4.7.1.2 to ensure compliance with the conditional use permit conditions. The reasons/justifications for conditions must be stated/tied to Section 4.5.4.5. (Amended 6/21/2016)

4.5.4.7. In the event that a rezoning is sought in conjunction with a conditional use permit, such deliberation would be legislative in nature and not part of the quasi-judicial process.

4.5.5. Effect of Approval.

If an application for a conditional use permit is approved by the City Council, the owner of the property shall have the ability to develop the use in accordance with the stipulations contained in the conditional use permit, or develop any other use listed as a permitted use for the general zoning district in which it is located.

4.5.6. Binding Effect.

Any conditional use permit so authorized shall be binding to the property included in the permit unless subsequently changed or amended by the City Council.

4.5.7. Certificate of Occupancy.

No certificate of occupancy for a use listed as a conditional use shall be issued for any building or land use on a piece of property which has received a conditional use permit for the particular use unless the building is constructed or used, or the land is developed or used, in conformity with the conditional use permit approved by the City Council. In the event that only a segment of a proposed development has been approved, the certificate of occupancy shall be issued only for that portion of the development constructed or used as approved.

4.5.8. Change in Conditional Use Permit.

An application to materially change a conditional use permit once it has been issued must first be submitted, reviewed, and approved in accordance with Section 4.5.3 and 4.5.4, including payment of a fee in accordance with the fee schedule approved by the City Council.

4.5.9. Additional Requirements on Conditional Use Permits.

4.5.9.1. Subject to subsection 4.5.9.2, in grant a conditional use permit, the City Council may attach to the permit such reasonable requirements in addition to those specified in this Ordinance as will ensure that the development in its proposed location:

4.5.9.1.1. Will not endanger the public health or safety;

4.5.9.1.2. Will not injure the value of adjoining or abutting property;

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.5.9.1.3. Will be in harmony with the existing development and uses within the area in which it is to be located; and

4.5.9.1.4. Will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the City Council.

4.5.9.2. The City Council may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

4.5.9.3. Without limiting the foregoing, the City Council may attach to a permit a condition limiting the permit to a specified duration.

4.5.9.4. All additional comments or requirements shall be entered on the permit.

4.5.9.5. All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirements of this Ordinance.

4.5.10. Implementation of Conditional Use Permit.

A conditional use permit, after approval by the Planning Board and City Council shall expire six months after the approval date if work has not commenced or in the case of a change of occupancy the business has not opened; however, it may be, on request, continued in effect for a period not to exceed six months by the UDO Administrator. No further extension shall be added except on approval of the City Council. If such use or business is discontinued for a period of 12 months, the conditional use permit shall expire. Any expiration as noted or any violation of the conditions stated on the permit shall be considered unlawful and the applicant will be required to submit a new conditional use application to the appropriate agencies for consideration and the previously approved conditional use permit shall become null and void.

SECTION 4.6 EXPIRATION OF PERMITS.

4.6.1. Zoning and conditional use permits shall expire automatically if, within six (6) months after the issuance of such permits:

4.6.1.1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or

4.6.1.2. Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

permits has been completed on the site. With respect to phased development, this requirement shall apply only to the first phase.

4.6.2. If after some physical alteration to land or structures begins and such work is discontinued for a period of six (6) months, then the zoning or conditional use permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 4.7.

4.6.3. The permit-issuing authority may extend for a period up to six (6) months the date when a zoning or conditional use permit would otherwise expire pursuant to subsections 4.6.1 or 4.6.2 if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six (6) months (for a total period not to exceed two (2) years) upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

4.6.4. For purposes of this section, the conditional use permit within the jurisdiction of the board of adjustment is issued when such board votes to approve the application and issue the permit. A zoning permit within the jurisdiction of the zoning administrator is issued when the earlier of the following takes place:

4.6.4.1. A copy of the fully executed permit is delivered to the permit recipient and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or

4.6.4.2. The UDO Administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required.

4.6.5. Notwithstanding any of the provisions of Article 8 (Nonconforming Situations), this section shall be applicable to permits issued prior to the date this section becomes effective.

4.6.6. Conditional use permits shall expire at the end of the two-year vesting period established in accordance with Section 4.2, Vested Right.

SECTION 4.7 EFFECT OF PERMIT ON SUCCESSORS AND ASSIGNS.

4.7.1. Zoning and conditional use permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

ARTICLE 4. LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

4.7.1.1. No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and

4.7.1.2. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection 4.7.2) of the existence of the permit at the time they acquired their interest.

4.7.2. Whenever a conditional use permit is issued to authorize development (other than single-family or two-family residences) on a tract of land in excess of one (1) acre, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit may be recorded in the Scotland County Registry and indexed under the record owner' s name as grantor.

SECTION 4.8 REHEARINGS.

When an application involving a quasi-judicial procedure/petition is denied by the City Council or Board of Adjustment, reapplication involving the same property, or portions of the same property, may not be submitted unless the petitioner can demonstrate a substantial change in the proposed use, conditions governing the use of the property, or conditions surrounding the property itself.

SECTION 4.9 APPEALS OF QUASI-JUDICIAL DECISIONS.

4.9.1. Every quasi-judicial decision shall be subject to review by the Superior Court of Scotland County by proceedings in the nature of certiorari pursuant to GS 160A-393.

4.9.2 A petition for review shall be filed with the Scotland County Clerk of Superior Court by the later of thirty (30) days after the decision is effective or after a written copy thereof is given in accordance with Section 4.4.12. When first class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

4.9.3. A copy of the writ of certiorari shall be served upon the City of Laurinburg.

ARTICLE 5.
DEVELOPMENT REVIEW PROCESS

Section 5.1 Applicability 5-2
Section 5.2 Pre-Application Meeting and Sketch Plan 5-2
Section 5.3 Administrative Approval - Minor Site Plan or Minor Subdivision. 5-3
Section 5.4 City Council Approval Upon Planning Board Review and Recommendation -
 Major Site Plan or Major Subdivision 5-8
Section 5.5 Construction Drawing Review Requirements 5-10
Section 5.6 Site Plan Procedures 5-11
Section 5.7 Subdivision Procedures 5-16

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

SECTION 5.1 APPLICABILITY.

5.1.1. The purpose of this Article is to establish an orderly process to develop land within the City of Laurinburg. It is also the intent of this Article to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, city staff, related agencies, the Planning Board, and the City Council. Approved plans shall be the guiding documents for final approval and permitting.

5.1.2. The development review process applies to all development actions within the planning jurisdiction except for existing individual lots for single-family detached residential and two-family residential (duplex) development. The provisions of this Article shall be applicable for all Minor and Major Subdivisions and Minor and Major Site Plans. The UDO Administrator may waive the required development review process only in the following cases when he determines that the submission of a development plan in accordance with this Article would serve no useful purpose:

5.1.2.1. Accessory structures.

5.1.2.2. Any enlargement of a principal building by less than 20% of its existing size provided such enlargement will not result in parking or landscaping improvements.

5.1.2.3. A change in principal use where such change would not result in a change in lot coverage, parking, or other site characteristics.

5.1.3. If a permit applicant submits a permit application for any type of development and a rule or ordinance changes between the time the permit application was submitted and a permit decision is made, the permit applicant may choose which version of the rule or ordinance will apply to the permit. *(Amended 6/21/2016)*

5.1.4. The city may enter into a development agreement with a developer for the development of property as provided in this section for developable property of any size, including property that is subject to an executed brownfields agreement pursuant to Part 5 of Article 9 of Chapter 130A of the NC General Statutes. Development agreements shall be of a reasonable term specified in the agreement. *(Amended 6/21/2016)*

SECTION 5.2 PRE-APPLICATION MEETING AND SKETCH PLAN.

5.2.1. The applicant shall schedule a pre-application meeting with the UDO Administrator to review a Sketch Plan of the proposed development, including minor and major subdivisions and minor and major site plans. The Sketch Plan shall meet the requirements of Section 5.2.3. The UDO Administrator will advise the applicant of all applicable city regulations and policies, suggest development alternatives, application procedures, and fees (see Section 2.8). The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of the City of Laurinburg and does not confer upon the applicant any development rights. The UDO Administrator may submit a Sketch

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

Plan to other departments or agencies for input and recommendations. Within fifteen (15) days of receipt of the sketch plan, the UDO Administrator shall forward all appropriate comments to the applicant. This timeframe may be extended if comments are requested from other agencies.

5.2.2. The applicant is encouraged to incorporate the recommendations of the UDO Administrator or authorized staff reviewer into the development plan before submittal. The sketch plan is only a courtesy intended to inform the applicant of the approval criteria prior to submittal of the development plan; furthermore, sketch plan review does not constitute approval of the development plan and may not be substituted for any required approvals.

5.2.3. Three copies of the sketch plan, drawn to scale, shall be submitted, including the following:

5.2.3.1. A scale, preferably the same scale as required for development plan submittal.

5.2.3.2. Property boundaries and total acreage, including NC PINs for all properties.

5.2.3.3. Major topographical and physical features such as creeks, buildings, streets, and the like.

5.2.3.4. Proposed streets, buildings, and/or lot arrangements, including proposed lot sizes.

5.2.3.5. Existing and proposed land use, drawn to scale, with brief project description including building sizes, unit sizes, lot sizes, open space, amenities, and the like.

5.2.3.6. Name, address, and telephone number of applicant and persons (firm) preparing the development plan.

5.2.3.7. Adjacent street names, numbers, and right-of-way widths.

5.2.3.8. Zoning district classification of site and surrounding properties, including those across streets.

5.2.3.9. Yard setbacks and proposed structures.

5.2.3.9. The boundaries of any proposed phasing.

SECTION 5.3 ADMINISTRATIVE APPROVAL - MINOR SITE PLAN OR MINOR SUBDIVISION.

Administrative approval includes:

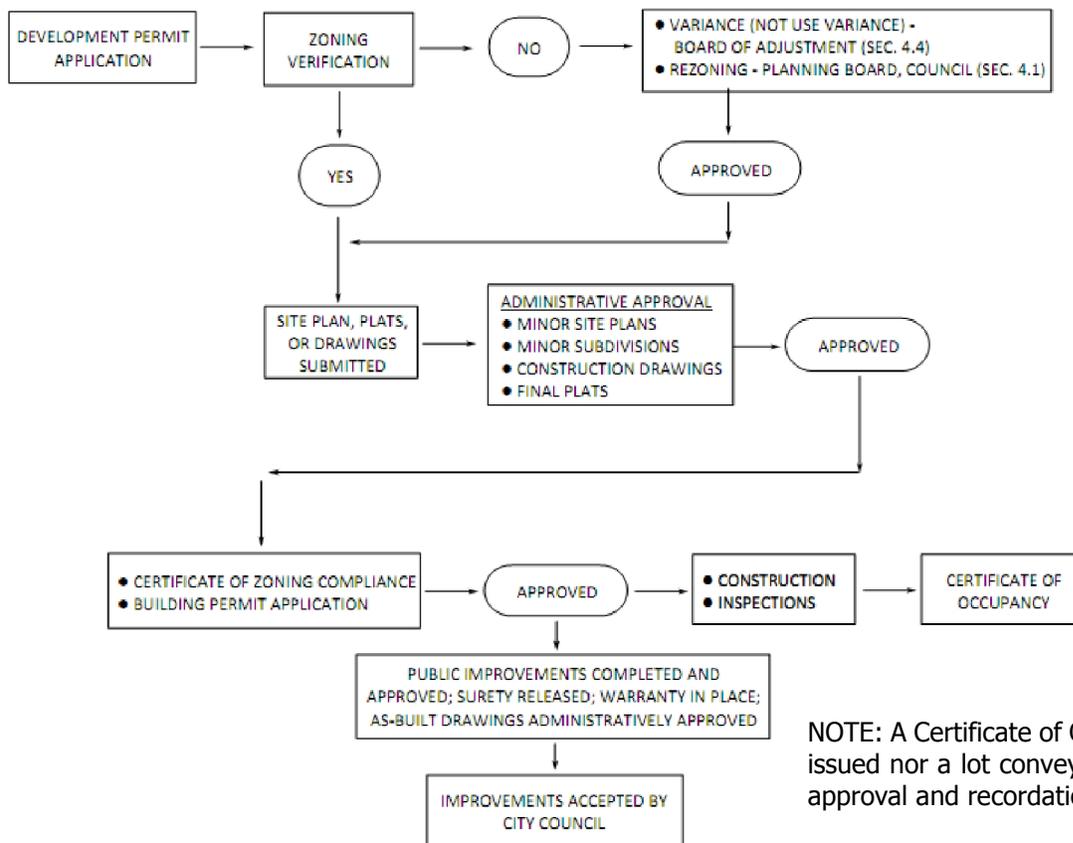
- Minor Site Plans. Include the following:
 - (1) Buildings or additions with an aggregate enclosed square footage of less than 20,000 square feet;
 - (2) Buildings or additions involving land disturbance of less than one (1) acre;

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

- (3) Multi-family development involving less than ten (10) dwelling units;
 - (4) Parking lot expansions which comply with this Ordinance with no increase in enclosed floor area;
 - (5) Revision to landscaping, signage, or lighting which comply with the requirements of this Ordinance;
 - (6) Accessory uses which comply with the requirements of this Ordinance; and
 - (7) Site plans which do not require a variance or modification of the requirements of this Ordinance, and otherwise comply with this Ordinance.
- Minor Subdivisions. A subdivision that does not involve any of the following: (i) the creation of more than a total of five (5) lots; (ii) the creation of any new public streets; (iii) the extension of a public water or sewer system; or (iv) the installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.
 - Construction and As-Built Drawings
 - Final Plats

NOTE: A sketch plan and/or pre-application meeting is not required for a final plat submittal.

5.3.1. Administrative Approval Flowchart.



NOTE: A Certificate of Occupancy cannot be issued nor a lot conveyed without final plat approval and recordation.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.3.2. Development Permit Application/Zoning Verification.

A development permit application shall be submitted and zoning compliance verified by the UDO Administrator. Applications for non-residential development must identify any EPA-designated hazardous materials which may be stored or produced on site. If the zoning is in compliance, the applicant may proceed with submittal of site plan, plats, or drawings. If the proposed development is not zoning compliant, the applicant must request a rezoning (see Section 4.1) or a variance (see Section 4.4) before proceeding with site plan, plat, or drawing submittal.

5.3.3. Minor Site Plan, Minor Subdivision Plat, or Construction Drawings Submitted for Review.

A plan of the proposed development shall be submitted in accordance with Sections 5.5 through 5.7, and shall be accompanied by the completed application and payment of a fee as adopted by the City Council (see Section 2.8).

5.3.4. Staff Review.

The UDO Administrator may circulate the plan to relevant governmental agencies and officials. The reviewing government agencies and officials may include, but not necessarily be limited to, the following:

- UDO Administrator
- City Manager
- Police Department
- Fire Department
- Building Inspections Department
- City Engineer
- City Attorney
- Other city representatives appointed by the City Manager
- Utilities Providers
- Scotland County Health Department
- Scotland County Board of Education
- Lumber River Rural Transportation Planning Organization
- NC Department of Transportation
- NC Department of Environment and Natural Resources
- US Army Corps of Engineers

5.3.5. Approval.

If the site plan, construction drawings, as-built drawings, or final plat is found to meet all of the applicable regulations of this Ordinance, then the UDO Administrator shall issue a zoning permit for site plans or approve final subdivision plats.

5.3.6. Appeal of Administrative Denial.

Administrative denial of an application for approval of a minor site plan, minor subdivision, construction drawings, or final plats may be appealed by the applicant to the Planning Board within thirty (30) days following written notification of denial by the UDO Administrator.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.3.7. Certificate of Zoning Compliance.

5.3.7.1. No land shall be used or occupied and no building hereafter constructed, structurally altered, erected, or moved, shall be used, or its use changed until a certificate of zoning compliance shall have been issued by the UDO Administrator, or his designee which may include the Building Inspector, stating that the building or the proposed use thereof complies with the provisions of this Ordinance.

5.3.7.2. A certificate of zoning compliance, either for the whole or a part of a building, shall be applied for prior to the application for a building permit and shall be issued together with the building permit.

5.3.7.3. Application for Certificate of Zoning Compliance. Each application for a preliminary certificate of zoning compliance shall be accompanied by a site plan (if not already submitted in accordance with Section 5.3.3) in duplicate, drawn to scale, one copy of which shall be returned to the owner upon approval. The plan shall show the following:

5.3.7.3.1. The shape and dimensions of the lot on which the proposed building or use is to be erected or constructed.

5.3.7.3.2. The location of the lot with respect to adjacent rights-of-way.

5.3.7.3.3. The shape, dimensions, and location of all buildings, existing and proposed, on the lot.

5.3.7.3.4. The nature of the proposed use of the building or land, including the extent and location of the use on the lot.

5.3.7.3.5. The location and dimensions of off-street parking and the means of ingress and egress to the space.

5.3.7.3.6. Any other information which the UDO Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance. The UDO Administrator may waive any of the above requirements which may not be applicable or otherwise deemed necessary by the UDO Administrator.

5.3.8. Building Permit Required.

5.3.8.1. No building or other structure shall be erected, moved, added to, demolished, or structurally altered without a building permit issued by the Building Inspector and a zoning permit issued by the UDO Administrator. No building permit shall be issued by the Building Inspector except in conformity with the provisions of the NC State Building Code and this

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

Ordinance unless he or she receives a written order from the Board of Adjustment in the form of a variance to this Ordinance as provided for by this Ordinance.

5.3.8.2. Application for Building Permit. All applications for building permits shall be accompanied by plans, including a survey not more than six (6) months old, as specified by the NC State Building Code. The application shall include other information as lawfully may be required by the Building Inspector, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the lot; floodplain development permit; and any other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. A minimum of two copies of the plans shall be required. One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked the copy either as approved or disapproved and attested to same by his signature on the copy. One copy of the plans, similarly marked, shall be retained by the Building Inspector.

5.3.9. Inspections and Certificates of Occupancy.

No new building, or part thereof, shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of use shall be made in any existing building or part thereof, until the Building Inspector has issued a Certificate of Occupancy.

A certificate of occupancy shall be applied for subsequent to or concurrent with the application for a certificate of zoning compliance and shall be issued within five (5) business days after the erection or structural alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance. A temporary certificate of occupancy for a portion of a structure may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance. If the certificate of occupancy is denied, the Building Inspector shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Building Inspector for a period of time in accordance with the NC Department of Cultural Resources requirements (NCGS 132-8) and copies shall be furnished on request to any persons having a proprietary or tenancy interest in the building or land involved.

For all developments, excluding single-family residential uses, prior to the issuance of a certificate of occupancy by the Building Inspector, a final zoning inspection shall be conducted to ensure that the approved plan has been followed and all required improvements have been installed to city standards. The City Council must have accepted all publicly dedicated improvements contingent upon the recordation of the final plat or provision of performance guarantees approved by the City Council as specified in Section 5.7.4.7.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

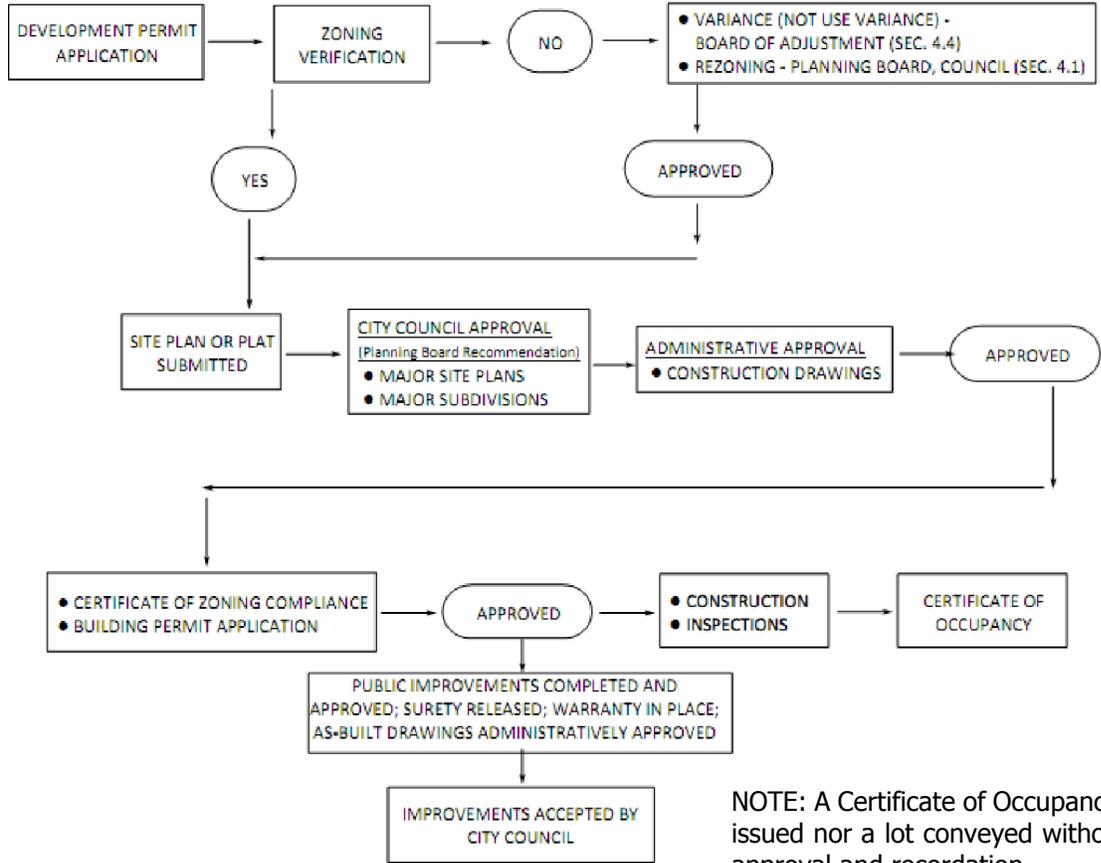
For Minor Site Plans and Minor Subdivision Final Plats, an as-built survey and as-built construction drawings shall be submitted to the UDO Administrator by the developer upon completion of the building foundation(s) to ensure that setbacks and building orientation match the approved site plan. If the survey shows that the placement of the building is incorrect, then the UDO Administrator shall issue a stop-work order and all construction shall be halted until the problem is remedied.

SECTION 5.4 CITY COUNCIL APPROVAL UPON PLANNING BOARD REVIEW AND RECOMMENDATION - MAJOR SITE PLAN OR MAJOR SUBDIVISION.

City Council Approval Upon Planning Board Review and Recommendation applies to the following:

- Major Site Plans. Includes all site plans for projects not meeting the requirements for a minor site plan.
- Major Subdivisions. Includes all subdivisions not meeting the requirements for a minor subdivision.

5.4.1. City Council Review and Approval Flowchart.



ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.4.2. Development Permit Application/Zoning Verification.

A development permit application shall be submitted and zoning compliance verified by the UDO Administrator. If the zoning is in compliance, the applicant may proceed with submittal of site plan, plats, or drawings. If the proposed development is not zoning compliant, the applicant must request a rezoning (see Section 4.1) or a variance (see Section 4.4) before proceeding with site plan, plat, or drawing submittal.

5.4.3. Major Site Plan, Major Subdivision Plat, or Construction Drawings Submitted for Review.

All major site plans and major subdivision preliminary plats shall be submitted in accordance with Sections 5.6 and 5.7, and shall be accompanied by the completed application and payment of a fee as adopted by the City Council (see Section 2.8).

5.4.4. Staff Review.

The UDO Administrator may require that the plan be circulated to relevant governmental agencies and officials for comments and recommendations. The reviewing agencies and officials may include, but not necessarily be limited to those listed in Section 5.3.4.

5.4.5. Review and Approval by the City Council Upon Planning Board Recommendation.

5.4.5.1. Following a complete review by the staff, the UDO Administrator shall schedule the application for review by the Planning Board at the next regularly scheduled meeting.

5.4.5.2. The Planning Board shall forward its recommendation to the City Council within 45 days of reviewing the application. If a recommendation is not made within 45 days, the application shall be forwarded to the City Council without a recommendation from the Planning Board.

5.4.5.3. Once the comments of the Planning Board have been made, or the 45-day period elapses without a recommendation, the City Council shall consider the application at its next regularly scheduled meeting. The Council may recommend approval, approval with conditions, or denial of the request. Alternatively, the City Council may suspend the review period for a specific number of days and request additional information of the applicant, other governmental agencies, or interested/affected parties in order to aid in the review of the request or deferral of its consideration. The submittal of additional information does not restart the initial 45-day review period.

5.4.6. Approval.

All required local, state, and/or federal permits must be obtained prior to the approval of the site plan or final plat. If the site plan or final plat is found to meet all of the applicable regulations of this Ordinance, then the UDO Administrator shall issue a zoning permit for site plans or approve final subdivision plats.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.4.7. City Council Denial.

Following denial by the City Council, the applicant may file a new application and associated fee. Unless the City Council explicitly states conditions that must be met prior to the resubmission of an application, the applicant shall not submit a new application for the same property within one (1) year of the date of denial by the City Council unless the application is significantly different from the previously denied application. All applications shall be resubmitted for full review unless the application is resubmitted to address conditions set forth by the City Council for reapplication.

SECTION 5.5 CONSTRUCTION DRAWING REVIEW REQUIREMENTS.

5.5.1. Applicability and Process.

The Construction Drawings for Minor Site Plans, Major Site Plans, and Major Subdivision Preliminary Plats shall be submitted with the site plan or preliminary plat. The construction drawings shall be reviewed concurrent with the site plan. Construction drawings shall be approved administratively prior to the issuance of a zoning permit.

5.5.2. Submittal Requirements.

Construction Drawings shall include the following:

- Site Plan or Preliminary Plat
- Existing Conditions
- Grading Plan
- Soil and Erosion Control Plan
- Landscaping Details
- Lighting Plan
- Street Details, if applicable
- Infrastructure Details
- Stormwater Control Plan

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

SECTION 5.6 SITE PLAN PROCEDURES.

5.6.1. Pre-Application Meeting and Sketch Plan.

The applicant shall schedule a pre-application meeting with the UDO Administrator to review a Sketch Plan of the proposed site plan. The UDO Administrator will determine if the plan constitutes a Minor or Major Site Plan, in accordance with the definitions in Appendix A, and advise the applicant of all applicable city regulations and policies, applications procedures, and fees.

5.6.2. Minor Site Plans.

Minor Site Plans follow the Administrative Approval process as specified in Section 5.3. Minor Site Plans shall be submitted with a full set of Construction Drawings. Construction Drawing approval is required prior to the issuance of a Zoning Permit. Refer to Section 5.5 Construction Drawing requirements.

5.6.3. Major Site Plans.

Major Site Plans follow the City Council approval process as specified in Section 5.4. The Major Site Plan shall be reviewed by the UDO Administrator for completeness, compliance with this Ordinance, and soundness of design. The plan shall then be reviewed by the Planning Board for recommendation and approval by the City Council. Construction Drawing approval is required prior to the issuance of a Zoning Permit.

5.6.4. Site Plan Requirements.

5.6.4.1. Information to be Shown on Site Plan. The site plan shall be prepared by a professional engineer, registered land surveyor, or architect and shall be drawn to scale of not less than one inch equals 30 feet. The site plan shall be based on the latest tax map information and shall be of a size as required by each individual site plan. The site plan shall contain the following information:

5.6.4.1.1. A key map of the site with reference to surrounding areas and existing street locations.

5.6.4.1.2. The name and address of the owner and site plan applicant, together with the names of the owners of all contiguous land and of property directly across the street as shown by the most recent tax records.

5.6.4.1.3. Parcel Identification Numbers (PIN) for site and adjacent properties.

5.6.4.1.4. Deed book and page reference demonstrating ownership of property.

5.6.4.1.5. Lot line dimensions.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.6.4.1.6. Location of all structures, streets, entrances, and exits on the site and on contiguous property directly across the street.

5.6.4.1.7. Location of all existing and proposed structures, including their outside dimensions and elevations.

5.6.4.1.8. Building setback, side line, and rear yard distances.

5.6.4.1.9. Location of flood zones.

5.6.4.1.10. All existing physical features, including water courses, existing trees greater than eight (8) inches in diameter measured four and one-half (4.5) feet above ground level, and significant soil conditions.

5.6.4.1.11. Topography showing existing and proposed contours at two-foot intervals. All reference benchmarks shall be clearly designated.

5.6.4.1.12. The zoning of the property, including zoning district lines where applicable.

5.6.4.1.13. Property lines of the tract to be developed (with dimensions identified), adjacent property lines (including corporate limits, city boundaries, and county lines).

5.6.4.1.14. Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles, and curb radii per the requirements of Article 9, Part II.

5.6.4.1.15. Improvements such as roads, curbs, bumpers, and sidewalks shall be indicated with cross-sections, design details, and dimensions.

5.6.4.1.16. Location and design of existing and proposed stormwater systems, sanitary waste disposal systems, water mains and appurtenances, and method of refuse disposal and storage.

5.6.4.1.17. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television.

5.6.4.1.18. Impervious surface areas with area dimensions.

5.6.4.1.19. Aboveground utility lines and other utility facilities.

5.6.3.1.20. Utility or other easement lines.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.6.4.1.21. Fire hydrants.

5.6.4.1.22. The location and dimensions of all recreational areas.

5.6.4.1.23. The location and dimensions of all areas intended as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.

5.6.4.1.24. Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees, and dimensions, approximate time of planting, and maintenance plans per the requirements of Article 9, Part I. The plan shall include the tree line of wooded areas and individual trees eighteen inches in diameter or more, identified by common or scientific name.

5.6.4.1.25. Proposed lighting.

5.6.4.1.26. Location, dimensions, and details of signs per the requirements of Article 9, Part III.

5.6.4.1.27. Location of dumpsters and screening as required by Article 9, Part I.

5.6.4.1.28. North arrow.

5.6.4.1.29. Location of all 404 wetland areas.

5.6.4.1.30. Location of detention/retention ponds and screening as required by Article 9, Part I.

5.6.4.2. Performance Standards. In reviewing any site plan, the UDO Administrator or Planning Board/City Council, as applicable, shall consider:

5.6.4.2.1. Pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, movement of people, goods, and vehicles from access roads, within the site, between buildings, and between buildings and vehicles. The Planning Board shall ensure that all parking spaces comply with Article 9, Part II. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.

5.6.4.2.2. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

Particular attention shall be given to safety and fire protection, impact of surrounding development, and contiguous and adjacent buildings and lands.

5.6.4.2.3. Adequate lighting, based upon the standards set forth in Article 9, Part VII shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board.

5.6.4.2.4. Buffering shall be located around the perimeter of the site to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles, and to shield activities from adjacent properties in accordance with Article 9, Part I.

5.6.4.2.5. Landscaping shall be provided as part of the overall site design and integrated into building arrangements, topography, parking, and buffering requirements in accordance with Article 9, Part I.

5.6.4.2.6. Signs shall be designed so as to be aesthetically pleasing, harmonious with other signs on the site, and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians (refer to Article 9, Part III).

5.6.4.2.7. Storm drainage, sanitary waste disposal, water supply, and garbage disposal shall be reviewed for compliance with applicable Federal, State, and local requirements. Particular emphasis shall be given to the adequacy of existing systems, and the need for improvements, both on-site and off-site, to adequately carry run-off and sewage, and to maintain an adequate supply of water at sufficient pressure. The storm drainage design shall not result in an increase in stormwater runoff on adjacent properties. The proposed project design shall comply with all applicable requirements and thresholds established by the NC Department of Environmental and Natural Resources (Division of Water Quality, Division of Coastal Management [CAMA], and Division of Land Quality), and the US Army Corps of Engineers.

5.6.4.2.8. Environmental elements relating to soil erosion, preservation of trees, protection of water courses, and resources, noise, topography, soil, and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements.

5.6.4.2.9. All projects greater than one (1) acre are required to comply with the North Carolina Sedimentation and Erosion Control regulations. All required permits must be provided to the City of Laurinburg prior to project approval.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.6.5. Certificate of Zoning Compliance/Building Permit.

An application for a certificate of zoning compliance may be requested in advance of or concurrently with an application for a building permit in accordance with Sections 5.3.7 and 5.3.8.

5.6.6. Inspections and Certificates of Occupancy.

No new building, or part thereof, shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of use shall be made in any existing building or part thereof, until the Building Inspector has issued a Certificate of Occupancy.

A certificate of occupancy shall be applied for subsequent to or concurrent with the application for a certificate of zoning compliance and shall be issued within five (5) business days after the erection or structural alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance. A temporary certificate of occupancy for a portion of a structure may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance. If the certificate of occupancy is denied, the Building Inspector shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Building Inspector for a period of time in accordance with the NC Department of Cultural Resources requirements (NCGS 132-8) and copies shall be furnished on request to any persons having a proprietary or tenancy interest in the building or land involved.

For all developments, excluding single-family residential uses, prior to the issuance of a certificate of occupancy by the Building Inspector, a final zoning inspection shall be conducted to ensure that the approved plan has been followed and all required improvements have been installed to city standards. The City Council must have accepted all publicly dedicated improvements contingent upon the recordation of the final plat or provision of performance guarantees approved by the City Council as specified in Section 5.7.4.7.

For Major Sites Plans, an as-built survey and as-built construction drawings shall be submitted to the UDO Administrator by the developer upon completion of the building foundation(s) to ensure that setbacks and building orientation match the approved site plan. If the survey shows that the placement of the building is incorrect, then the UDO Administrator shall issue a stop-work order and all construction shall be halted until the problem is remedied.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

SECTION 5.7 SUBDIVISION PROCEDURES.

5.7.1. Subdivision Exceptions.

This section shall be applicable to all subdivisions except those which are exempt in accordance with Section 1.3, page 1-2. The City Council may authorize exceptions for subdivisions from any portion of this Ordinance when, in its opinion, undue hardship may result from their strict compliance. In granting an exception, the City Council shall hold a quasi-judicial public hearing and make the findings required herein, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No relief shall be granted unless it is found:

5.7.1.1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and

5.7.1.2. That the relief is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and

5.7.1.3. That the circumstances giving rise to the need for the relief are peculiar to the subdivision and are not generally characteristic of other subdivisions in the jurisdiction of this Ordinance; and

5.7.1.4. That the granting of the relief will not be detrimental to the public health, safety, and welfare or injurious to other property in the area in which said property is situated.

Every decision of the City Council pertaining to the granting of subdivision exceptions shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within 30 days after the decision of the City Council is filed in the office of the UDO Administrator, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the UDO Administrator at the time of the City Council's hearing of the case, whichever is later.

5.7.2. Pre-Application Meeting and Sketch Plan.

The applicant shall schedule a pre-application meeting with the UDO Administrator to review a Sketch Plan of the proposed subdivision in accordance with Section 5.2. The UDO Administrator will determine if the subdivision constitutes a Major or Minor Subdivision, in accordance with the definitions in Appendix A, and advise the applicant of all applicable city regulations and policies, application procedures, and fees.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.7.3. Review Procedure for Minor Subdivisions.

5.7.3.1. The developer shall submit a sketch development plan, as specified in Section 5.2, to the UDO Administrator. At this stage, the UDO Administrator and the developer shall informally review the proposal.

5.7.3.2. After this initial review has been completed, the subdivider or his authorized representative shall prepare a final plat as specified in Section 9.48 and submit it to the UDO Administrator. At the time of submission, the subdivider shall pay to the city an application fee as established by the City Council in accordance with Section 2.8. Refer to Section 9.49 for plat requirements.

5.7.3.3. The UDO Administrator shall approve or disapprove the final plat. If the subdivider disagrees with the decision of the UDO Administrator, the subdivider may appeal to the Planning Board at their next regular meeting.

5.7.4. Review Procedure for Major Subdivisions.

5.7.4.1. Preliminary Plat.

5.7.4.1.1. At the time of submission of the preliminary plat, the subdivider shall pay to the city an application fee as established by the City Council in accordance with Section 2.8. Refer to Section 9.49 for plat requirements.

5.7.4.1.2. The subdivider or his or her authorized agent shall submit five (5) copies of the preliminary plat to the UDO Administrator at least 14 days prior to a regular meeting of the Planning Board. During this period, the UDO Administrator shall evaluate the plan to determine whether or not it meets the requirements of this Ordinance. The UDO Administrator may receive comments from other persons or agencies before making its final recommendations.

5.7.4.1.3. After the UDO Administrator determines that the preliminary plat meets the requirements of this Ordinance, it shall be submitted to the Planning Board for review and recommendation to the City Council. The city shall prominently post a notice on the site proposed for subdivision or on an adjacent public street or highway right-of-way at least ten days prior to the Planning Board meeting. The Planning Board shall forward its recommendation to the City Council within 45 days after first consideration by them. If the Planning Board fails to act within the 45-day period, the subdivider may appeal directly to the City Council. The City Council shall consider the preliminary plat at its next regularly scheduled meeting and approve, approve with conditions, or disapprove the plan.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.7.4.2. Final Plat.

5.7.4.2.1. At the time of submission of the final plat, the subdivider or his or her authorized agent shall pay the city an application fee as established by the City Council in accordance with Section 2.8. Refer to Section 9.49 for plat requirements.

5.7.4.2.2. Within 24 months after approval of the preliminary plat by the City Council, the subdivider shall submit a final plat showing that he or she has completed the subdivision according to the preliminary plan. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plat, provided that all required improvements have been installed as called for in the approved preliminary plat or a surety bond or similar financial instrument has been approved by the City Council, in accordance with Section 5.7.4.7 for the subdivision. The UDO Administrator shall determine whether or not the final plat substantially agrees with the approved preliminary plan. If substantial differences exist, the UDO Administrator may deny the final plat and require that a new preliminary plat be submitted. If the plat substantially agrees with the preliminary plat, the UDO Administrator shall approve the final plat within thirty (30) days after first consideration, if the City Council has accepted the publicly dedicated improvements or approved a performance bond. Only after the final plat has been approved and recorded at the Scotland County Register of Deeds office shall any lots be transferred or conveyed. The plat must be recorded within 30 days after approval.

5.7.4.2.3. Five (5) copies of the final plat shall be submitted: the original, two mylar copies, and two blue-line paper copies. The mylar shall be three ml., suitable for reproduction. The three reproducible copies shall each have original signature. The original copy shall be returned to the subdivider, one mylar copy shall be recorded at the Scotland County Register of Deeds office, and one mylar copy of the recorded plat shall be returned to the UDO Administrator.

5.7.4.2.4. The final plat shall be prepared by a surveyor licensed and registered to practice in the state. It shall conform to the provisions of plats, subdivisions, and mapping requirements as set forth in GS 47-30, as amended, and the *Standards of Practice of Land Surveying in North Carolina*.

5.7.4.2.5. The final plat shall depict or contain the information specified in Section 9.49. Plats not illustrating or containing the information required in Section 9.49 shall be returned to the subdivider or his or her authorized agent for completion and resubmission.

5.7.4.2.6. For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.7.4.3. Time Limitation/Approval of Preliminary Plat. Preliminary plat approval shall be valid for two (2) years unless a greater time period is granted through a Vested Rights request. If final plat approval has not been obtained within said two (2) year period, preliminary plat approval shall become void. A new preliminary plat shall be required to be submitted and such plat shall be in conformity with all current and applicable standards in this Ordinance. Notwithstanding, the developer may submit a request to the UDO Administrator for a time extension for up to one (1) year for final plat submittal. Said request must be submitted to the UDO Administrator prior to the original plat expiration date. No more than one (1) such extension may be granted by the UDO Administrator per subdivision. The developer may submit a final plat for only a portion of the subdivision given preliminary plat approval. Said submission shall extend the expiration date for the remaining portion(s) of the subdivision for an additional two (2) years past the date of said final plat approval.

5.7.4.4. As-Built Drawing Submittal. Prior to final plat approval or release of performance guarantees, As-Built Drawings shall be submitted and administratively approved. The preliminary plat may be altered by no more than 10% of the total subdivision area due to issues discovered during the As-Built Drawing process. If changes to more than 10% of the total subdivision area result, a new preliminary plat shall be submitted and reviewed.

5.7.4.5. Property Owners Association Covenants Review. Prior to approval of any final plat for a major subdivision, the UDO Administrator shall review the covenants of the Property Owners Association to ensure compliance with city requirements. The covenants shall include provisions for the ownership and maintenance of private streets. The UDO Administrator may refer the covenants to the City Attorney for review.

5.7.4.6. Improvement Plans Approved Prior to Construction. All plans and specifications for site improvements, including but not limited to grading, drainage, sidewalks, utilities (water and sewer), and street improvements shall be inspected and approved by the city prior to construction.

5.7.4.7. Performance Guarantees. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the City of Laurinburg may enter into an agreement with the subdivider whereby the subdivider shall agree to complete any remaining required improvements as specified by the approved preliminary plat for that portion of the subdivision to be shown on the final plat within a mutually agreed upon specified time period not to exceed one (1) year. Once agreed upon by both parties and the security required herein is provided, the final plat may be approved by the City Council, if all other requirements of this Ordinance are met. The city shall require a certified cost estimate from a licensed contractor or engineer for the cost of completion of such improvements.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.7.4.7.1. The subdivider shall provide one of the following Performance Guarantees, elected at the subdivider's discretion, in lieu of installation:

5.7.4.7.1.1. Surety bond issued by any company authorized to do business in this State.

5.7.4.7.1.2. Letter of credit issued by any financial institution licensed to do business in this State.

5.7.4.7.1.3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit. *(Amended 6/21/2016)*

5.7.4.7.2. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgment by the city that the improvements for which the performance guarantee is being required are complete. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer. *(Amended 6/21/2016)*

5.7.4.7.3. 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. Any extension of the performance guarantee necessary to complete required improvements 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. *(Amended 6/21/2016)*

5.7.4.7.4. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion. *(Amended 6/21/2016)*

5.7.4.7.5. The city may release a portion of any security posted as the improvements are completed and recommended for approval by the UDO Administrator. Within thirty (30) days after receiving the UDO Administrator's recommendation, the City Council shall approve or not approve said improvements. If the City Council approves said improvements, then it shall immediately release any security posted.

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

5.7.4.7.6. For subdivisions which are underwritten or constructed with federal funds and for which the specifications for facilities or improvements are equal to or of a higher standard than those required by the city, the bond-posting requirement may be waived and the final plat approved prior to completion of facilities or improvements.

5.7.4.8. *Transfer of Lots in Unapproved Subdivision Plats.* Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the city, thereafter subdivides his land in violation of applicable city ordinances 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 applicable city ordinances and recorded in the office of the Scotland County Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The city may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to NCGS 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the city may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

5.7.5. *Procedure for Plat Recordation.*

After the effective date of this Ordinance, no subdivision plat of land within the city's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate agencies, and until this approval is entered in writing on the face of the plat by the chairperson or head of that agency. All publicly dedicated improvements must be accepted by the City Council contingent upon final plat recordation or acceptance of an approved performance bond.

A plat shall not be filed or recorded by the Scotland County Register of Deeds of any subdivision located within the city's jurisdiction that has not been approved in accordance with this Ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the requirements of this Ordinance.

5.7.6. *Issuance of Permits and Conveyance of Subdivision Lots.*

Zoning permits and building permits may be issued by the City of Laurinburg for the erection of any building on any lot within a proposed subdivision prior to the final plat of said subdivision being approved in a manner as prescribed by this Ordinance and recorded at the Register of Deeds office, provided an improvements permit has been issued by the Scotland County Health Department, if required. **A certificate of occupancy may not be issued until the final plat has been approved and recorded.**

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

After the effective date of this Ordinance, it shall be illegal for any person being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, to subdivide his land in violation of this Ordinance or to transfer or sell 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 the terms of this Ordinance.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The City Council, through its attorney or other official so designated, may enjoin an illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by NCGS 14-4. Civil penalties may be issued in accordance with Section 1.5.

5.7.7. School Site Reservation.

If the City Council and the Scotland County Board of Education have jointly determined the specific location and size of any school sites to be reserved in accordance with the City of Laurinburg Comprehensive Plan, staff shall immediately notify the Board of Education in writing whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within 18 months, the developer may treat the land as freed of the reservation.

5.7.8. Dedication of Land for Park, Recreation, and Open Space.

Refer to Article 9, Part V.

