Town of Red Cross



Subdivision Ordinance

Adopted 2026

Subdivision Ordinance Table of Contents July __, 2026

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ARTICLE 1. - GENERAL PROVISIONS

DIVISION 1. PREFACE.

Sec. 111 – Short Title.

This Ordinance shall be known as and may be cited as the "Red Cross Subdivision Ordinance," and may be referred to as "the Subdivision Ordinance," or "this Ordinance."

Sec. 112 – Effective Date.

This Ordinance shall be in full force and effect on ADOPTION DATE 202_, and repeals and replaces any prior version of the Red Cross Subdivision Ordinance.

Sec. 113 – Authority.

This Ordinance is adopted pursuant to authority contained in Chapter 160D of the North Carolina General Statutes.

Sec. 114 – Applicability and Jurisdiction.

This Ordinance shall be effective throughout the Town's planning jurisdiction.

(a) *Where applied.* The standards in this Ordinance apply to all lands within the Town of Red Cross, as identified on the Official Zoning Map.

(b) *No Development Until Compliance with This Ordinance.*

(1) *No Land Developed.* Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable County, State, and federal regulations.

(2) *No Grading or Excavation.* Unless exempted, no land shall be subjected to substantial clearing, grading, filling, or excavated without compliance with this Ordinance and all other applicable Town, County, State, and federal regulations.

(3) *No Use or Occupancy.* No person shall use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under their control, except in accordance with this Ordinance.

(4) *No Improvement to Subdivided Land.* Improvements to subdivided land shall not be undertaken until approval of a preliminary plat for all or the active phase of a major subdivision or a minor subdivision approval for all or the active phase of a minor subdivision.

(5) *No Sale or Transfer.* Except for lots within an exempt subdivision, no lots in a subdivision may be sold or titles to land transferred as part of a transfer plat until all the requirements of this Ordinance have been met, except as authorized by §160D-801, et seq. of the North Carolina General Statutes.

(c) *Application to Governmental Units.* Except where otherwise stated, the provisions of this Ordinance shall apply to:

(1) Development by the Town or County or its agencies, or departments;

(2) Development of buildings by the State, public colleges or universities, or other political subdivisions of the State; in accordance with the North Carolina General Statutes; and

(3) Development owned or held in tenancy by the government of the United States, its agencies, departments or corporate services, to the full extent permitted by law.

Sec. 115 – Required Conformance to Ordinance Provisions.

Except as otherwise specifically provided in this Ordinance, no land or structure shall be used or occupied, and no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development, and no structure, or part of a structure, shall be constructed, erected, altered or moved, except in compliance with all of the applicable provisions of this Ordinance.

Sec. 116 – Purpose and Intent.

(a) *Declaration of necessity.* In order to protect and promote the health, safety, and general welfare of the Town and its planning jurisdiction, this Ordinance is adopted by the Town Board of Commissioners to regulate and restrict by means of subdivision regulations the size, shape, number of lots, and the provision of roads, water, sewer and other infrastructure to subdivisions, and provisions for approving divisions of land that are not subdivisions. There are known as "exempt subdivisions."

(b) *Purpose.* The purpose of the regulations set forth in this Ordinance shall be to accomplish compatible development of the land within the planning jurisdiction of the Town in a manner which will best promote the health, safety, and general welfare; to promote efficiency, energy conservation, and economy in development; to make adequate provisions for traffic; to secure safety from fire, flooding, panic, and other hazards; to provide for adequate light and air; to prevent overcrowding of land; to avoid inappropriate concentration of population; to facilitate the adequate provision of transportation, public water, sewerage, schools and other public requirements; to promote desirable living conditions and the stability of neighborhoods; and to achieve other purposes in accordance with the comprehensive plan and development policies for the Town's planning jurisdiction.

(c) *Intent to Comply with N.C. Gen. Stat. § 160D-601(d).* The Town wishes to comply with the downzoning provisions found in the cited statute. Any section of this Ordinance shall be interpreted to comply with statute. Where this Ordinance contradicts the cited statute, G.S. § 160D-601(d) shall control.

Sec. 117 – Severability.

The legislative intent of the Town Board of Commissioners in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the Town as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of the Town of Red Cross. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, the Town Board of Commissioners hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid. The sections not declared invalid will continue to be used and enforced by the Town.

DIVISION 2 OTHER LAWS AND PRIOR APPROVALS.

Sec. 121 – Consistency with Adopted Plans.

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the Town's adopted Comprehensive Plan and any other adopted plan or policy guidance.

Sec. 122 – Relationship to Other Laws.

(a) Conformance.

(1) Advisory only.

a. Except for functional plans and documents, adopted policy guidance is advisory in nature and does not carry the effect of law.

b. This Ordinance or any decisions made under this Ordinance may not be challenged on the basis of any alleged non-conformity with an adopted plan.

(2) Consistency desired but not required. This Ordinance seeks to ensure that all development within the Town is consistent with the goals, objectives, policies, strategies, and actions contained in the Town's adopted plans, but consistency between a decision made under this Ordinance and the adopted plan is not a legal requirement. Decisions on applications for amendments to the text of this Ordinance shall be accompanied by a statement of consistency recognizing if the proposed decision is or is not consistent with the Town's adopted policy guidance in accordance with §160D-605 of the North Carolina General Statutes

(3) Amendment upon inconsistency.

a. To the extent this Ordinance is or becomes inconsistent with the Town's adopted plans, the Town may amend this Ordinance to better achieve consistency, but such amendment is not legally required.

b. In cases where the Town's adopted policy guidance is amended as part of an approval of a zoning map amendment, the approval shall indicate the simultaneous amendment of the applicable adopted plan.