ARTICLE 6.
ZONING DISTRICTS

Section 6.1 Establishment of Zoning Districts 6-2

Section 6.2 Interpretation 6-2

Section 6.3 Primary Zoning Districts 6-3

Section 6.4 Overlay Districts Established 6-5

Section 6.5 Table of Uses and Activities 6-6

Section 6.6 Notes to the Table of Uses and Activities 6-19

Section 6.7 Table of Area, Yard, and Height Requirements 6-21

Section 6.8 Notes to the Table of Area, Yard, and Height Requirements 6-23

ARTICLE 6. ZONING DISTRICTS

SECTION 6.1 ESTABLISHMENT OF ZONING DISTRICTS.

In accordance with the requirements of NCGS 160A-382 that zoning regulation be by districts, the City of Laurinburg, as shown on the Zoning Map, is hereby divided into districts which shall be governed by all of the uniform use and dimensional requirements of this Ordinance. In the creation of the respective districts, careful consideration is given to the peculiar suitability of each and every district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of various uses and densities of population in accordance with a well considered comprehensive plan for the physical development of the area.

The purposes of establishing the zoning districts are:

- To implement adopted plans;
- To promote public health, safety, and general welfare;
- To provide for orderly growth and development;
- To provide for the efficient use of resources;
- To facilitate the adequate provision of services.

SECTION 6.2 INTERPRETATION.

6.2.1. Zoning districts have uses specified as permitted by right, conditional uses, and uses permitted with supplemental regulations. Detailed use tables are provided in Section 6.5 showing the uses allowed in each district. The following describes the processes of each of the categories that the uses are subject to:

- **Permitted by Right:** Administrative review and approval subject to district provisions and other applicable requirements only.
- **Permitted with Supplemental Regulations:** Administrative review and approval subject to district provisions, other applicable requirements, and supplemental regulations outlined in Article 7.
- **Conditional Uses:** Planning Board review and recommendation, City Council review and approval of Conditional Use Permit subject to district provisions, other applicable requirements, and conditions of approval as specified in Section 4.5. Some Conditional Uses may also be subject to supplemental regulations outlined in Article 7.

6.2.2. If a use cannot be interpreted by the UDO Administrator for inclusion in the Table of Uses and Activities (Section 6.5) as provided for in 6.2.1, that use shall be prohibited. Section 6.5 (Table of Uses and Activities) shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

ARTICLE 6. ZONING DISTRICTS

6.2.3. Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

6.2.3.1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the city's fire prevention code.

6.2.3.2. Stockyards, slaughterhouses, rendering plants.

6.2.3.3. Use of a travel trailer as a temporary or permanent residence. Situations that do not comply with this subsection on the effective date of this Ordinance are required to conform within one year.

6.2.3.4. Any use and/or hazardous material which is illegal under North Carolina and/or Federal statutes.

SECTION 6.3 PRIMARY ZONING DISTRICTS.

For the purposes of this Ordinance, the City of Laurinburg, North Carolina is hereby divided into the following primary zoning districts:

6.3.1. RA-20 MH Residential District.

The RA-20 MH district is established as a district in which the principal use of land is for low-density, single-family residences, two-family residences, multi-family residences and agricultural purposes. Single-family attached residences, manufactured homes situated on individual lots, two-family residences, and multi-family residences are permitted in this district at a density of 2.1 dwelling units per acre.

6.3.2. R-20 Residential District.

The R-20 district is established to allow low-density, single-family residences, two-family residences, multi-family residences, and agricultural land uses which are interspersed with large, undeveloped open areas. Single-family residences (excluding manufactured homes), two-family residences, and multi-family residences are permitted in this district at a density of 2.1 dwelling units per acre.

6.3.3. R-15 Residential District.

The R-15 district is established to allow principally single-family residences (excluding manufactured homes) at a density of 2.9 dwelling units per acre.

6.3.4. R-6 Residential District.

The R-6 district is established to allow a variety of single-family residences (excluding manufactured homes), two-family residences, and multi-family residences at a medium density ranging from approximately 7 dwelling units per acre to 12 dwelling units per acre.

ARTICLE 6. ZONING DISTRICTS

6.3.5. R-6 MH Residential District.

The R-6 MH district is established to allow a variety of single-family residences (including manufactured homes), two-family residences, and multi-family residences at a medium density ranging from approximately 7 dwelling units per acre to 12 dwelling units per acre. In addition, manufactured home parks are allowed within the R-6 MH district by conditional use permit.

6.3.6. OI Office and Institutional District.

The OI district is established as a district in which to allow primarily office, institutional, and limited retail land uses. In addition, a variety of residential uses, ranging in density from approximately 7 dwelling units per acre to 12 dwelling units per acre are permitted within the OI district. The major objectives of this district are to (1) encourage land uses which serve as an adequate buffer between intensive non-residential uses and residential uses; (2) provide aesthetic controls and dimensional requirements to ensure compatible office and service development with surrounding residential uses; and (3) encourage a mixture of medium-density residential uses with offices and services.

6.3.7. CB Central Business District.

The CB district is established as a district in which to accommodate a wide variety of commercial activities (particularly those that are pedestrian-oriented) in an intensive development pattern in the city's central business district. The regulations of this district are intended to (1) preserve the general character and integrity of the current development in the central business district; (2) encourage land uses which provide for a multi-purpose central business district including retail, offices, services, entertainment, and living space; (3) encourage land uses which do not require large amounts of outdoor use areas; (4) encourage common or shared off-street parking; and (5) encourage the continued use of land for governmental activities.

6.3.8 GB General Business District.

The GB district is established as a district in which to accommodate highway-oriented retail and commercial service businesses which generally have as their market area the entire city and surrounding area. The major objectives of this district are to (1) encourage planned commercial and office parks; (2) discourage small lot development on major highways; (3) encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and (4) provide a location for major shopping facilities and land uses requiring large outdoor spaces.

6.3.9. I Industrial District.

The I district is established as a district in which to allow primarily light manufacturing, assembly, research, warehousing, and intensive commercial uses. The regulations of this district are intended to (1) encourage light manufacturing and intensive commercial uses as well as accessory land uses incidental to and in support of manufacturing uses; (2) exclude heavy industry, hazardous waste management facilities, major retail, and residences as acceptable land uses; and (3) preserve locations that are best suited for industrial development. Land uses in the I district are limited to those determined to be compatible with the character of the community.

ARTICLE 6. ZONING DISTRICTS

SECTION 6.4 OVERLAY DISTRICTS ESTABLISHED.

6.4.1. One special control overlay district is hereby established: FHO (Flood Hazard Overlay). This special control overlay district is intended to be superimposed over the underlying general zoning district and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district.

6.4.2. The FHO district is established as an overlay district of all general zoning districts for the purpose of protecting people and property from the hazards of flooding. The flood hazard districts are further described in Article 9, Part VIII of this Ordinance.

ARTICLE 6. ZONING DISTRICTS

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | Zoning Districts | | | | | | | | | Supplemental Regulations |
|---|------------------|------|------|-----|--------|----|----|----|----|--------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| ACCESSORY USES/BUILDINGS | | | | | | | | | | |
| Accessory structures | P | P | P | P | P | P | P | P | P | |
| Accessory uses, not otherwise listed | PS | PS | PS | PS | PS | | | | | Section 7.2 |
| Cemetery as an accessory use to a church | | | | | | P | | P | | |
| Child care center (as an accessory use for a principal business/industry) | | | | | | P | P | P | P | |
| Home occupations | P | P | P | P | P | P | P | P | | |
| Horse stables accessory to a residential use | PS | PS | | | | | | | | Section 7.3 |
| Satellite dish antennas | PS | PS | PS | PS | PS | PS | PS | PS | PS | Section 7.4 |
| Swimming pools | PS | PS | PS | PS | PS | PS | PS | PS | | Section 7.5 |
| Temporary construction project buildings | P | P | P | P | P | P | P | P | P | |
| Temporary storage facility (portable storage units) | PS | PS | PS | PS | PS | PS | PS | PS | P | Section 7.6 |
| Walls and fences | PS | PS | PS | PS | PS | PS | PS | PS | PS | Section 7.7 |
| Yard sales, residential | PS | PS | PS | PS | PS | PS | | | | Section 7.8 |
| EDUCATIONAL | | | | | | | | | | |
| Colleges, universities, community colleges | | | | | | P | | | | |
| Kindergarten/nursery schools | C | C | C | P | P | P | P | P | | |
| Libraries, public or private | C | C | | C | C | P | P | P | | |
| School, elementary or secondary | | | | | | P | | | | |
| School, trade or vocational | | | | | | P | C | P | P | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|--|-------------------------|------|------|-----|--------|----|----|----|----|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| INSTITUTIONAL | | | | | | | | | | |
| Ambulance service, rescue squad | | | | | | P | P | P | P | |
| Cemetery | | | | | | PS | | PS | | Section 7.9 |
| Church, synagogue, temple, or other religious building, including accessory services | C | C | | C | C | P | | P | | |
| Compost sites | | | | | | | | | P | |
| Crematorium | | | | | | PS | | PS | PS | Section 7.10 |
| Day support facility | | | | | | | PS | PS | | Section 7.15 |
| Emergency management operation | | | | | | P | P | P | P | |
| Fire stations | C | C | C | C | C | P | P | P | P | |
| Government offices | | | | | | P | P | P | | |
| Hospitals, clinics, or other medical treatment facilities | | | | | | P | P | P | | |
| Military reserve, national guard centers | | | | | | | | P | P | |
| Penal & correctional facilities | | | | | | | | | C | |
| Pet cemetery | C | | | | | | | P | | |
| Police stations | | | | | | P | P | P | P | |
| Post office, main | | | | | | P | P | P | | |
| Post office, substation | | | | | | P | P | P | | |
| Recycling materials collection operations | | | | | | | C | P | P | |
| Sanitary landfill and incinerator | | | | | | | | | CS | Section 7.11 |
| Social, fraternal clubs and lodges | C | | | C | C | P | P | P | | |
| Utility facilities | P | P | P | P | P | P | P | P | P | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|---|-------------------------|------|------|-----|--------|----|----|----|----|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| Water supply reservoirs | P | P | P | | | P | | | | |
| Wireless communication facilities | CS | CS | | | | CS | CS | CS | CS | Section 7.43 |
| MANUFACTURING AND INDUSTRIAL | | | | | | | | | | |
| Bulk petroleum, LP gas plant and storage | | | | | | | | | PS | Section 7.12 |
| Chemical and hazardous material storage/treatment | | | | | | | | | CS | Section 7.13 |
| Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment within a fully enclosed building | | | | | | | C | P | P | |
| Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment within or outside a fully enclosed building | | | | | | | | P | P | |
| Mining or quarrying operations, including on-site sales of products | | | | | | | | | C | |
| Industrial retail/supplier | | | | | | | | P | P | |
| Sawmills and planing mills | | | | | | | | | C | |
| OFFICES, PROFESSIONAL AND SERVICES | | | | | | | | | | |
| Accounting agencies | | | | | | P | P | P | | |
| Advertising agencies | | | | | | P | P | P | | |
| Attorneys | | | | | | P | P | P | | |
| Banks/financial services | | | | | | P | P | P | | |
| Chiropractic | | | | | | P | P | P | | |
| Contractors offices | | | | | | P | P | P | P | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|--|-------------------------|------|------|-----|--------|----|----|----|---|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| OFFICES, PROFESSIONAL AND SERVICES (continued) | | | | | | | | | | |
| Engineering/surveying/architectural services – general | | | | | | P | P | P | | |
| Insurance office | | | | | | P | P | P | | |
| Interior decorating service | | | | | | P | P | P | | |
| Medical and dental offices/clinics | | | | | | P | P | P | | |
| Medical support offices (testing labs) | | | | | | P | P | P | | |
| Opticians | | | | | | P | P | P | | |
| Real estate office/appraisal | | | | | | P | P | P | | |
| RECREATIONAL | | | | | | | | | | |
| Arboretums and botanical gardens | | | | | | P | P | P | P | |
| Athletic fields | C | C | C | C | C | P | P | P | | |
| Automobile and motorcycle racing track | | | | | | | | | P | |
| Billiards and pool halls | | | | | | | P | P | | |
| Bingo | | | | | | | | P | | |
| Bowling alleys | | | | | | | P | P | | |
| Campgrounds, primitive camping | C | | | | | | | | | |
| Campgrounds, recreational vehicles and cabins allowed | C | | | | | | | P | | |
| Circus, carnival | | | | | | CS | C | C | | Section 7.44 |
| Coliseums, stadiums designed to accommodate more than 1,000 people | | | | | | C | | P | | |
| Dance halls | | | | | | | | P | | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|---|-------------------------|------|------|-----|--------|----|----|----|---|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| RECREATIONAL (continued) | | | | | | | | | | |
| Gamerooms | | | | | | | | P | | |
| Golf courses | CS | CS | CS | CS | CS | PS | | | | Section 7.14 |
| Golf driving ranges not accessory to golf courses | | | | | | | | P | | |
| Horseback riding stables | PS | PS | | | | | | | | Section 7.3 |
| Indoor athletic and exercise facilities | | | | | | C | P | P | | |
| Indoor tennis and squash courts | | | | | | | P | P | | |
| Miniature golf courses | | | | | | | | P | | |
| Movie theaters | | | | | | | P | P | | |
| Outdoor athletic and exercise facilities | | | | | | | | P | | |
| Parks | C | C | C | C | C | P | P | P | | |
| Par 3 golf courses | | | | | | | | P | | |
| Privately-owned outdoor recreational facilities | P | P | P | | | P | | | | |
| Publicly-owned and operated outdoor recreational facilities | C | C | C | C | C | P | P | P | | |
| Skateboard parks | | | | | | | | P | | |
| Skating rinks | | | | | | | P | P | | |
| Tennis courts | C | C | C | C | C | P | P | P | | |
| Water slides | | | | | | | | P | | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|---|-------------------------|------|------|-----|--------|----|----|----|---|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| RESIDENTIAL | | | | | | | | | | |
| Adult care home (over 6 residents) | PS | PS | PS | PS | PS | PS | PS | PS | | Section 7.15 |
| Dwelling, accessory to a commercial use | | | | | | P | C | P | | |
| Dwelling, manufactured home Class A (on a single lot) | P | P | P | P | P | P | | | | |
| Dwelling, manufactured home Class B (on a single lot) | P | | | | P | | | | | |
| Dwelling, multi-family (7 units or less) | C | C | | P | P | PS | | | | Section 7.16 |
| Dwelling, multi-family (8 units or more) | C | C | | C | C | CS | | | | Section 7.16 |
| Dwelling, over a business (not accessory) | | | | | | | CS | | | Section 7.42 |
| Dwelling, primary residence with accessory apartment | P | C | C | P | P | P | | | | |
| Dwelling, single-family | P | P | P | P | P | P | | | | |
| Dwelling, townhouses | C | C | | P | P | P | C | | | |
| Dwelling, two-family (duplex) | P | | | P | P | P | | | | |
| Family care home | PS | PS | PS | PS | PS | PS | | | | Section 7.15 |
| Family child care home | PS | PS | PS | PS | PS | PS | | | | Section 7.15 |
| Family foster home | P | P | P | P | P | P | | | | |
| Fraternities, sororities, dormitories, and similar housing | | | | C | C | C | | | | |
| Granny pods (<i>Amended 6/21/2016</i>) | PS | PS | PS | PS | PS | PS | | | | Section 7.45 |
| Halfway houses | CS | | | | CS | CS | | CS | | Section 7.15 |
| Manufactured home parks, including recreational vehicles (<i>Amended 6/21/2016</i>) | CS | | | | CS | | | | | Section 7.17 |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|--|-------------------------|------|------|-----|--------|----|----|----|----|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| RESIDENTIAL | | | | | | | | | | |
| Multi-unit assisted housing with services | CS | | | CS | CS | CS | | | | Section 7.15 |
| Planned residential developments | CS | CS | | CS | CS | CS | | CS | | Section 7.18 |
| Residential child care facility | CS | | | CS | CS | CS | | | | Section 7.15 |
| Rooming and boardinghouse | | | | P | P | P | C | P | | |
| Temporary emergency, construction, and repair residences | PS | PS | PS | PS | PS | PS | PS | PS | PS | Section 7.19 |
| Therapeutic foster home | CS | | | CS | CS | CS | | | | Section 7.15 |
| Tiny houses (<i>Amended 6/21/2016</i>) | | | | PS | PS | | | | | Section 7.46 |
| Tourist homes | C | C | | P | P | P | P | P | | |
| RETAIL SALES AND SERVICES | | | | | | | | | | |
| ABC store | | | | | | | P | P | | |
| Adult and sexually oriented businesses | | | | | | | | | CS | Section 7.20 |
| Art galleries | | | | | | P | P | P | | |
| Assisted living residence | | | | | | PS | PS | PS | | Section 7.15 |
| Automobile parking garages or parking lots | | | | | | P | P | P | P | |
| Automobile parts and accessories | | | | | | | P | P | | |
| Automobile repair shop or body shop | | | | | | | | P | P | |
| Automobile sales and service | | | | | | | | P | | |
| Automobile service stations/gas sales operations | | | | | | | PS | PS | | Section 7.21 |
| Automotive towing | | | | | | | | P | P | |
| Bakery (retail) | | | | | | | P | P | | |
| Barber shops, beauty shops (<i>Amended 10/20/15</i>) | | | | | | | P | P | | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|--|-------------------------|------|------|-----|--------|----|----|----|---|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| RETAIL SALES AND SERVICES (continued) | | | | | | | | | | |
| Bars | | | | | | | P | P | | |
| Bed & breakfast establishments | CS | CS | | PS | PS | PS | PS | PS | | Section 7.22 |
| Book store, including the retail of stationery, books, magazines, newspapers | | | | | | | P | P | | |
| Building supplies and sales | | | | | | | | P | | |
| Car wash | | | | | | | | P | | |
| Child care center | CS | CS | CS | PS | PS | PS | PS | PS | | Section 7.23 |
| Clothing store | | | | | | | P | P | | |
| Commercial greenhouse or nursery, no on-premise sales | P | | | | | | | P | P | |
| Commercial greenhouse or nursery, sales of products | C | | | | | | | P | P | |
| Computer sales and repair | | | | | | | P | P | | |
| Convenience stores | | | | | | | P | P | | |
| Daycare facility, adult | CS | CS | CS | PS | PS | PS | PS | PS | | Section 7.15 |
| Deli | | | | | | | P | P | | |
| Distilleries | | | | | | | | PS | | Section 7.24 |
| Dog grooming | | | | | | C | | P | | |
| Dry cleaner, laundromat | | | | | | | P | P | | |
| Electrical equipment sales and repair | | | | | | | | P | | |
| Electrical repair or contractor (no open storage) | | | | | | | P | P | | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|---|-------------------------|------|------|-----|--------|----|----|----|---|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| RETAIL SALES AND SERVICES (continued) | | | | | | | | | | |
| Electrical repair or contractor (open storage allowed) | | | | | | | | P | | |
| Engine repair, small (including motorcycle) | | | | | | | | P | | |
| Exterminating and pest control services | | | | | | | | P | P | |
| Fabric store | | | | | | | P | P | | |
| Farm, craft, produce markets | | | | | | | P | P | | |
| Flea markets | | | | | | | CS | PS | | Section 7.25 |
| Florists, gift boutiques, and home specialty shops | | | | | | P | P | P | | |
| Funeral home | | | | | | P | P | P | | |
| General contractors (no open storage) | | | | | | P | P | P | | |
| General contractors (open storage allowed) | | | | | | | | P | | |
| Gifts and souvenirs | | | | | | | P | P | | |
| Grocery/food store | | | | | | | P | P | | |
| Hardware store | | | | | | | | P | | |
| Heating and air conditioning installation and repair (no open storage) | | | | | | | P | P | | |
| Heating and air conditioning installation and repair (open storage allowed) | | | | | | | | P | | |
| Home appliance dealers | | | | | | | P | P | | |
| Home appliance repair | | | | | | | | P | | |
| Hotels and motels | | | | | | C | P | P | | |
| Ice cream stand or store | | | | | | | P | P | | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|--|-------------------------|------|------|-----|--------|----|----|----|----|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| RETAIL SALES AND SERVICES (continued) | | | | | | | | | | |
| Jewelry store | | | | | | | P | P | | |
| Kennels | CS | | CS | | | | | | | Section 7.26 |
| Manufactured home sales | | | | | | | | PS | | Section 7.27 |
| Microbrewery | | | | | | | PS | PS | PS | Section 7.24 |
| Mixed use | | | | | | CS | | CS | | Section 7.28 |
| Motor vehicle, farm equipment, and boat sales or rental or sales and service | | | | | | | | PS | | Section 7.29 |
| Museums | | | | | | P | P | P | | |
| Music instrument sales and service | | | | | | | P | P | | |
| Music studio | | | | | | | | P | | |
| Nail/tanning salon | | | | | | | P | P | | |
| Night clubs and social clubs | | | | | | | C | C | | |
| Nursing home | | | | | | PS | PS | PS | | Section 7.15 |
| Office supplies | | | | | | | P | P | | |
| Paint store | | | | | | | | P | | |
| Pawn shops | | | | | | | | P | | |
| Pharmacy/medical equipment supplier | | | | | | P | P | P | | |
| Photo studios | | | | | | P | P | P | | |
| Plumbing repair contractor (no open storage) | | | | | | | P | P | | |
| Plumbing repair contractor (open storage allowed) | | | | | | | | P | | |
| Printing, publishing, and engraving establishments | | | | | | P | P | P | | |
| Private postal shipping and receiving | | | | | | P | P | P | | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|---|-------------------------|------|------|-----|--------|----|----|----|---|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| RETAIL SALES AND SERVICES (continued) | | | | | | | | | | |
| Radio and TV stations/studios (<i>Amended 10/20/15</i>) | | | | | | | P | P | C | |
| Rental of goods, merchandise, and equipment (no outside storage or display of goods) | | | | | | | P | P | P | |
| Rental of goods, merchandise, and equipment (with outside storage and display of goods) | | | | | | | | P | P | |
| Restaurants, excluding fast food & drive thru services | | | | | | C | P | P | | |
| Restaurants, including fast food & drive thru services | | | | | | C | | P | | |
| Sales of goods, merchandise, and equipment (no outside storage or display of goods) | | | | | | | P | P | P | |
| Sales of goods, merchandise, and equipment (with outside storage and display of goods) | | | | | | | | P | P | |
| Shoe store or repair | | | | | | | | P | | |
| Shopping center | | | | | | | | C | | |
| Sporting goods store | | | | | | | P | P | | |
| Tailor/dressmaker/seamstress | | | | | | | P | P | | |
| Tattoo parlors | | | | | | | | CS | | Section 7.30 |
| Toy store | | | | | | | P | P | | |
| Travel agencies | | | | | | P | P | P | | |
| Truck stop | | | | | | | | | P | |
| Truck terminals | | | | | | | | | P | |
| Truck wash | | | | | | | | | P | |
| Upholstery - furniture repair | | | | | | | | P | P | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> |
|---|-------------------------|------|------|-----|--------|----|----|----|----|---------------------------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | |
| RETAIL SALES AND SERVICES (continued) | | | | | | | | | | |
| Veterinarian, animal clinic, no outside kennel | | | | | | P | P | P | | |
| Veterinarian, animal clinic, outside kennel | | | | | | | | CS | | Section 7.31 |
| TRANSPORTATION | | | | | | | | | | |
| Airport, publicly-owned or operated | | | | | | | | | C | |
| Airport, privately-owned | | | | | | | | | C | |
| Battery charging station | | | | | | | | PS | PS | Section 7.32 |
| Battery exchange station | | | | | | | | PS | | Section 7.32 |
| Bus station, train station | | | | | | | P | P | | |
| Taxi operation | | | | | | | P | P | | |
| WHOLESALE SALES AND WAREHOUSING | | | | | | | | | | |
| Agricultural product warehousing | | | | | | | | P | P | |
| Self-service storage facility | | | | | | | | PS | | Section 7.33 |
| Salvage yards, junkyards, automobile graveyards | | | | | | | | | C | |
| Storage inside completely enclosed structure | | | | | | | P | P | P | |
| Storage outside completely enclosed structure | | | | | | | | P | P | |
| Wholesale sales | | | | | | | | | | |
| OTHER USES | | | | | | | | | | |
| Bona fide farms | PS | PS | | | | | | | | Section 7.34 |
| Community gardens | P | P | C | C | C | C | | | | |
| Farm stand | | | | | | | | PS | | Section 7.35 |
| Off-premise signs | | | | | | | | | C | |
| Reclamation landfill | | | | | | | | | C | |

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

C - Conditional Use

CS - Conditional Use with Supplemental Regulations

| Uses | <i>Zoning Districts</i> | | | | | | | | | <i>Supplemental Regulations</i> | |
|--|-------------------------|------|------|-----|--------|----|----|----|----|---------------------------------|--------------|
| | R-20MH | R-20 | R-15 | R-6 | R-6 MH | OI | CB | GB | I | | |
| OTHER USES (continued) | | | | | | | | | | | |
| Solar energy generating facility, accessory | CS | CS | CS | CS | CS | CS | CS | CS | CS | CS | Section 7.36 |
| Solar farm (ground-mounted photovoltaic array) | CS | CS | | | | | | | | | Section 7.37 |
| Special events | | | | | | | CS | CS | CS | | Section 7.38 |
| Temporary uses | | | | | | PS | PS | PS | | | Section 7.39 |
| Wind energy generating facility, accessory | CS | CS | CS | CS | CS | CS | CS | CS | CS | CS | Section 7.40 |
| Wind farm | | | | | | | | | CS | | Section 7.41 |

ARTICLE 6. ZONING DISTRICTS

SECTION 6.6 NOTES TO THE TABLE OF USES AND ACTIVITIES.

6.6.1. Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this Ordinance, no zoning or conditional use permit is necessary for the following uses:

6.6.1.1. Streets.

6.6.1.2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires, or pipes, together with supporting poles or structures, located within a public right-of-way or easement.

6.6.1.3. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or city) of the right-of-way or easement.

An encroachment agreement, however, shall be obtained from the Engineering Office of the City of Laurinburg prior to the commencement of utility work within a city-owned right-of-way or easement.

6.6.2. Change in Use

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

6.6.2.1.1. The change involves a change from one principal use category to another.

6.6.2.1.2. If the original use is a planned residential development, the relative proportions of different types of dwelling units change.

6.6.2.1.3. If there is only one business or enterprise conducted on the lot, that business or enterprise moves out and a different type of enterprise moves in. For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a a clothing store, that constitutes a change in use even though both tenants fall within the Retail Sales and Services classification. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center) has not changed.

ARTICLE 6. ZONING DISTRICTS

6.6.2.2. A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

6.6.2.3. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

ARTICLE 6. ZONING DISTRICTS

SECTION 6.7 TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS.

| District | Minimum Lot Size | Minimum Lot Width | Minimum Distance from Street Right-of-Way | Minimum Distance from Front Street Centerline | Minimum Distance from Side Lot Boundary Line | Minimum Distance from Rear Lot Boundary Line | Maximum Building Height |
|---|--|---|---|---|--|--|-------------------------|
| R-20 MH Residential District 1 unit 2 units 3 units 4 or more units | 20,000 sq ft 25,000 sq ft 36,000 sq ft 6,000 sq ft each additional unit | 100' | 30' | 60' | 15' | 30' | 35' |
| R-20 Residential District 1 unit 2 units 3 or more units | 20,000 sq ft | 100' 150' 5' each additional unit | 30' | 60' | 15' | 30' | 35' |
| R-15 Residential District | 15,000 sq ft | 80' | 30' | 60' | 15' | 30' | 35' |
| R-6 Residential District 1 unit 2 units 3 or more units | 6,000 sq ft 9,000 sq ft 4,000 sq ft each additional unit | 60' 75' 100' | 20' | 50' | 10' plus 2.5' for each story over 1 | 20' | 35' |
| R-6 MH Residential District 1 unit 2 units 3 or more units | 6,000 sq ft | 60' 75' 100' | 20' | 50' | 10' plus 2.5' for each story over 1 | 20' | 35' |
| OI Office and Institutional District Nonresidential Residential 1 unit 2 units 3 or more units | No minimum 6,000 sq ft 9,000 sq ft 4,000 sq ft each additional unit | None 60' 75' 100' | 30' | 60' | 10' | 20' | No limitation |
| CB Central Business District | No minimum | None | - | - | - | - | No limitation |

ARTICLE 6. ZONING DISTRICTS

| District | Minimum Lot Size | Minimum Lot Width | Minimum Distance from Street Right-of-Way | Minimum Distance from Front Street Centerline | Minimum Distance from Side Lot Boundary Line | Minimum Distance from Rear Lot Boundary Line | Maximum Building Height |
|---|------------------|-------------------|---|---|--|--|-------------------------|
| GB General Business District <i>(Amended 10/20/15)</i> | No minimum | None | 20' | 50' | 0' if rear yard has public access; 5' if rear yard has no public access | 20' | No limitation |
| I Industrial District | No minimum | 75' | 30' | 60' | 15' | 30' | No limitation |
| Townhouses in R-20MH, R-20, R-6, R-6MH, O/I, and CB districts | 1,500 sq ft | 18' | 10' | 40' | 0'* | 15' | 35 |

*Building end units shall have a 10 foot side yard.

ARTICLE 6. ZONING DISTRICTS

SECTION 6.8 NOTES TO THE TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS.

6.8.1. Minimum Lot Size

The minimum lot sizes set forth in Section 6.7 are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot in accordance with the provisions of Article 9, Part VII of this Ordinance. For example, in some areas zones R-20 that are not served by public sewer, lots may have to exceed the 20,000 square feet minimum required in order to accommodate septic tanks. In such cases and in cases where lots of less than 15,000 square feet are proposed and such lots do not have access to a sewage treatment facility or county sewer lines, the Health Department - Environmental Health Division shall review and approve proposed plans as provided in Sections 9.99 and 9.100.

6.8.2. Minimum Lot Widths

6.8.2.1. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

6.8.2.1.1. Could be used for purposes that are permissible in that zoning district.

6.8.2.1.2. Could satisfy any applicable setback requirements for that district.

6.8.2.2. Lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot.

6.8.2.3. No lot created after the effective date of this Ordinance that is less than the recommended width shall be entitled to a variance from any building setback requirement.

6.8.2.4. Flag lots may be created within a subdivision provided the following standards are met:

6.8.2.4.1. A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures.

6.8.2.4.2. The maximum flagpole length shall not exceed 300 feet.

6.8.2.4.3. The minimum flagpole width shall not be less than 25 feet.

6.8.2.4.4. The minimum lot size shall be equal to the minimum area requirements of the zoning district in which the lot is located; the flagpole portion of the lot shall not be considered in the calculation of lot area or in establishing minimum setback requirements.

ARTICLE 6. ZONING DISTRICTS

6.8.2.4.5. Flag lots shall be considered an acceptable option to the development of irregularly shaped property or unusually deep lots and not an alternative to the construction of additional roads within a subdivision.

6.8.2.4.6. Where public water service is available, any habitable structure on a flag lot must be located within 500 feet of a fire hydrant.

6.8.2.5. The minimum street frontage of a lot abutting the turning circle of a cul-de-sac shall not be less than 35 feet.

6.8.3. Building Setback Requirements

6.8.3.1. Subject to Section 6.8.4 and the other provisions of this section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline that is authorized by Section 6.7.

6.8.3.1.1. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.

6.8.3.1.2. As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.

6.8.3.1.3. As used in this section, the term "building" includes any substantial structure which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

6.8.3.1.3.1. Gas pumps and overhead canopies or roofs.

6.8.3.1.3.2. Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six (6) feet in height and are substantially opaque.

6.8.3.2. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

ARTICLE 6. ZONING DISTRICTS

6.8.3.3. Setback distances shall be measured from the property line or street right-of-way to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, uncovered deck, steps, etc.). Ordinary projections of sills, belt courses, cornices, buttresses, incidental ornamental features, uncovered deck porches and steps, and eaves are allowed to project into yard setback areas.

6.8.3.4. Whenever a private road that serves more than three lots or more than three dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:

6.8.3.4.1. If the lot is not also bordered by a public street, buildings and freestanding signs shall be setback from the centerline of the private road just as if such road were a public street.

6.8.3.4.2. If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes shall be measured from the inside boundary of the traveled portion of the private road.

6.8.3.5. If a vacant lot of record, or lot of record that becomes vacant, is adjacent to a lot where an existing dwelling is located which is constructed less than the required minimum front yard setback, the required minimum front yard setback for the vacant lot shall not be less than the existing front yard setback for the adjacent dwelling. In cases where existing dwellings are located on both sides of the vacant lot and each is constructed less than the required minimum front yard setback, the required minimum front yard setback for the vacant lot shall not be less than the average of the two (2) existing dwellings.

6.8.4. Accessory Building Setback Requirements/Maximum Lot Coverage

All accessory buildings in residential districts (i.e., those established by Section 6.3) must comply with the street right-of-way setbacks set forth in Section 6.8.3 but (subject to the remaining provisions of this subsection) shall be required to observe only an eight-foot setback from side or rear lot boundary lines.

6.8.4.1. Where the high point of the roof or any appurtenance of an accessory building exceeds twelve feet in height, the accessory building shall be setback from rear lot boundary lines an additional two (2) feet for every foot of height exceeding twelve (12) feet.

6.8.4.2. Maximum lot coverage of principal and accessory buildings shall not exceed 40% of the lot.

ARTICLE 6. ZONING DISTRICTS

6.8.5. Building Height Limitations

6.8.5.1. The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest structural component of the building.

6.8.5.2. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than 75% are regarded as walls.

6.8.5.3. The maximum height of the principal structure in a R-20 MH, R-20, R-15, R-6 MH, and R-6 zoning district may exceed thirty-five (35) feet provided an additional two (2) feet of minimum building setback distance is provided from each property line for every one (1) foot of additional building height over thirty-five (35) feet.

6.8.5.4. Subject to subsection 6.8.5.5., the following features are exempt from the district height limitations set forth in Section 6.7:

6.8.5.4.1. Chimneys, antennas, church spires, water tanks, elevator shafts, scenery lofts, and similar structural appendages not intended as places of occupancy or storage;

6.8.5.4.2. Flagpoles and similar devices;

6.8.5.4.3. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.

6.8.5.5. The features listed in subsection 6.8.5.4. are exempt from the height limitations set forth in Section 6.7 if they conform to the following requirements:

6.8.5.5.1. Not more than one-third of the total roof area may be consumed by such features.

6.8.5.5.2. The features described in subsection 6.8.5.4.3. above must be setback from the edge of the roof a minimum distance of one (1) foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.

6.8.5.5.3. The permit issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in subsections 6.8.5.4.1. and 6.8.5.4.3. from view.

ARTICLE 6. ZONING DISTRICTS

6.8.5.6. Notwithstanding Section 6.7, in any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multi-family residential building containing four or more dwelling units may not exceed thirty-five (35) feet unless the fire chief certifies to the permit-issuing authority that such building is designed to provide adequate access for fire fighting personnel or the building inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire.

6.8.5.7. Towers and antennas are allowed in all zoning districts to the extent authorized in Section 6.5, Table of Uses and Activities.

6.8.6. Density on Lots Where Portion Dedicated to City

6.8.6.1. Subject to the other provisions of this section, if (1) any portion of a tract lies within an area designated on any officially adopted city plan as part of a proposed public park, greenway, or bikeway, and (2) before the tract is developed, the owner of the tract, with the concurrence of the city, dedicates to the city that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.

6.8.6.2. If the proposed use of the remainder is a two-family or multi-family project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

6.8.6.3. If the portion of the tract that remains after dedication as provided in subsection 6.8.6.1. is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections 6.8.6.2.

ARTICLE 7.

SUPPLEMENTAL REGULATIONS

| | | |
|--------------|--|------|
| Section 7.1 | Introduction | 7-2 |
| Section 7.2 | Accessory Uses | 7-2 |
| Section 7.3 | Horse Stables, Accessory to a Residential Use | 7-3 |
| Section 7.4 | Satellite Dish Antenna | 7-3 |
| Section 7.5 | Swimming Pools | 7-3 |
| Section 7.6 | Temporary Storage Facility (Portable Storage Units). | 7-5 |
| Section 7.7 | Walls and Fences | 7-5 |
| Section 7.8 | Yard Sales, Residential | 7-5 |
| Section 7.9 | Cemetery | 7-7 |
| Section 7.10 | Crematorium | 7-8 |
| Section 7.11 | Sanitary Landfill and Incinerator | 7-8 |
| Section 7.12 | Chemical and Hazardous Material Storage/Treatment. | 7-8 |
| Section 7.13 | Bulk Petroleum, LP Gas Plant and Storage | 7-9 |
| Section 7.14 | Golf Courses | 7-9 |
| Section 7.15 | Health Care Facilities | 7-10 |
| Section 7.16 | Multi-Family Residences in Nonresidential Districts | 7-10 |
| Section 7.17 | Manufactured Home Parks | 7-10 |
| Section 7.18 | Planned Residential Developments | 7-14 |
| Section 7.19 | Temporary Emergency Construction or Repair Residences | 7-15 |
| Section 7.20 | Adult and Sexually Oriented Businesses | 7-15 |
| Section 7.21 | Automobile Service Stations/Gas Sales Operations | 7-15 |
| Section 7.22 | Bed and Breakfast Establishments | 7-16 |
| Section 7.23 | Child Care Center | 7-16 |
| Section 7.24 | Microbrewery/Distillery | 7-17 |
| Section 7.25 | Flea Markets | 7-17 |
| Section 7.26 | Manufactured Home Sales | 7-17 |
| Section 7.27 | Kennels | 7-17 |
| Section 7.28 | Mixed Use | 7-18 |
| Section 7.29 | Motor Vehicle, Farm Equipment, and Boat Sales or Rental or Sales and Service | 7-20 |
| Section 7.30 | Tattoo Parlors | 7-20 |
| Section 7.31 | Veterinarian, Animal Clinic, Outside Kennel | 7-20 |
| Section 7.32 | Battery Charging/Exchange Stations | 7-21 |
| Section 7.33 | Self-Service Storage Facility | 7-22 |
| Section 7.34 | Bona Fide Farms | 7-23 |
| Section 7.35 | Farm Stand | 7-23 |
| Section 7.36 | Solar Energy Generating Facility, Accessory | 7-24 |
| Section 7.37 | Solar Farms (Ground-Mounted Photovoltaic Array) | 7-24 |
| Section 7.38 | Special Events | 7-26 |
| Section 7.39 | Temporary Uses/Sales | 7-26 |
| Section 7.40 | Wind Energy Generating Facility, Accessory | 7-27 |
| Section 7.41 | Wind Farm | 7-29 |
| Section 7.42 | Dwelling, Over a Business | 7-33 |
| Section 7.43 | Wireless Communication Facilities | 7-33 |
| Section 7.44 | Circus, Carnival | 7-43 |
| Section 7.45 | Granny Pods | 7-44 |
| Section 7.46 | Tiny Houses | 7-44 |

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.1 INTRODUCTION.

The following supplemental regulations shall pertain to the uses listed in the Table of Uses and Activities located in Article 6 which are identified with an "S" for supplemental regulations.

For any use which requires the issuance of a conditional use permit, the supplemental use regulations listed herein may be in addition to any other fair and reasonable conditions placed on the use by the City Council. The conditions may impose greater restrictions on a particular use than those which are listed herein.

SECTION 7.2 ACCESSORY USES.

7.2.1. The Table of Uses and Activities (Section 6.5) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a zoning permit.

7.2.2. For purposes of interpreting subsection 7.2.1:

7.2.2.1. A use may be regarded as incidental or insubstantial if it is of minor consequence in and of itself or is subordinate in relation to the principal use.

7.2.2.2. To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

7.2.3. Without limiting the generality of subsections 7.2.1 and 7.2.2, the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:

7.2.3.1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry an administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.

7.2.3.2. Hobbies or recreational activities of a non-commercial nature.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.3 HORSE STABLES, ACCESSORY TO A RESIDENTIAL USE.

7.3.1. The use shall be located on a lot or tract of at least five (5) acres in area.

7.3.2. The use shall be set back a minimum of fifty (50) feet from an adjoining street right-of-way or property line.

SECTION 7.4 SATELLITE DISH ANTENNA.

Satellite dish antennas shall be regulated as to placement and location in the following manner in addition to other requirements of this Ordinance:

7.4.1. Only one (1) satellite dish antenna shall be allowed per premises in residential districts.

7.4.2. In all zoning districts, a satellite dish antenna shall be considered an accessory structure and shall meet the setback requirements for accessory structures.

7.4.3. In all nonresidential districts, a satellite dish antenna may be installed on the roof of the principal structure. In all residential districts, a satellite dish antenna may be installed on the roof of the principal residence or accessory structure provided the overall diameter of the satellite dish antenna is three feet or less.

7.4.4. A satellite dish antenna shall be permanently ground or roof mounted (where permitted), and no satellite dish antenna shall be installed on a portable or moveable structure except to transport a satellite dish antenna to a permanent site or to provide a temporary on-site satellite dish antenna for testing purposes not to exceed seven days in duration.

7.4.5. No satellite dish antenna shall exceed an overall diameter of 12 feet nor an overall height of 20 feet above existing grade when located on the ground, and when located on the roof of a building in a nonresidential district, no satellite dish antenna shall exceed more than 10 feet above the highest point of the roof or parapet wall. When located on the roof in a residential district, no satellite dish antenna shall extend more than four feet above the highest point of the roof.

7.4.6. All satellite dishes shall be installed in compliance with FCC regulations.

SECTION 7.5 SWIMMING POOLS.

7.5.1. Pool construction shall conform to the North Carolina State Building and Plumbing Codes which are enforced by the Scotland County Inspections Office in Laurinburg. Any accessory building which houses pumping and filtering equipment must conform to the provisions of this Ordinance. Further provided that all swimming pools, inclusive of paved decks and all accessory buildings shall be located no closer than eight (8) feet to any property line.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.5.2. No swimming pool shall be located in the front yard of any residence.

7.5.3. Fiberglass and plastic pools may be permitted provided the same meet accepted safety and construction standards.

7.5.4. The Water Department may regulate the hours for filling of pools and no pool shall be drained during periods of rainfall.

7.5.5. Owners of pools shall regulate their use in such a manner as not to create undue noise or disturbance.

7.5.6. Construction Requirements.

7.5.6.1. No exposed electric wires shall be nearer than five (5) feet from the water's edge, nor shall any exposed and permanently installed, electric wire within twenty-five (25) feet from the water's edge of the pool be less than ten (10) feet above the ground, nor shall wires of any kind cross or be over the water surface unless otherwise approved by the Scotland County Building Inspector.

7.5.6.2. There shall be no cross-connection of the City water supply with any other source of water supply for the pool. The line from the City water supply to the pool shall be protected against back flow of water by means of an air gap and shall discharge at least six (6) inches above the maximum high water level of the make-up tank or the pool.

7.5.6.3. The drain line for the pool may be connected to the City sewer system if the following provisions are complied with:

7.5.6.3.1. Pool drain shall be connected to the storm water, if one is available.

7.5.6.3.2. Where a storm sewer is not available, the pool drain may be connected to a sanitary sewer or a combined sewer subject to the approval of the Engineering Department provided an air gap discharge connection is installed.

7.5.6.4. All swimming pools to be constructed or which are already constructed shall be enclosed by a fence which shall be at least four (4) feet in height and which shall be of a type not readily climbed by children. The gates shall be of a self-closing and latching type with the latch on the inside of the gate, not readily available for children to open. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the UDO Administrator upon inspection and approval of the residence enclosure.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.6 TEMPORARY STORAGE FACILITY (PORTABLE STORAGE UNITS).

Temporary storage facilities, as defined in Appendix A, shall be subject to the following regulations:

7.6.1. Dumpsters or temporary storage facilities incidental to a natural disaster, or construction with a valid building permit, shall be exempt from these regulations.

7.6.2. Temporary storage facilities intended to be in place for greater than thirty (30) days shall require a zoning permit.

7.6.3. With the exception of the Industrial (I) zoning district, temporary storage facilities may be placed on a property a maximum of any one hundred and twenty (120) day period during one calendar year from its initial placing on a property.

7.6.4. No temporary storage facility shall encroach into any public right-of-way.

7.6.5. No temporary storage facility shall be used as living space and/or a permanent accessory building.

SECTION 7.7 WALLS AND FENCES.

The setback requirements contained in these regulations shall not prohibit any necessary retaining wall nor prohibit any planted buffer strip, fence or wall. No fence or wall shall exceed a height of eight (8) feet in any yard measured from the front building setback line to the rear of the lot. This restriction shall not apply to a bona fide farm nor to recreational facilities.

SECTION 7.8 YARD SALES, RESIDENTIAL.

7.8.1. Days of Operation. Sales permitted under this Ordinance may be held on any day, except Sunday.

7.8.2. Display Location of Sale Items. Personal property offered for sale at a yard sale may be displayed only on a driveway, in a garage, and/or in a front or rear yard. No property offered for sale at a yard sale shall be displayed in any public right-of-way.

7.8.3. Permit Required. No yard sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a zoning permit from the city. Members of more than one residence may join in obtaining a permit for a yard sale to be conducted at the residence of one of such persons.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.8.4. Signs.

7.8.4.1. Types Permitted. Temporary signs may be displayed in accordance with Section 9.30. *(Amended 6/21/2016)*

7.8.4.2. Time Limitations. Signs may be displayed only during the hours when the yard sale is actively being conducted and must be removed at the close of the yard sale activities or by 6:00 pm, whichever occurs first.

7.8.4.3. Public Right-of-Way and Utility Fixtures. No signs may be placed in the public right-of-way and on telephone poles, light poles, or other public utility fixtures.

7.8.5. Applications. Prior to the issuance of any yard sale permit, the individuals conducting such sale shall file a written statement with the city in a reasonable time for issuance of a permit. Mailed applications must be postmarked a reasonable time in advance of the sale. All applications shall contain the following information:

7.8.5.1. The full name and address of the applicant;

7.8.5.2. The location at which the proposed sale is to be held;

7.8.5.3. The date on which the sale shall be held and the hours of the sale;

7.8.5.4. The dates of any other yard sales held on the same premises within the current calendar year;

7.8.5.5. An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired, nor consigned for the purpose of resale;

7.8.5.6. The nature of the items to be sold at the sale;

7.8.5.7. The location of any off-site directional signs.

7.8.6. Investigation. Before issuing a permit as required by this Ordinance, the city may conduct such investigation as may reasonably be necessary to determine if there is compliance with this section.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.8.7. Conditions. The yard sale permit shall set forth and restrict the time and location of such yard sale. No more than four such permits may be issued to one residence and/or family household during any calendar year, provided that subsequent yard sales shall be permitted if satisfactory proof of a bona fide change in ownership of the real property is first presented to the city. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences.

7.8.8. Revocation. Any permit issued under this section may be revoked or any application for issuance of a permit may be refused by the city if the application submitted by the applicant or permit holder contains any false, fraudulent, or misleading statement.

7.8.9. Display. Any yard sale permit in the possession of the holder of a yard sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the appropriate city officials.

7.8.10. Inclement Weather. If a yard sale is not held on the date for which the permit is issued or is terminated during the sale because of inclement weather conditions and an affidavit by the permit holder to this effect is submitted to the city, the city may issue another permit to the same applicant for a yard sale to be conducted at the same location within 30 days from the date when the first sale was to be held.

7.8.11. Maintenance of Good Order and Decorum. The individual to whom a permit as required by this section is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on such premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the police or fire department of the city in order to maintain the public health, safety, and welfare.

SECTION 7.9 CEMETERY.

7.9.1. A cemetery shall contain not less than five (5) acres of land in contiguous ownership.

7.9.2. Chapels, mortuaries, mausoleums, and sales and administrative offices may be developed within the cemetery. Not more than two such buildings shall be permitted in any cemetery. Access to the buildings shall be from within the cemetery. No building permitted by these requirements shall be located closer than one hundred fifty feet to any residential dwelling on land adjoining the cemetery.

7.9.3. Access to the cemetery shall be provided by way of private drives extending from a public street and of sufficient width to accommodate two-way traffic. Parking shall be provided entirely on private internal roads.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.9.4. A perimeter buffer strip of fifty feet in depth shall be maintained around the entire cemetery. There shall be no burial sites, buildings or other structures located within the buffer strip, and the strip shall be planted in accordance with Article 9, Part I so as to effectively screen the cemetery and burial activities therein from view from outside of the cemetery.

SECTION 7.10 CREMATORIUM.

Crematoriums may be allowed pursuant to the use table in Section 6.5, upon compliance with the following:

7.10.1. All facilities must comply with NC State licensing requirements.

7.10.2. There shall be no emission of particulate matter or noticeable odors.

7.10.3. No new crematorium operation may be located within 1,500 feet from an existing crematory facility.

7.10.4. The loading/unloading zone for the facility must be enclosed or screened from view with fencing.

7.10.5. All windows with an open view of the crematory processing equipment must be screened from view.

SECTION 7.11 SANITARY LANDFILL AND INCINERATOR.

7.11.1. No refuse shall be deposited and no building or structure shall be located within 150 feet of the nearest property line.

7.11.2. The operation of a landfill or incinerator shall be in accordance with applicable State regulations.

SECTION 7.12 CHEMICAL AND HAZARDOUS MATERIAL STORAGE/TREATMENT.

7.12.1. The use shall comply 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 materials to be stored and treated.

7.12.2. All storage, treatment, and loading facilities handling hazardous materials will be located at least 200 feet from any property line and at least 1,250 feet from any lot not located in an industrial district. The required buffer area shall contain a sufficient amount of natural or planted vegetation so that such facilities are screened visually from an adjoining property not located in an industrial district.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.12.3. A security fence at least 7 feet in height with a minimum 9-gauge fabric and 3 strands of barbed wire shall surround all facilities for the storage and handling of hazardous materials.

7.12.4. Vehicular access to the operation will be provided only by way of a U.S. or N.C. numbered highway.

7.12.5. All surface water and groundwater on the property will be protected so as to minimize, to the greatest possible extent, the probability of contamination by hazardous materials.

7.12.6. All sanitary sewer and stormwater management systems on the property will be protected so as to minimize, to the greatest possible extent, the probability of contamination by hazardous materials. A stormwater management plan shall be prepared by the applicant and submitted to the City for review by the City's engineer and the Environmental Management Division of the N.C. Department of Environment, Health, and Natural Resources.

SECTION 7.13 BULK PETROLEUM , LP GAS PLANT AND STORAGE.

7.13.1. The use must meet 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, NFPA 30" of the National Fire Protection Association.

7.13.2. All storage tanks and loading facilities will be located at least 200 feet from any property line. The buffer area required by Article 9, Part I shall contain a sufficient amount of natural or planted vegetation so that such facilities are screened visually from an adjoining property not located in an industrial district.

7.13.3. Vehicle access to the use will be provided only by way of a U.S. or N.C. numbered highway or an industrial area access road.

7.13.4. All principal and accessory structures and off-street parking and service areas will be separated by a 25-foot buffer from any abutting property.

SECTION 7.14 GOLF COURSES.

7.14.1. All golf course greens, tees and fairways shall be set back at least fifty (50) feet from any property line.

7.14.2. All structures shall be setback at least one hundred (100) feet from any property line.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.15 HEALTH CARE FACILITIES.

7.15.1. As defined by NCGS 131E-256, all health care facilities must be licensed by the State of North Carolina.

7.15.2. Health care facilities are subject to all local and federal regulations and the regulations of the North Carolina Administrative Code.

7.15.3. Family care homes must be located no closer than one-half (½) mile from any other family care home.

7.15.4. Where permitted in a residential district, the location, design, and operation of the health care facility must not alter the residential character of the neighborhood. The facility must retain a residential character, which must be compatible with the surrounding neighborhood. New buildings must be non-institutional in design and appearance and physically harmonious with the neighborhood in which they are located considering such issues as scale, appearance, density, and population.

SECTION 7.16 MULTI-FAMILY RESIDENCES IN NONRESIDENTIAL DISTRICTS.

7.16.1. Multi-family residences located in any permitted nonresidential zoning district shall comply with the minimum lot area, width, and setback requirements of the R-6 district.

7.16.2. The minimum spacing between multi-family residential structures shall be twenty (20) feet.

SECTION 7.17 MANUFACTURED HOME PARKS.

7.17.1. The minimum lot area for a manufactured home park is three (3) acres; the minimum number of manufactured home spaces for a manufactured home park is six (6) spaces.

7.17.2. Manufactured home parks shall contain only Class B or Class C manufactured homes.

7.17.3. The manufactured home shall be located on ground that is not susceptible to flooding. The park shall be graded so as to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded.

7.17.4. Each manufactured home space shall contain a minimum of five thousand (5,000) square feet where public water and sewer service is available and twenty thousand (20,000) square feet where either public water or sewer services is unavailable unless a larger or smaller square footage is required by the county health department.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.17.5. No manufactured home shall be located closer than twenty (20) feet from another manufactured home or any other principal building within the manufactured home park. No manufactured home shall be located closer than forty (40) feet from a public street right-of-way or twenty (20) feet from a private, interior manufactured home park street.

7.17.6. Recreational space in each manufactured home park shall be provided in accordance with Article 9, Part V, Recreational Facilities and Open Space.

7.17.7. Existing manufactured home parks which provide manufactured home spaces having a width or area less than that described above may continue to operate with spaces of existing width and area, but in no event shall any such nonconforming manufactured home park be allowed to expand unless such extension meets the requirements of this Ordinance.

7.17.8. The area beneath the manufactured home must be fully enclosed with durable skirting within ninety (90) days of placement in the manufactured home park.

7.17.9. Manufactured homes shall have a continuous and permanent skirting installed of brick, cement block, or corrosive-resistant nonreflective skirt extending from the bottom of the manufactured home to the ground. Said skirt shall be in compliance with the NC State Building Code requirements.

7.17.10. Manufactured homes with or without toilet facilities that cannot be connected to a sanitary sewer shall not be permitted in a manufactured home park.

7.17.11. Manufactured home shall be provided with NC State Building Code-compliant steps, porch, or similar suitable entry, meaning steps that are not portable.

7.17.12. Each manufactured home space shall be graded, the graded areas grassed to prevent erosion, and provide adequate storm drainage (including retention pond facilities, when applicable) away from the manufactured home. Each manufactured home space shall abut upon an improved paved interior drive. The dimensions of all manufactured home spaces shall be shown.

7.17.13. Interior Drives.

All manufactured home spaces shall abut upon an interior drive of no less than 36 feet in right-of-way, which shall have unobstructed access to a public street or highway, it being the intent of this section that manufactured home spaces shall not have unobstructed access to public streets or highways except through said interior drive. Interior drives shall be privately owned and maintained. All interior drives shall be graded to their full right-of-way and shall have a road of at least 20 feet in width. Minimum improvements shall be a compacted base of four inches of #7 ABC stone. Roads shall be maintained with paved surface of 2" of asphalt. Graded and stabilized road shoulders and ditches shall be provided. Standing water shall not be permitted.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.17.13.1. Cul-De-Sacs. Any interior drive designed to be closed shall have a turnaround at the closed end with a minimum right-of-way diameter of 100 feet. The entire right-of-way of such turnaround shall be graded and usable for the turning of motor vehicles. Cul-de-sacs shall not exceed 600 feet in length.

7.17.13.2. Access to the manufactured home park must be via a public road and not located in a flood hazard area. The following street and parking standards shall be complied with:

7.17.13.2.1. Maintenance of such streets shall be provided by the owner or operator of the park, who will be required to post a bond for the first year's maintenance, amount and terms to be determined by the City Council.

7.17.13.2.2. Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees. Where a street intersects a public street or road, the design standards of the NC Department of Transportation shall apply.

7.17.13.2.3. Proposed streets, which are obviously in alignment with others, existing and named, shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of a suffix: Street, Avenue, Boulevard, Drive, Place, Court, etc. New manufactured home park names shall not duplicate or be similar to any existing manufactured home park name in the city. Street name signs that are in compliance with current city policy are required and may be purchased from the city.

7.17.13.2.4. A minimum of two automobile parking spaces surfaced with a minimum of four inches of gravel shall be provided on each manufactured home space and shall not be located within any public right-of-way or within any street in the park.

7.17.13.2.5. All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed in the front of the manufactured home on the driveway side with four inch lettering.

7.17.13.2.6. When more than five rural mail boxes are used for mail delivery, the approval of the local Post Office Department and the District Highway Engineer shall be required.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.17.14. Intersections.

Drives shall intersect as nearly as possible at right angles, and no drive shall intersect at less than 75 degrees. Where an interior drive intersects a public right-of-way, the design standards of the North Carolina Department of Transportation shall apply.

7.17.15. Spaces Numbered.

Each manufactured home space shall be identified by a permanent number which shall not be changed. All space numbers must be shown on the site development plan. The appropriate number of each manufactured home space must be permanent and visibly displayed on the space. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the lot.

7.17.16. Refuse Collection Facilities.

The park owner is responsible for seeing to refuse collection. All refuse shall be collected at least once/week or more if the need is indicated. When manufactured home parks are located in the Laurinburg city limits, the applicable sanitation regulations shall be complied with.

7.17.17. Service, Administration, and Other Buildings.

7.17.17.1. Within a manufactured home park, one manufactured home may be used as an administrative office. Other administrative and service buildings housing sanitation and laundry facilities or any other such facilities shall comply with all applicable ordinances, codes, and statutes regarding buildings, electrical installations, plumbing, and sanitation systems.

7.17.17.2. All service buildings, commercial structures, and the grounds of the park shall be maintained in a clean condition and kept free from any condition that will menace the health of any occupant or the public or constitute a nuisance.

7.17.18. Structural Additions.

All structural additions to manufactured homes other than those which are built into the unit and designed to fold out or extend from it shall be erected only after a building permit is obtained, and such additions shall conform to the North Carolina Building Code, and shall meet the standards of special regulations adopted with respect to such additions. The building permit shall specify whether such structural additions may remain permanently, must be removed when the manufactured home is removed, or must be removed within a specified length of time after the manufactured home is removed. Structural alterations existing at the time of passage of this Ordinance shall be removed within thirty (30) days after the manufactured home which they serve is moved unless attached to another manufactured home on the same site within that period.

7.17.19. Storage.

Storage of a manufactured home or recreational vehicle is prohibited.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.17.20. Management.

In each manufactured home park, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home park, its facilities and equipment in a clean, orderly, safe, and sanitary condition.

7.17.21. Manufactured Home Park.

It shall be the duty of the operator of a manufactured home park to keep an accurate register containing a record of all registered occupants. The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

7.17.22. Sales in Manufactured Home Parks.

7.17.22.1. It shall be unlawful to sell on a commercial basis manufactured homes or trailers within manufactured home parks.

7.17.22.2. It shall be unlawful to sell a manufactured home space(s) within the manufactured home parks.

7.17.22.3. Except for accessory uses, it shall be unlawful to operate any business within a manufactured home park.

SECTION 7.18 PLANNED RESIDENTIAL DEVELOPMENTS.

7.18.1. Planned residential developments (PRDs) are permissible only as a conditional use on tracts of at least five (5) acres located within a R-20, R-6, OI, or GB zoning district.

7.18.2. The overall density of a tract developed by a PRD shall be determined as provided in Section 6.7 for the underlying district in which the PRD is located.

7.18.3. Permissible types of residential uses within a PRD include single-family detached dwellings, single-family attached dwellings, two-family residences, and multi-family residences. At least fifty (50) percent of the total number of dwelling units must be single-family detached residences on lots of at least 10,000 square feet.

7.18.4. A PRD shall be an architecturally integrated subdivision.

7.18.5. To the extent practicable, the two-family and multi-family portions of PRD shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent single-family detached properties.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.18.6. In a planned residential development, the screening requirements that would normally apply where two-family or multi-family development adjoins a single-family development shall not apply within the tract developed as a planned residential development, but all screening requirements shall apply between the tract so developed and adjacent lots.

SECTION 7.19 TEMPORARY EMERGENCY CONSTRUCTION OR REPAIR RESIDENCES.

7.19.1. Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project. Completion of the project is defined as the date of the issuance of a certificate of occupancy.

7.19.2. Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six months after the date of issuance, except that the zoning officer may renew such permit for one additional period not to exceed six months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.

SECTION 7.20 ADULT AND SEXUALLY ORIENTED BUSINESSES.

Adult and Sexually Oriented Businesses shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

7.20.1. No adult or sexually oriented business shall be located within 750 feet of a residential zoning district, a church, a school, a hospital or nursing home, a public park or a day care center.

7.20.2. No adult or sexually oriented business shall be located within 1,000 feet of another such establishment.

7.20.3. No more than one adult or sexually oriented business shall be located in the same building, development or on the same lot.

SECTION 7.21 AUTOMOBILE SERVICE STATIONS/GAS SALES OPERATIONS.

7.21.1. Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto washing equipment and similar equipment shall be entirely enclosed within a building.

7.21.2. Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.21.3. All garbage and refuse shall be stored in mechanical loading containers located near the rear of the lot or building, but not less than twenty feet from any adjacent property lines unless the zoning officer determines that such a setback is not practicable. In such cases, the zoning officer may, as an alternative, require a lesser setback provided sufficient screening is installed.

7.21.4. All vehicular repair activities shall be conducted within an enclosed structure. Any vehicles partially dismantled or wrecked should be stored in an enclosed structure or a screened and buffered impoundment area located away from public view.

SECTION 7.22 BED AND BREAKFAST ESTABLISHMENTS.

7.22.1. A bed and breakfast shall be permitted only within a principal residential structure.

7.22.2. A bed and breakfast shall be located in a dwelling in which there is a resident owner or resident manager.

7.22.3. Food service shall be available only to guests and not to the general public.

7.22.4. Signage shall be limited to one identification sign not to exceed four square feet in area nor four feet in height.

SECTION 7.23 CHILD CARE CENTER.

7.23.1. There shall be a minimum of seventy-five (75) square feet of outdoor recreational space for each client. The outdoor recreational area shall be located in a side or rear yard and shall be enclosed by a fence of at least four (4) feet in height.

7.23.2. The hours of operation of a child care center shall be established by the issuance of a Conditional Use Permit in the R-20MH, R-20, and R-15 zoning districts.

7.23.3. Minimum paved off-street parking spaces: Two spaces plus one for each employee.

7.23.4. Minimum paved off-street loading and unloading area: In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers.

7.23.5. The child care center shall have a specified plan for ingress and egress.

7.23.6. No child may remain on the premises of a child care center for more than twenty-four (24) consecutive hours in one (1) stay.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.24 MICROBREWERY/DISTILLERY.

An establishment that meets the definition of a microbrewery or distillery shall be permitted in accordance with Section 6.5, provided it meets the requirements of NCGS 18B-1104 or 18B-1105, respectively. Tasting rooms are an accessory use to a microbrewery.

SECTION 7.25 FLEA MARKETS.

7.25.1. Hours of operation are limited to 8:00 am to 6:30 pm.

7.25.2. The sale of food for consumption on or off the premises will require licensing by the City and approval by the Department of Health.

7.25.3. The sale of firearms and/or alcohol is prohibited.

7.25.4. Permanent open-air flea markets are required to install and maintain fencing or landscaping along three (3) sides of the open market. A landscape plan describing both fencing and landscaping must be reviewed and approved by the UDO Administrator.

SECTION 7.26 MANUFACTURED HOME SALES.

7.26.1. The manufactured homes located on a sales lot shall not occupy an area greater than fifty (50) percent of the total lot area.

7.26.2. Individual manufactured homes located on a sales lot shall be set back fifty (50) feet from the public street right-of-way.

SECTION 7.27 KENNELS.

7.27.1. The use shall be located only in a side or rear yard.

7.27.2. The use shall comply with all state and local regulations including the licensing agency, the North Carolina Department of Agriculture.

7.27.3. For outdoor kennels, the use shall be set back a minimum of 50 feet from an adjoining street right-of-way or property line.

7.27.4. For indoor kennels, the minimum set backs shall be the same as for primary structures.

7.27.5. Indoor kennels in the Residential-15 zoning district are permitted only as an accessory use to a single-family residential use.

7.27.6. A minimum lot size of three (3) acres is required.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.28 MIXED USE.

7.28.1. Mixed Use Defined.

The Mixed Use option is provided to allow flexibility in development requirements such as setbacks, density, permitted uses, etc., to accommodate the unique physical, economic, design or other characteristics of a development without compromising the essential standards needed for the protection of the public interest. Mixed Use developments require a conditional use permit, as specified in Section 4.5, in which the primary use of land is a mix of residential and small-scale commercial uses such as retail, office, service and entertainment establishments. A mix of permitted uses is allowed within the same building or on the same lot or as separate uses on individual parcels. This development pattern is characterized by overlapping patterns of use and activities, and clearly defined, human scale external spaces, where citizens can live, conduct business, and meet freely with others. Development within the mixed use conditional use shall be in accordance with the standards set forth herein.

7.28.2. Performance Standards.

The UDO Administrator, Planning Board, and City Council will work cooperatively with the applicant in determining the appropriate performance standards for Mixed Use developments. The standards of the zoning district, or districts, in which the Mixed Use is located, provide general guidance in determining the standards, with consideration given to the specific characteristics and needs of the individual project. All performance standards including density, parcel dimensional requirements, lighting, landscaping, parking, and signage shall be established by the City Council upon recommendation of the Planning Board through issuance of the conditional use permit. The conditions specified by the conditional use permit shall be compatible with the surrounding area and the objectives of this UDO. Creative design concepts are encouraged to minimize impacts on infrastructure and to support environmental protection. The mixed use shall comply with Article 9, Part VIII, Flood Damage Prevention and Article 9, Part IV, Subdivision Regulations.

7.28.3. Permitted Uses.

The following uses may be established as permitted uses in a mixed use development. Any use that is not listed in this section is expressly prohibited from being located within a mixed use development.

7.28.3.1. Accessory uses

7.28.3.2. Art galleries

7.28.3.3. Bank/financial services

7.28.3.4. Barber and beauty shops

7.28.3.5. Bookstore, including the retail of stationery, books, magazines, newspapers

7.28.3.6. Clothing store

7.28.3.7. Computer sales and repair

7.28.3.8. Dwelling, Two-Family (duplex)

7.28.3.9. Dwelling, Multi-Family

7.28.3.10. Dwelling, Single-Family

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- 7.28.3.11.** Dry cleaner, laundromat
- 7.28.3.12.** Fabric store
- 7.28.3.13.** Florists, gift boutiques, and home specialty shops
- 7.28.3.14.** Gifts and souvenirs
- 7.28.3.15.** Government offices
- 7.28.3.16.** Home occupations
- 7.28.3.17.** Ice cream stand or store
- 7.28.3.18.** Jewelry store
- 7.28.3.19.** Libraries, public or private
- 7.28.3.20.** Music instrument sales and service
- 7.28.3.21.** Music studio
- 7.28.3.22.** Nail/tanning salon
- 7.28.3.23.** Office supplies
- 7.28.3.24.** Parks
- 7.28.3.25.** Pharmacy/medical equipment supplier
- 7.28.3.26.** Indoor athletic and exercise facilities
- 7.28.3.27.** Private postal shipping and receiving
- 7.28.3.28.** Restaurants, excluding fast food and drive thru services
- 7.28.3.29.** Sporting goods store
- 7.28.3.30.** Tailor/dressmaking/seamstress
- 7.28.3.31.** Toy store
- 7.28.3.32.** Travel agencies

7.28.4 Mixed Use Conditional Use Design Standards. The Mixed Use Conditional Use shall be developed in a way that it is functionally and structurally compatible with the Laurinburg community and is a pedestrian-friendly area. All building design shall encourage that consideration be given to the following:

7.28.4.1. Special attention shall be given to entrances; they may be set back from the primary facade as long as they are clearly visible from the street. Building entrances and exits shall be well lit to provide visibility and promote safety. Buildings that occur at the intersection of roadways shall angle the entrance toward the corner of the street whenever possible.

7.28.4.2. All roof- and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.

7.28.4.3. Architectural ornaments along the roof line, such as molding cornices, ornamental bands, or sculptures, are required.

7.28.4.4. Street furniture, outdoor eating areas, and sitting areas shall be incorporated at the ground floor.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.29 MOTOR VEHICLE, FARM EQUIPMENT, AND BOAT SALES OR RENTAL OR SALES AND SERVICE.

7.29.1. The use shall be located on a lot such that the vehicles/equipment do not occupy an area greater than 50 percent of the total lot area. For purposes of determining compliance with this requirement, a vehicle/equipment shall be assumed to occupy 136 square feet.

7.29.2. Individual motor vehicles/equipment located on a sales lot shall be set back 15 feet from the public street right-of-way and property lines.

7.29.3. The parking lot of such use shall be improved in accordance with the provisions of Section 9.17.6, Vehicle Accommodation Area Surfaces.

SECTION 7.30 TATTOO PARLORS.

Tattoo Parlors shall be regulated as to location, signage and hours of operation in the following manner in addition to other requirements of this ordinance:

7.30.1. No Tattoo Parlor shall be located within 1,000 feet of a church, school, playground or other Tattoo Parlor and a minimum of 500 feet of road frontage shall separate all Tattoo Parlors from residential zoning districts.

7.30.2. Signage for Tattoo Parlors shall meet all requirements for signage in the General Business Zoning District (GB District).

7.30.3. Tattoo Parlors shall only be permitted to conduct business between the hours of 8:00 am and 11:00 pm.

SECTION 7.31 VETERINARIAN, ANIMAL CLINIC, OUTSIDE KENNEL.

7.31.1. Outside kennels shall be located only in a side or rear yard.

7.31.2. Outside kennels shall be set back a minimum of fifty (50) feet from an adjoining street right-of-way or property line.

7.31.3. Exterior enclosures and runs must provide protection against weather extremes. Floors of runs must be made of impervious material to permit proper cleaning and disinfecting.

7.31.4. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.

7.31.5. Fencing surrounding exercise areas and/or runs must be of a sufficient height to prevent escape and must be buried as part of installation to prevent escape by digging beneath the fence posts.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.31.6. Noise must be mitigated so as not to create a public nuisance for adjoining properties and must comply with all local noise regulations. This excludes typical noise from exercise or training while outdoors during the daytime during hours of operation.

SECTION 7.32 BATTERY CHARGING/EXCHANGE STATIONS.

Battery charging stations and battery exchange stations shall be permitted in accordance with Section 6.5, subject to the following requirements:

7.32.1. Electric vehicle charging stations should be reserved for parking and charging of electric vehicles only.

7.32.2. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

7.32.3. Battery Charging Stations. For land use compatibility purposes, the charging activity should be proportionate to the associated permitted use. Electric vehicle charging station(s) shall be permitted in a single-family garage designed to service the occupants of the home. Accessory single-family charging stations shall not exceed residential building code electrical limitations. Whereas, charging station(s) installed in a parking lot for non single-family residential use are expected to have intensive use and will be permitted to have multiple "rapid charging stations" to serve expected demand.

7.32.4. Battery Exchange Stations. Exchange stations are permitted in any commercial or industrial zoning district, provided, however, all other requirements for the building or space the use occupies can be satisfied, such as design review, fire code, and building code requirements. This use is specifically prohibited in exclusively residential or conservation/recreation zoning districts.

7.32.5. Design Criteria for Commercial and Multi-Family Development. The following criteria shall be applied to electric charging facilities.

7.32.5.1. Number Required. This is an optional improvement. No minimum number of stalls applies. Provided, if electric vehicle stalls are reserved for electric vehicles, care should be taken to ensure enough spots are available for all of a site's parking needs.

7.32.5.2. Generally. Location and provision of electric vehicle parking will vary based on the design and use of the primary parking lot, keeping in mind flexibility will be needed in various parking lot layout options.

7.32.5.3. Signage to Identify. Each charging station space should be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours

ARTICLE 7. SUPPLEMENTAL REGULATIONS

of operations should be included if time limits or tow away provisions are to be enforced by the owner.

7.32.5.4. Maintenance. Charging station equipment should be maintained in all respects, including the functioning of the charging equipment.

7.32.5.5. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment should be located so as to not interfere with accessibility.

7.32.5.6. Lighting. Where charging station equipment is installed, adequate site lighting should also be provided unless charging is for daytime purposes only.

7.32.5.7. Notification of Station Specifics. Information on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information.

7.32.5.8. Avoid the Most Convenient Parking Spaces. Stalls should not be located in the most convenient spots because this would encourage use by non electric vehicles.

7.32.5.9. Avoid Conflict with Handicap Spots. Stalls should generally not be located adjacent to handicap spots unless designed for handicapped use.

7.32.5.10. Design for Compatibility. Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric cars but blended into the surrounding landscape/architecture for compatibility with the character and use of the site.

SECTION 7.33 SELF-SERVICE STORAGE FACILITY.

7.33.1. Self-service storage facilities shall be limited to dead storage only.

7.33.2. The sale of any item from or at a self-service storage facility shall be strictly prohibited. It shall be unlawful for any owner, operator or lessee of any self-service storage facility or any portion thereof to offer for sale, or to sell any item of personal activity of any kind whatsoever other than leasing of the storage units.

7.33.3. The vehicle accommodation area of such use shall be improved with either asphalt and concrete.

7.33.4. A driveway aisle for self-service storage shall be a minimum of twenty-four (24) feet. A driveway aisle where access to storage units is only one side of the aisle may be twenty (20) feet in width.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.33.5. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare shall be deflected, shaded, and focused away from all adjoining uses.

7.33.6. No outside storage will be permitted.

SECTION 7.34 BONA FIDE FARMS.

Bona fide farms in the City of Laurinburg extraterritorial jurisdiction are exempt from the provisions of this Ordinance as directed by NCGS 160A-360(K), as amended by S.L. 2011-363(H168).

SECTION 7.35 FARM STAND.

Farm stands shall be located and operated in compliance with the following standards:

7.35.1. Items for Sale.

A farm stand shall only be used for the retail sale of produce and agricultural products on the property.

7.35.2. Location.

Farm stands shall only be located three hundred (300) feet from any intersection and forty (40) feet from the front property line.

7.35.3. Size.

Maximum area of a farm stand is three hundred (300) square feet.

7.35.4. Signs.

Two temporary on-site signs are permitted. No sign permit is required. Balloon and flags are prohibited. Signs shall comply with the following:

7.35.4.1. Area. A maximum of sixteen (16) square feet each.

7.35.4.2. Height. A maximum of six (6) feet.

7.35.5. Health Regulations.

7.35.5.1. Farm stands that sell anything other than fresh, farm-produced fruits, vegetables, nuts, and shell eggs are considered "retail food stores."

7.35.5.2. No food preparation at the farm stand is allowed.

7.35.5.3. No live animals within twenty (20) feet of food storage or sales area are allowed, except service dogs.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.36 SOLAR ENERGY GENERATING FACILITY, ACCESSORY.

Solar collectors shall be permitted as an accessory use to new or existing structures or facilities in accordance with Section 6.5, subject to the following standards:

7.36.1. Roof-Mounted Solar Systems.

The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

7.36.1.1. Pitched Roof Mounted Solar Systems. For all roof-mounted systems other than a flat roof, a drawing shall be submitted showing the location of the solar panels.

7.36.1.2. Flat Roof Mounted Solar Systems. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.

7.36.2. Ground-Mounted Solar Systems.

Ground-mounted solar collectors (accessory) shall meet the minimum zoning setback for the zoning district in which it is located, except that it may be located within the front yard setback in the R-20, O-I, GB, and I zoning districts when the system does not exceed six (6) feet in height and screening shall be required consistent with Article 9, Part I.

7.36.3. Approved Solar Components.

Electric solar system components shall have a UL listing.

7.36.4. Compliance with Building and Electrical Codes.

All solar collector systems shall be in conformance with the International Building Code with North Carolina amendments.

7.36.5. Compliance with Other Regulations.

All solar collector systems shall comply with all other applicable regulations.

SECTION 7.37 SOLAR FARMS (GROUND-MOUNTED PHOTOVOLTAIC ARRAY).

Solar Farms (Ground-Mounted Photovoltaic Array) shall be regulated as to location in the following manner in addition to other requirements of this ordinance:

7.37.1. Height. Solar array structures shall not exceed the height of 15 feet. Solar array structures shall not be located so as to negatively affect aircraft operations.

7.37.2. Setback. Solar array structures must meet the minimum setback of 100 feet from all property lines.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.37.3. Visibility. In addition to the requirements set forth in Article 9, Part I, Landscape Requirements, solar array structures shall be screened from routine view from public right-of-ways.

7.37.4. Site Plan. A site plan shall be submitted to the Zoning Administrator demonstrating compliance with:

7.37.4.1. Setback and height limitations established.

7.37.4.2. Applicable zoning district requirements such as lot coverage

7.37.4.3. Applicable solar requirements per this Ordinance.

7.37.5. Decommissioning. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application:

7.37.5.1. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.).

7.37.5.2. Removal of all non-utility owned equipment, conduit, structures, fencing, roads and foundations.

7.37.5.3. Restoration of property to condition prior to development of the SES.

7.37.5.4. The timeframe of any agreement (e.g., lease) with landowner regarding decommissioning.

7.37.5.5. The party currently responsible for decommissioning.

7.37.5.6. Plans for updating this decommissioning plan.

7.37.6. Water Infiltration & Soil Conservation.

7.37.6.1. Panels must be positioned to allow water to run off their surfaces.

7.37.6.2. Soil with adequate vegetative cover must be maintained under and around the panels.

7.37.6.3. The area around the panels must be adequate to ensure proper vegetative growth under and between the panels.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.38 SPECIAL EVENTS.

7.38.1. In deciding whether a permit for a special event should be denied for any reason specified in Subsection 4.5.4.5, or in deciding what additional conditions to impose under Section 4.5.9, the permit-issuing authority shall ensure that, (if the special event is conducted at all):

7.38.1.1. The hours of operation allowed shall be compatible with the uses adjacent to the activity.

7.38.1.2. The amount of noise generated shall not disrupt the activities of the adjacent land uses.

7.38.1.3. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the city.

7.38.1.4. The permit issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

7.38.1.5. The zoning permit shall be issued for a specific number of calendar days, not to exceed fourteen (14) calendar days.

7.38.2. In cases where it is deemed necessary, the permit-issuing authority may require the applicant to post a bond to ensure compliance with the conditions of the conditional use permit.

7.38.3. If the permit applicant requests the city to provide extraordinary services or equipment or if the City Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the city a fee sufficient to reimburse the city for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the cost incurred.

SECTION 7.39 TEMPORARY USES/SALES.

7.39.1. All temporary use/sales require the issuance of a zoning permit. The UDO Administrator may impose requirements in the zoning permit intended to ensure compliance with this Ordinance.

7.39.2. A zoning permit for a temporary use may also authorize one temporary sign, not to exceed 40 square feet in sign surface area, associated with the temporary use. Such temporary sign shall conform to the requirements of Article 9, Part III.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.39.3. Temporary sales are permitted on CB and GB zoned property provided that no more than four (4) events occur within a 365-day period on an individual parcel. Each individual sales event shall be limited to two (2) calendar days duration. The operator of each temporary sales event shall have the written permission of the property owner or manager of the principal business located on the property on which the temporary sale is to be conducted. If more than four (4) events occur within a 365 calendar day period, they must be located on a property owned or leased by a registered 501(c)(3) for tax purposes and the permit shall be issued only to the 501(c)(3) organization. Christmas tree and accessory natural ornamental sales may be conducted from three (3) calendar days prior to Thanksgiving until 5:00 pm on Christmas Eve.

7.39.4. Temporary uses for which the primary purpose is not the sale of commodities shall have a maximum specified time (specified by zoning permit) limit of seven (7) calendar days. Such temporary uses shall include assembly of people for entertainment, holiday festivals, social, political, religious or similar activities. Temporary uses, described in this section, which include the sale/use of alcoholic beverages shall submit all ABC permits with the application for a zoning permit. No permanent building shall be located on any lot for the exclusive purpose of operating any temporary use(s). Temporary uses may be unlike the customary or usual activities generally associated with the property where the temporary use is to be located. Any use intended for temporary and limited duration, operated as an accessory or principal use, shall be subject to applicable location, setback, parking, land use and other standards for the district in which it is located.

7.39.5. Temporary sales conducted on the grounds of a church, synagogue, temple, or other religious building or schools/colleges for the purpose of raising funds for the support of the principal use are considered accessory services. The religious institution or school/college must request the zoning permit.

7.39.6. Temporary uses are not allowed on any OI zoned parcel which is adjacent to any residentially zoned or used parcel, excluding parcels separated by a public right-of-way.

SECTION 7.40 WIND ENERGY GENERATING FACILITY, ACCESSORY.

Wind energy generating facilities (accessory) designed to supplement other electricity sources shall be permitted as an accessory use in accordance with Section 6.5, subject to the following standards:

7.40.1. A wind energy generator (accessory) shall be setback from all property lines a distance equal to one linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district, whichever is greater.

7.40.2. A wind turbine may not be located between the front wall of the primary structure and the street.

7.40.3. Rotor blades on wind turbines shall maintain at least twenty-four (24) feet of clearance between their lowest point and the ground.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.40.4. Maximum height of wind turbines shall be consistent with the requirements of the underlying zoning district. The height shall be measured from the ground to the highest point of the prop.

7.40.5. *Installation and Design.*

7.40.5.1. The installation and design of the wind energy generator (accessory) shall conform to applicable industry standards, including those of the American National Standards Institute.

7.40.5.2. All electrical, mechanical, and building components of the wind energy generator (accessory) shall be in conformance with the International Building Code with North Carolina amendments.

7.40.5.3. Any on-site transmission or power lines shall, to the maximum extent possible, be installed underground.

7.40.5.4. Attachment to a building of any kind shall be prohibited.

7.40.6. The visual appearance of wind energy generator (accessory) shall:

7.40.6.1. Be constructed of a corrosion resistant material that will not fade, show rust spots, or otherwise change the appearance as a result of exposure to the elements and be a non-obtrusive color such as white, off-white, or gray.

7.40.6.2. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

7.40.6.3. Landscaping, buffering, and screening shall be provided in accordance with Article 9, Part I.

7.40.7. Any wind energy generator (accessory) that is not functional shall be repaired by the owner within a three (3) month period or be removed. In the event that the City becomes aware of any wind energy system that is not operated for a continuous period of three (3) months, the City will notify the landowner by certified mail and provide thirty (30) days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the City deems the timetable for corrective action as unreasonable, the City shall notify the landowner and such landowner shall remove the turbine within thirty (30) days of receipt of said notice. Any disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.40.8. Compliance with Other Regulations. All wind energy generators shall comply with all other applicable regulations.

SECTION 7.41 WIND FARM.

Wind Farms developed as a principal use shall be permitted in accordance with Section 6.5, subject to the following:

7.41.1. Setbacks.

| Wind Energy Facility Type | Minimum Lot Size | Minimum Setback Requirements ¹ | | | Maximum Height from Grade (including blades) |
|---------------------------|------------------|--|-----------------------------|---|--|
| | | Occupied Buildings (Subject Property) ² | Property Lines ² | Public/ Private Right-of-Way ² | |
| Wind Farm | 5 Acres | 1.0 | 1.0 | 1.5 | 250 Ft. |

¹ Measured from the center of the wind turbine base to the property line, right-of-way, or nearest point on the foundation of the occupied building. ² Calculated by multiplying required setback number by wind turbine height.

7.41.2. Height.

Two hundred fifty feet (250') maximum.

7.41.3. Ground Clearance.

Rotor blades on wind turbines must maintain at least twenty-four feet (24') of clearance between their lowest point and the ground.

7.41.4. Visibility.

Wind farms must be set back at least 150 feet from any residential district; no energy generating equipment may be located within 150 feet of any public right-of-way; and a continuous screen of evergreen vegetation intended to be at least ten (10) feet high and three (3) feet thick at maturity must screen all adjacent properties and roadways.

7.41.5. Interconnection Agreement.

All wind farms are required to enter into an interconnection agreement with the City prior to connection.

7.41.6. Wind Farm Facility Noise, Shadow Flicker, and Electromagnetic Interference.

7.41.6.1. Audible sound from a Wind Turbine shall not exceed fifty-five (55) dBA, as measured at any occupied building of a Non-Participating Landowner.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.41.6.2. Shadow flicker at any occupied building on a Non-Participating Landowner's property caused by a Wind Energy Facility located within 2,500 feet of the occupied building shall not exceed thirty (30) hours per year.

7.41.6.3. Wind turbines may not interfere with normal radio and television reception in the vicinity. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

7.41.7. Application Requirements.

7.41.7.1. Provide identification and location of the property on which the proposed wind farm will be located.

7.41.7.2. Submit a site plan denoting the dimensions of the parcel, proposed wind farm location (arrangement of turbines and related equipment), distance from the proposed area to all property lines, and location of the driveway(s). No portion of the wind farm area may encroach into the required setbacks and any buffer area(s).

7.41.7.3. The site plan should also show the location of required buffers.

7.41.7.4. Provide the representative type and height of the wind turbine in the form of horizontal and vertical (elevation) to-scale drawings, including its generating capacity, dimensions and respective manufacturer, and a description of ancillary facilities.

7.41.7.5. Provide evidence of compliance with applicable Federal Aviation Administration regulations.

7.41.7.6. State and Local Stormwater permits may be required based upon ground cover.

7.41.7.7. If applicable, the applicant must apply and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the required use prior to final project approval.

7.41.7.8. An applicant for a Wind Farm conditional use permit shall include with the application an analysis of the potential impacts of the wind power project, proposed mitigative measures, and any adverse environmental effects that cannot be avoided, in the following areas:

7.41.7.8.1. Demographics including people, homes, and businesses.

7.41.7.8.2. Noise.

7.41.7.8.3. Visual impacts.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- 7.41.7.8.4.** Public services and infrastructure.
- 7.41.7.8.5.** Cultural and archaeological impacts.
- 7.41.7.8.6.** Recreational resources.
- 7.41.7.8.7.** Public health and safety, including air traffic, electromagnetic fields, and security and traffic.
- 7.41.7.8.8.** Hazardous materials.
- 7.41.7.8.9.** Land-based economics, including agriculture, forestry, and mining.
- 7.41.7.8.10.** Tourism and community benefits.
- 7.41.7.8.11.** Topography.
- 7.41.7.8.12.** Soils.
- 7.41.7.8.13.** Geologic and groundwater resources.
- 7.41.7.8.14.** Surface water and floodplain resources.
- 7.41.7.8.15.** Wetlands.
- 7.41.7.8.16.** Vegetation.
- 7.41.7.8.17.** Avian impact assessment that includes an indication of the type and number of birds that are known or suspected to use a project site and the area surrounding that site.
- 7.41.7.8.18.** Wildlife.
- 7.41.7.8.19.** Rare and unique natural resources.

7.41.7.9. An applicant for Wind Farm conditional use permit shall state in the application whether a Certificate of Public Convenience and Necessity for the system is required from the North Carolina Utilities Commission and, if so, the anticipated schedule for obtaining the certificate. The city may ask the Utilities Commission to determine whether a Certificate of Public Convenience and Necessity is required for a particular wind power project for which the city has received an application. The city shall not approve a project requiring a certificate unless and until such certificate is issued by the Utilities Commission. If a certificate is not required from the Utilities Commission, the permit shall include with the application a discussion of what the applicant intends to do with the power that is generated.

7.41.8. Installation and Design.

7.41.8.1. The installation and design of the wind generation facility shall conform to applicable industry standards, including those of the American National Standards Institute.

7.41.8.2. All electrical, mechanical, and building components of the wind generation facility shall be in conformance with the International Building Code with North Carolina Amendments.

7.41.8.3. Any on-site collection and distribution lines shall, to the maximum extent possible, be installed underground.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.41.8.4. Attachment to a building of any kind shall be prohibited.

7.41.9. Visual Appearance.

7.41.9.1. The wind turbine shall be constructed of a corrosion resistant material that will not fade, show rust spots or otherwise change the appearance as a result of exposure to the elements, and be a non-obtrusive color such as white, off-white or gray; and

7.41.9.2. The wind turbine shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

7.41.10. Maintenance.

Any wind generation facility that is not functional shall be repaired by the owner within a 6-month period or be removed. In the event that the city becomes aware of any wind farm that is not operated for a continuous period of 6 months, the city will notify the landowner by certified mail and provide 30 days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the city deems the timetable for corrective action as unreasonable, the city shall notify the landowner, and such landowner shall remove the turbine(s) with 180 days of receipt of said notice. Any disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

7.41.11. Decommissioning.

7.41.11.1. The applicant must remove the wind generation facility if, after the completion of the construction, the wind generation facility fails to begin operation, or becomes inoperable for a continuous period of one (1) year.

7.41.11.2. The one-year period may be extended upon a showing of good cause to the City of Laurinburg City Council.

7.41.11.3. Applicants proposing development of a Wind Farm must provide to the city a form of surety equal to 125% of the entire cost, as estimated by the applicant and approved by the City Attorney, either through a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the city or in escrow with a financial institution designated as an official depository of the city, to cover the cost of removal in the event the applicant is unable to perform any required removal and the city chooses to do so. Following initial submittal of the surety, the cost calculation shall be reviewed every 12 months by the applicant and adjusted accordingly based upon the estimated decommissioning costs in current dollars. The adjustment must be approved by the city. Failure to comply with any requirement of this paragraph shall result in the immediate termination and revocation of all prior approvals and permits; further, the City of Laurinburg shall be entitled to make immediate demand upon, and/or

ARTICLE 7. SUPPLEMENTAL REGULATIONS

retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the Wind Farm, even if still operational.

SECTION 7.42 DWELLING, OVER A BUSINESS.

Following the date of adoption of this Ordinance, multi- and single-family residential will be permitted in the CB district when limited to the following conditions:

7.42.1. Minimum non-ground level building floor area of 600 square feet per residential unit.

7.42.2. Street frontage use requirements: All ground floor space shall be developed for nonresidential uses, as permitted in the CB district.

7.42.3. Parking: Off-street parking is not required.

SECTION 7.43 WIRELESS COMMUNICATION FACILITIES.

7.43.1. Purpose.

The purpose of this section is to set forth the requirements for planning and construction of telecommunications facilities including cellular antennas, wireless communication towers, and principal communication towers for other uses.

7.43.2. Compliance with Federal Law.

7.43.2.1. The deployment of wireless infrastructure is critical to ensuring first responders can provide for the health and safety of all residents of North Carolina and that, consistent with section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 USC § 1455(a), which creates a national wireless emergency communications network for use by first responders that in large measure will be dependent on facilities placed on existing wireless communications support structures, it is the policy of the State and the City of Laurinburg to facilitate the placement of wireless communications support structures in all areas of the city.

7.43.2.2. The placement, construction, or modification of wireless communications facilities shall be in conformity with the Federal Communications Act, 47 USC § 332 as amended, section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 USC § 1455(a), and in accordance with the rules promulgated by the Federal Communications Commission.

7.43.3. Facilities Permitted.

Telecommunications facilities, including cellular antennae and wireless communications towers and facilities, are permitted subject to the following conditions:

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.43.3.1. Location. The proposed tower, antenna, and accessory structure and equipment shall be placed in a location and in a manner that will minimize the visual impact on the surrounding area. Any tower, antenna, or accessory structure shall be approved by the Planning Board and City Council for compliance with these requirements. Accessory structures and equipment must meet applicable sections of Section 6.8.4. To ensure the safety of the public and other existing buildings, the telecommunications site shall:

7.43.3.1.1. Be a minimum of two hundred fifty (250) feet from residentially zoned property;

7.43.3.1.2. Be located such that all supporting cables and anchors are contained within the property of the applicant.

7.43.3.2. Collocation. Approval for a proposed tower within a radius of ten thousand five hundred (10,500) feet from an existing tower or other similar structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a collocation agreement could not be obtained at a reasonable market rate and in a timely manner.

7.43.3.3. Height. The height of the tower shall not exceed one hundred sixty (160) feet as measured from existing grade at its base to the highest point of the tower or antennae. An additional one hundred twenty (120) feet of height may be approved if the tower is designed to accommodate twice the applicant's antennae requirements. Telecommunications antennae or equipment mounted on a building shall meet height requirements of Section 6.7.

7.43.3.4. Setback. Unless otherwise stated herein, each Wireless Support Structure shall be set back from all property lines a distance equal to its engineered fall zone.

7.43.3.5. Design.

7.43.3.5.1. Towers shall be designed to accommodate additional antennae equal in number to the applicant's present and future requirements for the life of the tower. The color of the tower and its antennae shall be one that will blend to the greatest extent possible with the natural surroundings and shall be approved by the Planning Board.

7.43.3.5.2. Concealed Wireless Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible. Antennas must be enclosed, camouflaged, screened, obscured, and otherwise not readily apparent to a casual observer.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.43.3.5.3. A Monopole or Replacement Pole shall be permitted within utility easements or rights-of-way, in accordance with the following requirements:

7.43.3.5.3.1. The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.

7.43.3.5.3.2. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.

7.43.3.5.3.3. The height of the Monopole or Replacement Pole may not exceed by more than thirty (30) feet the height of existing utility support structures.

7.43.3.5.3.4. Monopoles and the Accessory Equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.

7.43.3.5.3.5. Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection 7.43.3.5.3.3 above.

7.43.3.5.3.6. Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to twenty (20) feet above the height of the utility tower.

7.43.3.6. Lighting and Marking. Wireless Facilities or Wireless Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

7.43.3.7. Signage. Signs located at the Wireless Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit signage that is approved for other uses on property on which Wireless Facilities are located (i.e., approved signage at locations on which Concealed Facilities are located).

7.43.3.8. Accessory Equipment. Accessory equipment, including any buildings, cabinets, or shelters, shall be used only to house equipment and other supplies in support of the operation of the Wireless Facility or Wireless Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.43.3.9. Fencing. Ground mounted Accessory Equipment and Wireless Support Structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the UDO Administrator. This requirement may be waived by the UDO Administrator if it is deemed that a fence is not appropriate or needed at the proposed location.

7.43.3.10. Maintenance or Service Structures. One unmanned maintenance or service structure of not more than twenty (20) feet in height and four hundred (400) square feet of floor space may accompany each tower. The tower and maintenance or service structure shall not be required to comply with development standards relating to lot size, setbacks, street frontage, and subdivision regulations, so long as the principal use complies with this Article.

7.43.3.11. Existing Towers. Existing towers may be replaced or modified providing that the existing height is not exceeded by more than twenty (20) feet and the new or modified tower meets all of the requirements of this Article except setback provisions.

7.43.3.12. Replacement of Towers. Those towers that are located prior to April 21, 2015, in the districts as defined by Section 6.5 can be replaced to their current height if completely destroyed by natural causes and only if the applicant presents engineering data to the Planning Board and City Council that the replacement poses no threat to the surrounding property owners.

7.43.3.13. Non-Conforming Towers. All non-conforming transmission towers existing as of the effective date of this Ordinance may be replaced if damaged by no more than fifty percent (50%). Those towers that are located prior to April 21, 2015, in the districts as defined by Section 6.5 can be replaced to their current height if completely destroyed by natural causes and only if the applicant presents engineering data to the Planning Board and City Council that the replacement poses no threat to the surrounding property owners (refer to Article 8.3).

7.43.3.14. Miscellaneous Provisions.

7.43.3.14.1. Abandonment and Removal. If a Wireless Support Structure is abandoned, and it remains abandoned for a period in excess of twelve (12) consecutive months, the City of Laurinburg may require that such Wireless Support Structure be removed only after first providing written notice to the owner of the Wireless Support Structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the Wireless Support Structure within sixty (60) days of receipt of said written notice. In the event the owner of the Wireless Support Structure fails to reclaim the Wireless Support Structure within the sixty (60) day period, the owner of the Wireless Support Structure shall be required to remove the same within six (6) months thereafter. The City of Laurinburg shall

ARTICLE 7. SUPPLEMENTAL REGULATIONS

ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

7.43.3.14.2. Multiple Uses on a Single Parcel or Lot. Wireless Facilities and Wireless Support Structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

7.43.3.15. Leases of Property by the City of Laurinburg for Communication Towers. (Amended 6/21/2016)

7.43.3.15.1. Any property owned by the city may be leased or rented for such terms and upon such conditions as the City Council may determine, but not for longer than 10 years (except as otherwise provided in subsection 7.43.3.15.4 of this section) and only if the City Council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included.

7.43.3.15.2. Property may be rented or leased only pursuant to a resolution of the City Council authorizing the execution of the lease or rental agreement adopted at a regular City Council meeting upon 30 days public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the Council's intent to authorize the lease or rental at its next regular meeting.

7.43.3.15.3. No public notice as required by subsection 7.43.3.15.2 of this section need be given for resolutions authorizing leases or rentals for terms of one year or less, and the City Council may delegate to the City Manager or some other city administrative officer authority to lease or rent town property for terms of one year or less.

7.43.3.15.4. Leases for terms of more than 10 years shall be treated as a sale of property and may be executed by following any of the procedures authorized for sale of real property.

7.43.3.15.5. Notwithstanding subsection 7.43.3.15.4 of this section, the City Council may approve a lease without treating that lease as a sale of property for any of the following reasons:

7.43.3.15.5.1. For the siting and operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a term up to 25 years.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.43.3.15.5.2. For the siting and operation of a tower, as that term is defined in G.S. 146-29.2(a)(7), for communication purposes for a term up to 25 years.

7.43.4. Telecommunications Facility Plans.

7.43.4.1. Approvals Required for Wireless Facilities and Wireless Support Structures.

7.43.4.1.1. Administrative Review and Approval. The following types of applications are subject to the review process as provided in Article 5. No other type of zoning or site plan review is necessary.

7.43.4.1.1.1. Monopoles or Replacement Poles located on public property or within utility easements or rights-of-way, in any zoning district.

7.43.4.1.1.2. COWs, in any zoning district, if the use of the COW is either not in response to a declaration of an emergency or disaster by the Governor, or will last in excess of one hundred twenty (120) days.

7.43.4.1.1.3. Substantial changes. *(Amended 6/21/2016)*

7.43.4.1.1.4. Collocations.

7.43.4.1.2. Conditional Use Permit. Any application for Wireless Facilities and/or Wireless Support Structures not subject to Administrative Review and Approval pursuant to this Ordinance shall be permitted in any district upon the granting of a Conditional Use Permit in accordance with the standards for granting Conditional Use Permits set forth in Section 4.5.

7.43.4.1.3. Exempt from All Approval Processes. The following are exempt from all City of Laurinburg UDO approval processes and requirements:

7.43.4.1.3.1. Removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial change as defined in this Ordinance. *(Amended 6/21/2016)*

7.43.4.1.3.2. Ordinary Maintenance of existing Wireless Facilities and Wireless Support Structures, as defined in this Ordinance. Nothing in this section requires an application and approval for routine maintenance or limits the performance of routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.43.4.1.3.3. Wireless Facilities placed on Utility Poles.

7.43.4.1.3.4. COWs placed for a period of not more than one hundred twenty (120) days at any location within the City of Laurinburg or after a declaration of an emergency or a disaster by the Governor.

7.43.4.2. Administrative Review and Approval Process.

7.43.4.2.1. Contents of Application Package. All Administrative Review application packages must contain the following in addition to those requirements outlined in Article 5:

7.43.4.2.1.1. A fee determined by the city's Fee Schedule.

7.43.4.2.1.2. A written narrative of the development plan.

7.43.4.2.1.3. Documentation that collocation on existing towers or structures within a radius of ten thousand five hundred (10,500) feet was attempted by the applicant, but found unfeasible with reasons noted.

7.43.4.2.1.4. A notarized affidavit that states the applicant's willingness to allow location on the proposed tower, at a fair market price and in a timely manner, of any other service provided licensed by the Federal Communications Commission (FCC) for Major Trading Area 6 (Charlotte-Greensboro-Greenville-Raleigh).

7.43.4.2.1.5. For collocations and substantial changes, written verification from a licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas. *(Amended 6/21/2016)*

7.43.4.2.1.6. For substantial changes, drawings depicting the improvements along with their dimensions. *(Amended 6/21/2016)*

7.43.4.2.2. Approval Schedule. Within forty-five (45) days of the receipt of a complete application for a Collocation, a Monopole or Replacement Pole, a Non-Exempt COW, or a Substantial Change, the UDO Administrator will:
(Amended 6/21/2016)

7.43.4.2.2.1. Review the application for conformity with this Ordinance (see Section 7.43.4.4). An application under this section is deemed to be complete unless the UDO Administrator provides notice that the application

ARTICLE 7. SUPPLEMENTAL REGULATIONS

is incomplete in writing to the applicant within 45 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The UDO Administrator may deem an application incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, state, and local safety requirements. The UDO Administrator may not deem an application incomplete for any issue not directly related to the actual content of the application and subject matter of the collocation or eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.

7.43.4.2.2.2. Issue a written decision approval on an eligible facilities request application within forty-five (45) days of such application being deemed complete. For a collocation application that is not an eligible facilities request, the UDO Administrator shall issue its written decision to approve or deny the application within forty-five (45) days of the application being deemed complete.

7.43.4.3. Conditional Use Permit Process. Any Wireless Facility or Wireless Support Structures not meeting the requirements of Section 7.43.4.1.1 and 7.43.4.1.3 above, may be permitted in all zoning districts upon the granting of a Conditional Use Permit, subject to the requirements of Section 4.5.

7.43.4.3.1. Content of Conditional Use Permit Application Package. All conditional use permit application packages must contain the following in addition to those requirements contained in Sections 4.5.

7.43.4.3.1.1. A fee determined by the city's Fee Schedule.

7.43.4.3.1.2. A written narrative of the development plan.

7.43.4.3.1.3. The impact on the environment (trees, run-off, waste disposal, emissions, historic property impact, and impact on other properties).

7.43.4.3.1.4. Documentation that collocation on existing towers or structures within a radius of ten thousand five hundred (10,500) feet was attempted by the applicant, but found unfeasible with reasons noted.

7.43.4.3.1.5. A site plan and landscaping plan at a scale of one inch equals forty (40) feet by a North Carolina registered surveyor, showing location of all existing property lines and improvements within a five

ARTICLE 7. SUPPLEMENTAL REGULATIONS

hundred (500) foot radius and any proposed tower, antenna, accessory structure, or equipment, and how the applicant proposes to screen any service structure, accessory structure, or equipment from view. Indigenous vegetation shall be used in all plantings. A permanent maintenance plan shall be provided for the plantings. In addition, the site plan must include a list of adjacent property owners and their addresses, zoning district, and the names of developer(s) and owner(s).

7.43.4.3.1.6. Copies of all county, state, and federal permits with the application building permit where prior local approval is not required.

7.43.4.3.1.7. Elevation drawings of all towers, antennas, and accessory structures and equipment, indicating height, design, and colors.

7.43.4.3.1.8. Certification that all antenna and equipment comply with FCC regulations for radio frequency radiation and all towers, antennae, and equipment meet Federal Aviation Administration (FAA) aviation and navigation requirements.

7.43.4.3.1.9. A copy of approved National Environmental Policy Act of 1969 (NEPA) compliance report for all towers, antennae, accessory structures, or equipment proposed for the proposed site.

7.43.4.3.1.10. Documentation signed and sealed by a North Carolina registered engineer that indicates any proposed tower meets the structural requirements of the Standard Building Code and the collocation requirements of this Article.

7.43.4.3.1.11. Proof of liability insurance or financial ability to respond to claims up to \$1,000,000 (escalated each year by the Consumer Price Index) in the aggregate which may arise from operation of the facility during its life, at no cost to the City of Laurinburg, in a form approved by the City Attorney.

7.43.4.3.1.12. Appropriate approvals, certifications, or recommendations required to allow review of approval criteria such as sight line analysis, aerial photographs, or other such tests as determined by the Administrator.

7.43.4.3.2. Approval Schedule. Within one hundred fifty (150) calendar days of the receipt of an application under this section, the City Council upon recommendation of the Planning Board will:

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.43.4.3.2.1. Complete the process for reviewing the application for conformity with this Ordinance (see Section 7.43.4.4). An application under this section is deemed to be complete unless the UDO Administrator notifies the applicant in writing, within thirty (30) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the application shall be reviewed and processed within one hundred fifty (150) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred fifty (150) calendar days deadline for review shall be extended by the same period of time.

7.43.4.3.2.2. Make a final decision to approve or disapprove the application.

7.43.4.3.2.3. Advise the applicant in writing of its final decision. If the City Council denies an application, it must provide written justification of the denial.

7.43.4.3.2.4. Failure to issue a written decision within one hundred fifty (150) calendar days shall constitute an approval of the application.

7.43.4.4. Application Review.

7.43.4.4.1. The review of an application for the placement or construction of a new wireless support structure or substantial change of a wireless support structure shall only address public safety, land development, or zoning issues. In reviewing an application, the city may not require information on or evaluate an applicant's business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site. The city may not require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. The city may not require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies. In reviewing an application, the city may review the following:

ARTICLE 7. SUPPLEMENTAL REGULATIONS

7.43.4.4.1.1. Applicable public safety, land use, or zoning issues addressed in its adopted regulations, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.

7.43.4.4.1.2. Information or materials directly related to an identified public safety, land development, or zoning issue including evidence that no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the construction of a new wireless support structure, that residential, historic, and designated scenic areas cannot be served from outside the area, or that the proposed height of a new wireless support structure or initial wireless facility placement or a proposed height increase of a substantially modified wireless support structure, or replacement wireless support structure is necessary to provide the applicant's designed service.

7.43.4.4.1.3. The city may require applicants for new wireless facilities to evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within the applicant's search ring. Collocation on an existing wireless support structure is not reasonably feasible if collocation is technically or commercially impractical or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value. The city may require information necessary to determine whether collocation on existing wireless support structures is reasonably feasible.

7.43.4.4.2. The city may engage a third-party consultant for technical consultation and review of applications. The fee imposed by the city for the review of an application may not be used for either of the following:

7.43.4.4.2.1. Travel expenses incurred in a third-party's review of an application.

7.43.4.4.2.2. Reimbursement for a consultant or other third party based on a contingent fee basis or results-based arrangement.

SECTION 7.44 CIRCUS, CARNIVAL.

Circuses and carnivals may be allowed as a conditional use in the OI district, upon compliance with the following:

7.44.1. Must be located on a parcel that is a minimum of 3 acres in size.

7.44.2. The parcel must front on a public street.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.45 GRANNY PODS. *(Amended 6/21/2016)*

Granny pods shall be permitted as an accessory use in accordance with the Table of Permitted Uses, subject to the following standards:

7.45.1. Structures must be transportable residential units assembled off-site and built to the standards of the State Building Code. It must be no more than 300 gross square feet and must not be placed on a permanent foundation.

7.45.2. The accessory structure must comply with all setbacks and any maximum floor area ratio limits that apply to the primary residential structure. The structure shall be connected to any public water, sewer, and electric utilities serving the property or water and/or sewer systems approved by Scotland County. Only one accessory temporary family care structure is allowed per lot. No signage regarding the presence of the structure is allowed. The structure must be removed within sixty (60) days after care-giving on the site ceases.

7.45.3. A zoning permit is required to be obtained prior to installation. Evidence of compliance may be required as part of the permitting and annual permit renewal, including an annual renewal of the doctor's certification of impairment. The city may make periodic inspections at times convenient to the caregiver to assure on-going compliance.

7.45.4. The caregiver must be at least 18 years old and must be a first or second degree relative of the impaired person (a spouse, parent, grandparent, child, grandchild, aunt, uncle, nephew, or niece). A legal guardian of the impaired person also qualifies.

7.45.5. In the O&I district, granny pods shall only be permitted for single-family residentially used property.

SECTION 7.46 TINY HOUSES. *(Amended 6/21/2016)*

Tiny houses shall be allowed in accordance with the Table of Permitted Uses, subject to the following:

7.46.1. A tiny house must comply with the North Carolina State Building Code.

7.46.2. A tiny house must be situated on a permanent foundation with secure wind-resistant tie-downs and connected to public water, sewer, and electric utilities.

7.46.3. If the tiny house is constructed on a travel chassis with wheels, the wheels must be removed for permanent location on a foundation.

7.46.4. A tiny house must comply with all UDO requirements for the zoning district in which it is located.

7.28.5. Room Unit Capacity. The amount of floor space provided per room or occupant shall be that provided in the applicable North Carolina building code.

ARTICLE 8.
NONCONFORMING SITUATIONS

Section 8.1 Continuation of Nonconforming Situations and Completion of
Nonconforming Projects 8-2

Section 8.2 Nonconforming Lots 8-2

Section 8.3 Extension or Enlargement of Nonconforming Situations 8-3

Section 8.4 Repair, Maintenance, and Reconstruction 8-4

Section 8.5 Change in Use of Property Where a Nonconforming Situation Exists 8-5

Section 8.6 Abandonment and Discontinuance of Nonconforming Situations 8-7

Section 8.7 Completion of Nonconforming Projects. 8-7

Section 8.8 Nonconforming Signs 8-10

Section 8.9 Termination of Miscellaneous Nonconforming Situations. 8-11

ARTICLE 8. NONCONFORMING SITUATIONS

SECTION 8.1 CONTINUATION OF NONCONFORMING SITUATIONS AND COMPLETION OF NONCONFORMING PROJECTS.

8.1.1. Unless otherwise specifically provided in this Article (e.g., Section 8.8, Nonconforming Signs), and subject to the restrictions and qualifications set forth in Sections 8.2 through 8.7, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued.

8.1.2. Nonconforming projects may be completed only in accordance with the provisions of Section 8.7.

SECTION 8.2 NONCONFORMING LOTS.

8.2.1. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth in Section 6.7, then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two-family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

8.2.2. When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements (Section 6.7) cannot reasonably be complied with, then the entity authorized by this Ordinance to issue a permit for the proposed use (the UDO Administrator, Board of Adjustment, or City Council) may allow deviations from the applicable setback requirements if it finds that:

8.2.2.1. The property cannot reasonably be developed for the use proposed without such deviations;

8.2.2.2. These deviations are necessitated by the size or shape of the nonconforming lot; and

8.2.2.3. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

8.2.3. For purposes of subsection 8.2.2., compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

ARTICLE 8. NONCONFORMING SITUATIONS

8.2.4. This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 8.5.

8.2.5. Subject to the following sentence, if, on the date this section becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

SECTION 8.3 EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS.

8.3.1. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

8.3.1.1. An increase in the total amount of space devoted to a nonconforming use; or

8.3.1.2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

8.3.2. Subject to subsection 8.3.4., a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, subject to Section 8.7 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

8.3.3. Subject to Section 8.7 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if ten percent or more of the earth products had already been removed on the effective date of this Ordinance.

8.3.4. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming

ARTICLE 8. NONCONFORMING SITUATIONS

situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

8.3.5. Notwithstanding subsection 8.3.1., any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. This paragraph is subject to the limitations stated in Section 8.6 (abandonment and discontinuance of nonconforming situations).

8.3.6. Notwithstanding subsection 8.3.1., whenever: (i) there exists a lot with one or more structures on it; and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot; and (iii) the parking or loading requirements of Article 9, Part II that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with Section 9.17.2 if: (i) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (ii) such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the zoning or conditional use permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit. The purpose of this subsection is to encourage the continued use of an existing building when a change in use would require more parking spaces than can be accommodated on the building lot. This subsection is not intended to be a mechanism to circumvent the parking requirements of this ordinance and is applicable only to situations involving change in use of an existing building.

SECTION 8.4 REPAIR, MAINTENANCE, AND RECONSTRUCTION.

8.4.1. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than twenty-five percent of the appraised valuation of the structure to be renovated may be done only in accordance with a conditional use permit issued pursuant to this section.

8.4.2. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed twenty-five percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a conditional use permit issued pursuant to this section. This subsection does not apply to structures used for single-family residential purposes, which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced as provided in Subsection 8.3.5.

ARTICLE 8. NONCONFORMING SITUATIONS

8.4.3. For purposes of subsections 8.4.1 and 8.4.2:

8.4.3.1. The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

8.4.3.2. The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of subsections 8.4.1 and 8.4.2 by doing such work incrementally.

8.4.3.3. The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.

8.4.4. The Board of Adjustment shall issue a conditional use permit authorized by this section if it finds that, in completing the renovation, repair or replacement work:

8.4.4.1. There is no increase in the total amount of lot area devoted to the nonconforming use;

8.4.4.2. There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading, and landscaping requirements; and

8.4.4.3. There is no significant adverse impact on surrounding properties or the public health or safety.

In issuing a conditional use permit, the Board may affix other reasonable and appropriate conditions such as, but not limited to, landscaping and buffering to separate dissimilar uses or to screen parking and loading areas.

SECTION 8.5 CHANGE IN USE OF PROPERTY WHERE A NONCONFORMING SITUATION EXISTS.

8.5.1. A change in use of property that is sufficiently substantial to require a new zoning or conditional use permit in accordance with Article 5 may not be made except in accordance with subsections 8.5.2. through 8.5.4. However, this requirement shall not apply if only a sign permit is needed.

8.5.2. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as

ARTICLE 8. NONCONFORMING SITUATIONS

permission to make the initial use of a vacant lot. Once conformity with this Ordinance is achieved, the property may not revert to its nonconforming status.

8.5.3. If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this Ordinance applicable to that use cannot reasonably be complied with, then the change is permissible if the Board of Adjustment issues a conditional use permit authorizing the change. This conditional use permit may be issued if the Board of Adjustment finds, in addition to any other findings that may be required by this Ordinance, that:

8.5.3.1. The intended change will not result in a violation of Section 8.3; and

8.5.3.2. All of the applicable requirements of this section that can reasonably be complied with will be complied with. Compliance with a requirement of this section is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. In no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

8.5.4. If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the Board of Adjustment issues a conditional use permit authorizing the change. The Board of Adjustment may issue the conditional use permit if it finds, in addition to other findings that may be required by this Ordinance, that:

8.5.4.1. The use requested is one that is permissible in some zoning district with either a zoning or conditional use permit; and

8.5.4.2. All of the conditions applicable to the permit authorized in subsection 8.5.3 of this section are satisfied; and

8.5.4.3. The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

ARTICLE 8. NONCONFORMING SITUATIONS

SECTION 8.6 ABANDONMENT AND DISCONTINUANCE OF NONCONFORMING SITUATIONS.

8.6.1. When a nonconforming use is (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes.

8.6.2. If the principal activity on property where a nonconforming situation other than a nonconforming use exists is (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the Board of Adjustment issues a conditional use permit to allow the property to be used for this purpose without correcting the nonconforming situations. This conditional use permit may be issued if the Board of Adjustment finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The conditional use permit shall specify which nonconformities need not be corrected.

8.6.3. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

8.6.4. When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the 180-day period for purposes of this section begins to run on the effective date of this Ordinance.

SECTION 8.7 COMPLETION OF NONCONFORMING PROJECTS.

8.7.1. All nonconforming projects on which construction was begun at least 180 days before the effective date of this Ordinance as well as all nonconforming projects that are at least ten percent completed in terms of the total expected cost of the project on the effective date of this Ordinance may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction. In addition, as provided in G.S. 160A-385(b), neither this ordinance nor any amendment to it shall, without the consent of the property owner, affect any lot with respect to which a building permit has been

ARTICLE 8. NONCONFORMING SITUATIONS

issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change so long as the building permit remains valid, unexpired, and unrevoked.

8.7.2. Except as provided in subsection 8.7.1., all work on any nonconforming project shall cease on the effective date of this Ordinance, and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a zoning, conditional use, or sign permit issued in accordance with this section by the individual or board authorized by this Ordinance to issue permits for the type of development proposed. The permit issuing authority shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this Ordinance and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the permit issuing authority shall be guided by the following, as well as other relevant considerations:

8.7.2.1. All expenditures made to obtain or pursuant to a validly issued and unrevoked building, zoning, sign, or conditional use permit shall be considered as evidence of reasonable reliance on the land use law that existed before this Ordinance became effective.

8.7.2.2. Except as provided in subsection 8.7.2.1., no expenditures made more than 180 days before the effective date of this Ordinance may be considered as evidence of reasonable reliance on the land use law that existed before this Ordinance became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.

8.7.2.3. To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.

8.7.2.4. To the extent that a nonconforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.

8.7.2.5. An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of (i) the total estimated cost of the proposed project, and (ii) the ordinary business practices of the developer.

ARTICLE 8. NONCONFORMING SITUATIONS

8.7.2.6. A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.

8.7.2.7. Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the permit issuing authority may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The permit issuing authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that (i) at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development, and (ii) the developer had legitimate business reasons for making expenditures.

8.7.2.8. In deciding whether a permit should be issued under this section, the permit issuing authority shall not be limited to either denying a permit altogether or issuing a permit to complete the project (or phases, sections, or stages thereof) as originally proposed or approved. Upon proper submission of plans by the applicant, the permit issuing authority may also issue a permit authorizing a development that is less nonconforming than the project as originally proposed or approved but that still does not comply with all the provisions of the ordinance making the project nonconforming.

8.7.3. When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under subsection 8.7.2. In addition to the matters and subject to the guidelines set forth in subsection 8.7.2.1. through 8.7.2.6., the permit issuing authority shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:

8.7.3.1. Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.

8.7.3.2. Whether any improvements, such as streets or utilities, have been installed in phases not yet completed.

8.7.3.3. Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.

ARTICLE 8. NONCONFORMING SITUATIONS

8.7.4. The permit issuing authority shall not consider any application for the permit authorized by subsection 8.7.2., that is submitted more than sixty days after the effective date of this Ordinance. The permit issuing authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one year.

8.7.5. The UDO Administrator shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties in regard to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by certified mail not less than fifteen days before the effective date of this Ordinance.

8.7.6. The permit issuing authority shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible, before the effective date of this Ordinance, so that construction work is not needlessly interrupted.

SECTION 8.8 NONCONFORMING SIGNS.

8.8.1. Signs in existence on the effective date of this Ordinance which do not conform to the provisions of this Ordinance, but which were constructed, erected, affixed or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs. Although it is not the intent of the Ordinance to encourage the continued use of nonconforming signs, nonconforming signs shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled as follows:

8.8.1.1. No nonconforming sign shall be changed to another nonconforming sign.

8.8.1.2. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.

8.8.1.3. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign other than to make the sign conforming.

8.8.1.4. No nonconforming sign shall be re-established after the activity, business or use to which it relates has been discontinued and such sign shall be removed.

8.8.1.5. No nonconforming sign shall be re-established and all remains of the sign must be removed after damage or destruction, if the estimated expense of repairs exceeds fifty percent of the estimated total value of the sign at the time of destruction. If damaged by less than fifty percent, but repairs are not made within three months of the time such damage occurred, the nonconforming sign shall not be allowed to continue and must be removed.

ARTICLE 8. NONCONFORMING SITUATIONS

8.8.1.6. No nonconforming sign shall be relocated unless the sign can be made to conform with this Ordinance in its new location.

8.8.2. Signs located on premises which come within the zoning jurisdiction of the City of Laurinburg after the effective date of this Ordinance and which signs do not comply with the provisions of this Ordinance shall be subject to the requirements listed above.

8.8.3. Any nonconforming sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all the provisions of this Ordinance.

8.8.4. Signs in existence on the effective date of this Ordinance which do not comply with provisions regulating use of strobe lights, ziplights, flashing lights or rotating beacons; flags, streamers or strings of lights; or permanently installed or situated merchandise, shall be made to conform within ninety days from the effective date of this Ordinance.

8.8.5. The UDO Administrator shall order the removal of any sign maintained in violation of the provisions of this section for which removal procedures are herein prescribed, accordingly: the UDO Administrator shall give ninety days written notice to the owner or lessee to remove the sign or to bring it into compliance with this Ordinance. If the owner or lessee fails to remove the sign within ninety days after the ninety-day written notice has been given, the UDO Administrator or his duly authorized representative may institute removal proceedings according to the procedures specified in G.S. 160A-175.

8.8.6. Off-premises signs that are protected from enforced removal by the Outdoor Advertising Control Act shall not be subject to the provisions of subsection 8.8.5., unless and until just compensation is provided in accordance with the cited statute.

SECTION 8.9 TERMINATION OF MISCELLANEOUS NONCONFORMING SITUATIONS.

Within one year after the effective date of this Ordinance, any use as described in Subsection 6.2.3.3 shall cease, and thereafter any situation in violation of that subdivision shall no longer be regarded as a lawful nonconforming situation.

ARTICLE 9.

PERFORMANCE STANDARDS

| | | |
|--------------|--|------|
| PART I. | LANDSCAPE REQUIREMENTS | 9-4 |
| Section 9.1 | Purpose | 9-4 |
| Section 9.2 | General Screening Standard | 9-4 |
| Section 9.3 | Applicability | 9-5 |
| Section 9.4 | Tree Resource Management. | 9-6 |
| Section 9.5 | Street Yard Requirements | 9-10 |
| Section 9.6 | Parking Facility Requirements. | 9-10 |
| Section 9.7 | Bufferyard Requirements | 9-11 |
| Section 9.8 | Additional Requirements | 9-13 |
| Section 9.9 | Flexibility in Administration Required. | 9-14 |
| Section 9.10 | Installation | 9-15 |
| Section 9.11 | Maintenance. | 9-15 |
| Section 9.12 | Landscape Plan. | 9-15 |
| Section 9.13 | Tree Protection During Construction | 9-15 |
| Section 9.14 | Required Trees Along Dedicated Streets | 9-16 |
| Section 9.15 | Recommended Plant List | 9-17 |
| PART II. | OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS. | 9-20 |
| Section 9.16 | Off-Street Parking Requirements | 9-20 |
| Section 9.17 | General Provisions. | 9-21 |
| Section 9.18 | Requirements for Parking Lots | 9-23 |
| Section 9.19 | Manufactured Home and Trailer Parking and Storing | 9-24 |
| Section 9.20 | Vehicle Storage. | 9-24 |
| Section 9.21 | Vehicle Stacking Areas. | 9-24 |
| Section 9.22 | Parking Space Dimensions | 9-26 |
| Section 9.23 | Handicapped Requirements | 9-26 |
| Section 9.24 | Loading and Unloading Areas. | 9-26 |
| Section 9.25 | Parking Ratios | 9-28 |
| PART III. | SIGN REGULATIONS | 9-30 |
| Section 9.26 | Permit Required for Signs | 9-30 |
| Section 9.27 | Signs Not Requiring a Permit | 9-30 |
| Section 9.28 | Determining the Number of Signs | 9-31 |
| Section 9.29 | Computation of Sign Area | 9-32 |
| Section 9.30 | District Signs | 9-32 |
| Section 9.31 | Supplemental Sign Standards for the O/I, CB, & GB Districts. | 9-38 |
| Section 9.32 | Location and Height Requirements | 9-39 |
| Section 9.33 | Number of Freestanding Signs | 9-40 |
| Section 9.34 | Subdivision, Multi-Family Development, and Manufactured Home Park Entrance Signs | 9-40 |
| Section 9.35 | Adult and Sexually Oriented Business Signs | 9-41 |
| Section 9.36 | Sign Illumination and Signs Containing Lights | 9-41 |
| Section 9.37 | Miscellaneous Restrictions and Prohibitions | 9-42 |
| Section 9.38 | General Maintenance Requirements | 9-44 |
| Section 9.39 | Reconstruction of Damaged Signs or Sign Structures | 9-45 |
| Section 9.40 | Unlawful Cutting of Trees | 9-45 |
| Section 9.41 | Nonconforming Signs. | 9-45 |
| Section 9.42 | Sign Removal | 9-45 |

ARTICLE 9.

PERFORMANCE STANDARDS

| | | |
|--------------|---|------|
| Section 9.43 | Discontinued Signs | 9-46 |
| Section 9.44 | Reserved | 9-46 |
| PART IV. | SUBDIVISION REGULATIONS | 9-47 |
| Section 9.45 | Standards for Review | 9-47 |
| Section 9.46 | Sketch Plans | 9-47 |
| Section 9.47 | Preliminary Plats for Minor and Major Subdivisions | 9-47 |
| Section 9.48 | Final Plats for All Subdivisions | 9-47 |
| Section 9.49 | Information to be Provided on Preliminary and Final Plats | 9-47 |
| Section 9.50 | Presale of Lots | 9-51 |
| Section 9.51 | Recombination of Land | 9-51 |
| Section 9.52 | Resubdivision Procedures | 9-52 |
| Section 9.53 | Compliance with Provisions Required | 9-52 |
| Section 9.54 | Suitability of Land | 9-52 |
| Section 9.55 | Name Duplication | 9-52 |
| Section 9.56 | Stormwater Drainage Facilities | 9-53 |
| Section 9.57 | Erosion and Sedimentation Control | 9-53 |
| Section 9.58 | Streets and Utilities | 9-53 |
| Section 9.59 | Effect of Plat Approval on Dedications | 9-53 |
| Section 9.60 | Variances | 9-53 |
| Section 9.61 | Cemetery Subdivision Lot Size Exemption | 9-54 |
| Section 9.62 | Final Plat Certifications and Other Documentation | 9-54 |
| PART V. | RECREATIONAL FACILITIES AND OPEN SPACE | 9-58 |
| Section 9.63 | Usable Open Space | 9-58 |
| Section 9.64 | Ownership and Maintenance of Recreational Areas and Required Open Space | 9-58 |
| Section 9.65 | Dedication of Open Space | 9-59 |
| Section 9.66 | Payments in Lieu of Dedication | 9-59 |
| Section 9.67 | Procedure for Requesting Payment in Lieu of Dedication of Land | 9-60 |
| Section 9.68 | Homeowners Associations | 9-60 |
| Section 9.69 | Flexibility in Administration Authorized | 9-61 |
| Section 9.70 | Authority to Sell | 9-61 |
| Section 9.71 | Land Acceptance | 9-61 |
| PART VI. | STREET AND SIDEWALKS | 9-62 |
| Section 9.72 | Street Classifications | 9-62 |
| Section 9.73 | Access to Arterial Streets | 9-63 |
| Section 9.74 | Entrances to Streets | 9-63 |
| Section 9.75 | Street Connectivity Requirements | 9-64 |
| Section 9.76 | Relationship of Streets to Topography | 9-65 |
| Section 9.77 | Street Width, Sidewalk, and Drainage Requirements in Subdivisions | 9-65 |
| Section 9.78 | General Layout of Streets | 9-66 |
| Section 9.79 | Street Intersections | 9-67 |
| Section 9.80 | Construction Standards and Specifications | 9-67 |
| Section 9.81 | Private Streets and Private Roads in Subdivisions | 9-68 |
| Section 9.82 | Street and Sidewalk Requirements for Major and Minor Site Plans (Unsubdivided Development) | 9-69 |
| Section 9.83 | Attention to Handicapped in Street and Sidewalk Construction | 9-70 |

ARTICLE 9.

PERFORMANCE STANDARDS

| | | |
|------------------------------|---|-------|
| Section 9.84 | Street Names and House Numbers | 9-70 |
| Section 9.85 | Bridges | 9-71 |
| Section 9.86 | Utilities. | 9-71 |
| Section 9.87 | Cost of Street and Sidewalk Improvements | 9-71 |
| Section 9.88 | Street Name and Traffic Signs | 9-72 |
| Section 9.89 | Roadway Acceptance Procedure | 9-72 |
| PART VII. | UTILITIES | 9-73 |
| Section 9.90 | Utility Ownership and Easement Rights | 9-73 |
| Section 9.91 | Lighting Requirements. | 9-74 |
| Section 9.92 | Excessive Illumination | 9-75 |
| Section 9.93 | Electric Power. | 9-75 |
| Section 9.94 | Telephone Service. | 9-75 |
| Section 9.95 | Utilities to be Consistent with Internal and External Development | 9-76 |
| Section 9.96 | Fire Hydrants | 9-76 |
| Section 9.97 | Sites for Dumpsters | 9-77 |
| Section 9.98 | Lots Served by Governmentally Owned Water and Sewer Lines. | 9-77 |
| Section 9.99 | Sewage Disposal Facilities Required | 9-78 |
| Section 9.100 | Determining Compliance with Section 9.99 | 9-78 |
| Section 9.101 | Water Supply System Required | 9-80 |
| Section 9.102 | Determining Compliance with Section 9.101 | 9-80 |
| Sections 9.103 through 9.110 | Reserved for Future Use | 9-82 |
| PART VIII. | FLOOD DAMAGE PREVENTION. | 9-83 |
| Section 9.111 | Statutory Authorization | 9-83 |
| Section 9.112 | Findings of Fact | 9-83 |
| Section 9.113 | Statement of Purpose | 9-83 |
| Section 9.114 | Objectives | 9-84 |
| Section 9.115 | General Provisions. | 9-84 |
| Section 9.116 | Administration | 9-86 |
| Section 9.117 | Provisions for Flood Hazard Reduction. | 9-97 |
| Section 9.118 | Legal Status Provisions | 9-105 |
| PART IX. | STORMWATER CONTROL | 9-106 |
| Section 9.119 | General Provisions. | 9-106 |
| PART X. | SEDIMENTATION AND EROSION CONTROL. | 9-106 |
| Section 9.120 | General Provisions. | 9-106 |
| PART XI. | RIPARIAN BUFFERS | 9-106 |
| Section 9.121 | General Provisions. | 9-106 |

ARTICLE 9. PERFORMANCE STANDARDS

PART I. LANDSCAPE REQUIREMENTS

SECTION 9.1 PURPOSE.

The purpose of this section is to establish minimum requirements to provide adequate visual buffering and screening of permitted uses, structures, parking areas, and preservation of protected trees. The intention of these requirements is to satisfy the following objectives:

9.1.1. To provide attractive visual buffering between different land uses and enhance city beautification.

9.1.2. To lessen visual pollution.

9.1.3. To lessen the transmission of noise, dust, and glare from one lot to another.

9.1.4. To safeguard and enhance property values and to protect public and private investment by providing standards for the protection of existing vegetation and root zones and the installation of new vegetation.

9.1.5. To mitigate stormwater runoff and erosion, enhance air quality, conserve energy, and aid in abating noise, glare, and heat.

9.1.6. To establish and maintain the maximum sustainable amount of tree cover on public and private lands.

9.1.7. To maintain trees in a healthy and non-hazardous condition through good arboricultural practices.

9.1.8. To establish, maintain, and protect appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest.

SECTION 9.2 GENERAL SCREENING STANDARD.

Every development shall provide and maintain sufficient screening so that:

9.2.1. Neighboring properties are shielded from any adverse external effects of that development.

9.2.2. The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.3 APPLICABILITY.

The four standard requirements in this section are: Street Yards (Section 9.5), Parking Facility Landscaping (Section 9.6), Bufferyards (Section 9.7), and Screening of Dumpsters (Section 9.8.4). The requirements of this Article 9, Part I shall be applicable to the following situations:

9.3.1. Multi-Family Residential Development.

When fifteen (15) or more parking spaces are required for all phases of development excluding all residential developments which contain solely detached single-family dwelling units.

9.3.2. Nonresidential Development.

9.3.2.1. New Construction. When a permitted use, a use or combination of uses contained within a conditional use permit require fifteen (15) or more parking spaces.

9.3.2.2. Existing Development. When there is a change from an existing use to a new use which requires additional parking and the new use requires fifteen (15) or more parking spaces.

9.3.2.3. Expansion of Structure. When there is an expansion of an existing structure by greater than 25% of the gross floor area and that use requires fifteen (15) or more additional parking spaces.

9.3.2.4. Reconstruction of Structure. When there is damage or destruction to an existing structure beyond 50% of its assessed value, the reconstruction must conform to the new construction standards of this section.

9.3.2.5. Expansion of Parking Facility. When there is an expansion of the parking facility by a minimum of 10% of the parking with a minimum of fifteen (15) total spaces.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.4 TREE RESOURCE MANAGEMENT.

Tree resource management regulations shall apply to all protected trees for both new and existing development in accordance with this Section 9.4. No building permit or certificate of occupancy shall be issued for any improvements upon a property where the provisions of this section have not been complied with.

9.4.1. Exemptions.

All properties within the City's jurisdiction shall comply with the requirements of Section 9.4, Tree Resource Management, except as otherwise exempted below:

9.4.1.1. Tree Size. Any tree with a diameter/caliper less than twelve (12) inches or less measured at diameter at breast height (DBH) may be cut at any time without a permit, except replacement plantings.

9.4.1.2. Nursery. A business location where trees are grown specifically for sale, as part of a primary commercial activity, shall be exempt.

9.4.1.3. Utility Construction. Companies and governmental agencies installing and maintaining utilities in easements and right-of-ways shall be exempt when acting in accordance with approved construction plans.

9.4.1.4. Wetlands Mitigation. Wetlands mitigation shall be exempt when working in accordance with an approved plan of the US Army Corps of Engineers or North Carolina Department of Environment and Natural Resources (NCDENR).

9.4.1.5. Hazardous Conditions. Any tree that is severely damaged, in hazardous condition, as determined by the Town Administrator, Town Building Inspector, or Code Enforcement Officer shall be exempt; except where hazardous conditions are caused by purposeful damage.

9.4.1.6. Certain Forestry Activities. Any activity associated with growing, managing, and harvesting trees on lands subject to forestry use-value property taxation or activity being conducted in accordance with a forest management plan shall be exempt.

9.4.1.7. New Subdivisions. Any minor or major subdivision of land that includes submission of a landscape plan with the preliminary plat produced by a licensed Landscape Architect shall be exempt.

9.4.1.8. Site Plans. Any minor or major site plan that includes submission of a landscape plan with the site plan produced by a licensed Landscape Architect shall be exempt.

ARTICLE 9. PERFORMANCE STANDARDS

9.4.2. Tree Removal Permits Required.

Any tree with a diameter/caliper of twelve (12) inches and greater shall be considered a protected tree and shall not be removed unless a removal permit is issued. The measurement shall be taken diameter at breast height (DBH) at a height of 4 ½ feet above ground level. To obtain a permit, an application package must be submitted to and approved by the UDO Administrator, assisted by staff and volunteers as needed. Permitting information shall contain the following:

9.4.2.1. A site plan that clearly indicates the specific location of the requested trees to be removed, trees to remain, and trees planned for installation. A major or minor site plan as specified in Section 5.6 may serve as the required tree removal site plan.

9.4.2.2. Reason(s) for tree removal.

9.4.2.3. Payment of a permit fee as set forth in the City fee schedule.

9.4.2.4. A tree replacement schedule, where required.

9.4.2.5. Minor or major site plan approval, minor or major subdivision plat approval, certificate of zoning compliance, or building permit, as may be applicable, must be obtained before any land disturbing activity commences.

9.4.3. Standards for Tree Permit Approval or Denial.

Protected trees are to be retained and protected to the maximum extent feasible. The UDO Administrator shall issue or deny a tree permit within five (5) business days of receiving application for such. No permit shall be issued for the removal of protected trees unless one of the following conditions exists:

9.4.3.1. The tree is located in the buildable area of a yard area where a structure or improvements may be placed and it unreasonably restricts the permitted use of the property and such trees cannot reasonably be relocated elsewhere on the property. Necessity to remove trees in order to construct proposed improvements as a result of the following:

9.4.3.1.1. Essential grade changes for utility installations;

9.4.3.1.2. Location of proposed structure;

9.4.3.1.3. Essential to the nature of the business activity.

9.4.3.2. The tree cannot be relocated on or off the site because of the age, type, or size of the tree.

ARTICLE 9. PERFORMANCE STANDARDS

9.4.3.3. The tree is diseased, injured, in danger of falling, too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations.

9.4.3.4. Where tree removal is consistent with an approved subdivision plat or site plan.

9.4.3.5. It is in the welfare of the general public that the tree be removed for a reason other than set forth above.

9.4.4. Tree Loss Mitigation Policy.

To offset negative impacts to natural environment, aesthetics, and property values of the City of Laurinburg and to uphold the intent of this section, the following tree replacement schedule shall be followed, which shall be in addition to any and all fees and/or fines paid or incurred by a party that removes or alters a tree, the effect of which is to eliminate it, without having obtained a tree removal permit.

9.4.4.1. All protected trees removed shall be replaced in accordance with the following criteria:

9.4.4.1.1. All trees required by this section, all trees on City-owned property, and other protected trees shall be replaced in a one-to-one ratio with trees that at maturity will be of comparable DBH and height of the tree removed. All replacement trees shall have a DBH of at least two (2) inches when planted.

9.4.4.1.2. All mitigation shall occur on the property where the tree was removed. Mitigation in connection with construction shall be completed prior to issuance of a certificate of occupancy.

9.4.4.2. Tree loss mitigation shall not take effect when a tree removed is that lost to natural causes, such as age, disease, or storm, or other causes beyond the control of the landowner and property developer, such as a car crash or fire for which no party is found responsible. Tree loss mitigation shall take effect for all other trees allowed to be removed by permit from the UDO Administrator or by variance from the Board of Adjustment as well as for those trees altered or removed in violation of this section.

9.4.4.3. A developer or property owner may be excused from the requirement to install new required trees that would cause the lot in question to contain more than five total protected trees, to include new and existing trees, if the UDO Administrator determines that the size of a given property and presence of existing vegetation is such that the introduction of a significant number of new trees may be detrimental to both existing vegetation and proposed trees. The decision of the UDO Administrator in such matter shall be final.

ARTICLE 9. PERFORMANCE STANDARDS

9.4.5. Marking of Trees Required.

Any tree(s) indicated on a site plan for removal inspection must be clearly marked with brightly colored tape, ribbon, or similar material prior to an inspection by the UDO Administrator.

9.4.6. Replacement Plantings.

The UDO Administrator may recommend that trees be replaced on the same parcel of land removed from for aesthetic, harmonious, visual, or physical buffers to protect all property values. A recommendation on the size of tree(s) may be requested from the UDO Administrator utilizing the recommended plant list.

9.4.7. Maintenance and Inspection.

It is the responsibility of the property owner to retain all trees as required by this section. Failure to do so will be considered a violation subject to all legal and equitable remedies available to the City. The UDO Administrator will be notified of all violations for enforcement action.

9.4.8. Purposeful Damage to Trees Prohibited.

It shall be unlawful for any person, corporation or other entity to damage, deface, mutilate, alter, or otherwise cause severe or permanent harm to any tree(s) regulated by this section. Purposeful damage to trees shall include topping and any other practices deemed harmful to trees based upon current forestry practices. Purposeful damage prohibitions also apply to tree re-plantings that are less than a diameter/caliper of twelve (12) inches.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.5 STREET YARD REQUIREMENTS.

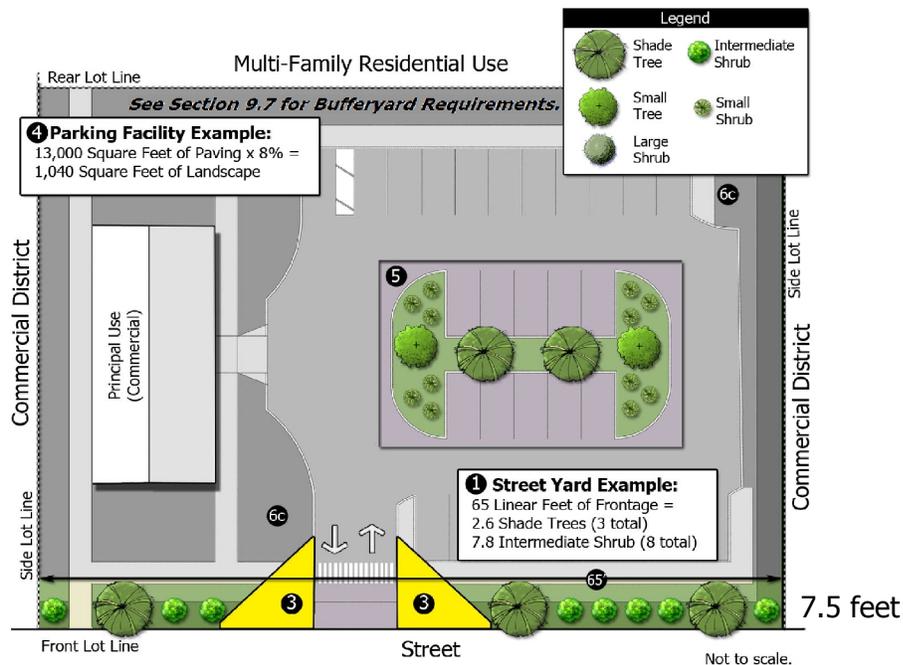
Street yards are required for all commercial, industrial, and multi-family residential development with fifteen (15) or more parking spaces.

- ❶ Minimum Standards: The minimum depth of all street yards shall be 7.5 feet. For every 50 linear feet of street frontage, or fraction thereof, the street yard shall contain a minimum of two (2) Shade Trees and six (6) Intermediate Shrubs. Newly installed plant material shall be evenly distributed, where possible.
- ❷ If there are existing trees in the proposed street yard area, the UDO Administrator may grant credit toward meeting the requirement for preservation of those trees as specified by the Tree Credits table.
- ❸ No planting material will be allowed which, at planting or at maturity, will impede vision between a height of three (3) feet and ten (10) feet in the sight visibility triangle specified by Section 2.15.

SECTION 9.6 PARKING FACILITY REQUIREMENTS.

- ❹ Minimum Standards: For parking facilities having 15 or more parking spaces, at least 8% of the gross paved area of the parking facility shall be landscaped and located in the interior of the facility.
- ❺ Planting islands shall include at least one Shade Tree or one Small Tree and six Small Shrubs. At least 50% of the trees planted shall be Shade Trees.
- ❻ In support of the above, the following standards shall apply to interior plantings:
 - a All plantings shall be evenly distributed throughout the parking facility.
 - b All interior plantings shall be curbed or otherwise physically protected. Depressed landscaped islands shall be permitted for stormwater management purposes as approved by the UDO Administrator.
 - c Landscaped islands shall be installed at each block of 15 consecutive parking spaces and at the ends of all parking rows. Landscaped islands shall contain at least 100 square feet in area and be at least 8 feet in width, measured from back of curb to back of curb.

Street Yard & Parking Facility Landscape Example (Sections 9.5 & 9.6)



ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.7 BUFFERYARD REQUIREMENTS.

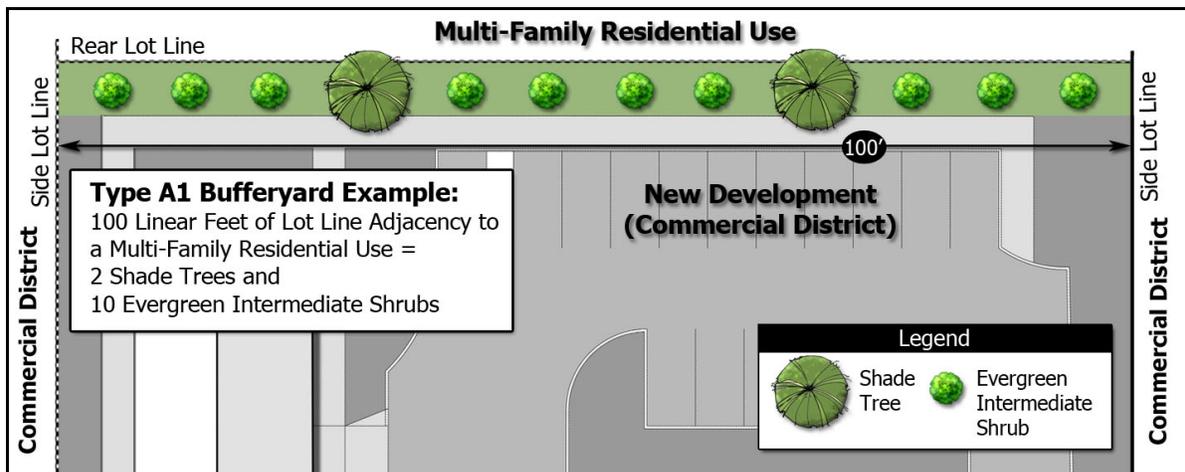
Bufferyards are required for multi-family residential development with fifteen (15) or more parking spaces and nonresidential development as outlined in Section 9.3. See the table below to determine the type of bufferyard required.

| Zoning District and/or Use To Be Developed (below) | Adjacent Zoning/Land Use | | | |
|--|--------------------------|------------------------------------|---------------------------|--|
| | Industrial | Commercial & Office/ Institutional | Single-Family Residential | Multi-Family Residential (15 or more parking), PRD |
| Industrial | N/A | Type A | Type B | Type A |
| Commercial & Office/ Institutional | Type A | N/A | Type B | Type A |
| Multi-Family Residential (15 or more parking), PRD | Type A | Type A | Type A | N/A |

Bufferyard requirements as they pertain to the Table of Uses and Activities (Section 6.5) are as follows:

1. "Industrial" shall include all uses allowed within the I district.
2. "Commercial & Office/Institutional" shall include all uses allowed within the O/I, CB, and GB districts.
3. "Multi-Family Residential" shall include all multi-family development within the R-20MH, R-20, R-6, R-6MH and O/I districts.
4. "Single-Family Residential" shall include all single-family development within the R-20MH, R-20, R-15, R-6, R-6MH, and O/I districts.

The following provides an **example** of a **Type A bufferyard** for a developed commercial district adjacent to a multi-family use in a residential district. See the next page for more information.



ARTICLE 9. PERFORMANCE STANDARDS

1 Type A Bufferyard Screening. A medium density screen intended to block visual contact between uses and to create special separation.

a Type A1: Minimum of 7.5 feet wide. For every linear 100 feet, or fraction thereof, the screen shall consist of a combination of a minimum of 2 Shade Trees planted evenly at 40 feet on center, and 10 evergreen Intermediate Shrubs planted 8 feet on center.

-OR-

b Type A2: Minimum of 5 feet wide. For every 100 feet, or fraction thereof, the screen shall consist of a combination of at least 3 Shade Trees planted evenly at 40 feet on center, and 15 evergreen Intermediate Shrubs 6 feet on center.

2 Type B Bufferyard Screening. A high density screen intended to exclude virtually all visual contact between uses and to create a special separation.

a Type B1: Minimum width of 15 feet, except for the B-2 district which shall have a minimum of 7.5 feet. For every linear 100 feet, or fraction thereof, the screen shall consist of a combination of a minimum of 3 Shade Trees planted evenly at 30 feet on center, and 15 evergreen Large Shrubs planted 6 feet on center.

-OR-

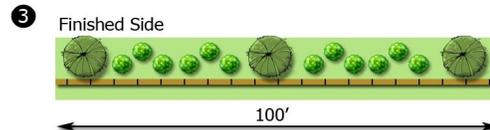
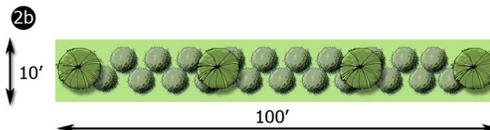
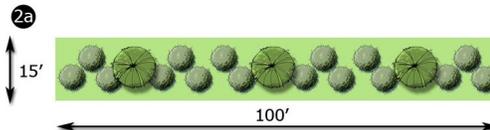
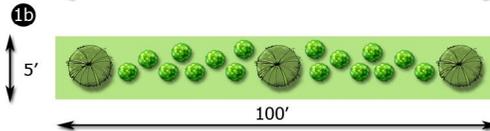
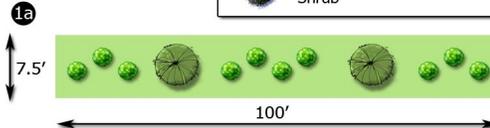
b Type B2: Minimum width of 10 feet, except for the B-2 district which shall have a minimum of 5 feet. For every linear 100 feet, or fraction thereof, the screen shall consist of a minimum of 4 Shade Trees planted 30 feet on center, and 20 evergreen Large Shrubs planted 5 feet on center.

OPTIONS TO TYPE A AND/OR TYPE B

3 Type C Bufferyard Screening. An opaque fence or opaque wall may be used in place of 50% of required bufferyard screening plants. The design, color and materials of any fence or screen used to meet bufferyard requirements shall be approved by the UDO Administrator. The side of the fence facing the affected property owner shall be the finished side of the fence. All planted screening required to be used in conjunction with a fence shall be approved by the UDO Administrator and planted on the finished side of the fence facing the affected use, and the remaining plantings shall be equally distributed in the bufferyard.

4 Type D Bufferyard Screening. A combination earthen berm with vegetation may be used as follows:

- An earthen berm may be used in conjunction with planted vegetation made up of small, intermediate, and large shrubs, as approved by the UDO Administrator, provided that the combined height of the berm and planted vegetation shall be an installed minimum height of 6 feet.
- The slope of the berm shall be stabilized with vegetation and no steeper than 3:1. The height of the berm shall be a maximum of 6 feet, with a level or rounded area on top of the berm. The berm shall be constructed of compacted earth.



NOTE: It is recommended and encouraged that native species and related cultivars be planted.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.8 ADDITIONAL REQUIREMENTS.

9.8.1. Existing Trees and Shrubs.

Any existing trees within required bufferyards shall be encouraged to be utilized and supplemented as necessary to meet bufferyard screening requirements. Existing trees intended to meet bufferyard screening requirements shall be protected from detrimental actions such as vehicle or equipment movement, excavating and grading, and installation of storage or structured elements. Credit for existing trees will be based on the following:

| Existing Tree Caliper (inches) | Number of Tree Credits Given |
|---|---|
| 2-6 | 1 |
| 7-12 | 2 |
| 13-18 | 3 |
| 19-24 | 4 |
| 25 or greater | 5 |

9.8.2. Uses in the Bufferyard.

No activities shall occur in the bufferyard except for maintenance of the bufferyard, required ingress and egress and the installation and maintenance of water, sewer, electrical, and other utility systems where the installation causes minimal disturbance of existing vegetation.

9.8.3. Uses in the Rear Yard and Side Yards Abutting a Residential Use.

The following uses shall be shielded from view from the property line of adjacent residentially used or zoned property by means of an Opaque Fence, Opaque Wall, or Solid Vegetative Buffer:

9.8.3.1. Outside storage areas.

9.8.3.2. Loading/unloading areas.

9.8.4. Screening of Dumpsters.

9.8.4.1. All solid waste collection dumpsters required by this Ordinance shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

9.8.4.1.1. Persons located within any dwelling unit on residential property other than that where the dumpster is located.

9.8.4.1.2. Occupants, customers, or other invitees located within any building on non-residential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in an I zoning district.

ARTICLE 9. PERFORMANCE STANDARDS

9.8.4.1.3. Persons traveling on any public street, sidewalk, or other public way.

9.8.4.2. When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening.

9.8.5. Encroachment into Setbacks.

9.8.5.1. If an existing structure is located within a setback where the implementation of the Streetyard and/or Bufferyard requirements are physically impossible and the encroachment into the yard (streetyard or bufferyard) allows for a minimum of three (3) feet of planting area, only the required shrubs shall be planted.

9.8.5.2. If the encroachment into the yard (streetyard or bufferyard) allows for less than three (3) feet of planting area, no planting shall be required in that yard.

SECTION 9.9 FLEXIBILITY IN ADMINISTRATION REQUIRED.

9.9.1. The City Council recognizes that, because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, the permit-issuing authority may permit deviations from the presumptive requirements of Article 9, Part I whenever it finds such deviations are more likely to satisfy the standard set forth in Section 9.2.

9.9.2. Without limiting the generality of subsection 9.9.1., the permit-issuing authority may modify the presumptive requirements for:

9.9.2.1. Commercial developments located adjacent to residential uses in business zoning districts.

9.9.2.2. Commercial uses located adjacent to other commercial uses within the same zoning district.

9.9.2.3. Uses located within planned residential developments (for screening requirements within planned residential developments, see Section 7.18).

9.9.3. Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in Article 9, Part I, it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in Section 9.2 and the reasons for allowing or requiring the deviation.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.10 INSTALLATION.

9.10.1. Plants shall meet the standards for plant quality and size as defined in the most recent version of the "American Standard of Nursery Stock" manual.

9.10.2. Plants shall be installed per the installation details included in Appendix B of this Ordinance.

SECTION 9.11 MAINTENANCE.

9.11.1. All existing vegetation that is used to meet landscaping requirements, all required plants, and all required berms shall be maintained by the owner of the property on a continuing basis for the life of the development.

9.11.2. Opaque Fences or Opaque Walls shall be maintained, cleaned and repaired by the owner of the property on a continuing basis for the life of the development. Such fencing shall be kept free of litter and advertising. Opaque fences or walls may be subject to periodic inspection by the UDO Administrator.

9.11.3. A new certificate of occupancy/building permit or a complaint will result in an inspection for compliance.

SECTION 9.12 LANDSCAPE PLAN.

Landscape plans shall be submitted with minor or major site plans, conditional use permit application, and/or request for a zoning certificate of compliance, if Section 9.3 applies. These plans shall contain the following information:

9.12.1. Date of plan preparation.

9.12.2. Project name and description of land use.

9.12.3. Project owner and mailing address.

9.12.4. A tree removal permit as specified in Section 9.4.2.

SECTION 9.13 TREE PROTECTION DURING CONSTRUCTION.

Tree preservation is a pre-planning activity and will be thoroughly considered prior to development of engineering and/or architectural plans and prior to initiation of construction projects. Protected trees shall be guarded during development against the following:

9.13.1. Unnecessary cutting, breaking, or skinning of roots.

ARTICLE 9. PERFORMANCE STANDARDS

9.13.2. Skinning and bruising of bark.

9.13.3. Excessive vehicular and foot traffic within drip lines.

9.13.4. Parking vehicles within drip lines.

9.13.5. During the land clearing and construction stage of development, the developer shall erect and maintain protective barriers (to the Building Inspector's specifications consistent with good management practices) around all trees or groups of trees to be protected from the center of the tree(s) to the dripline. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the protective barrier.

9.13.6. During the construction stage of development, the developer shall not allow the cleaning of equipment or material within the drip line of any tree or groups of trees to be protected. Neither shall the developer allow the disposal of waste materials such as paint, oil solvents, asphalt, concrete, mortar and so on within the drip line of any tree or groups of trees.

9.13.7. No attachments or wires other than those of a protective nature shall be attached to any tree.

9.13.8. Soil disturbances within the drip line of a protected tree shall be limited to two inches in depth removed or two inches in depth added. Any soil added under the drip line of the tree shall be a loamy soil mix to ensure minimal compaction.

9.13.9. During land clearing and construction stage of development, the UDO Administrator shall periodically inspect the site to ensure compliance with the provisions of this section.

9.13.10. Tree location and replacement activity permitted or required under this section shall be done in accordance with standard forestry practices and procedures, and all such plantings shall be reasonably maintained and attended to promote successful establishment thereof.

SECTION 9.14 REQUIRED TREES ALONG DEDICATED STREETS.

Along both sides of all newly created and improved streets that are constructed in accordance with the public or private street standards set forth in Article 9, Part II, the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and fifty feet from the centerline of the street, there is for every thirty feet of street frontage at least an average of one tree that has or will have when fully mature a trunk of at least twelve (12) inches in diameter. When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the standards set forth in Section 9.15

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.15 RECOMMENDED PLANT LIST.

The following is a recommended plant list to be utilized in the preparation of Landscape Plans to meet vegetation requirements. NOTE: Native vegetation is preferred. Plants not listed may be accepted by the UDO Administrator if they meet the standards defined by this Section. Some plants are listed under multiple categories as many of these plants are offered in numerous varieties. Mature height and spread of each plant is contingent on the variety. It is highly recommended that Landscape Plans be prepared by or in consultation with a Registered Landscape Architect or qualified landscape design professional.

Key:

E = EVERGREEN

N = NATIVE

D = DROUGHT TOLERANT

R = PRONE TO LARGE SURFACE ROOTS

| Botanical Name | Common Name | |
|---|-----------------------|------------|
| Shade Tree – installed at 12-14 foot height and 2-inch caliper, mature height greater than 30 feet | | |
| Acer rubrum | Red Maple | N, R |
| Fagus grandifolia | American Beech | N, R |
| Ginkgo biloba (male only) | Ginkgo | D |
| Gleditsia tricanthos inermis | Thornless Honeylocust | N, R |
| Liquidambar styraciflua | American Sweetgum | N, D, R |
| Magnolia grandiflora | Southern Magnolia | E, N, D |
| Nyssa sylvatica | Black Gum | N |
| Platanus acerifolia | London Plane Tree | D, R |
| Quercus nigra | Water Oak | N, D |
| Quercus shumardii | Shumard Oak | N, D |
| Quercus phellos | Willow Oak | N, D |
| Quercus virginiana | Live Oak | E, N, D, R |
| Taxodium distichum | Baldcypress | N, D |
| Ulmus parvifolia | Lacebark Elm | D |
| Small Tree – installed at 8-10 foot height and 1-inch caliper, mature height less than 30 feet | | |
| Acer buergerianum | Trident Maple | D |
| Amelanchier canadensis | Shadblow Serviceberry | N |
| Betula nigra | River Birch | N |
| Cercis canadensis | Eastern Redbud | N, D |
| Cornus florida | Dogwood | N |
| Elaeagnus angustifolia | Russian Olive | D |
| Fraxinus americana | White Ash | N |

ARTICLE 9. PERFORMANCE STANDARDS

| Botanical Name | Common Name | |
|-----------------------------------|-----------------------|---------|
| Ilex cassine | Dahoon Holly | E |
| Ilex latifolia | Lusterleaf Holly | E, D |
| Ilex opaca | American Holly | E, N, D |
| Ilex vomitoria | Yaupon Holly | E, N, D |
| Ilex x attenuate 'Fosters' | Foster's Holly | E, D |
| Ilex x 'Nellie Stevens' | Nellie Stevens Holly | E, D |
| Koelreuteria paniculata | Goldenraintree | D |
| Lagerstromia | Crapemyrtle | D |
| Magnolia grandiflora 'Little Gem' | Little Gem Magnolia | E, N, D |
| Magnolia virginiana | Sweetbay Magnolia | N |
| Magnolia x souangiana | Saucer Magnolia | D |
| Osmanthus americanus | Devilwood | E, N |
| Oxydendrum arboretum | Sourwood | N |
| Persea borbonia | Redbay | E, N |
| Prunus caroliniana | Carolina Cherrylaurel | E, D |
| Quercus geminate | Sand Live Oak | E, N |
| Vitex angus-castus | Chastetree | D |

Large Shrub – installed at 5-foot height, maintained height at 6-10 feet

| | | |
|-------------------------|----------------------|---------|
| Berberis julianae | Wintergreen Barberry | E, D |
| Cleyera japonica | Japanese Cleyera | E |
| Elaeagnus pungens | Thorny Elaeagnus | E |
| Euonymous japonicas | Japanese Euonymus | E |
| Ilex cornuta | Holly | E, D |
| Ilex vomitoria | Yaupon Holly | E, N, D |
| Ligustrum japonicum | Wax Leaf Privet | E, D |
| Ligustrum lucidum | Glossy Privet | E, D |
| Mahonia bealei | Leatherleaf Mahonia | E |
| Myrica cerifera | Southern Waxmyrtle | E, N, D |
| Osmanthus x fortunei | Fortunes Osmanthus | E, D |
| Photina serulata | Chinese Photina | E |
| Pittosporum tobira | Japanese Pittosporum | E, D |
| Podocarpus macrophyllus | Chinese Podocarpus | E, D |
| Raphiolepis umbellata | Indian Hawthorn | E |

ARTICLE 9. PERFORMANCE STANDARDS

Botanical Name

Common Name

Intermediate Shrub – installed at 36-inch height, maintained height at 4-6 feet

| | | |
|-----------------------|-----------------------|---------|
| Abelia x grandiflora | Glossy Abelia | E, D |
| Acuba japonica | Japanese Acuba | E, D |
| Clethera alnifolia | Sweet Pepperbush | N |
| Hydrangea macrophylla | Bigleaf Hydrangea | D |
| Ilex cornuta | Chinese Holly | E, D |
| Ilex crenata | Japanese Holly | E, D |
| Ilex glabra | Inkberry Holly | E, N, D |
| Juniperus chinensis | Chinese Juniper | E |
| Loropetalum chinensis | Chinese Fringe-Flower | E |
| Raphiolepis indica | Indian Hawthorn | E |
| Rhododendron obtusum | Kurume Azalea | E, N, D |
| Viburnum suspensum | Sandwanka Viburnum | E |

Small Shrub – installed at 18-inch height, maintained height at 3-4 feet

| | | |
|--|-----------------------|---------|
| Abelia x grandiflora (dwarf var.) | Glossy Abelia | E, D |
| Acuba japonica (dwarf var.) | Japanese Acuba | E, D |
| Berberis thunbergii | Japanese Barberry | D |
| Buxus microphylla var. koreana | Korean Boxwood | E, D |
| Euonymus japonicus 'Microphyllus Variegatus' | Var. Boxleaf Euonymus | E |
| Gardenia jasminoides 'Radicans' | Cape Jasmine | E, D |
| Ilex crenata 'Soft Touch' | Japanese Holly | E, D |
| Ilex cornuta 'Carissa' | Carissa Holly | E, D |
| Ilex vomitoria 'Nana' | Dwarf yaupon Holly | E, N, D |
| Itea virginica | Virginia Sweetspire | N, D |
| Jasminium nudiflorum | Winter Jasmine | E, D |
| Juniperus chinensis | Chinese Juniper | E |
| Nandina domestica | Dwarf Nandina | E, D |
| Pieris japonica | Japanese Pieris | E |
| Pittosporum tobira | Japanese Pittosporum | E |
| Raphiolepis indica | Indian Hawthorn | E, D |
| Spirea japonica | Japanese Spirea | D |
| Spirea nipponica | Snowmound Spirea | D |

ARTICLE 9. PERFORMANCE STANDARDS

PART II. OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

SECTION 9.16 OFF-STREET PARKING REQUIREMENTS.

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded open space that complies with the standards for parking established in this section.

9.16.1. Certification of Minimum Parking Requirements.

Each application for a certificate of zoning compliance submitted to the UDO Administrator as provided for in Section 5.3.7 of this Ordinance shall include information as to the location and dimensions of off-street parking and the means of entrance and exit to the space. This information shall be in sufficient detail to enable the UDO Administrator to determine whether or not the requirements of this section are met.

9.16.2. Joint Use of Required Parking Spaces.

9.16.2.1. One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

9.16.2.2. To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

9.16.2.3. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 9.17.2 are also applicable.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.17 GENERAL PROVISIONS.

9.17.1. Phased Developments.

Each individual phase of a multi-phase development shall meet all applicable parking standards established in this section including shared parking facilities prior to initiation of the next phase.

9.17.2. Satellite Parking.

9.17.2.1. If the number of off-street parking spaces required by this Ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces.

9.17.2.2. All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance. Satellite parking spaces must be located in a zoning district which permits parking lots for the use intended.

9.17.2.3. The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence, on an annual basis, that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgment that the continuing validity of his permit depends upon his continuing activity to provide the requisite number of parking spaces.

9.17.3. Access.

Access to public thoroughfares shall be from a driveway and not directly from a parking space. Ingress and egress shall be by a forward motion of the vehicle. This subsection does not apply to driveways serving one (1) to two (2) dwelling units.

9.17.4. General Design Requirements.

9.17.4.1. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

9.17.4.2. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way.

ARTICLE 9. PERFORMANCE STANDARDS

Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

9.17.4.3. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

9.17.5. Vehicle Accommodation Area Surfaces.

9.17.5.1. Vehicle accommodation areas that (1) include lanes for drive-in windows or (2) contain parking areas that are required to have more than ten (10) parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are as follows:

9.17.5.1.1. Paved Surfaces. Vehicle accommodation areas paved with asphalt shall be constructed in the same manner as street surfaces (refer to the City of Laurinburg Construction Standards). If concrete is used as the paving material, vehicle accommodation areas shall be similarly constructed except that six (6) inches of concrete shall be used instead of two inches of asphalt. The City Engineer may allow other paving materials to be used so long as the equivalent level of stability is achieved.

9.17.5.1.2. Unpaved Surfaces. Vehicle accommodation areas without paving shall be constructed in the same manner as paved areas except that crushed stone of the following types may be used in lieu of asphalt, concrete, or other paving material: Size 13 Crushed Stone.

9.17.5.2. Vehicle accommodation areas that are not provided with the type of surface specified in subsection 9.17.5.1 shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in subsection 9.17.5.1.1 and 9.17.5.1.2) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in subsection 9.17.5.1 for a distance of fifteen (15) feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.

9.17.5.3. Parking spaces in areas surfaced in accordance with subsection 9.17.5.1 shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection 9.17.5.2 shall be demarcated however practicable.

ARTICLE 9. PERFORMANCE STANDARDS

9.17.5.4. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

SECTION 9.18 REQUIREMENTS FOR PARKING LOTS.

Where parking lots for more than five (5) cars are permitted or required or where any principal building enlargement is 20% or greater of its existing size as specified by Section 5.1.2, the following provisions shall be complied with:

9.18.1. The parking spaces may be used only for parking, but shall not preclude occasional use as convention and festival exhibits or parking of rental vehicles. Parking spaces may not be used for loading, sales, dead storage, repair work, dismantling, or servicing.

9.18.2. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.

9.18.3. Only one entrance and one exit sign no larger than two square feet prescribing parking regulations may be erected at each entrance or exit.

9.18.4. Required off-street parking areas including drives and access ways shall be surfaced with an all-weather surface material.

9.18.5. Where parking or loading areas are provided adjacent to a public street, ingress and egress thereto shall be made only through driveways not exceeding 25 feet in width at the curb line of said street, except where the UDO Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

9.18.6. Where two or more driveways are located on the same lot, the minimum distance between such drives shall be thirty (30) feet or one-third of the lot frontage, whichever is greater.

9.18.7. No driveway shall be located closer than twenty-five (25) feet to any street intersection.

9.18.8. Refer to Article 9, Part I for landscaping requirements.

9.18.9. Refer to Article 9, Part VII for lighting requirements.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.19 MANUFACTURED HOME AND TRAILER PARKING AND STORING.

It shall be unlawful to park or otherwise store for any purpose whatsoever any manufactured home or trailer within any zoning district except as follows:

9.19.1. A storing permit for any manufactured home to be parked or stored for longer than seven (7) days shall be obtained from the UDO Administrator.

9.19.2. A manufactured home shall not be parked and used other than in the R-20MH and R-6MH districts, or unless obtaining a temporary certificate of zoning compliance.

SECTION 9.20 VEHICLE STORAGE.

9.20.1. Residential Districts.

Vehicles intended for personal use may be parked or stored on property zoned for residential use. No more than one commercial truck, van, or trailer may be driven home and must be parked in a garage or carport or in the driveway and never on the street. Inoperative vehicles, including trucks, vans, or trailers, may not be stored in a residential district.

9.20.2. Business and Industrial Districts.

Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles, in any business or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved junk or wrecking yard. Overnight parking or storage of tractor trailers in commercial districts is strictly limited to vehicles associated with the commercial establishment operating on the premises.

SECTION 9.21 VEHICLE STACKING AREAS.

9.21.1. Vehicle Stacking Areas.

The vehicle stacking standards of this section shall apply unless otherwise expressly approved by the UDO Administrator. Additional stacking spaces may be required by the UDO Administrator where trip generation rates suggest that additional spaces will be needed.

ARTICLE 9. PERFORMANCE STANDARDS

9.21.2. Minimum Number of Spaces.

Off-street stacking spaces shall be provided as follows:

| Activity Type | Minimum Stacking Spaces | Measured From |
|------------------------------------|---|--------------------------------------|
| Automated teller machine (ATM) | 3 | Teller |
| Bank teller lane | 4 | Teller or Window |
| Car wash bay, full-service | 6 | Bay |
| Car wash bay, self-service | 3 | Bay |
| Dry cleaning/laundry drive-through | 3 | Cleaner/laundry window |
| Gasoline pump island | 3 | Pump island |
| Gate, unstaffed | 2 | Gate |
| Gatehouse, staffed | 4 | Gatehouse |
| Pharmacy pickup | 3 | Pharmacy window |
| Restaurant, drive-through | 6 | Order box |
| Restaurant, drive-through | 4 | Between order box and pick-up window |
| Valet parking | 3 | Valet stand |
| Other | Determined by the UDO Administrator in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering. | |

9.21.3. Design and Layout of Stacking Spaces.

Required stacking spaces shall be subject to the following design and layout standards:

9.21.3.1. Size. Stacking spaces shall be a minimum of eight (8) feet in width by twenty-five (25) feet in length.

9.21.3.2. Location. Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

9.21.3.3. Design. Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the UDO Administrator for traffic movement and safety.

ARTICLE 9. PERFORMANCE STANDARDS

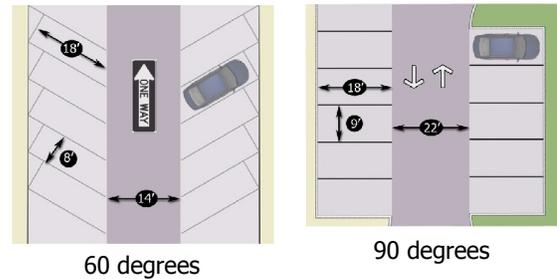
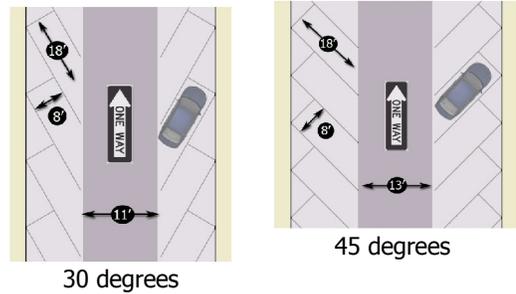
SECTION 9.22 PARKING SPACE DIMENSIONS.

9.22.1. Angled Parking.

Parking stalls intended for the use of standard size automobiles shall have a minimum size of eight (8) feet by eighteen (18) feet for angled parking. All angled parking stalls shall be provided with the minimum aisle width specified below depending on their angle of entry. This width is designed to accommodate traffic flow within the parking area and allow reasonable room for maneuvering in and out of parking stalls.

9.22.1.1. One-Way Traffic.

| <u>Degree of Angle</u> | <u>Aisle Width</u> |
|------------------------|--------------------|
| 30° | 11 feet |
| 45° | 13 feet |
| 60° | 14 feet |
| 90° | 22 feet |

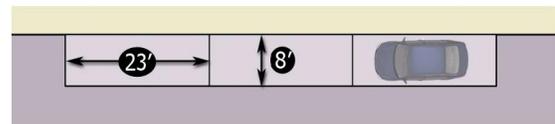


9.22.1.2. Two-Way Traffic.

Aisle width: 22 feet.

9.22.2. Parallel Parking.

Parallel parking stalls for standard size automobiles shall have a minimum size of eight (8) feet by twenty-three (23) feet. All parallel parking stalls shall have a minimum of ten (10) feet for maneuvering space in one-way traffic and twenty (20) feet maneuvering space in two-way traffic.



SECTION 9.23 HANDICAPPED REQUIREMENTS.

Handicapped parking spaces shall be in accordance with regulations set forth by the Americans with Disabilities Act (ADA), the NC Department of Transportation, the NC Division of Motor Vehicles ADA requirements, the NC State Building Code, and ICC A 117.1.

SECTION 9.24 LOADING AND UNLOADING AREAS.

9.24.1. Subject to subsection 9.24.7, whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

ARTICLE 9. PERFORMANCE STANDARDS

9.24.2. Location.

9.24.2.1. No loading spaces shall be located within thirty (30) feet of street intersections or in any required front, side, or rear yard.

9.24.2.2. A minimum setback of fifty (50) feet shall be required where loading docks face a residential district or a structure with first-floor residential uses, unless the loading area is completely screened from view with an eight (8) foot high masonry wall in accordance with the requirements of Section 7.7, Fences and Walls.

9.24.2.3. Loading areas shall be located to provide the most convenient access to the use being served. Generally, loading areas should be adjacent to the building.

9.24.3. Design.

9.24.3.1. Loading berths for office uses shall be a minimum of twelve (12) feet wide by thirty-five (35) feet long with a height clearance of fourteen (14) feet.

9.24.3.2. All other loading berths shall be a minimum of twelve (12) feet wide and fifty-five (55) feet long with a height clearance of fourteen (14) feet.

9.24.4. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

| Gross Leasable Area of Building | Number of Spaces |
|--|-------------------------|
| 1,000 - 19,999 | 1 |
| 20,000 - 79,999 | 2 |
| 80,000 - 127,999 | 3 |
| 128,000 - 191,999 | 4 |
| 192,000 - 255,999 | 5 |
| 256,000 - 319,999 | 6 |
| 320,000 - 391,999 | 7 |
| Plus one (1) for each additional 72,000 square feet or fraction thereof. | |

ARTICLE 9. PERFORMANCE STANDARDS

9.24.5. Ingress and Egress.

9.24.5.1. Each required off-street loading space shall be provided with a means of unobstructed ingress and egress to an alley or onto a public street wide enough to accommodate expected vehicles. Where such ingress and egress is made into a public street, it shall be through driveways or openings which meet required standards. Permanent wheel stops or curbing shall be provided to prevent any vehicle using the loading area from encroachment on the required front yards, side yards, or adjoining property.

9.24.5.2. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (1) maneuver safely and conveniently to and from a public right-of-way, and (2) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

9.24.6. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

9.24.7. Whenever (1) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

SECTION 9.25 PARKING RATIOS.

The following defines parking ratios for general use classifications as delineated in the Table of Uses and Activities (Section 6.5). All uses are not defined; however, the broad categories listed should correlate with each use listed within the use table included in Section 6.5. If there are questions regarding how a given project should be classified, the methodology for defining a required parking requirement shall be determined by the entity designated by this Ordinance to approve a particular development. Parking requirements for all government sponsored/owned facilities, such as schools, shall be determined on a case-by-case basis through the development plan approval process.

ARTICLE 9. PERFORMANCE STANDARDS

| Classification | Off-Street Parking Requirement |
|--|---|
| RESIDENTIAL | |
| Dwelling, Single-Family | 2 spaces |
| Dwelling, Manufactured Home | 2 spaces |
| Dwelling, Multi-Family – One bedroom – Two bedrooms – Three bedrooms or more | 1.5 spaces per unit 1.75 spaces per unit 2 spaces per unit |
| ACCESSORY USES/BUILDINGS | |
| Accessory Business or Residential Unit (Including Home Occupations) | 2 spaces per business or residence |
| Accessory Buildings | Same ratio as the principal use |
| EDUCATIONAL, OFFICE/INSTITUTIONAL, AND RETAIL SALES & SERVICES | |
| Retail | 4 spaces per 1,000 square feet |
| Restaurant | 1 space per 150 square feet enclosed floor area |
| Office | 3 spaces per 1,000 square feet |
| Lodging | 1 space per room plus 1 space per employee |
| Institutional/Civic | 1 space per 4 seats or 4 spaces per 1,000 square feet, whichever is greater |
| Other | Determined by the UDO Administrator in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering. |
| MANUFACTURING AND INDUSTRIAL USES | |
| Adult and sexually oriented businesses | 1 space per 100 square feet of gross floor area or 1 space per every 3 persons of maximum seating capacity, whichever is greater; plus 1 space per employee |
| All other industrial uses | 1 space per employee |
| RECREATION/CONSERVATION USES | |
| The most applicable of the following standards shall apply for all recreational uses: | 1 space per 4 fixed seats; 1 space for each 40 square feet of floor area available in establishment as a meeting room; 1 space for each 150 square feet of gross floor area. |
| TEMPORARY USES/STRUCTURES | |
| To be determined by the UDO Administrator based on the site specific conditions and principal use. | |
| AGRICULTURAL USES | |
| To be determined by the UDO Administrator based on the site specific conditions. | |

ARTICLE 9. PERFORMANCE STANDARDS

PART III. SIGN REGULATIONS

SECTION 9.26 PERMIT REQUIRED FOR SIGNS.

9.26.1. Except as otherwise provided in Sections 9.27 (Signs Not Requiring a Permit), no sign may be erected, moved, enlarged, or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration. *(Amended 6/21/2016)*

9.26.2. If plans submitted for a zoning permit or conditional use permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this Ordinance, then issuance of the requested zoning or conditional use permit shall constitute approval of the proposed sign or signs.

9.26.3. Signs not approved as provided in subsection 9.26.2 or exempted under the provisions referenced in subsection 9.26.1 may be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the UDO Administrator. Sign permit applications and sign permits shall be governed by the same provisions of this Ordinance applicable to zoning permits.

9.26.4. All sign permits shall expire if not utilized within one hundred eighty (180) days following issuance. No more than one (1) off-premises sign permit per parcel may be issued within any three hundred sixty-five (365) day period, such time beginning with the date of issuance of any previous off-premises sign permit.

SECTION 9.27 SIGNS NOT REQUIRING A PERMIT. *(Amended 6/21/2016)*

The following signs are exempt from regulation under this Ordinance except for those restrictions stated in Sections 9.38.2 through 9.38.5.

9.27.1. Signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as (1) signs giving property identification names or numbers or names of occupants, (2) signs on mailboxes or paper tubes, and (3) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

9.27.2. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

9.27.3. Official signs of a noncommercial nature erected by public utilities.

9.27.4. Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion of as an advertising device.

ARTICLE 9. PERFORMANCE STANDARDS

9.27.5. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.

9.27.6. Signs directing and guiding traffic on private property that do not exceed four (4) square feet each.

9.27.7. Signs painted on or otherwise permanently attached to currently licensed motor vehicles and trailers that are not primarily used as signs.

9.27.8. Non-commercial temporary signs not exceeding four (4) square feet in area, and three (3) feet in height if freestanding are allowed in all residential districts (see Section 9.30.1.4).

9.27.9. Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures that are not intended to be seen from the exterior of said building or structure.

9.27.10. Memorial plaques or markers.

9.27.11. Signs painted or attached to vending machines, gas pumps, ice machines, or similar devices which indicate the contents of the machine, the price, or operating instructions.

9.27.12. Art, including murals and paintings.

9.27.13. Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the town may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this subsection may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

SECTION 9.28 DETERMINING THE NUMBER OF SIGNS.

9.28.1. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a single unit. Where matter is displayed in a random manner without comprising a single unit, each element shall be considered a single sign.

9.28.2. Without limiting the generality of subsection 9.28.1, a multi-sided sign shall be regarded as one sign.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.29 COMPUTATION OF SIGN AREA.

9.29.1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

9.29.2. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

9.29.3. With respect to two-sided, multi-sided or three-dimensional signs, the surface area shall be computed by including the total of all sides designed either to attract attention or communicate information that can be seen at one time by any person from any vantage point. For example, with respect to a typical two-sided sign where a message is printed on both sides of a flat surface, the sign surface area of one side (rather than the sum total of both sides) shall be regarded as the total sign surface area of that sign, since one can see only one side of the sign from any vantage point.

9.29.4. With respect to V-shaped signs, the surface area shall be calculated as in subsection 9.29.3 above, provided the angle of the intersecting sign planes does not exceed ninety (90) degrees. If the angle of the intersecting sign planes exceeds ninety (90) degrees, sign area shall be computed as it would for a one-sided sign.

SECTION 9.30 DISTRICT SIGNS. *(Amended 6/21/2016)*

9.30.1. Signs in General Residential Districts.

9.30.1.1. Unless otherwise provided in this article or in Article 7, Supplemental Regulations, the maximum sign surface area permitted on any lot in any R-20MH, R-20, R-15, R-6, and R-6MH residential district is four (4) square feet, including home occupations. Home occupation signage shall be permanently fixed to the residence within which the home occupation resides.

9.30.1.2. At any entrance to a residential subdivision, multi-family development, or manufactured home park, there may be not more than two (2) signs identifying such subdivision or development. A single side of any such sign may not exceed thirty-two (32) square feet nor may the total surface area of all such signs located at a single entrance exceed sixty-four (64) square feet.

9.30.1.3. LED lighting is prohibited for churches located in residential zoning districts.

ARTICLE 9. PERFORMANCE STANDARDS

9.30.1.4. Temporary signs not exceeding four (4) square feet in area, and three (3) feet in height if freestanding are allowed in all residential districts. The number of these signs is limited to one (1) per one hundred (100) feet, or fraction thereof, of lot frontage of all immediately adjacent public streets. In no event shall there be more than three (3) such signs allowed per lot. The temporary sign may be displayed up to three (3) days prior to and/or following the specific event with which the sign is associated. No temporary signs are allowed in the public right-of-way.

9.30.2. Signs in O&I District.

| Permitted Sign Type(s) | Specific Applicability | Maximum Sign Surface Area | Maximum Height | Maximum Number |
|---|-------------------------------------|---|----------------|----------------|
| BUILDING MOUNTED | | | | |
| Wall | Per building entrance | Not to exceed 0.5 square feet of sign area for each linear feet of building frontage, not to exceed 100 square feet | N/A | 1 |
| Window | Per separate business establishment | 25% of first floor total building front facade window and/or door area | N/A | N/A |
| Projecting | Per separate business establishment | Not to exceed 12 square feet and may not project more than 5 feet from the building wall ¹ | N/A | 1 |
| Canopy or Awning | Each entrance per building | Copy area of the sign is limited to the drip flap; logos may be placed on the awning itself | N/A | 1 |
| ID Plaques | Identifies tenants in building | 4 square feet | N/A | 1 |
| FREESTANDING | | | | |
| Monument or Ground Mounted ² | Per street frontage | Not to exceed 0.25 square feet of sign area for each linear foot of street frontage. Primary sign shall not exceed 48 square feet of surface area. Signs located on perpendicular streets shall not exceed 24 square feet of surface area | 8 ft | 2 |
| Temporary ³ | Message neutral | 8 sq ft | 6 ft | ⁴ |

¹Bottom edge of sign must be at least 10 feet above the sidewalk; except in cases where sign is located underneath an awning or canopy, the bottom edge shall be at least 8 feet above the sidewalk. Projecting signs will not extend vertically above the roofline or parapet of a building.

²Sign shall be located no closer than 10' from property line or street right-of-way.

³Temporary signs may be displayed up to ten (10) days prior to and/or following the specific event with which the sign is associated. No temporary signs are allowed in the public right-of-way.

⁴The number of signs is limited to one (1) per 100 feet, or fraction thereof, of lot frontage of all immediately adjacent public streets.

ARTICLE 9. PERFORMANCE STANDARDS

9.30.3. Signs in CB Districts.

| Permitted Sign Type(s) | Specific Applicability | Maximum Sign Surface Area | Maximum Height | Maximum Number |
|---|-------------------------------------|--|----------------|----------------|
| BUILDING MOUNTED | | | | |
| Wall | Per building entrance | The total area of all wall signs may not exceed 2 square feet of sign area for each linear foot of building frontage, not to exceed 200 square feet. | N/A | 2 |
| Window | Per separate business establishment | 25% of first floor total building front facade window and/or door area | N/A | N/A |
| Projecting | Per separate business establishment | Not to exceed 12 square feet and may not project more than 5 feet from the building wall ¹ | N/A | 1 |
| Canopy or Awning | Each entrance per premises | Copy area of the sign is limited to the drip flap; logos may be placed on the awning itself | N/A | 1 |
| ID Plaques | Identifies tenants in building | 4 square feet | N/A | 1 |
| FREESTANDING | | | | |
| Monument or Ground Mounted ² | Per street frontage | Not to exceed 0.25 square feet of sign area for each linear foot of street frontage. Sign shall not exceed 24 square feet of surface area. | 8 ft | 1 |
| Temporary ³ | Message neutral | 8 sq ft | 6 ft | ⁴ |

¹Bottom edge of sign must be at least 10 feet above the sidewalk; except in cases where sign is located underneath an awning or canopy, the bottom edge shall be at least 8 feet above the sidewalk. Projecting signs will not extend vertically above the roofline or parapet of the building.

²Sign shall be located no closer than 10' from property line or street right-of-way.

³Temporary signs may be displayed up to ten (10) days prior to and/or following the specific event with which the sign is associated. No temporary signs are allowed in the public right-of-way.

⁴The number of signs is limited to one (1) per 100 feet, or fraction thereof, of lot frontage of all immediately adjacent public streets.

ARTICLE 9. PERFORMANCE STANDARDS

9.30.4. Signs in GB and I Districts.

| Permitted Sign Type(s) | Specific Applicability | Maximum Sign Surface Area | Maximum Height | Maximum Number |
|---|-------------------------------------|--|----------------|----------------|
| BUILDING MOUNTED | | | | |
| Wall ¹ | Per building entrance | The total area of all wall signs may not exceed 1 square foot of sign area for each linear foot of building frontage. In no case may the total amount of wall signage exceed 500 square feet in the GB district and 400 square feet in the I district. | N/A | 2 |
| Window | Per separate business establishment | 25% of first floor total building front facade window and/or door area | N/A | N/A |
| Projecting | Per separate business establishment | Not to exceed 12 square feet and may not project more than 5 feet from the building wall ² | N/A | 1 |
| Canopy or Awning | Per premises | Copy area of the sign is limited to the drip flap; logos may be placed on the awning itself | N/A | 1 |
| ID Plaques | Identifies tenants in building | 4 square feet | N/A | 1 |
| FREESTANDING | | | | |
| Monument or Ground Mounted ³ | Per street frontage | Not to exceed 0.25 square feet of sign area per sign for each linear foot of street frontage. Primary sign area shall not exceed 48 square feet of surface area. Signs located on perpendicular streets shall not exceed 24 square feet of surface area. | 8 ft | 1 |
| Freestanding | Per street frontage | Not to exceed 1 square foot of sign area for each linear foot of street frontage. In no case may the total amount of any single sign exceed 200 square feet. | 15 ft | 1 |
| Temporary ³ | Message neutral | 8 sq ft | 6 ft | ⁴ |

¹Wall signs may project a maximum of 12" from the wall to which it is mounted.

²Bottom edge of sign must be at least 10 feet above the sidewalk; except in cases where sign is located underneath an awning or canopy, the bottom edge shall be at least 8 feet above the sidewalk. Projecting signs will not extend vertically above the roofline or parapet of the building.

³Sign shall be located no closer than 10' from property line or street right-of-way.

³Temporary signs may be displayed up to ten (10) days prior to and/or following the specific event with which the sign is associated. No temporary signs are allowed in the public right-of-way.

⁴The number of signs is limited to one (1) per 100 feet, or fraction thereof, of lot frontage of all immediately adjacent public streets.

ARTICLE 9. PERFORMANCE STANDARDS

9.30.5. Shopping Center/Major Retail Developments.

| Permitted Sign Type(s) | Specific Applicability | Maximum Sign Surface Area | Maximum Height | Maximum Number |
|---|-------------------------------------|---|----------------|----------------|
| BUILDING MOUNTED | | | | |
| Wall ¹ | Per building entrance | The total area of all wall signs per business may not exceed 1.5 foot of area for each linear foot of building frontage. Establishments with two or more surfaces of exposure are allowed 1.5 square feet of sign area for each linear foot of frontage for the primary sign and 1 square foot of sign area for each linear foot of frontage for the secondary sign. Establishments shall have no more than a primary and secondary sign unless a property identification of less than 4 square feet is needed for deliveries or similar activities. No establishment shall exceed 500 square feet of total wall signage. In no case may the total amount of wall signage exceed 500 square feet for each business. | N/A | 2 |
| Window | Per separate business establishment | 25% of first floor total building front facade window and/or door area | N/A | N/A |
| Projecting | Per separate business establishment | Not to exceed 12 square feet and may not project more than 5 feet from the building wall ² | N/A | 1 |
| Canopy or Awning | Per premises | Copy area of the sign is limited to the drip flap; logos may be placed on the awning itself | N/A | 1 |
| ID Plaques | Identifies tenants in building | 4 square feet | N/A | 1 |
| FREESTANDING | | | | |
| Monument or Ground Mounted ³ | Per street frontage | Not to exceed 0.25 square feet of sign area per sign for each linear foot of street frontage. Primary sign area shall not exceed 48 square feet of surface area. Signs located on perpendicular streets shall not exceed 24 square feet of surface area. | 8 ft | 3 |
| Freestanding | Per street frontage | Not to exceed 1 square foot of sign area for each linear foot of street frontage. In no case may the total amount of any freestanding signs exceed 200 square feet. | 15 ft | 1 |
| Temporary ³ | Message neutral | 8 sq ft | 6 ft | ⁴ |

¹Wall signs may project a maximum of 12" from the wall to which it is mounted.

²Bottom edge of sign must be at least 10 feet above the sidewalk; except in cases where sign is located underneath an awning or canopy, the bottom edge shall be at least 8 feet above the sidewalk. Projecting signs will not extend vertically above the roofline or parapet of the building.

³Sign shall be located no closer than 10' from property line or street right-of-way.

³Temporary signs may be displayed up to ten (10) days prior to and/or following the specific event with which the sign is associated. No temporary signs are allowed in the public right-of-way.

⁴The number of signs is limited to one (1) per 100 feet, or fraction thereof, of lot frontage of all immediately adjacent public streets.

ARTICLE 9. PERFORMANCE STANDARDS

9.30.6. Shopping Center Outparcels.

| Permitted Sign Type(s) | Specific Applicability | Maximum Sign Surface Area | Maximum Height | Maximum Number |
|---|------------------------|--|----------------|----------------|
| BUILDING MOUNTED | | | | |
| Wall | Per building entrance | The total area of all wall signs may not exceed 1 square foot of sign area for each linear foot of building frontage, not to exceed 200 square feet. | N/A | 2 |
| FREESTANDING | | | | |
| Monument or Ground Mounted ³ | Per street frontage | Not to exceed 0.25 square feet of sign area per sign for each linear foot of street frontage. Primary sign area shall not exceed 48 square feet of surface area. Signs located on perpendicular streets shall not exceed 24 square feet of surface area. | 8 ft | 2 |
| Freestanding | Per street frontage | Not to exceed 1 square foot of sign area for each linear foot of street frontage. In no case may the total amount of any single sign exceed 200 square feet. | 15 ft | 1 |
| Temporary ³ | Message neutral | 8 sq ft | 6 ft | ⁴ |

¹Wall signs may project a maximum of 12" from the wall to which it is mounted.

²Bottom edge of sign must be at least 10 feet above the sidewalk; except in cases where sign is located underneath an awning or canopy, the bottom edge shall be at least 8 feet above the sidewalk. Projecting signs will not extend vertically above the roofline or parapet of the building.

³Sign shall be located no closer than 10' from property line or street right-of-way.

³Temporary sign may be displayed up to ten (10) days prior to and/or following the specific event with which the sign is associated. No temporary signs are allowed in the public right-of-way.

⁴The number of signs is limited to one (1) per 100 feet, or fraction thereof, of lot frontage of all immediately adjacent public streets.

9.30.7. Off-Premise Signs.

| Permitted Sign Type(s) | Specific Applicability | Maximum Sign Surface Area | Maximum Height | Maximum Number |
|--|--|---|----------------|----------------|
| FREESTANDING | | | | |
| Off-premise signs (outdoor advertising) ^{1, 2, 3} | May not be located in any district other than a I district | Not to exceed a maximum total sign area of 250 square feet. | 25 ft | N/A |

¹Sign shall be located no closer than one thousand (1,000) feet from another off-premises sign nor extend closer than 10 feet to a street right-of-way line.

²Off-premise signs shall not be located within two hundred (200) feet of any property which is used for public parks, public or private schools, churches, public museums, city hall, or courthouse and which has principal access on the same street as the off-premises sign. No off-premises sign shall be located closer than one hundred (100) feet of a lot on the same side of the street which is zoned or developed for residential purposes.

³The City of Laurinburg will pay just compensation in accordance with NCGS 136-131.1 for required removal of billboards.

ARTICLE 9. PERFORMANCE STANDARDS

9.30.8. Sign Measurement.

Measurement shall be taken from the center line of the adjacent street for freestanding signs and the ground for all other signs.

SECTION 9.31 SUPPLEMENTAL SIGN STANDARDS FOR THE O/I, CB, AND GB DISTRICTS *(Amended 6/21/2016)*

Sign standards for specific business operations are in addition to the general standards outlined in this Article and recognize the different types of traffic, use and need of signs for the assistance of the traveling public and the prosperity of business owners and employees through the attraction, retention, and furtherance of commerce throughout the City. Retail and restaurants establishments may avail themselves of the maximum signage allowable under Section 9.30 and additionally may supplement such maximum via the standards of this subsection.

9.31.1. Sandwich Board Sign.

Limited to one sign per business. Signs shall be limited to a maximum height of four (4) feet and a maximum length of three (3) feet. Folding and double-faced signs shall be considered one (1) sign. Sandwich board signs shall not be located on any public right-of-way, except that where the edge of the right-of-way is the face of the building and where such building abuts a public sidewalk, such signage may be allowed as a right-of-way encroachment. Sign placement shall not impede movement on the sidewalk.

9.31.2. Banners.

Limited to one banner per business. Banners shall be limited to a maximum height of six (6) feet and a maximum length of ten (10) feet. Banners shall contain the imprint or logo of the business in which the banner is intended. No additional logos, joint advertising or insignia shall be permitted.

9.31.3. Temporary Advertisement Flags.

Limited to two flags per business, but no more than six (6) flags at one time per approved major or minor site plan. Commercial advertisement flags no greater than ten (10) feet in height and no greater than four (4) feet in width and, on a temporary basis, shall be permitted and shall contain the imprint or logo of the business in which the flag is intended, no additional logos, joint advertising, or insignia shall be permitted. In a Planned Residential Development, the location of commercial advertisement flags shall be on the premises of the business or in a common pedestrian ingress area immediately in-front or adjacent to the primary pedestrian entrance of the business, in no case shall the commercial advertisement flag be placed further than ten (10) feet from said primary pedestrian entrance. No commercial advertisement flag shall be placed in the vehicular zone including parking areas, driveways, or vehicular ways. Placement of flags shall not impede ingress/egress to the building.

ARTICLE 9. PERFORMANCE STANDARDS

9.31.4. Sale/Event/Holiday Signs.

For no more than thirty (30) days annually, special signage for sales/events/holidays may be placed by a business on premises with the issuance of a permit. Such signs shall be of one of the categories above with the following supplemental standard: for each item in this subsection, the quantity of signs shall double.

9.31.5. Daily Specials.

Daily, restaurants and food service establishments may be permitted one (1) additional sandwich board sign subject to the standards of subsection 9.32.1. The heading of such sign shall read in addition to any such text as deemed prudent by the business: Open for Business, Daily Specials.

SECTION 9.32 LOCATION AND HEIGHT REQUIREMENTS.

9.32.1. No portion of a ground sign may extend closer than ten (10) feet to a street right-of-way line.

9.32.2. No portion of a ground sign may extend closer than five (5) feet to a street right-of-way line. In the Central Business District, a ground sign may abut a street right-of-way line.

9.32.3. No portion of a freestanding sign may exceed a height, measured from the pavement elevation of the street to which the sign is directed, greater than 25 feet; provided, however, no sign may be directed to any street that is not adjacent to the subject property. No portion of an off-premises sign may exceed a height, measured from ground level, greater than 25 feet.

9.32.4. No portion of a ground sign may exceed a height, measured from ground level, greater than eight (8) feet.

9.32.5. No sign may extend above or be placed upon any roof surface; except that, for purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

9.32.6. No wall sign attached flat to a building may project more than twelve (12) inches from the building wall. Projecting signs may, however, exceed the 12-inch requirement.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.33 NUMBER OF FREESTANDING SIGNS.

9.33.1. Except as authorized by this section, no development may have more than one freestanding sign.

9.33.2. If a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each side of the development bordered by such streets.

9.33.3. If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may have not more than one freestanding sign on each side of the development bordered by such streets.

SECTION 9.34 SUBDIVISION, MULTI-FAMILY DEVELOPMENT AND MANUFACTURED HOME PARK ENTRANCE SIGNS.

9.34.1. At any entrance to a residential subdivision, multi-family development, or manufactured home park, there may be not more than two (2) signs identifying such subdivision or development (see Section 9.30.1.2).

9.34.2. Breakaway signs may be located within the median of a street provided compliance with NC Department of Transportation standards can be achieved. Other breakaway signs shall be located no closer than eight (8) feet to the back of a street's curb and gutter line or edge of pavement, provided the location of the sign does not interfere with existing or proposed utilities.

9.34.3. No portion of a non-breakaway sign may be located within a street's right-of-way. However, such sign may be situated in a manner which abuts the right-of-way line.

9.34.4. The maximum height of a breakaway sign located within the median of a street shall not exceed 42 inches, breakaway signs located off medians shall not exceed a maximum height of 72 inches, however, the supporting structure, such as a column, shall not exceed 96 inches.

9.34.5. The owner shall be responsible for all maintenance and upkeep of identification signs. Failure to properly maintain signs may result in removal by the City of Laurinburg.

9.34.6. The City of Laurinburg shall not be responsible for any loss or damage to an identification sign regardless of cause.

9.34.7. Identification signs placed within a street's right-of-way require an encroachment agreement between the sign's owner and the City of Laurinburg.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.35 ADULT AND SEXUALLY ORIENTED BUSINESS SIGNS.

Adult entertainment business signage shall be approved through the issuance of the Conditional Use Permit as specified in Section 4.5.

9.35.1. It shall be unlawful for the owner or operator of any regulated establishment or any other person to erect, construct, or maintain any sign for the regulated establishment other than one primary sign and one secondary sign, as provided herein.

9.35.2. Primary signs shall have no more than two display surfaces. Each such display surface shall:

9.35.2.1. Be a flat plane, rectangular in shape;

9.35.2.2. Not exceed 60 square feet in area; and

9.35.2.3. Not exceed 10 feet in height or 10 feet in length.

9.35.3. Primary signs shall contain no photographs, silhouettes, drawings, or pictorial representations of any manner, and may contain only:

9.35.3.1. The name of the regulated establishment.

9.35.3.2. One or more of the following phrases: Adult Bookstore, Adult Movie Theater, Adult Cabaret, Adult Entertainment, or Adult Model Studio.

9.35.3.3. Primary signs for adult movie theaters may contain the additional phrase, Movie Titles Posted on Premises.

SECTION 9.36 SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS.

9.36.1. Unless otherwise prohibited by this Ordinance, signs may be illuminated if such illumination is in accordance with this section.

9.36.2. No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

9.36.3. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

ARTICLE 9. PERFORMANCE STANDARDS

9.36.4. Illuminated tubing or strings of lights that outline property lines, sales areas, or similarly large areas are prohibited. Accent lighting including illuminated tubing or Light Emitting Diode (LED) lighting is permitted on the primary structure of a business provided the lighting does not extend above the eaves lines of the roof and does not flash, fluctuate, blink, or spell out letters, words, or logos. All lighting of this type must be directly attached to the building and shielded so the light distribution is focused toward the building.

9.36.5. Subject to subsection 9.36.6, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity which depict the illusion of movement, except signs indicating the time, date, or weather conditions.

9.36.6. Subsections 9.36.4 and 9.36.5 do not apply to temporary signs erected in connection with the observance of holidays.

SECTION 9.37 MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS.

9.37.1. No temporary nor permanent sign (snipe signs) shall be attached to a tree, utility pole, traffic sign, or other appurtenance located within a street right-of-way (other than signs allowed by Section 9.27.2).

9.37.2. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads. Specifically, no sign shall create a visual obstruction in a designated sight clearance area.

9.37.3. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Without limiting the foregoing and subject to exceptions specified in this subsection, streamers, animated display boards, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibitive if their movement (1) is not a primary design feature of the sign, and (2) is not intended to attract attention to the sign. The restrictions of this subsection shall not apply to signs specified in Section 9.27.4 or to signs indicating the time, date, or weather conditions. Banners may be allowed provided they are attached directly to the walls of the principal structure and provided that they do not, in combination with other existing signs on the premises, exceed the total sign surface area permitted in Section 9.30.

9.37.4. No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

9.37.5. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

ARTICLE 9. PERFORMANCE STANDARDS

9.37.6. Temporary signs and banner, portable signs, streamers and similar items may be allowed for special promotional sales, grand openings, and similar events in non-residential areas provided that a sign permit is obtained from the UDO Administrator. A permit for such sign shall not exceed ten (10) days in duration.

9.37.7. Canopy signs are permitted when suspended or attached to the underside of a canopy provided such signs do not exceed four (4) square feet in area and shall be located at least eight (8) feet above the sidewalk.

9.37.8. Flags, pennants, or insignia of any governmental or non-profit organization shall be limited to four per premises.

9.37.9. The sign area of a sign permanently painted, affixed, or placed in a building window which is visible from a street right-of-way shall be restricted to no more than 40 percent of the total window area. The sign area of such signs shall not be included in the total sign surface area established in accordance with the provisions of Section 9.30.

9.37.10. All portable signs are prohibited. This prohibition shall not apply to signs erected by or pursuant to the authorization of the City of Laurinburg for events of a community nature including but not limited to emergencies or for other governmental purposes. This prohibition shall not apply to signs placed upon vehicles that are operational and which are not parked at one location for over twenty-four (24) hours.

9.37.11. Vehicle signs. Any sign that is attached to, painted on, or pulled by any vehicle that is parked on any street or in any parking space for the primary purpose of advertising is prohibited.

9.37.12. No signs shall overhang or be erected in any public right-of-way. Traffic regulation, information or warning signs erected by the State Department of Transportation or signs erected by the town are exempt.

9.37.12. All message board signs are prohibited. This prohibition does not include menu and sandwich board signs.

9.37.13. All inflatable signs, balloons, and similar decorations are prohibited.

9.37.14. All roof signs are prohibited.

9.37.15. Any sign that exhibits statements, words, or pictures of an indecent, obscene, or pornographic nature is prohibited.

9.37.16. Any sign that obstructs or interferes with any window, door, sidewalk, or fire escape is prohibited.

ARTICLE 9. PERFORMANCE STANDARDS

9.37.17. All beacons and spotlights are prohibited. Illumination system(s) shall not contain or utilize any beacon, spot, search, or stroboscopic light or reflector which is visible from any public right-of-way or adjacent property, nor shall such lights be operated outside, under any circumstances, except by authorized agencies for emergency services purposes.

9.37.18. Flood lights shall not be utilized as a part of a sign illumination system which are not hooded or shielded so that the light source is not visible from any public right-of-way or adjacent property nor shall any sign otherwise reflect or emit a glaring light so as to impair driver vision.

9.37.19. Any sign or sign structure that is structurally unsafe as determined by the UDO Administrator or Building Inspector is prohibited.

9.37.20. Any sign that incorporates a computer screen, electronic images, or electronic characters or flashing lights is prohibited. This prohibition shall not apply to digital menu receipt boards and signage used to indicate time, temperature, or fuel prices.

9.37.21. Stacking signs on top of one another is prohibited.

9.37.22. Signs painted on or attached to trees, fences, or fence posts, and telephone or utility poles or signs on or attached to rocks or other natural features are prohibited. Any commercial identification or advertising signs on benches or refuse containers are also prohibited.

9.37.23. Pavement markings are prohibited except those of a customary traffic-control nature.

9.37.24. Any sign located or designated so as to intentionally or effectively deny an adjoining property owner reasonable visual access to an existing sign is prohibited.

SECTION 9.38 GENERAL MAINTENANCE REQUIREMENTS.

To ensure that signs are erected and maintained in a safe and attractive condition, the following maintenance requirements shall apply to all signs:

9.38.1. Every sign and its supports, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept free from defective or missing parts or peeling paint and shall be sufficiently stabilized to withstand wind damage.

9.38.2. A sign shall have no more than ten (10) percent of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period more than fourteen (14) successive days.

9.38.3. A sign shall not have weeds, vines, or other vegetation growing upon it, or obscuring the view of the sign from the street or right-of-way from which it is to be viewed, for a period of more than fifteen (15) successive days.

ARTICLE 9. PERFORMANCE STANDARDS

9.38.4. An illuminated sign shall not have only partial illumination for a period of more than fifteen (15) successive days.

9.38.5. Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the UDO Administrator, the owner thereof, or the person or firm maintaining the sign, shall, upon written notice from the UDO Administrator, forthwith in the case of immediate danger and in any case within ten (10) days, secure the sign in a manner to be approved by the UDO Administrator, in conformity with the provisions of this section or remove the sign. If the order is not complied with within ten (10) days, the UDO Administrator shall remove the sign at the expense of the owner or lessee thereof.

SECTION 9.39 RECONSTRUCTION OF DAMAGED SIGNS OR SIGN STRUCTURES.

9.39.1. Any conforming or permitted nonconforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within thirty (30) days and completed within sixty (60) days of such damage. However, if the sign should be declared unsafe by the UDO Administrator, the owner of the sign or the owner of record of the real property whereon the sign is located, shall immediately correct all unsafe conditions in a manner satisfactory to the UDO Administrator.

9.39.2. For the purposes of this Section, a nonconforming sign or its structure shall be considered destroyed, and therefore not repairable, if it receives damage to the extent of more than 50% of its value as listed for tax purposes by the Scotland County Tax Office.

SECTION 9.40 UNLAWFUL CUTTING OF TREES.

All tree removal shall require a permit as specified in Section 9.4.2. The issuance of a permit shall not prohibit tree removal along a federal highway as permitted by NC Senate Bill 183.

SECTION 9.41 NONCONFORMING SIGNS.

Nonconforming signs are subject to the provisions of Article 8, specifically Section 8.8.

SECTION 9.42 SIGN REMOVAL.

Any temporary signs erected in violation of the provisions of Section 9.28 and Section 9.38 may be removed immediately by the UDO Administrator. Any sign so removed shall be retained at a designated municipal facility until recovered by the sign owner following payment to the city of a fee as established by the City Council per sign. Any sign not recovered within ten (10) days will be destroyed.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.43 DISCONTINUED SIGNS.

Upon the discontinuance of a business or occupancy of an establishment for a consecutive period of one hundred eighty (180) days, the UDO Administrator shall require the removal of the on-premises sign(s) advertising or identifying the establishment. The UDO Administrator shall give thirty (30) days notice to the property owner to remove the sign(s). Failure to remove the sign(s) within the thirty-day period shall constitute a violation of this Ordinance and shall be remedied in accordance with the provisions of Section 1.5.

SECTION 9.44 RESERVED.

ARTICLE 9. PERFORMANCE STANDARDS

PART IV. SUBDIVISIONS

SECTION 9.45 STANDARDS FOR REVIEW.

Refer to Section 5.7 for the subdivision review process. Decision on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in Article 9, Part IV. Whenever the ordinance criteria for decisions requires application of judgment, those criteria must provide adequate guiding standards for the entity charged with plat approval.

SECTION 9.46 SKETCH PLANS.

A sketch plan is required and shall include the information specified in Section 5.2.3.

SECTION 9.47 PRELIMINARY PLATS FOR MINOR AND MAJOR SUBDIVISIONS.

The preliminary plat shall depict or contain the information provided in Section 9.49. Preliminary plats shall be clearly and legibly drawn at a scale of not less than two hundred (200) feet to one (1) inch.

SECTION 9.48 FINAL PLATS FOR ALL SUBDIVISIONS.

9.48.1. Final Plat Contents.

The final plats shall depict or contain the information provided in Section 9.49. Final plats shall be clearly and legibly drawn by a registered land surveyor currently licensed in the State of North Carolina by the NC State Board of Registration for Professional Engineers and Land Surveyors. The plat shall also be drawn at a scale of not less than two hundred (200) feet to one (1) inch and shall be drawn on a sheet size of mylar acceptable to the Register of Deeds of Scotland County.

9.48.2. Certifications.

The final plat shall contain the certifications outlined in Section 9.62.

SECTION 9.49 INFORMATION TO BE PROVIDED ON PRELIMINARY AND FINAL PLATS.

The preliminary and final plats shall depict or contain the information indicated in the following table. An X indicates that the information is required.

| <i>Information</i> | <i>Preliminary Plat</i> | <i>Final Plat</i> |
|--|--------------------------------|--------------------------|
| Vicinity map (6" W x 4" H) showing location of subdivision in relation to neighboring tracts, subdivision, roads, and waterways (to include streets and lots of adjacent developed or platted properties). Also include corporate limits, city boundaries, county lines if on or near subdivision tract. | X | |

ARTICLE 9. PERFORMANCE STANDARDS

| <i>Information</i> | <i>Preliminary Plat</i> | <i>Final Plat</i> |
|---|--------------------------------|--------------------------|
| Boundaries of tract and portion to be subdivided, including total acreage to be subdivided, distinctly and accurately represented with all bearings and distances shown. | X | X |
| Proposed street layout and right-of-way width, lot layout and size of each lot. Number lots consecutively throughout the subdivision. | X | X |
| Name of proposed subdivision. | X | X |
| Statement from the County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision, AND/OR statement from the County Public Utilities that application has been made for public water and/or sewer permits. | X | |
| Graphic scale. | X | X |
| North arrow and orientation. | X | X |
| Concurrent with submission of the Preliminary Plat to the City, the subdivider shall submit copies of the Preliminary Plat and any accompanying material to any other applicable agencies concerned with new development, including, but not limited to: District Highway Engineer, County Board of Education, U.S. Army Corps of Engineers, State Department of Natural Resources and Community Development, for review and recommendation. | X | |
| List the proposed construction sequence. | X | |
| Stormwater plan – see Article 9, Part IX (approval by City Engineer required before Preliminary Plat approval). | X | |
| New contour lines resulting from earth movement (shown as solid lines) with no larger than five-foot contour intervals (existing lines should be shown as dotted lines). | X | |
| Survey plat, date(s) survey was conducted and plat prepared, the name, address, phone number, registration number and seal of the Registered Land Surveyor. | X | X |
| Names, addresses, and telephone numbers of all owners, mortgagees, land planners, architects, landscape architects and professional engineers responsible for the subdivision (include registration numbers and seals, where applicable). | X | X |
| Date of the drawing(s) and latest revision date(s). | X | X |
| The owner's name(s) of adjoining properties and Zoning District of each parcel within 100' of the proposed site. | X | |
| State on plans any variance request(s). | X | |
| Show existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining. Show wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site. A survey is required of all trees with a diameter of twelve (12) inches and greater. See Section 9.4 (Tree Resource Management). | X | |

ARTICLE 9. PERFORMANCE STANDARDS

| <i>Information</i> | <i>Preliminary Plat</i> | <i>Final Plat</i> |
|--|-------------------------|-------------------|
| The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or FIRM maps (FEMA). State the base flood elevation data for subdivision. | X | X |
| Show the minimum building setback lines for each lot. | X | X |
| Provide grading and landscape plans. Proposed plantings or construction of other devices to comply with the screening requirements of Article 9, Part I. | X | |
| Show dimensions and details of all proposed entrance or subdivision signage. | X | |
| Show pump station detail including any tower, if applicable. | X | |
| Show area which will not be disturbed of natural vegetation (percentage of total site). | X | |
| Label all buffer areas, if any, and provide percentage of total site. | X | X |
| Soil erosion plan. | X | |
| Show temporary construction access pad. | X | |
| Outdoor illumination with lighting fixtures and name of electricity provider. | X | |
| The following data concerning proposed streets: | | |
| Streets, labeled by classification (see Article 9, Part VI) and street name showing linear feet, whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths, approximate grades and typical street cross-sections. Private roads in subdivisions shall also be shown and clearly labeled as such. | X | |
| Traffic signage location and detail. | X | |
| Design engineering data for all corners and curves. | X | X |
| For office review; a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas. | X | |
| Private street maintenance agreement in accordance with Article 9, Part VI. | | X |
| Type of street dedication; all streets must be designated either public or private. (Where public streets are involved which will be dedicated to the town, the subdivider must submit all street plans to the UDO Administrator for approval prior to preliminary plat approval). | X | X |

ARTICLE 9. PERFORMANCE STANDARDS

| <i>Information</i> | <i>Preliminary Plat</i> | <i>Final Plat</i> |
|---|-------------------------|-------------------|
| Where streets are dedicated to the public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with Article 9, Part VI. | X | X |
| If any street is proposed to intersect with a state maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations. (1) Evidence that the subdivider has applied for such approval. (2) Evidence that the subdivider has obtained such approval. | X X X | |
| The location and dimensions of all: | | |
| Utility and other easements. | X | X |
| Pedestrian and bicycle paths. | X | X |
| Areas to be dedicated to or reserved for public use. | X | X |
| The future ownership (dedication or reservation for public use to governmental body or for owners to duly constituted homeowners' association) of recreation and open space lands. | X | X |
| The site/civil plans for utility layouts including: | | |
| Sanitary sewers, invert elevations at manhole (include profiles). | X | |
| Storm sewers, invert elevations at manhole (include profiles). | X | |
| Other drainage facilities, if any. | X | |
| Water distribution lines, including line sizes, the location of fire hydrants, blow offs, manholes, force mains, and gate valves. | X | |
| Gas lines. | X | |
| Telephone lines. | X | |
| Electric lines. | X | |
| Plans for individual water supply and sewage disposal systems, if any. | X | |
| Provide site calculations including: | | |
| Acreage in buffering/recreation/open space requirements. | X | X |
| Linear feet in streets and acreage. | X | X |
| Net buildable area calculated in acreage. | X | X |
| The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places. | X | X |
| Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles and tangent distance for the center line of curved property lines that is not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute. | X | X |

ARTICLE 9. PERFORMANCE STANDARDS

| <i>Information</i> | <i>Preliminary Plat</i> | <i>Final Plat</i> |
|--|-------------------------|-------------------|
| The accurate locations and descriptions of all monuments, markers, and control points. | X | X |
| Proposed deed restrictions or covenants to be imposed upon newly created lots. Such restrictions are mandatory when private recreation areas are established. Must include statement of compliance with state, local, and federal regulations. | X | X |
| A copy of the erosion control plan submitted to the Regional Office of NC-DNRCD, when land disturbing activity amounts to one acre or more. | X | |
| All certifications required in Section 9.62. | X | X |
| Any other information considered by either the subdivider, UDO Administrator, Planning Board, or City Council to be pertinent to the review of the plat. | X | X |
| Improvements guarantees (see Section 5.7.4.7). | | X |

SECTION 9.50 PRESALE OF LOTS.

Pre-sale and pre-lease contracts are allowed only after a preliminary plat has been approved. The closing and final conveyance of lots subject to pre-sale and pre-lease contracts may not occur until after the final plat is approved and recorded. The buyer shall:

9.50.1. Be provided a copy of the preliminary plat at the time the contract is executed;

9.50.2. Be notified that no final plat has been approved;

9.50.3. Be advised that there is no guarantee that changes will not be made to the plat before final approval;

9.50.4. Be provided a copy of the final plat before final approval by the county; and

9.50.5. Be informed that the contract or lease may be terminated by the buyer/leasee if the final plat differs in any material way from the preliminary plat.

SECTION 9.51 RECOMBINATION OF LAND.

9.51.1. Any plat or any part of any plat may be vacated by the owner or developer at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

9.51.2. Such an instrument shall be approved by the same agencies as approved the final plat. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

ARTICLE 9. PERFORMANCE STANDARDS

9.51.3. Such an instrument shall be executed, acknowledged, or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

9.51.4. When lots have been sold, the plat may be vacated in the manner provided in Section 9.51.1 through 9.51.3 of this section, by all owners of the lots in such plat joining in the execution of such writing.

SECTION 9.52 RESUBDIVISION PROCEDURES.

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

SECTION 9.53 COMPLIANCE WITH PROVISIONS REQUIRED.

Each subdivision shall contain the improvements specified in this section, which shall be installed in accordance with the requirements of this Ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this Ordinance. Land shall be dedicated and reserved in each subdivision as specified in this section. Each subdivision shall adhere to the minimum standards of design established by this section.

SECTION 9.54 SUITABILITY OF LAND.

9.54.1. Land which has been determined by the Building Inspector on the basis of engineering or other expert surveys to post an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct the conditions and to eliminate the dangers.

9.54.2. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

9.54.3. All subdivision proposals shall be consistent with the Flood Damage Prevention Ordinance. In areas of flood hazard, identified on the Flood Insurance Rate Map of Scotland County, North Carolina, as Zones A and AE, all subdivisions shall be designed to minimize flood damage in accordance with the provisions of the Laurinburg Flood Damage Prevention Ordinance.

SECTION 9.55 NAME DUPLICATION.

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Scotland County.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.56 STORMWATER DRAINAGE FACILITIES.

The preliminary plat shall be accompanied by evidence satisfactory to the Planning Board as to the proposed method of providing for stormwater drainage in accordance with Article 9, Part IX.

SECTION 9.57 EROSION AND SEDIMENTATION CONTROL.

The preliminary plat shall be accompanied by a written statement from NCDENR, or the UDO Administrator, as the case may be, that any required soil erosion and sedimentation control plan has been approved in accordance with Article 9, Part X.

SECTION 9.58 STREETS AND UTILITIES.

All streets and utilities shall be constructed in accordance with Article 9, Part VI, Streets and Sidewalks and Article 9, Part VII, Utilities.

SECTION 9.59 EFFECT OF PLAT APPROVAL ON DEDICATIONS.

Pursuant to NCGS 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the City Council may by resolution accept any dedication made to the public of lands for streets, parks, or other public purposes, when the lands are located within its subdivision-regulation jurisdiction. Acceptance of dedication of lands located within the subdivision-regulation jurisdiction but outside the corporate limits of the municipality shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land, and the municipality shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits. Such acceptance shall be in accordance with the City of Laurinburg acceptance procedures as specified in Section 9.97.

SECTION 9.60 VARIANCES.

The Planning Board may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds:

9.60.1. There are special circumstances or conditions affecting that property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of this land.

ARTICLE 9. PERFORMANCE STANDARDS

Registered Land Surveyor

Official Seal

Registration Number

The certificate of the Notary shall read as follows:

North Carolina, _____ County

I, _____, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

Signature

Official Seal

My Commission Expires: _____

9.62.1.4. Certification of Private Water/Septic Systems (if applicable). If the Scotland County Health Department has not approved private water or septic systems, then the following written statement shall be included on the Plat:

The Scotland County Health Department has expressed no opinion as to the suitability of private septic or water systems on this property. Each lot is subject to individual inspection and approval of septic systems.

9.62.2. Major Subdivision Approval.

9.62.2.1. Certificate of Ownership and Dedication. I hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which property is within the subdivision regulation jurisdiction of the City of Laurinburg, that I freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Laurinburg City Council in the public interest.

Owner(s)

Date

(Notarized)

ARTICLE 9. PERFORMANCE STANDARDS

9.62.2.5. Certification of Private Water/Septic Systems (if applicable). If the Scotland County Health Department has not approved private water or septic systems, then the following written statement shall be included on the Plat:

The Scotland County Health Department has expressed no opinion as to the suitability of private septic or water systems on this property. Each lot is subject to individual inspection and approval of septic systems.

9.62.2.6. Division of Highways District Engineer Certificate. I hereby certify that the public streets shown on this plat have been completed, or that a performance bond or other sufficient surety has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards of the NC Department of Transportation, Division of Highways, for acceptance of subdivision streets on the state highway system for maintenance.

District Engineer

Date

9.62.2.7. Private Road Disclosure Statement (if applicable). The maintenance of streets designated on this plat as "private" shall be the responsibility of property owners within this development having access to such streets. Private streets as shown hereon were not constructed to the minimum standards required to allow their inclusion, for maintenance purposes, on the North Carolina highway system nor on the City of Laurinburg street system. The City of Laurinburg will not maintain any private street.

ARTICLE 9. PERFORMANCE STANDARDS

PART V. RECREATIONAL FACILITIES AND OPEN SPACE

SECTION 9.63 USABLE OPEN SPACE.

9.63.1. Every multi-family residential and manufactured home park development shall be developed so that at least five percent of the total area of the development remains permanently as usable open space.

9.63.2. For purposes of this section, usable open space means an area that:

9.63.2.1. Is not encumbered with any substantial structure;

9.63.2.2. Is not devoted to use as a roadway, parking area, or sidewalk;

9.63.2.3. Is left in its natural or undisturbed state (as of the date development began), if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ballfields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in subdivision 9.7.2.4;

9.63.2.4. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;

9.63.2.5. Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required pursuant to Section 9.65.

9.63.2.6. Consists of land no more than twenty-five percent of which lies within an area of special flood hazard or a floodway as those terms are defined in Part VIII.

SECTION 9.64 OWNERSHIP AND MAINTENANCE OF RECREATIONAL AREAS AND REQUIRED OPEN SPACE.

9.64.1. Except as provided in Section 9.65, or unless the City agrees to accept the dedication, recreation facilities and usable open space required to be provided by the developer in accordance with this article shall not be dedicated to the public but shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in Section 9.68.

9.64.2. The person or entity identified in subsection 9.64.1 as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.65 DEDICATION OF OPEN SPACE.

9.65.1. If any portion of any lot proposed for multi-family residential or manufactured home park development lies within an area designated on the officially adopted recreation master plan as a neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding five percent of the total lot area) shall be included as part of the area set aside to satisfy the requirement of Section 9.63. This area shall be dedicated to public use.

9.65.2. If more than five percent of a lot proposed for multi-family residential or manufactured home park development lies within an area designated as provided in subsection 9.65.1, the City may attempt to acquire the additional land by offering to purchase the land.

9.65.3. An executed general warranty deed conveying the dedicated land to the City of Laurinburg shall be submitted to the City within 30 working days of the approval by the City Council of a subdivision plat or development plan.

SECTION 9.66 PAYMENTS IN LIEU OF DEDICATION.

9.66.1. Any developer required to dedicate land pursuant to this article, with the approval of the City Council, may make a payment in lieu of such dedication, or may make combination dedication and partial payment in lieu of dedication, whichever, in the opinion of the City Council, shall be in the best interest of the citizens of the area to be served.

9.66.2. Any such payment in lieu of dedication shall be the product of the number of acres to be dedicated multiplied by the average fair market value of the land being subdivided at the time of the submission of the final subdivision plat or in the case of a planned development, the final development plan.

9.66.3. In case of a disagreement between the City and the developer as to the fair market value, such determination shall be made by a special appraisal committee made up of one (1) professional appraiser appointed by the City Manager, one (1) professional appraiser appointed by the developer, and one (1) professional appraiser appointed by the initial two (2) committee appointees. The Committee shall view the land and hear the contentions of both the City and the developer. The findings of the Committee shall be by a majority vote and shall be certified to the City Council in writing within thirty (30) days of the time of appointment of the third member of the Committee. The costs of all professional land appraisers shall be borne entirely by the developer. (A professional appraiser is an individual who can show by legal credentials and experience that he or she has a knowledge of land appraisals of a similar type.)

9.66.4. All monies received by the City pursuant to this section shall be used only for the acquisition or development of recreational and park sites benefitting the new development and the residents in the vicinity of the development.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.67 PROCEDURE FOR REQUESTING PAYMENT IN LIEU OF DEDICATION OF LAND.

9.67.1. The developer shall attach to the subdivision plat, or in the case of a planned development, the preliminary development plan, a letter requesting approval to make payment in lieu of dedication of land pursuant to this article. In this letter, the developer shall state the proposed per acre value and include, in writing, the basis for determination of this value.

9.67.2. Upon receipt of the subdivision plat, or in the case of a planned development, the preliminary development plan, the zoning officer shall submit a copy thereof with attached letter requesting approval to make payment in lieu of dedication to the City Manager at least twenty (20) working days prior to the City Council's next scheduled meeting. The City Manager shall submit any and all recommendations concerning payment in lieu of dedication to the City Council at its next scheduled meeting following review by the City Manager.

9.67.3. Upon approval by the City Council, payment in lieu of dedication shall be made at the time of final plat submittal or within one (1) year of the approval of the final development plan, except as otherwise approved by the City Council.

SECTION 9.68 HOMEOWNERS ASSOCIATIONS.

Homeowners associations or similar legal entities that, pursuant to Section 9.64, are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

9.68.1. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;

9.68.2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;

9.68.3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.69 FLEXIBILITY IN ADMINISTRATION AUTHORIZED.

9.69.1. The requirements set forth in this article concerning the amount, size, location and nature of recreational facilities and open space to be provided in connection with multi-family residential and manufactured home park developments are established by the Council as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted city plans. The Council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing body is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

9.69.2. Whenever the permit issuing board authorizes some deviation from the standards set forth in this article pursuant to subsection 9.69.1, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

SECTION 9.70 AUTHORITY TO SELL.

The City Council shall have the authority to sell land dedicated pursuant to this article with the proceeds of any such sale used solely for the acquisition and/or development of other recreation, park or open space sites.

SECTION 9.71 LAND ACCEPTANCE.

The City Council shall have the authority to accept or reject land dedications made as a requirement of this article. At the developer's request, the City Council may accept a land dedication located elsewhere in the city's jurisdiction in lieu of a land dedication at the site of the proposed development.

ARTICLE 9. PERFORMANCE STANDARDS

PART VI. STREETS AND SIDEWALKS

SECTION 9.72 STREET CLASSIFICATIONS.

9.72.1. In all new subdivisions, streets that are dedicated to public use shall be classified as provided in subsection 9.72.2.

9.72.1.1. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;

9.72.1.2. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;

9.72.1.3. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

9.72.2. The classification of streets shall be as follows:

9.72.2.1. Minor. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to seventy-five trips per day.

9.72.2.2. Local. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten but no more than twenty-five dwelling units and is expected to or does handle between seventy-five and two-hundred trips per day.

9.72.2.3. Cul-De-Sac. A street that terminates in a vehicular turn-around and which complies with the requirements of Section 9.78.3 and 9.78.4.

9.72.2.4. Subcollector. A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six but not more than one hundred dwelling units and is expected to or does handle between two hundred and eight hundred trips per day.

9.72.2.5. Collector. A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.

ARTICLE 9. PERFORMANCE STANDARDS

9.72.2.6. Arterial. A major street in the city's street system that serves as an avenue for the circulation of traffic into, out, or around the city and carries high volumes of traffic.

9.72.2.7. Marginal Access Street. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

SECTION 9.73 ACCESS TO ARTERIAL STREETS.

Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street.

SECTION 9.74 ENTRANCES TO STREETS.

9.74.1. All driveway entrances and other openings onto streets within the city's planning jurisdiction shall be constructed so that:

9.741.1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets; and

9.74.1.2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

9.74.2. Requests for new driveway entrances or requests for modifications to existing driveway entrances, when not associated with a zoning, special use, or conditional use permit request, shall be reviewed and approved by the city engineer. The city engineer shall issue a driveway permit in such cases. Specifications for driveway entrances are set forth in the City of Laurinburg Construction Standards. If driveway entrances and other openings onto streets are constructed in accordance with the foregoing specifications and requirements, this shall be deemed prima facie evidence of compliance with the standard set forth in subsection 9.74.1.

9.74.3. For purposes of this section, the term "prima facie evidence" means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with subsection 9.74.1.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.75 STREET CONNECTIVITY REQUIREMENTS.

9.75.1. An interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes. All proposed new streets shall be platted according to the current Town Thoroughfare Plan. In areas where such plans have not been completed, the streets shall be designated and located in relation to existing and proposed streets, the topography, to natural features such as streams and tree cover, to public safety and convenience, and to the proposed use of land to be served by such streets.

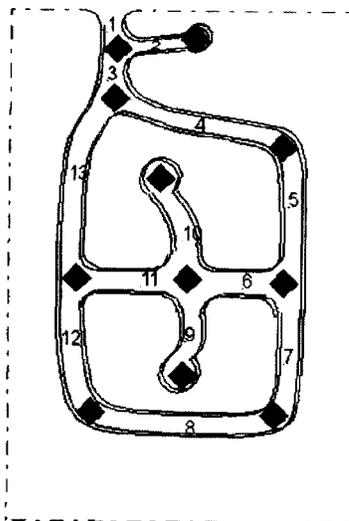
9.75.2. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.

9.75.3. The street network for any subdivision shall achieve a connectivity ratio of not less than 1.45 (see example below). The phrase connectivity ratio means the number of streets links divided by the number of nodes or link ends, including cul-de-sac heads. A link means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links. A node refers to the terminus of a street or the intersection of two or more streets, except that intersections that use a roundabout shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:

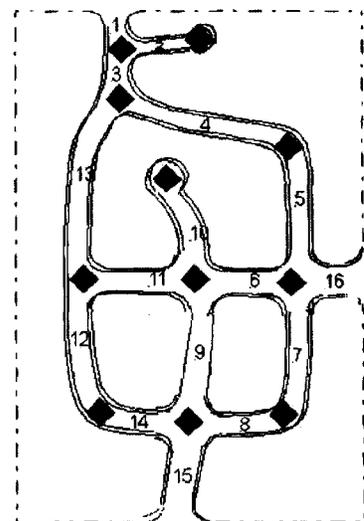
9.75.3.1. Any curve or bend of a street that fails to meet the minimum curve radius as established by the North Carolina Department of Transportation, Division of Highways design and minimum construction standards, or

9.75.3.2. Any location where street names change (as reviewed and approved by the UDO Administrator).

Example 1: Subdivision that does not meet the Ratio (13 links/11 nodes = 1.18 ratio)



Example 2: Same development modified to meet Ratio (16 links/11 nodes = 1.45 ratio)



9.75.4. For the purposes of this section, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

ARTICLE 9. PERFORMANCE STANDARDS

9.75.5. Residential streets shall be designed so as to minimize the length of local streets, to provide safe access to residences, and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.

9.75.6. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way, and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 500 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means.

9.75.7. Exemptions. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity requirement when the UDO Administrator determines that the subdivision will provide for connectivity with adjacent future development and there is:

9.75.7.1. No options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and

9.75.7.2. Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

SECTION 9.76 RELATIONSHIP OF STREETS TO TOPOGRAPHY.

9.76.1. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Part IX, and street grades shall conform as closely as practicable to the original topography.

9.76.2. The maximum grade on all streets shall comply with the City of Laurinburg Construction Standards manual.

SECTION 9.77 STREET WIDTH, SIDEWALK, AND DRAINAGE REQUIREMENTS IN SUBDIVISIONS.

9.77.1. Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic, and in some cases, allow on-street parking; (ii) to provide a safe and convenient passageway for pedestrian and bicycle traffic; and (iii) to serve as an important link in the city's drainage system. In order to fulfill these objectives, all public streets shall be constructed to meet either the standards set forth in subsection 9.77.2 or subsection 9.77.3.

9.77.2. All streets, except as provided in subsection 9.77.3, shall be constructed with curb and gutter and shall conform to the other requirements of this subsection. Only standard 90E curb may be used, except that roll-type curb shall be permitted along minor and local streets within residential subdivisions. Street pavement width shall be measured from back of curb to back of curb.

ARTICLE 9. PERFORMANCE STANDARDS

| Type Street | Minimum ROW | Minimum Pavement Width No Parking | Minimum Pavement Width Parking One Side* | Minimum Pavement Width Parking Both Sides* |
|--------------|-------------|-----------------------------------|--|--|
| Minor | 50' | 18' | 24' | 32' |
| Local | 50' | 20' | 26' | 34' |
| Subcollector | 60' | 22' | 28' | 36' |
| Collector | 60' | 24' | 32' | 40' |

*Parallel parking

9.77.3. In cases involving streets in a subdivision that received preliminary plat approval prior to the effective date of this ordinance, the curb and gutter requirement may be waived provided that (1) the final subdivision plan substantially conforms to the approved preliminary plat and (2) that a minimum of 85 percent of the total number of lots as shown on the approved preliminary plat have access to streets which have been constructed without curb and gutter. Single-family residential subdivisions approved after the date of adoption of this Ordinance (April 21, 2015), may be strip paved (no curb and gutter) if all streets within the subdivision are strip paved and adequate drainage can be provided to the natural or man-made drainage systems are connecting to the subdivision.

9.77.4. The City Council may require the construction of sidewalks adjacent to one side of new streets in subdivisions. The sidewalks required by this section shall be four feet in width if on both sides of the street and five feet in width if on one side of the street. All sidewalks shall be constructed according to the specifications set forth in City of Laurinburg Construction Standards.

9.77.5. Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from the subdivision to schools, parks, open space, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer shall be required to reserve an unobstructed easement of at least ten feet in width to provide such access.

SECTION 9.78 GENERAL LAYOUT OF STREETS.

9.78.1. Subcollector, local, and minor residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.

9.78.2. Culs-de-sac and loop streets are encouraged to reduce through traffic on residential streets. However, streets must be designed to facilitate internal vehicular circulation within developments as well as to accommodate vehicular access to adjoining properties and developments. To the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

ARTICLE 9. PERFORMANCE STANDARDS

9.78.3. All permanent dead-end streets (as opposed to temporary dead-end streets, see Subsection 9.75) shall be developed as cul-de-sacs in accordance with the standards set forth in subsection 9.78.4. Except where no other practicable alternative is available, such streets shall be designed so as to provide access to no more than 20 dwelling units or a maximum average daily traffic (ADT) count of 200, whichever is greater. ADT is calculated according to the most current edition of the Trip Generation Manual (Institute of Transportation Engineers).

9.78.4. The right-of-way of a cul-de-sac shall have a radius of fifty feet. The radius of the paved portion of the turn-around (measured to the outer edge of the pavement) shall be thirty-seven and one-half feet, and the pavement width shall be twelve feet without curbs and gutter or eighteen feet with curb and gutter. Any unpaved center of the turn-around area shall be landscaped.

9.78.5. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this Ordinance.

9.78.6. Streets shall be laid out so that residential blocks do not exceed 1,000 feet, unless no other practicable alternative is available.

SECTION 9.79 STREET INTERSECTIONS.

9.79.1. Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 75 degrees. Not more than two streets shall intersect at any one point, unless the city engineer certifies to the permit-issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.

9.79.2. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet, except in cases involving a subcollector, collector, or arterial street, the minimum distance between centerlines shall be 150 feet.

9.79.3. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet.

SECTION 9.80 CONSTRUCTION STANDARDS AND SPECIFICATIONS.

Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the City of Laurinburg Construction Standards manual, and all such facilities shall be completed in accordance with these standards.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.81 PRIVATE STREETS AND PRIVATE ROADS IN SUBDIVISIONS.

9.81.1. Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 2.11. For purposes of this subsection, the term "public street" includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards of this Ordinance and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street.

9.81.2. Subdivisions may be developed with private roads so long as:

9.81.2.1. The private roads are built to the same construction standards and specifications as public streets;

9.81.2.2. The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;

9.81.2.3. No road intended to be private is planned or expected to be extended to serve property outside that development; and

9.81.2.4. The standards applicable to unsubdivided developments set forth in Sections 9.82 and 9.83 are complied with.

9.81.3. No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notations:

9.81.3.1. "Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Laurinburg Unified Development Ordinance."

9.81.3.2. "The policy of the City of Laurinburg is that, if the City improves streets (i) that were never constructed to the standards required in the Laurinburg Unified Development Ordinance for dedicated streets, and (ii) on which 75% of the dwelling units were constructed after the effective date of this Ordinance, then 100% of the costs of such improvements shall be assessed to abutting landowners."

9.81.3.3. The private streets disclosure statement required in Section 9.62.2.7.

9.81.4. The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchaser of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road, in accordance with the provisions of G.S. 136-102.6.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.82 STREET AND SIDEWALK REQUIREMENTS FOR MAJOR AND MINOR SITE PLANS (UNSUBDIVIDED DEVELOPMENTS).

9.82.1. Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of the sections dealing with parking (Part II) and drainage (Part IX). To the extent not otherwise covered in the foregoing articles, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in unsubdivided developments, the requirements of this article may be applied to satisfy the standard set forth in the first sentence of this subsection.

9.82.2. Whenever a road in an unsubdivided development connects two or more subcollector, collector, or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated. In other cases when roads in unsubdivided developments within the city are constructed in accordance with the specifications for subdivision streets, the city may accept an offer of dedication of such streets.

9.82.3. In all unsubdivided residential developments, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units. The sidewalk requirement may also be waived where, in the opinion of the permit-issuing authority, an adequate system of ten-foot wide paved multi-use trails is provided which would offer acceptable pedestrian facilities and access.

9.82.4. Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten feet to provide such access.

9.82.5. The sidewalks required by this section shall be at least five feet wide and constructed according to the specifications set forth in the City of Laurinburg Construction Standards manual, except that the permit-issuing authority may permit the installation of ten-foot wide paved multi-use trails constructed with other suitable materials when it concludes that:

9.82.5.1. Such multi-use trails would serve the residents of the development as adequately as concrete sidewalks; and

9.82.5.2. Such multi-use trails could be more environmentally desirable or more in keeping with the overall design of the development.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.83 ATTENTION TO HANDICAPPED IN STREET AND SIDEWALK CONSTRUCTION.

9.83.1. As provided in G.S. 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the North Carolina Department of Transportation, Division of Highways.

9.83.2. In unsubdivided developments, sidewalk construction for the handicapped shall conform to the requirements of Section 11X of the North Carolina State Building Code, as amended.

SECTION 9.84 STREET NAMES AND HOUSE NUMBERS.

9.84.1. Street names shall be assigned by the developer subject to the approval of the permit issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the City's planning jurisdiction, regardless of the use of different suffixes (such as those set forth in subsection 9.84.2).

9.84.2. Street names shall include a suffix such as the following:

9.84.2.1. Circle: A short street that returns to itself.

9.84.2.2. Court or Place: A cul-de-sac or dead-end street.

9.84.2.3. Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.

9.84.2.4. Street, Avenue, Drive, Boulevard and other common suffixes not described above: All public streets not designated by another suffix.

9.84.3. Building numbers shall be assigned by the city.

9.84.4. The renaming of an existing improved street or road shall only be done in accordance with the following procedure:

9.84.4.1. Requests to rename a street or road shall be made by a petition which is available from the City Clerk's Office. Petitions shall describe the street or road for which the name change is requested, the reason for the proposed change, and the names, address, and signature of the parties requesting the change.

9.84.4.2. Petitions shall be submitted to the City Clerk's Office no less than seven (7) calendar days prior to a regularly scheduled meeting of the City Council at which time the petition will be considered.

ARTICLE 9. PERFORMANCE STANDARDS

9.84.4.3. A fee, in the amount required for a request to amend the Unified Development Ordinance, shall be submitted with the petition.

9.84.4.4. Before changing the name of any street or road, the City Council shall first refer the request to the Laurinburg Planning Board which shall consider the request, using, among other things, the criteria used for considering the names of new streets. The Planning Board shall make a recommendation to the City Council within ninety (90) days.

9.84.4.5. Before changing the name of the street or road, City Council shall hold a public hearing which shall be advertised once a week for two consecutive weeks, with the first advertisement being no less than ten (10) days nor more than twenty-five (25) days prior to the date of the public hearing, in a newspaper which is distributed throughout Scotland County.

9.84.4.6. At least twenty-one (21) days prior to the public hearing, the petitioners shall furnish to the City Clerk the names and addresses of the owners and tenants of all property which abuts the street or road for which the renaming is requested. Said names and addresses shall be those contained in the most current records in the office of the Scotland County Tax Collector. At least ten (10) days prior to the date of the public hearing, notice of the public hearing shall be mailed to all property owners and tenants who would be affected by the proposed street name change.

9.84.4.7. If the street or road requested to be renamed is a primary or secondary road maintained by the North Carolina Department of Transportation, the petitioners shall secure approval of the renaming by the North Carolina Board of Transportation before it will be effective.

SECTION 9.85 BRIDGES.

All bridges shall be constructed in accordance with the standards and specifications of the North Carolina Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a registered, professional engineer.

SECTION 9.86 UTILITIES.

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in Part VII, Utilities.

SECTION 9.87 COST OF STREET AND SIDEWALK IMPROVEMENTS.

The cost of installing street and sidewalk improvements required by this Ordinance shall be borne entirely by the developer. In no case shall the City of Laurinburg be responsible for the cost of street and sidewalk improvements required by this Ordinance.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.88 STREET NAME AND TRAFFIC SIGNS.

Street name and traffic signs which meet standard City of Laurinburg and NC Department of Transportation specifications shall be placed at all street intersections. In the case of a subdivision with private streets, street name and traffic signs shall comply with the City of Laurinburg specifications and shall either be installed by the developer or by the City of Laurinburg under contract with the developer. In either case, the cost of street name and traffic signs shall be borne by the developer and it shall be the responsibility of the developer to ensure that signs are installed in a timely manner.

SECTION 9.89 ROADWAY ACCEPTANCE PROCEDURE.

9.89.1. At the time of submittal of a preliminary plat with streets proposed to be dedicated for acceptance by the Town as public, the City Council will decide if it will approve the dedication, subject to the street or streets complying with all requirements for acceptance. The City of Laurinburg is not obligated to accept a street for maintenance.

9.89.2. Before a request for acceptance by the City of Laurinburg is made, the petitioner(s) for street dedication must provide the following to the UDO Administrator:

- City of Laurinburg engineer's certification that the street(s) have been properly constructed to city specifications.
- As-built drawings of all street, drainage, and other improvements.
- All easement agreements.
- Lien waiver executed by all providers of materials and services.
- Deed for roadway right-of-way conveyance.

9.89.3. If the City agrees to accept the offer of dedication, it will be obligated to maintain the street. The obligation to maintain the street does not impose any requirement on the City to immediately make improvements to the street in question. Necessary improvements to the street in question will be made by the City as funds are available.

9.89.4. The warranty period shall run for a minimum of one year from the date of acceptance by the City Council. Warranty inspections will be conducted by the City Engineer at six months and twelve months after acceptance or at any time that deficiencies are discovered. All repairs will require an additional one-year warranty.

9.89.5. Acceptance of roadway dedication will be provided by adoption of a resolution of acceptance by the City of Laurinburg City Council.

ARTICLE 9. PERFORMANCE STANDARDS

PART VII. UTILITIES

SECTION 9.90 UTILITY OWNERSHIP AND EASEMENT RIGHTS.

9.90.1. In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, natural gas, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities. In addition, the developer, in accordance with Section 9.95, shall dedicate sufficient easement rights to accommodate the extension of utility facilities which will serve adjacent or nearby developments.

9.90.2. Utility companies that are proposing to install utilities (gas, telephone, cable TV, etc.) within the rights-of-way of City-maintained streets should obtain an encroachment agreement from the City of Laurinburg prior to initiating such installation. Applications for encroachment agreements are available from the office of the City engineer.

9.90.3. Developers intending to dedicate utilities to the City of Laurinburg shall adhere to the following City requirements for acceptance of new utilities:

9.90.3.1. The City will provide the developer utility specifications and approved materials list for utilities being designed.

9.90.3.2. The developer will provide to the City engineer four copies of plans and specifications to be reviewed by City staff for approval.

9.90.3.3. The City must obtain approved plans and specifications from the NC Department of Environmental Health for file (water and sewer only).

9.90.3.4. The developer will obtain from the City and complete a utility agreement for City acceptance of utilities.

9.90.3.5. The developer will provide a performance bond, a security deposit, or letter of credit in the City's favor for utility installation. The security by bond shall be for 125% of the construction costs. The security by deposit or letter of credit shall be for 25% of construction costs after the project is completed. Any security shall be binding on the developer for a period of one year after the acceptance of such improvements.

9.90.3.6. The City engineer will require a pre-construction meeting for all parties to answer any questions of concern. The developer will provide knowledge of the contractor installing utilities and set a tentative schedule of work.

ARTICLE 9. PERFORMANCE STANDARDS

9.90.3.7. After all requirements above have been completed, the construction of utilities may begin.

9.90.3.8. During construction, the City staff will inspect work for compliance of the City requirements set forth in subsection 9.90.3.1.

9.90.3.9. After completion of work, a final inspection with the contractor will take place to ensure all obligations and City requirements are met.

9.90.3.10. The developer will provide to the City a copy of the engineer's verification affixed with his/her professional engineering seal required by the State verifying that construction met all requirements set forth by federal, state, and local governments (water and sewer only).

9.90.3.11. The developer will provide the City with four sets of as-built plans stamped as such and signed by the engineer.

9.90.3.12. After all obligations and requirements have been met as stated in the utility agreement (subsection 9.90.3.4), the City will provide to the developer a letter of acceptance signed by the City Manager.

SECTION 9.91 LIGHTING REQUIREMENTS.

9.91.1. Subject to subsection 9.91.2, all public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this Ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.

9.91.2. To the extent that fulfillment of the requirement established in subsection 9.91.1 would normally require street lights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the City. Street lights shall be installed at the following locations:

9.91.2.1. Street intersections;

9.91.2.2. Street curves greater than 25 degrees;

9.91.2.3. Street culs-de-sac; and

9.91.2.4. In excessively long blocks (blocks longer than 600 feet), street lights shall be placed no closer than 300 feet and they shall not exceed 600 feet separation.

ARTICLE 9. PERFORMANCE STANDARDS

Requests for additional street lights will be reviewed by the City staff based upon the above criteria.

All street lights will be installed at no cost to the public or developer, except in developments requesting underground electric service. For the underground developments, the developer shall be charged for the underground cable installation cost as described in the applicable City of Laurinburg Electric System service policy.

9.91.3. All roads, driveways, sidewalks, parking lots, and other common areas and facilities in unsubdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.

9.91.4. Developers wishing to install street lights other than those supplied by the City may do so provided that (i) the technical specifications of the proposed street lights are reviewed and approved by the City of Laurinburg Electric System, (ii) the developer is responsible for the cost and installation of the street lights, and (iii) the developer is responsible for the maintenance of the street lights (except for bulb replacement which shall be provided by the City).

9.91.5. In the case of a subdivision with private streets, street lights may be installed at the discretion of the developer. The developer may install street lights of his choice or may contract with the City of Laurinburg to rent street lights. The cost of street lights shall be the responsibility of the developer. The developer shall also be responsible for the maintenance of street lights that are not City-owned.

SECTION 9.92 EXCESSIVE ILLUMINATION.

Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited.

SECTION 9.93 ELECTRIC POWER.

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. The provision of electrical service shall be in accordance with the City of Laurinburg Electric System policies. No permanent electrical service shall be provided until a certificate of occupancy is issued by the City.

SECTION 9.94 TELEPHONE SERVICE.

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

ARTICLE 9. PERFORMANCE STANDARDS

9.94.1. If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such telephone line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.

9.94.2. If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the City that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

SECTION 9.95 UTILITIES TO BE CONSISTENT WITH INTERNAL AND EXTERNAL DEVELOPMENT.

9.95.1. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service as determined by the City of Laurinburg. The dedication of requisite utility easements and/or the construction of utility facilities may be required, as determined necessary by the City of Laurinburg, to accommodate utility service to adjacent or nearby properties.

9.95.2. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

SECTION 9.96 FIRE HYDRANTS.

9.96.1. Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

9.96.2. The presumption established by this ordinance is that to satisfy the standard set forth in subsection 9.96.1, fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying not more than 500 feet of hose connected to such hydrant. However, the fire chief may authorize or require a deviation from this standard if, in his professional opinion, another arrangement more satisfactorily complies with the standard set forth in subsection 9.96.1.

9.96.3. The public works director shall determine the color and precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter.

ARTICLE 9. PERFORMANCE STANDARDS

9.96.4. The public works director shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the public works director, all hydrants shall have two 2-1/2 inch hose connections and one 4-1/2 inch hose connection. The 2-1/2 inch hose connections shall be located at least 21-1/2 inches from the ground level. All hydrant threads shall be national standard threads.

9.96.5. Water lines that serve hydrants shall be at least six inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

SECTION 9.97 SITES FOR DUMPSTERS.

9.97.1. Every development that, under the City's solid waste collection policies, is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

9.97.1.1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and

9.97.1.2. Constructed according to specifications established by the public works director to allow for collection without damage to the development site or the collection vehicle.

9.97.2. All such dumpsters shall be screened in accordance with Section 9.8.4.

9.97.3. All dumpster pads shall be constructed according to the specifications set forth in the City of Laurinburg Construction Standards manual.

SECTION 9.98 LOTS SERVED BY GOVERNMENTALLY OWNED WATER OR SEWER LINES.

9.98.1. Whenever it is legally possible and practicable in terms of topography to connect a lot with a City water or sewer line by running a connecting line not more than 300 feet from the lot to such line, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to such line.

9.98.2. Connection to such water or sewer line is not legally possible if, in order to make connection with such line by a connecting line that does not exceed 300 feet in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

9.98.3. For purposes of this article, a lot is "served" by a City-owned water or sewer line if connection is required by this section.

ARTICLE 9. PERFORMANCE STANDARDS

9.98.4. Water and sewer extensions shall be made in accordance with the provisions of the City of Laurinburg Water and Sewer Extension Policy.

9.98.5. Water and sewer improvements shall conform to the City of Laurinburg Technical Standards and Specifications.

SECTION 9.99 SEWAGE DISPOSAL FACILITIES REQUIRED.

Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

SECTION 9.100 DETERMINING COMPLIANCE WITH SECTION 9.99.

9.100.1. Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 9.99 often lies with an agency other than the City, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection 9.100.2. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with Section 9.99. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

9.100.2. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the City whether the proposed sewage disposal system complies with the standard set forth in Section 9.99.

| <u>IF</u> | <u>THEN</u> |
|---|--|
| (1) The use is located on a lot that is served by the City sewer system or a previously approved, privately-owned package treatment plant, and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal collection system (as in the case of a shopping center or apartment complex). | No further certification is necessary. |

ARTICLE 9. PERFORMANCE STANDARDS

| <u>IF</u> | <u>THEN</u> |
|--|--|
| (2) The use (other than a subdivision) is located on a lot that is served by the City sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or apartment complex; and | |
| (a) The internal collection system is to be transferred to and maintained by the city. | The public works director must certify to the City that the proposed system meets the City's specifications and will be accepted by the City. (A "Permit to Construct" must be obtained from the NC Department of Environmental and Natural Resources (NCDENR)). |
| (b) The internal collection system is to be privately maintained. | The developer must obtain a "Permit to Construct" from NCDENR. |
| (3) The use (other than a subdivision) is not served by the City system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3,000 gallons or less design capacity, the effluent from which does not discharge to surface water. | The County Health Department (CHD) must certify to the City that the proposed system complies with all applicable state and local health regulations. If the proposed use is a single dwelling other than a manufactured home, the developer must obtain an improvements permit from the CHD. If the proposed use is a single-family manufactured home, the developer must present to the City a certificate of completion from the CHD. |
| (4) The use (other than a subdivision) is to be served by a privately operated sewage system (not previously approved) that has a design capacity of more than 3,000 gallons or that discharges effluent into surface waters. | NCDENR or other appropriate State treatment agency must certify to the City that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from NCDENR.) |
| (5) The proposed use is a subdivision; and | |
| (a) Lots within the subdivision are to be served by simple connection to existing City lines or lines of a previously approved private system. | No further certification is necessary. |
| (b) Lots within the subdivision are to be served by the City system but the developer will be responsible for installing the necessary additions to the City system. | The public works director must certify to the City that the proposed system meets the City's specifications and will be accepted by the City. (A "Permit to Construct" must be obtained from the NC Department of Environmental and Natural Resources (NCDENR)). |

ARTICLE 9. PERFORMANCE STANDARDS

| <u>IF</u> | <u>THEN</u> |
|--|---|
| <p>(c) Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3,000 gallons or less, and that does not discharge into surface waters.</p> | <p>The County Health Department (CHD) must certify that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the CHD must certify that each lot shown on a major subdivision preliminary plat can probably be served, and each lot on a major or minor subdivision final plat can be served by a on-site disposal system.</p> |
| <p>(d) Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or that discharges effluent into surface waters.</p> | <p>NCDENR or other appropriate State agency must certify that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from NCDENR.)</p> |

SECTION 9.101 WATER SUPPLY SYSTEM REQUIRED.

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

SECTION 9.102 DETERMINING COMPLIANCE WITH SECTION 9.101.

9.102.1. Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 9.101 often lies with an agency other than the City, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection 9.102.2. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with Section 9.101. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

9.102.2. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the City whether the proposed water supply system complies with the standard set forth in Section 9.101.

ARTICLE 9. PERFORMANCE STANDARDS

| <u>IF</u> | <u>THEN</u> |
|--|--|
| (1) The use is located on a lot that is served by the City water system or a previously approved, privately-owned public water supply system, and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal distribution system (as in the case of a shopping center or apartment complex). | No further certification is necessary. |
| (2) The use (other than a subdivision) is located on a lot that is served by the City water system but service to the use necessitates construction of an internal distribution system (as in the case of a shopping center or apartment complex; and | |
| (a) The internal distribution system is to be transferred to and maintained by the city. | The public works director must certify to the City that the proposed system meets the City's specifications and will be accepted by the City. (A "Permit to Construct" must be obtained from the NC Department of Environmental and Natural Resources (NCDENR)). |
| (b) The internal distribution system is to be privately maintained. | The developer must obtain a "Permit to Construct" from NCDENR. |
| (3) The use (other than a subdivision) is located on a lot not served by the City system or a previously approved, privately owned public water supply system; and | |
| (a) The use is to be served by a privately-owned public water supply system that has not previously been approved. | NCDENR must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from NCDENR). NCDENR must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designed by NCDENR. The public works director must also approve the distribution lines for possible future addition to the City system. |
| (b) The use is to be served by some other source (such as an individual well). | The County Health Department (CHD) must certify that the proposed system meets all applicable state and local regulations. |
| (4) The proposed use is a subdivision; and | |
| (a) Lots within the subdivision are to be served by simple connection to existing City lines or lines of a previously approved public water supply system. | No further certification is necessary. |

ARTICLE 9. PERFORMANCE STANDARDS

| <u>IF</u> | <u>THEN</u> |
|---|---|
| <p>(b) Lots within the subdivision are to be served by the City system but the developer will be responsible for installing the necessary additions to such system.</p> | <p>The public works director must certify to the City that the proposed system meets the City's specifications and will be accepted by the City. (A "Permit to Construct" must be obtained from the NCDENR.)</p> |
| <p>(c) Lots within the subdivision are to be served by a privately-owned public water supply system that has not previously been approved.</p> | <p>NCDENR must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from NCDENR). NCDENR must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designed by NCDENR. The public works director must also approve the distribution lines for possible future addition to the City system.</p> |
| <p>(d) Lots within the subdivision are to be served by individual wells.</p> | <p>The County Health Department (CHD) must certify to the City that each lot intended to be served by a well can be served in accordance with applicable health regulations.</p> |

SECTIONS 9.103 THROUGH 9.110 RESERVED FOR FUTURE USE.

ARTICLE 9. PERFORMANCE STANDARDS

PART VIII. FLOOD DAMAGE PREVENTION

SECTION 9.111 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the City Council of the City of Laurinburg, North Carolina, does ordain as follows:

SECTION 9.112 FINDINGS OF FACT.

9.112.1. The flood prone areas within the jurisdiction of the City of Laurinburg are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

9.112.2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION 9.113 STATEMENT OF PURPOSE.

It is the purpose of Article 9, Part VIII to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

9.113.1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

9.113.2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

9.113.3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

9.113.4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

9.113.5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 9. PERFORMANCE STANDARDS

SECTION 9.114 OBJECTIVES.

The objectives of Article 9, Part VIII are to:

9.114.1. Protect human life, safety, and health;

9.114.2. Minimize expenditure of public money for costly flood control projects;

9.114.3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

9.114.4. Minimize prolonged business losses and interruptions;

9.114.5. Minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

9.114.6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

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

SECTION 9.115 GENERAL PROVISIONS.

9.115.1. Lands to Which this Part Applies.

Article 9, Part VIII shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extraterritorial Jurisdictions (ETJs), of the City of Laurinburg and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

9.115.2. Basis for Establishing the Special Flood Hazard Areas.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for the City of Laurinburg, dated June 17, 2003, which are adopted by reference and declared to be a part of this Ordinance.

The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

9.115.2.1. Generated as a requirement of Section 9.116.3.11 and 9.116.3.12;

9.115.2.2. Preliminary FIRMs where more stringent than the effective FIRM; or

9.115.2.3. Post-disaster Flood Recovery Maps.

ARTICLE 9. PERFORMANCE STANDARDS

In addition, upon annexation to the City of Laurinburg or inclusion in the Extraterritorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the Unincorporated Areas of Scotland County, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this Ordinance.

9.115.3. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 9.115.2 of this Ordinance.

9.115.4. Compliance.

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

9.115.5. Abrogation and Greater Restrictions.

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

9.115.6. Interpretation.

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

9.115.6.1. Considered as minimum requirements;

9.115.6.2. Liberally construed in favor of the governing body; and

9.115.6.3. Deemed neither to limit nor repeal any other powers granted under State statutes.

9.115.7. Warning and Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Laurinburg or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

9.115.8. Penalties for Violation.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance

ARTICLE 9. PERFORMANCE STANDARDS

or special exceptions, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Laurinburg from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 9.116 ADMINISTRATION.

9.116.1. Designation of Floodplain Administrator.

The UDO Administrator, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of Article 9, Part VIII.

9.116.2. Floodplain Development Application, Permit and Certification Requirements.

9.116.2.1. Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

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

- the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
- the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 9.115.2, or a statement that the entire lot is within the Special Flood Hazard Area;
- flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 9.115.2;
- the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 9.115.2;
- the Base Flood Elevation (BFE) where provided as set forth in Section 9.115.2; Section 9.116.3; or Section 9.117.3.
- the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

ARTICLE 9. PERFORMANCE STANDARDS

- the certification of the plot plan by a registered land surveyor or professional engineer.

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

- Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
- Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
- Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

9.116.2.1.3. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

9.116.2.1.4. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:

- The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
- Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 9.117.2.4.3 when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.

9.116.2.1.5. Usage details of any enclosed areas below the lowest floor.

9.116.2.1.6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

9.116.2.1.7. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

ARTICLE 9. PERFORMANCE STANDARDS

9.116.2.1.8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 9.117.2.6 and 9.117.2.7 of this Ordinance are met.

9.116.2.1.9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

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

9.116.2.2.1. A description of the development to be permitted under the floodplain development permit.

9.116.2.2.2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 9.115.2.

9.116.2.2.3. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

9.116.2.2.4. The Regulatory Flood Protection Elevation required for the protection of all public utilities.

9.116.2.2.5. All certification submittal requirements with timelines.

9.116.2.2.6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

9.116.2.2.7. The flood openings requirements, if in Zones A, AO, AE or A1-30.

9.116.2.2.8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

9.116.2.3. Certification Requirements.

9.116.2.3.1. Elevation Certificates.

- An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator

ARTICLE 9. PERFORMANCE STANDARDS

shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/ Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

9.116.2.3.2. Floodproofing Certificate. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to

ARTICLE 9. PERFORMANCE STANDARDS

make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

9.116.2.3.3. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 9.117.2.3.2.

9.116.2.3.4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

9.116.2.4. Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in subsection 9.116.2.3.1 and 9.116.2.3.2:

9.116.2.4.1. Recreational Vehicles meeting requirements of Section 9.117.2.6;

9.116.2.4.2. Temporary Structures meeting requirements of Section 9.117.2.7;
and

9.116.2.4.3. Accessory Structures less than 150 square feet meeting requirements of Section 9.117.2.8.

9.116.3. Duties and Responsibilities of the Floodplain Administrator.

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

9.116.3.1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.

9.116.3.2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.

9.116.3.3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

ARTICLE 9. PERFORMANCE STANDARDS

9.116.3.4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

9.116.3.5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 9.117.5 are met.

9.116.3.6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 9.116.2.3.

9.116.3.7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 9.116.2.3.

9.116.3.8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 9.116.2.3.

9.116.3.9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 9.116.2.3 and Section 9.117.2.2.

9.116.3.10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

9.116.3.11. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Section 9.115.2, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 9.117.3.2.2, in order to administer the provisions of this Ordinance.

9.116.3.12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 9.115.2, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

9.116.3.13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map

ARTICLE 9. PERFORMANCE STANDARDS

Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

9.116.3.14. Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

9.116.3.15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

9.116.3.16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

9.116.3.17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

9.116.3.18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

9.116.3.19. Follow through with corrective procedures of Section 9.116.4.

9.116.3.20. Review, provide input, and make recommendations for variance requests.

ARTICLE 9. PERFORMANCE STANDARDS

9.116.3.21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 9.115.2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

9.116.3.22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

9.116.4. Corrective Procedures.

9.116.4.1. Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

9.116.4.2. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

9.116.4.2.1. That the building or property is in violation of the floodplain management regulations;

9.116.4.2.2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

9.116.4.2.3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

9.116.4.3. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

9.116.4.4. Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the

ARTICLE 9. PERFORMANCE STANDARDS

final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

9.1216.4.5. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

9.116.5. Variance Procedures.

9.116.5.1. The Board of Adjustment as established by the City of Laurinburg, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of Article 9, Part VIII.

9.116.5.2. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

9.116.5.3. Variances may be issued for:

9.116.5.3.1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

9.116.5.3.2. Functionally dependent facilities if determined to meet the definition as stated in Appendix A of this Ordinance, provided provisions of Section 9.116.5.9.2, Section 9.116.5.9.3, and Section 9.116.5.9.5 have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

9.116.5.3.3. Any other type of development, provided it meets the requirements of this Section.

9.116.5.4. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

9.116.5.4.1. The danger that materials may be swept onto other lands to the injury of others;

9.116.5.4.2. The danger to life and property due to flooding or erosion damage;

ARTICLE 9. PERFORMANCE STANDARDS

9.116.5.4.3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

9.116.5.4.4. The importance of the services provided by the proposed facility to the community;

9.116.5.4.5. The necessity to the facility of a waterfront location as defined under Appendix A of this Ordinance as a functionally dependent facility, where applicable;

9.116.5.4.6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

9.116.5.4.7. The compatibility of the proposed use with existing and anticipated development;

9.116.5.4.8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9.116.5.4.9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

9.116.5.4.10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

9.116.5.4.11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

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

9.116.5.6. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

9.116.5.7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

ARTICLE 9. PERFORMANCE STANDARDS

9.116.5.8. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

9.116.5.9. *Conditions for Variances.*

9.116.5.9.1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

9.116.5.9.2. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

9.116.5.9.3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

9.116.5.9.4. Variances shall only be issued prior to development permit approval.

9.116.5.9.5. Variances shall only be issued upon:

- a showing of good and sufficient cause;
- a determination that failure to grant the variance would result in exceptional hardship; and
- a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

9.116.5.10. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

9.116.5.10.1. The use serves a critical need in the community.

9.116.5.10.2. No feasible location exists for the use outside the Special Flood Hazard Area.

9.116.5.10.3. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

ARTICLE 9. PERFORMANCE STANDARDS

9.116.5.10.4. The use complies with all other applicable Federal, State and local laws.

9.116.5.10.5. The City of Laurinburg has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

SECTION 9.117 PROVISIONS FOR FLOOD HAZARD REDUCTION.

9.117.1. General Standards.

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

9.117.1.1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

9.117.1.2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

9.117.1.3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

9.117.1.4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

9.117.1.5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

9.117.1.6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

9.117.1.7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9.117.1.8. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

ARTICLE 9. PERFORMANCE STANDARDS

9.117.1.9. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

9.117.1.10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 9.116.5.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 9.116.2.3.

9.117.1.11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

9.117.1.12. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

9.117.1.13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

9.117.1.14. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

9.117.1.15. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

9.117.1.16. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

9.117.2. Specific Standards.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 9.115.2, or Section 9.117.3, the following provisions, in addition to the provisions of Section 9.117.1, are required:

ARTICLE 9. PERFORMANCE STANDARDS

9.117.2.1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Appendix A of this ordinance.

9.117.2.2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Appendix A of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 9.117.6.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 9.116.2.3, along with the operational plan and the inspection and maintenance plan.

9.117.2.3. Manufactured Homes.

9.117.2.3.1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Appendix A of this ordinance.

9.117.2.3.2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

9.117.2.3.3. All enclosures or skirting below the lowest floor shall meet the requirements of Section 9.117.2.4.

9.117.2.3.4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with

ARTICLE 9. PERFORMANCE STANDARDS

and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

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

9.117.2.4.1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

9.117.2.4.2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

9.117.2.4.3. Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

ARTICLE 9. PERFORMANCE STANDARDS

9.117.2.5. Additions/Improvements.

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

- not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
- a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

9.117.2.5.2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

9.117.2.5.3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
- a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

9.117.2.6. Recreational Vehicles. Recreational vehicles shall either:

9.117.2.6.1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

9.117.2.6.2. Meet all the requirements for new construction.

9.117.2.7. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

ARTICLE 9. PERFORMANCE STANDARDS

9.117.2.7.1. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

9.117.2.7.2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

9.117.2.7.3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

9.117.2.7.4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

9.117.2.7.5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

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

9.117.2.8.1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

9.117.2.8.2. Accessory structures shall not be temperature-controlled;

9.117.2.8.3. Accessory structures shall be designed to have low flood damage potential;

9.117.2.8.4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

9.117.2.8.5. Accessory structures shall be firmly anchored in accordance with the provisions of Section 9.117.1.1;

9.117.2.8.6. All service facilities such as electrical shall be installed in accordance with the provisions of Section 9.117.1.4; and

9.117.2.8.7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 9.117.2.4.3.

ARTICLE 9. PERFORMANCE STANDARDS

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 9.116.2.3.

9.117.3. Standards for Floodplains Without Established Base Flood Elevations.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 9.115.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 9.117.1, shall apply:

9.117.3.1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

9.117.3.2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

9.117.3.2.1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 9.117.1 and 9.117.2.

9.117.3.2.2. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sections 9.117.2 and 9.117.5.

9.117.3.2.3. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 9.115.2 and utilized in implementing this ordinance.

9.117.3.2.4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Appendix A. All other applicable provisions of Section 9.117.2 shall also apply.

ARTICLE 9. PERFORMANCE STANDARDS

9.117.4. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Non-Encroachment Areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

9.117.4.1. Standards of Section 9.117.1 and 9.117.2; and

9.117.4.2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

9.117.5. Floodways and Non-Encroachment Areas.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 9.115.2. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 9.117.1 and 9.117.2, shall apply to all development within such areas:

9.117.5.1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

9.117.5.1.1. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or

9.117.5.1.2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

9.117.5.2. If Section 9.117.5.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

ARTICLE 9. PERFORMANCE STANDARDS

9.117.5.3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

9.117.5.3.1. the anchoring and the elevation standards of Section 9.117.2.3; and

9.117.5.3.2. the no encroachment standard of Section 9.117.5.1.

9.117.6. Standards for Areas of Shallow Flooding (Zone AO).

Located within the Special Flood Hazard Areas established in Section 9.115.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 9.117.1 and 9.117.2, all new construction and substantial improvements shall meet the following requirements:

9.117.6.1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.

9.117.6.2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 9.117.6.1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 9.116.2.3 and Section 9.117.2.2.

9.117.6.3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION 9.118 LEGAL STATUS PROVISIONS.

9.118.1. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted March 19, 1985, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Laurinburg enacted on March 19, 1985, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Scotland County is January 6, 1992.

ARTICLE 9. PERFORMANCE STANDARDS

9.118.2. Effect Upon Outstanding Floodplain Development Permits.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

PART IX. STORMWATER CONTROL

SECTION 9.119 GENERAL PROVISIONS.

If a new development has a disturbance of one (1) acre or more, or, proposes to construct more than 10,000 square feet of built-upon area, all stormwater control designs shall limit the post-development runoff discharge rate to no more than the predevelopment 25-year, 24-hour storm runoff discharge rate. The developer shall comply with all applicable requirements and thresholds established by the NC Department of Environmental and Natural Resources (Division of Water Resources and Division of Energy, Mineral, and Land Resources), and the US Army Corps of Engineers.

PART X. SEDIMENTATION AND EROSION CONTROL

SECTION 9.120 GENERAL PROVISIONS.

All projects greater than one (1) acre are required to comply with the North Carolina Sedimentation and Erosion Control regulations. All required permits must be provided to the City of Laurinburg prior to project approval.

PART XI. RIPARIAN BUFFERS *(Amended 6/21/2016)*

SECTION 9.121 GENERAL PROVISIONS.

Riparian buffers within a lot are to be shown on the recorded plat, and the area of a lot within the riparian buffer must still count toward any dimensional requirements for lot size. If a riparian buffer is designated as a privately-owned common area (e.g., owned by a property owners association), the city shall attribute to each lot abutting the riparian buffer area a proportionate share based on the area of all lots abutting the riparian buffer area for purposes of development-regulated regulatory requirements based on property size. Dimensional lot requirements include calculations for, among other things, residential density standards, tree conservation area, open space or conservation area, setbacks, perimeter buffers, and lot area.

APPENDIX A. DEFINITIONS

| | | |
|-------------|--------------------------|-----|
| Section A.1 | Purpose | A-2 |
| Section A.2 | Interpretation | A-2 |
| Section A.3 | Definitions | A-3 |

APPENDIX A. DEFINITIONS

SECTION A.1 PURPOSE.

For the purposes of this Ordinance, certain words, concept, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

SECTION A.2 INTERPRETATION.

A.2.1. As used in this Ordinance, words importing the masculine gender include the feminine and neuter.

A.2.2. Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.

A.2.3. Words used in the present tense include future tense.

A.2.4. The word "person" includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.

A.2.5. The words "may" and "should" are permissive.

A.2.6. The words "shall" and "will" are always mandatory and not merely directive.

A.2.7. The word "used for" shall include the meaning "designed for."

A.2.8. The words "used" or "occupied" shall mean "intended, designed, and arranged to be used or occupied."

A.2.9. The word "lot" shall include the words "plot," "parcel," "site," and "premises."

A.2.10. The word "structure" shall include the word "building."

A.2.11. The word "street" includes the word "alley," "road," "cul-de-sac," "highway," or "thoroughfare," whether designated as public or private.

A.2.12. The word "includes" shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

A.2.13. The word "UDO Administrator" shall mean the UDO Administrator or his/her designee.

A.2.14. The words "Planning Board" shall mean the "City of Laurinburg Planning Board."

APPENDIX A. DEFINITIONS

A.2.15. The word "City" shall mean the "City of Laurinburg," a municipality of the State of North Carolina.

A.2.16. The words "map," and "zoning map" shall mean the "Official Zoning Map for the City of Laurinburg, North Carolina."

A.2.17. The words "Board of Adjustment" shall mean the "City of Laurinburg Board of Adjustment."

SECTION A.3 DEFINITIONS.

A

Abandonment

Cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period of time specified under this Ordinance.

Abutting

Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

Access

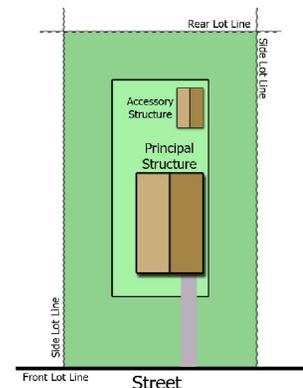
A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

Accessory Equipment

Any equipment serving or being used in conjunction with a Wireless Facility or Wireless Support Structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Accessory Structure (Appurtenant Structure)

A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.



Accessory Use

An activity or function which is conducted in conjunction with a principal use.

APPENDIX A. DEFINITIONS

Addition (to an existing building)

An extension or increase in the floor area or height of a building or structure.

Administrative Approval

Approval that the UDO Administrator or designee is authorized to grant after Administrative Review.

Administrative Review

Non-discretionary evaluation of an application by the UDO Administrator or designee. This process is not subject to a public hearing.

Adult Entertainment Establishment

A commercial establishment including, but not limited to, adult cabarets, adult book stores, and other establishments which contain activities or materials characterized by the performance, depiction, or description of sexual activities or exposure of the bare human buttock, male or female genitals, or female breast.

Adult Care Home

An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes.

Agricultural Operations

Agricultural operations include establishments (e.g., farms, ranches, dairies, orchards, hatcheries, broiler houses) primarily engaged in the production of crops, plants, vines, or trees and the keeping, grazing, or feeding of livestock. "Livestock," as used here includes, cattle, sheep, goats, hogs, and poultry as well as animal specialties such as horses, rabbits, bees, pets, fur-bearing animals in captivity, and fish in captivity. Agricultural operations also include establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, and related activities. Commercial greenhouses and nurseries are classified separately for purposes of this Ordinance. See commercial greenhouse definition.

Antenna

Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Appeal

A request for a review of the UDO Administrator's interpretation of any provision of this Ordinance.

APPENDIX A. DEFINITIONS

Application, Wireless Facility

A formal request submitted to the UDO Administrator to construct or modify a wireless support structure or a wireless facility.

Area of Shallow Flooding

A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard

See Special Flood Hazard Area (SFHA).

Assisted Living Residence

Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. There are three types of assisted living residences: adult care homes, adult care homes that serve only elderly persons, and multi-unit assisted housing with services.

B

Bar

Any establishment wherein alcoholic beverages are sold at retail for consumption on the premises and from where minors are excluded by law. This definition does not include premises where alcoholic beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of alcoholic beverages comprises less than 25% of gross receipts.

Base Flood

The flood having a one (1) percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Base Flood Elevation (BFE)

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a *Special Flood Hazard Area*, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the *Freeboard*, establishes the *Regulatory Flood Protection Elevation*.

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

APPENDIX A. DEFINITIONS

Base Station (Amended 6/21/2016)

A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this ordinance or any equipment associated with a tower. The term includes, but is not limited to, the following:

- (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- (3) Any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraph (1) and (2) above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- (4) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment as described in paragraph (1) and (2) above.

Battery Charging Station

An electrical component assembly or cluster or component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed federal, state, and/or local requirements.

Battery Exchange Station

A fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds federal, state, and/or local requirements.

Bed and Breakfast

A type of, but a use separate from, that of home occupations. Bed and breakfasts are a form of guest lodging in which bedrooms are rented and breakfast is served. The term is intended to describe the offerings of temporary lodging in a private home, rather than the provision of food service or the offering of facilities for long-term occupancy. The only functions permitted are the renting of guest rooms and serving of breakfasts.

Bedrooms (Amended 6/21/2016)

As defined by the NC State Building Code.

APPENDIX A. DEFINITIONS

Board of Adjustment

A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the UDO Administrator and to consider requests for variances from the terms of the Unified Development Ordinance.

Boarding House

A residential use consisting of at least one (1) dwelling unit together with two (2) or more rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Bona Fide Farm

Land being used for farm purposes as defined by NCGS 160A-360(k). Proof that property functions as a farm includes the following: (1) a farm sales tax exemption certificate; (2) a copy of the property tax listing showing that the farm qualifies for the present-use-value property taxation that applies to agricultural, horticultural, and forestry uses; (3) a copy of the farm operator's federal income tax form that demonstrates farm activity; (4) a forestry management plan; or (5) a farm identification number issued by the US Department of Agriculture.

Buffer

A strip of land which is established to separate one type of land use from another type of land use and which contains natural or planted vegetation, berms, walls, or fences in accordance with the provisions of Article 9, Part I.

Building

A structure designed to be used as a place of occupancy, storage, or shelter in compliance with district regulations. Also see Structure.

Building, Accessory

See *Accessory Structure (Appurtenant Structure)*.

Building, Height Of

The vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest structural component of the building. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than seventy-five (75) percent are regarded as walls.

Building, Principal

The primary building on a lot or a building that houses a principal use.

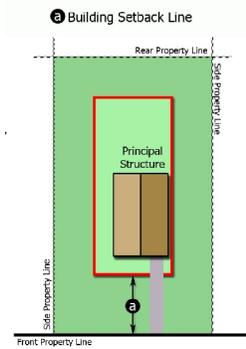
APPENDIX A. DEFINITIONS

Building Setback Line

A line measured parallel to the front property line in front of which no structure shall be erected.

Building Permit

A permit issued by the city's designated building official that authorizes the recipient to construct or demolish a structure or to make alterations to a structure.



C

Carrier on Wheels or Cell on Wheels (COW)

A portable self-contained Wireless Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

Certificate of Occupancy

Official certification that a premises conforms to provisions of the Zoning Code and Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied.

Certify

Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the city, the city may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the city may accept certification by telephone from some agency when the circumstances warrant it, or the city may require that the certification be in the form of a letter or other document.

Charitable Organizations

Any entity which: (1) has been certified as a not-for-profit organization under Section 501(c)(3) of the Internal Revenue code, and (2) has religious or charitable functions. As used in this definition, a charitable organization is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons.

Child Care

A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

APPENDIX A. DEFINITIONS

Child Care Facility

Includes child care centers, family child care homes, and any other child care arrangement not excluded by NCGS 110-86 (2) that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

- (1) ***Child Care Center.*** An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.
- (2) ***Family Child Care Home.*** A child care arrangement located in a residence where, at any one time, more than two (2) children, but less than nine (9) children, receive child care.

Chemical and Hazardous Material Storage and 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. Sect. 6901 et seq.), 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 non-hazardous materials;
- (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.

Chemical Storage Facility

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Circulation Area

That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

APPENDIX A. DEFINITIONS

City

The City of Laurinburg.

Clubs and Lodges

An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, recreational or like activities, operated on a nonprofit basis for the benefit of its members.

Collocation *(Amended 6/21/2016)*

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Commercial Greenhouses and Nurseries

Establishments primarily engaged in the production of ornamental plants and other nursery products such as bulbs, flowers, shrubbery, flower and vegetable seeds and plants, agricultural plants and sod. Such products may be grown under cover or outdoors.

Community Garden

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family, but not for commercial sale.

Concealed Wireless Facility

Any Wireless Facility that is integrated as an architectural feature of an Existing Structure or any new Wireless Support Structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the Facility or Wireless Support Structure is not readily apparent to a casual observer.

Conditional Use Permit

A permit issued by the City Council that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Council.

Convenience Store

A one-story, retail store containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of "stop and go" traffic. Illustrative examples of convenience stores are those operated by the "Fast Fare," "7-11" and "Pantry" chains.

Council

The City Council of the City of Laurinburg.

APPENDIX A. DEFINITIONS

D

Day Care Facility, Adult

The provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled.

Day Support Facility

A day support facility is a facility licensed by the NC Division of Medical Assistance as primarily a group service that provides assistance to the beneficiary(ies) with acquisition, retention, or improvement in self-help, socialization, and adaptive skills. Day Supports are furnished in a non-residential setting, separate from the home or facility where the beneficiary resides. Day Supports focus on enabling the beneficiary to attain or maintain his or her maximum functional level and is coordinated with any physical, occupational, or speech therapies listed in the Individual Support Plan. Day Supports may include prevocational activities.

Developer

A person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit, or sign permit.

Development

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dimensional Nonconformity

A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Disposal

As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Distillery

A distillery as permitted by NCGS is an enterprise which engages in one or more of the following:

- (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor;
- (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at

APPENDIX A. DEFINITIONS

- wholesale or retail to private or public agencies or establishments of other states or nations;
- (3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.

Drainageway

Any perennial stream, watercourse, channel, ditch or similar physiographic feature draining water from the land.

Drawings, Construction

Drawings utilized during construction prepared by an architect, landscape architect, engineer, or surveyor licensed to practice in North Carolina.

Drawings, As-Built

Engineering plans prepared after the completion of construction, by the engineer by an architect, landscape architect, engineer, or surveyor licensed to practice in North Carolina, in such a manner as to accurately identify and depict the location of all on-site improvements, which includes but is not limited to all structures, parking facilities, detention/retention areas, curbs, gutters, and sidewalks.

Driveway

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Dwelling, Accessory to a Commercial Use

One to three multi-family dwelling units located within a commercial establishment.

Dwelling, Multi-Family

A residential use consisting of a building containing three (3) or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (including without limitation the wall of an attached garage or porch).

Dwelling, Primary with Accessory Apartment

A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five (25) percent of the gross floor area of the building nor more than a total of seven hundred fifty (750) square feet.

Dwelling, Single-Family

A residential use consisting of a single detached building containing one (1) dwelling unit located on a lot containing no other dwelling units.

APPENDIX A. DEFINITIONS

Dwelling, Townhomes

A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling, Two-Family (Duplex)

A two-family residential use in which the dwelling units share a common wall (including, without limitation, the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling Unit

An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one (1) family.

E

Easement

A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Effective Date of this Ordinance

Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation.

Electric Vehicle

Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for energy purpose. Electric vehicle includes: (1) a battery powered electric vehicle; and (2) a plug-in hybrid electric vehicle.

Electric Vehicle Charging Station

A public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle. An electric vehicle charging station is permitted as an accessory use to any principal use.

Electric Vehicle Parking Space

Any marked parking space that identifies the use to be exclusively for an electric vehicle.

Electrical Transmission Tower

An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any Utility Pole.

APPENDIX A. DEFINITIONS

Elevated Building

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Eligible Facilities Request (Amended 6/21/2016)

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (1) collocation of new transmission equipment;
- (2) removal of transmission equipment; or
- (3) replacement of transmission equipment.

Eligible Support Structure (Amended 6/21/2016)

Any tower or base station as defined in this ordinance, provided that it is existing at the time the relevant application is filed with the State or local government under this ordinance.

Encroachment

The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Energy Generating Facility

A facility that uses a variety of sources and/or products for the production of power. Energy facilities may include, but are not limited to: petroleum; methane; ethanol; thermal; wind; solar; hydro-electric; and other energy generation facilities.

Equipment Compound

An area surrounding or near the base of a Wireless Support Structure within which a wireless facility is located.

Event (Amended 6/21/2016)

Any organized activity, celebration, etc., for members of the general public or a particular group or social/commercial event.

Evidentiary Hearing

The formal hearing required to gather evidence prior to making a quasi-judicial zoning decision. All of the essential elements of a fair trial shall be observed, such as having witnesses under oath and subject to cross-examination, no gathering of evidence outside the hearing, written findings of fact, and substantial, competent, and material evidence in the record to support the findings.

Existing Manufactured Home Park or Manufactured Home Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads)

APPENDIX A. DEFINITIONS

was completed before the initial effective date of the floodplain management regulations adopted by the community.

Existing Structure (Amended 6/21/2016)

A constructed tower or base station is existing for purposes of this ordinance if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

Expenditure

A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in financial position.

Extraterritorial Planning Area

That portion of the city's planning jurisdiction that lies outside the corporate limits of the city.

F

Fall Zone

The area in which a Wireless Support Structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

Family

One (1) or more persons living together as a single housekeeping unit.

Family Care Home

An adult care home having two to six residents. The structure of a family care home may be no more than two stories high, and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct exterior ground-level accesses to the upper story.

Family Foster Home

The private residence of one or more individuals who permanently reside as members of the household and who provide continuing full-time foster care for a child or children who are placed there by a child placing agency or who provide continuing full-time foster care for two or more children who are unrelated to the adult members of the household by blood, marriage, guardianship, or adoption.

Farm, Craft, Produce Market

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts

APPENDIX A. DEFINITIONS

and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

Farm Stand

A temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site.

Flag Lot

A lot created with less road frontage than required by Section 6.7 and composed of a narrow access strip abutting the road and extending to a much larger developable area of the lot.

Flea Market

An outdoor or indoor market held on preestablished dates where individual sellers offer goods for sale to the public. The sellers may set up temporary stalls or tables for the sale of their products. The sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation. A flea market is different from a farmers' market in that the majority of goods sold at a flea market are nonedible.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM)

An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM)

An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

APPENDIX A. DEFINITIONS

Flood Insurance Study (FIS)

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood Prone Area

See Floodplain.

Flood Zone

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain

Any land area susceptible to being inundated by water from any source.

Floodplain Administrator

The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit

Any type of permit that is required in conformance with the provisions of the Flood Damage Prevention Regulations, prior to the commencement of any development activity.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations

Article 9, Part X of this Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

APPENDIX A. DEFINITIONS

Floodway

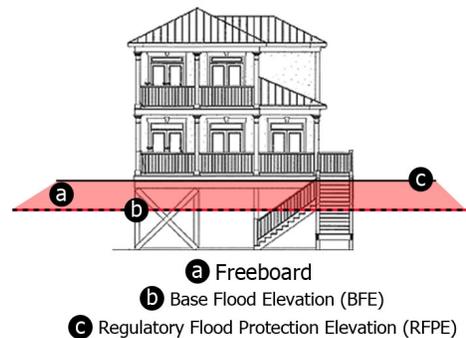
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor

The top surface of an enclosed area in a building (including basement); i.e., top of slab in concrete slab construction or top of wood flooring in a frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Freeboard

The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the *Regulatory Flood Protection Elevation*.



Functionally Dependent Facility

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

G

Gameroom

A use providing video games or other games for playing for amusement and recreation. Any table games such as air hockey, football, pinball, or the like shall be included under this definition. More than three (3) such games shall constitute a primary use and shall be allowed only in those zoning districts permitting gamerooms as a listed permitted use or by a conditional use permit. Three (3) or fewer such games shall constitute an accessory use and may be permitted in any licensed retail business.

Granny Pods (Amended 6/21/2016)

A temporary structure that will house a single mentally or physically impaired person in accordance with NCGS 160A-383.5. The statute defines these to be North Carolina residents who require assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation, transferring, toileting, and eating). The impairment must be certified in writing by a physician licensed in North Carolina.

APPENDIX A. DEFINITIONS

Gross Floor Area

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Ground Mounted Photovoltaic Array (Solar Array)

Consists of multiple ground-mounted photovoltaic modules (solar panels) that convert solar radiation into usable direct current (dc) electricity.

H

Halfway House

A home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in NCGS 35-17(30)), or antisocial or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Hazardous Waste Management Facility

As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure

Any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a local inventory of historic landmarks in communities with a *Certified Local Government (CLG) Program*; or
- (4) certified as contributing to the historical significance of a historic district designated by a community with a *Certified Local Government (CLG) Program*.

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

APPENDIX A. DEFINITIONS

Home Occupation

A commercial activity that: (i) is conducted by a person within the primary residence on the same lot (in a residential district) where such person resides and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood. Home occupations may include the growing of fruits, vegetables, and flowers for on-premise sales.

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if: (i) goods, stock in trade, or other commodities are displayed outside of the residence; (ii) any on-premises retail sales occur (other than the sale of goods or products made or grown on the premises); (iii) more than one person not a resident on the premises is employed in connection with the purported home occupation; (iv) it creates objectionable noise, fumes, odor, dust or electrical interference; (v) more than twenty-five (25) percent of the total gross floor area of the primary residential building or more than five hundred (500) square feet of gross floor area (whichever is less) is used for home occupation purposes; or (vi) materials and/or equipment are stored outside.

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria: (i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional, (ii) workshops, greenhouses, or kilns, (iii) dressmaking or hairdressing studios, or (iv) secretarial services.

Hotel or Motel

A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where:

- (1) Sleeping accommodations are supplied for pay to transient or permanent guests or tenants;
- (2) Rooms are furnished for the accommodation of such guests; and
- (3) May have one or more dining rooms, restaurants, or cafes where meals are served.

I

Industry, Heavy

Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, munitions and ordnance, or other hazardous materials in the bulk manufacturing, handling, storage, or other process.

Inoperable Vehicle

Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle which is

APPENDIX A. DEFINITIONS

registered with the North Carolina Department of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperable.

J

Junkyard

An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for maintenance or operation of a used car junkyard and shall include sanitary landfills. The open storage of one (1) or more wrecked or inoperable vehicles or parts of one (1) or more vehicles for ten (10) days or more shall be deemed a junkyard. An unlicensed vehicle stored for ten (10) days or more shall be deemed an inoperable vehicle.

K

Kennel

A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), (ii) engages in the breeding of animals for sale, or (iii) engages in the training or breeding of animals.

L

Loading and Unloading Area

That portion of the vehicle accommodation area used to satisfy the requirements of Article 9, Part II.

Lot

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such to effectively prevent the use of this parcel as one (1) lot, then the land on either side of this strip shall constitute a separate lot.

Subject to Section 8.2, the permit-issuing authority and the owner of two (2) or more contiguous lots may agree to regard the lots as one (1) lot if necessary or convenient to comply with any of the requirements of this Ordinance.

APPENDIX A. DEFINITIONS

Lot Area

The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty (30) feet from the center of the traveled portion of the street, and (ii) in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

Lowest Adjacent Grade (LAG)

The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

M

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured Home, Class A

A dwelling unit constructed with one (1) or more components which are prefabricated and hauled to the site that are capable of producing a dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the North Carolina Uniform Residential Building Code, as amended.

Manufactured Home, Class B

A dwelling unit that:

- (1) Is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code, as amended; and
- (2) Is composed of two (2) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site; and
- (3) Meets or exceeds the construction standards of the US Department of Housing and Urban Development; and

APPENDIX A. DEFINITIONS

- (4) Conforms to the following appearance criteria:
- The manufactured home has a minimum width, as assembled on the site, of fourteen (14) feet;
 - The pitch of the manufactured home's roof has a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run and the roof is finished with asphalt or fiberglass shingles;
 - The exterior siding of the manufactured home is of a color, material, and scale comparable with those in the immediate vicinity, and in no case does the degree of reflectivity of the exterior finish exceed that of gloss white paint;
 - A continuous, permanent masonry or corrosive-resistant, nonreflective curtain wall, unpierced except for required ventilation and access is installed under the manufactured home; and
 - The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Manufactured Home, Class C

Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home but which, at a minimum, exceeds thirty-two (32) feet in length and eight (8) feet in width. Manufactured homes that do not meet the definitional criteria of Class A, B, or C manufactured homes are classified as travel trailers (see Travel Trailer definition).

Manufactured Home Park

Land used or intended to be used, leased, or rented for occupancy by six (6) or more Class B or Class C manufactured homes, anchored in place by a foundation or other stationary support, to be used for living purposes and accompanied by automobile parking spaces and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale. Specific requirements for manufactured home parks are outlined in Section 7.17.

Manufactured Home Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value

The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mean Sea Level

For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum

APPENDIX A. DEFINITIONS

used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

Microbrewery

A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise.

Modular Home (Amended 6/21/2016)

A dwelling unit which is constructed off-site and when assembled at a permanent site complies fully with the North Carolina State Building Code.

Monopole

A single, freestanding pole-type structure supporting one or more Antennas. For the purposes of this Ordinance, a Monopole is not a Tower or a Utility Pole.

Multi-Unit Assisted Housing with Services

An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or other compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care.

N

New Construction

Structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Nonconforming Lot

A lot existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area or dimensional requirement of the district in which the lot is located.

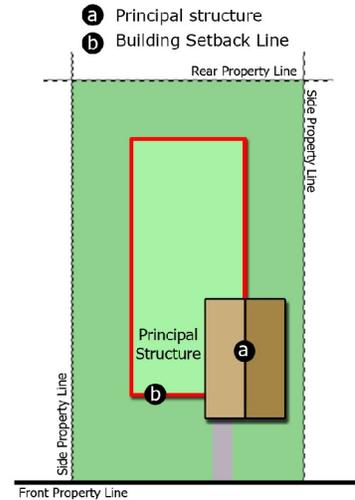
Nonconforming Project

Any structure, development, or undertaking that is incomplete on the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

APPENDIX A. DEFINITIONS

Nonconforming Situation

A situation that occurs when, on the effective date of this Ordinance, any existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, because signs do not meet the requirements of this Ordinance (Article 9, Part IV), or because land or buildings are used for purposes made unlawful by this Ordinance.



Nonconforming Use

A situation occurring when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a bakery in a residentially zoned area constitutes a nonconforming use.)

Non-Encroachment Area

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Nursing Home

A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

O

Official Maps or Plans

Any maps or plans officially adopted by the City Council.

APPENDIX A. DEFINITIONS

Open Space

An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

Ordinary Maintenance

Ensuring that Wireless Facilities and Wireless Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing, and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a Wireless Support Structure's foundation or of the Wireless Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape, and color and Accessory Equipment within an existing Equipment Compound and relocating the Antennas to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Substantial Modifications.

Outparcels (Amended 6/21/2016)

A separate building(s) or structure(s) not physically connected to the principal building.

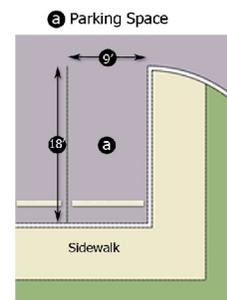
P

Parking Area Aisles

That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Space

A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.



Pedestrian

People who travel on foot or who use assistive devices, such as wheelchairs, for mobility.

Person

An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Photovoltaic Power

An active solar energy system that converts solar energy directly into electricity.

Planned Residential Development

A development constructed on a tract of at least five (5) acres under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two-family residences or multi-family residences, or both, all developed in accordance with Section 7.18.

APPENDIX A. DEFINITIONS

Planning Board

The public agency in a community usually empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

Planning Jurisdiction

The area within the city limits and the area beyond the city limits within which the city is authorized to plan for and regulate development, as set forth in Section 1.3.

Post-FIRM

Construction or other development for which the start of construction occurred on or after the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM

Construction or other development for which the start of construction occurred before the effective date of the initial Flood Insurance Rate Map.

Principally Above Ground

That at least 51% of the actual cash value of the structure is above ground.

Public Safety and/or Nuisance

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Water Supply System

Any water supply system furnishing potable water to ten (10) or more dwelling units or businesses or any combination thereof.

Q

Quasi-Judicial Decisions

Those decisions that require the finding of facts and the application of standards that involve judgment and discretion. Examples include conditional use permits and variances.

R

Recreational Vehicle (RV)

A vehicle, which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and

APPENDIX A. DEFINITIONS

- (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Reference Level

The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone AE, A, A99 or AO.

Regulatory Flood Protection Elevation

The elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non-residential. Within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In areas where no BFE has been established, all structures and other development must be elevated or floodproofed, if non-residential, to two (2) feet above the highest adjacent grade.

Remedy a Violation

To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Replacement Pole

Pole of equal proportions and of equal height or such other height that would not constitute a Substantial Modification to an Existing Structure in order to support Wireless Facilities or to accommodate Collocation. Requires removal of the Wireless Support Structure it replaces.

Residential Child-Care Facility

A staffed premise with paid or volunteer staff where children receive continuing full-time foster care.

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Rooming House

See Boarding House.

S

Salvage Yard

Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

APPENDIX A. DEFINITIONS

Satellite Dish Antenna or Satellite Earth Station

An antenna and attendant processing equipment for reception of electronic signals from satellites.

Search Ring

The area within which a Wireless Support Facility or Wireless Facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

Self-Service Storage Facility

A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers' goods or wares.

Setback

The required distance between every structure and the lot lines of the lot on which it is located.

Shadow Flicker

The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

Shopping Center

A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas all located on a parcel of land containing a minimum of ten (10) acres.

Shopping Center/Major Retail Development

A commercial establishment or group of commercial establishments developed with common parking, access, utility service and/or outparcels used primarily for retail sales and service facilities.

Sidewalk

Any portion of the street between the curb line and adjacent property line intended for the pedestrian.

Sign

Any device that (i) is sufficiently visible to pedestrians and/or persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision two of this definition; and (ii) is designed to attract the attention of such persons or to communicate information to them.

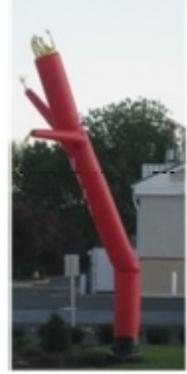
Sign, A-Frame (aka Sandwich Board Signs or Sidewalk Signs) *(Amended 6/21/2016)*

A freestanding sign ordinarily in the shape of an "A" or some variation thereof, which is readily moveable and not permanently attached to the ground or any structure.

APPENDIX A. DEFINITIONS

Sign, Balloon or Inflatable (Amended 6/21/2016)

A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.



Sign, Banner (Amended 6/21/2016)

A temporary sign composed of cloth, canvas, plastic, fabric, or similar light-weight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

Sign, Breakaway/Non-Breakaway

Sign erected on a permanent foundation or of a design where they are substantially immovable are considered non-breakaway signs, while signs which have no permanent foundation and are of a design where they can be removed with relative ease shall be considered breakaway signs.

Sign, Canopy or Awning

Any sign that is a part of or attached to an awning, canopy, or other structural protective covering above a door, entrance, window, or walkway.

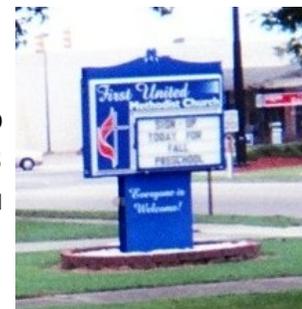


Sign, Freestanding

A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as "sandwich sign," is also a freestanding sign.

Sign, Ground Mounted

A sign permanently attached to the ground with a maximum height no greater than eight (8) feet in height and a surface area not more than 48 square feet. Ground signs may include business identification signs, menu boards, directory signs, and subdivision signs.



APPENDIX A. DEFINITIONS

Sign, ID Plaque

A sign identifying individual tenants in a building and giving only the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment.

Sign, Internally Illuminated

A sign where the source of the illumination is inside the sign and light emanates through the message of the sign rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign rather than merely providing illumination to other parts of the sign that contain the message shall also be considered internally illuminated signs.

Sign, Menu Board.

A permanently mounted structure displaying the bill of fare of a restaurant.



Sign, Message Board.

A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. This definition does not include menu and sandwich board signs.



Sign, Monument

A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Sign, Nonconforming

A sign that, on the effective date of this Ordinance, does not conform to one (1) or more of the regulations set forth in this Ordinance, particularly Article 9, Part III, Sign Regulations.

Sign, Off-Premises

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located (includes billboards).



APPENDIX A. DEFINITIONS

Sign Permit

A permit issued by the UDO Administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign, Portable

A sign that is designed to be moved from place to place and which is not permanently installed.



Sign, Projecting

A sign which is attached to and projects more than twelve (12) inches from a building face or wall.

Sign, Roof. Any sign erected, constructed, or maintained upon or over the roof of a building, or extending above the highest wall of the building, and having its principal support on the roof or walls of the building.

Sign, Snipe (Amended 6/21/2016)

A temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.



Sign, Temporary (Amended 6/21/2016)

A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than fifteen (15) days prior to and/or following the associated circumstance, situation, or event.

Sign, Vehicle (Amended 6/21/2016)

Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign.

Sign, Wall

Any sign attached to, painted on, or erected against any wall of a building or structure so that the exposed face of the sign is on a plane parallel to the plane of said wall and which does not extend more than twelve (12) inches from the wall. Wall sign also includes any sign erected against, installed on or painted on a penthouse above the roof of a building as long as the wall of the penthouse is on a plane parallel to the wall of the building. Wall sign also includes a sign attached to, painted on, or erected against a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the adjoining wall elevation.



APPENDIX A. DEFINITIONS

Sign, Window

Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, sale, or service that is placed inside a window, or upon the window panes or glass, and is visible from the exterior of the window. For the purposes of this Ordinance, a sign that rests against a window, a sign that is separated from the window by a bumper pad, or a sign that is placed within two inches of the window through the use of a hanging device, shall also be considered a window sign.



Site (Amended 6/21/2016)

For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Site Built Building (Amended 6/21/2016)

A building constructed at the location where it is to be used. Not intended or designed to be moved and fully complies with the North Carolina State Building Code.

Site Plan

A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features both natural and manmade and, depending on requirements, the location of proposed utility lines.

Site Plan, Major

All site plans not meeting the requirements for a minor site plan.

Site Plan, Minor

Includes the following:

- Buildings or additions with an aggregate enclosed square footage of less than 20,000 square feet;
- Buildings or additions involving land disturbance of less than one (1) acre;
- Multi-family development involving less than ten (10) dwelling units;
- Parking lot expansions which comply with this Ordinance with no increase in enclosed floor area;
- Revision to landscaping, signage, or lighting which comply with the requirements of this Ordinance;
- Accessory uses which comply with the requirements of this Ordinance; and
- Site plans which do not require a variance or modification of the requirements of this Ordinance, and otherwise comply with this Ordinance.

APPENDIX A. DEFINITIONS

Solar Collector (Accessory)

Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use.

Solar Energy

Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System

A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of several devices that absorb and collect solar radiation for use as a source of energy as an accessory use.

Solar Farm

An area of land designated use for the sole purpose of deploying photovoltaic power and generating electric energy.

Solid Waste Disposal Facility

Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid Waste Disposal Site

As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Events

Circuses, fairs, carnivals, festivals, or other types of special events that (i) run for longer than two (2) days but not longer than fourteen (14) calendar days, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located. Commodity sales may be conducted only as an accessory to the special event.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 9.115.2 of this Ordinance.

Spot Zoning (Amended 6/21/2016)

The zoning of a relatively small area of land differently from the way the majority of the surrounding land is zoned. Spot zoning is legal only if the government establishes that it is reasonable. Reasonableness is determined by considering the size of the area; any special conditions or factors regarding the area; the consistency of the zoning with the land use plan; the degree of change in the zoning; the degree it allows uses different from the surrounding area; and

APPENDIX A. DEFINITIONS

the relative benefits and detriments for the owner, the neighbors, and the surrounding community. The City of Laurinburg should consider the following factors in deliberating any potential spot zoning:

- (1) The Size and Nature of the Tract - The larger the area of spot zoning the more likely it is to be reasonable. Singling out an individual lot for special zoning treatment is more suspect than creating a zoning district that involves multiple parcels and owners. Special site characteristics, such as topography, availability of utilities, or access to rail or highways, can be important in this analysis.
- (2) Compatibility with Existing Plans - If a clear public policy rationale for the different zoning treatment is set out in the local government's adopted plans, that evidences a public purpose for the zoning. By contrast, a zoning action that is inconsistent with a plan may indicate special treatment that is contrary to the public interest and thus be unreasonable.
- (3) The Impact of the Zoning Decision on the Landowner, the Immediate Neighbors, and the Surrounding Community - An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefitting the owner would be unreasonable.
- (4) The Relationship between the Newly Allowed Uses in a Spot Rezoning and the Previously Allowed Uses - The degree of difference in the existing surrounding land uses and the proposed new use is also important. The greater the difference in allowed uses, the more likely the rezoning will be found unreasonable. For example, in an area previously zoned for residential uses, allowing slightly higher residential density may be reasonable while allowing industrial uses would be unreasonable.
- (5) Ownership - In order to constitute spot zoning, the area to be rezoned must be owned by a single owner.

Start of Construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

APPENDIX A. DEFINITIONS

Storage Yards (including Automobile Salvage Yards)

An open space surrounded by a wall or fence of such characteristics as will provide an obscuring screen of not less than seven (7) feet in height. No goods, materials or vehicles shall be stored outside the enclosed storage area.

Street, Arterial

A major street in the city's street system that serves as an avenue for the circulation of traffic onto, out, or around the city and carries high volumes of traffic.

Street, Collector

A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.

Street, Cul-De-Sac.

A street that terminates in a vehicular turnaround.

Street, Local

A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than twenty-five (25) dwelling units and is expected to or does handle between seventy-five (75) and two hundred (200) trips per day.

Street, Marginal Access

A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through-traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street, Minor

A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine (9) dwelling units and is expected to or does handle up to seventy-five (75) trips per day.

Street, Private

A street right-of-way not dedicated for public use which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with NCGS 136-102.6.

Street, Public

A dedicated and accepted public right-of-way for vehicular and pedestrian traffic which affords the principal means of access to abutting property (includes the term road).

APPENDIX A. DEFINITIONS

Street, Subcollector

A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six (26) but not more than one hundred (100) dwelling units and is expected to or does handle between two hundred and eight hundred trips per day.

Structure

A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Subdivider

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision

The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including 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 of this Ordinance applicable strictly to subdivisions: (i) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this Ordinance; (ii) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved; or (iii) the public acquisition by purchase of strips of land for widening or opening streets; or (iv) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this Ordinance.

Subdivision, Major

Any subdivision other than a minor subdivision.

Subdivision, Minor

A subdivision that does not involve any of the following: (i) the creation of more than a total of five (5) lots; (ii) the creation of any new public streets; (iii) the extension of a public water or sewer system; or (iv) the installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.

Substantial Damage

Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of substantial improvement. Substantial damage also means flood-related damage sustained by a structure on

APPENDIX A. DEFINITIONS

two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 4.4.2 of this Ordinance.

Substantial Change *(Amended 6/21/2016)*

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
- (3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves

APPENDIX A. DEFINITIONS

installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

- (4) It entails any excavation or deployment outside the current site.
- (5) It would defeat the concealment elements of the eligible support structure
- (6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs 1-4 above.

T

Tattoo Parlor

An establishment whose principal business activity is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Temporary Emergency, Construction, or Repair Residences

A residence (which may be a manufactured home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (iii) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. (See Section 7.19).

Temporary Storage Facility

Any container intended for storing or keeping household goods, other personal property or business related goods intended to be filled, refilled, or emptied while located outdoors and later removed from the property for storage or disposal off-site. Temporary storage facilities are sometimes also known as portable storage units or portable storage containers.

Temporary Uses/Sales

A use or sale established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, that does not involve the construction or alteration of any permanent structure.

Therapeutic Foster Home

A family foster home where, in addition to the provision of foster care, foster parents who receive appropriate training provide a child with behavioral health treatment services under the supervision

APPENDIX A. DEFINITIONS

of a county department of social services, an area mental health program, or a licensed private agency.

Tiny House (Amended 6/21/2016)

A single-family detached home that is 200 square feet to 600 square feet in size (not including loft space) and complies with the North Carolina State Building Code. A tiny house on wheels for permanent occupancy (longer than 30 days) is not considered a recreational vehicle.

Tourist Home

A building, or part thereof, other than a motel, hotel, or bed and breakfast, where sleeping accommodations are provided for transient guests, without guests, and which also serves as the residence of the operator.

Tower (Amended 6/21/2016)

Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Townhouse

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

Tract

A lot (see "Lot" definition). The term tract is used interchangeably with the term "lot," particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

Transmission Equipment (Amended 6/21/2016)

Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

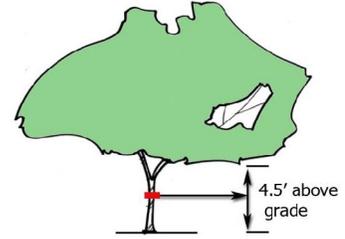
Travel Trailer

A structure that (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one (1) or more of the definitional criteria of a manufactured home.

APPENDIX A. DEFINITIONS

Tree Diameter at Breast Height (DBH)

The diameter of a tree trunk in inches measured at four and one-half feet above the ground.



Tree, Protected

An existing healthy tree which, when measured at four and one-half feet above the ground, has a minimum diameter of eight inches.

U

UDO Administrator

Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance may be assigned to one (1) or more individuals by the City Manager or Planning Director. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the "UDO Administrator" or "Administrator." The term "staff" or "planning staff" is sometimes used interchangeably with the term "Administrator."

Use

The activity or function that actually takes place or is intended to take place on a lot.

Use, Principal

A use listed in the Table of Uses and Activities, Section 6.5.

Utility Facilities

Any aboveground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by NCGS 62-3 and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, electronic signals, or solid waste and recycling material.

Utility Facilities, Community or Regional

All utility facilities other than neighborhood facilities.

Utility Facilities, Neighborhood

Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Utility Pole

A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

APPENDIX A. DEFINITIONS

V

Variance

An authorization to do something contrary to the strict terms of the zoning regulations and intent of this Ordinance, such as building a structure inside a required setback area. Variances are quasi-judicial decisions that require an evidentiary hearing. They may only be issued upon a finding of practical difficulty or unnecessary hardships as a result of strict compliance and that the variance would be consistent with the spirit, purpose, and intent of the Ordinance. Variance petitions are usually assigned to the Board of Adjustment for hearing and decision.

Vehicle Accommodation Area

That portion of a lot that is used by vehicles and pedestrians for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Violation

The failure of a structure or other development to be fully compliant with this Ordinance.

W

Water Surface Elevation (WSE)

The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Water Tower

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

Watercourse

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wholesale Sales

On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wind Farm

An electricity-generating facility whose main purpose is to supply electricity to the electrical grid, consisting of one or more wind turbines and other accessory structures and buildings including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities, which has a rated capacity of greater than 100 kW.

APPENDIX A. DEFINITIONS

Wind Energy Generator (Accessory)

A single system consisting of a single wind turbine, a tower, and associated control or conversion electronics designed to supplement other electricity sources as an accessory use to existing buildings or facilities, which has a rated capacity of not more than 100 kW.

Wind Power

Power that is generated in the form of electricity by converting the rotation of wind turbine blades into electrical current by means of an electrical generator.

Wind Turbine

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, and pad transformer.

Wind Turbine Height

The distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Wireless Facility or Wireless Facilities

The set of equipment and network components, exclusive of the underlying Wireless Support Structure or Tower, including Antennas, Accessory Equipment, transmitters, receivers, Base Stations, power supplies, cabling and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.

Wireless Support Structure

A new or existing structure, such as a Monopole, Lattice Tower, or Guyed Tower that is designed to support or capable of supporting Wireless Facilities. This definition does not include Utility Poles.

Wooded Area

An area of contiguous wooded vegetation where trees are at a density of at least one (1) six-inch or greater caliper tree per three hundred twenty-five (325) square feet of land and where the branches and leaves form a contiguous canopy.

X

None

APPENDIX A. DEFINITIONS

Y

Yard

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, Front **a**

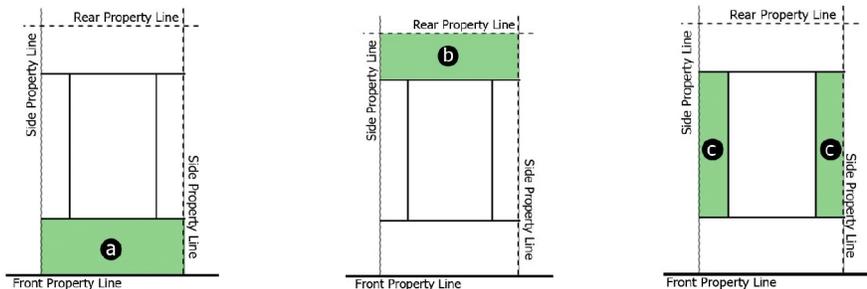
A yard across the full width of the lot, extending from the front line of the building to the front line of the lot.

Yard, Rear **b**

A yard across the full width of the lot, extending from the rear line of the building to the rear line of the lot.

Yard, Side **c**

A yard across the full width of the lot, extending from the side line of the building to the side line of the lot.



Yard Sale, Residential

General sales, open to the public, conducted from or on a residential premises in any "residential zone" for the purpose of disposing of personal property, including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names the items to be sold.

APPENDIX A. DEFINITIONS

Z

Zoning

A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district. but they must be uniform within districts. The Zoning Code consists of two parts: a text and a map.

Zoning Permit

A permit issued by the UDO Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.