(b) Functional plans and documents.

The Town has adopted functional plans and documents relating to erosion control, economic development, tourism, and the provision of public infrastructure and services (e.g., the Stanly County Comprehensive Transportation Plan (2012 or as amended), and the North Carolina State Building Code and Appendices). Compliance with standards in functional plans and documents is mandatory.

Sec. 123 – Conflicting Provisions.

(a) Conflicts with other laws. If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the Town, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or is more stringent.

(b) Conflicts with state or federal laws.

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

(2) In cases where a State law related to an environmental issue is less restrictive, the State law shall control.

(c) Conflicts between standards in this ordinance.

(1) When two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.

(2) In cases where development is configured in accordance with an authorized incentive or other flexibility provision included in this Ordinance (such as an administrative adjustment), the standards related to the approved incentive or flexibility provision shall control.

(3) The text of this Ordinance shall be interpreted in accordance with § 335, Determination and

interpretation. Nothing shall limit the Town Planner from preparing a written interpretation of how conflicting provisions are interpreted on a case-by-case basis.

Sec. 124 – Transitional Provisions.

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

(a) Violations continue.

(1) Violations of the previous ordinance shall continue to be violations under this Ordinance, unless the development complies with this Ordinance and is no longer considered to be in violation, or the ability to address the violation has lapsed in accordance with the applicable statutory statute of limitations.

(2) Any violation of the previous Ordinance that is no longer a violation under this Ordinance shall not be considered a violation.

(3) Violations of this Ordinance that have not yet passed any applicable statutes of limitation shall be subject to the penalties set forth in Zoning Ordinance §9-10, Enforcement, unless the development complies with the express terms of this Ordinance or other applicable ordinances, laws, or statutes.

(b) Existing nonconformities. If any use, building, structure, lot, sign, or site feature legally existed on January ___, 2006, but does not fully comply with the standards of this Ordinance, the use, building, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall comply with the requirements in Article 8, Nonconformities.

(c) Approved applications.

(1) Any development approvals granted before ADOPTION DATE, 202_ shall remain valid until their expiration date.

(2) Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.

(3) Portions of developments, including subdivisions, reserved as future development sites where no lot lines are shown on a preliminary plat, or other plan of development are governed by Section 139, Permit Choice.

(4) If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance, unless the 18 month standard in Section 139 Permit Choice applies.

(5) An applicant shall be deemed to have initiated an approved development upon the subsequent application for and diligent pursuit of other required Town, County, State, or federal permits or approvals.

(6) Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.

(d) Pending applications.

(1) Final action pending.

a. Any development application submitted and accepted as complete before ADOPTION DATE 202_, but still pending final action as of that date, may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant. See Section 139, Permit Choice.

b. To the extent an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be conforming and not subject to the provisions of Town Zoning Ordinance §8-7, Nonconforming Use or Structure.

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

(2) Complete applications.

a. Applications accepted as complete prior to ADOPTION DATE, 202_ may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant. See Section 139, Permit Choice.

b. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be conforming and not subject to the provisions of Town Zoning Ordinance §8-7, Nonconforming Use or Structure.

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

(3) Submitted, but incomplete applications. Applications that have been submitted prior to ADOPTION DATE 202_ but not determined to be complete by the Town Planner as of that date shall be reviewed and decided in accordance with this Ordinance.

Sec. 125 – Regulatory Codes Adopted by Reference.

The following Codes and standards are hereby adopted and incorporated into this Ordinance by reference:

(e) The Flood Insurance Rate Maps for the Town of Red Cross, North Carolina*;*

(f) The Stanly County Comprehensive Transportation Plan, 2012, as amended;

(g) The Town's Engineering Standards and Procedures Manual (adopted Sept. 11, 2024, as amended.

Sec. 126 – Permit Choice

(h) *The Permit Choice Rule:* If an applicant submits a permit application for development and a rule or the Ordinance is amended after the application is submitted but before the permit decision is made, then the applicant may choose which version of the rule or ordinance applies.

(i) *Definitions.* For purposes of permit choice, the following definitions apply:

(1) Development. Without altering the scope of any regulatory authority granted by statute or local act, any of the following:

a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

b. Excavation, grading, filling, clearing, or alteration of land.

c. The subdivision of land as defined in Section 1030. Defined Terms. See Article 7.Subdivisions.

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

(2) Development Permit. An administrative, legislative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:

a. Zoning compliance certificates./ Zoning permit (See Zoning Ordinance § 9-3).

b. Site plan approvals. (See Zoning Ordinance §§ 8-10, 8-11, 9-4, 9-5, 9-6).

c. Special use permits. (See Zoning Ordinance § 9-5).

d. Variances. (See Zoning Ordinance § 9-2(C)).

e. Subdivision Plat approvals. (See § 334 Conservation subdivision, § 336 Expedited subdivisions only, § 337 Family Subdivision, § 338 Final Plat, § 340 Major Subdivision,

§341 Minor Subdivision).

f. Development agreements. (See N.C. Gen. Stat. Chapter 160D, Art. 10 Development Agreements).

g. Building permits. (Issued by Stanly County).

h. State agency permits for development.

i. Driveway permits. (Issued by N.C. DOT or the Town).

j. Erosion and sedimentation control permits.

k. Sign permit. (See Zoning Ordinance Art. VII, Sign and Lighting Standards).

l. Zoning Map or Text Amendments (See Zoning Ordinance § 9-9).

(3) Land Development Regulation. Any North Carolina statute, rule, or regulation, or Town or County ordinance affecting the development or use of real property, including any *of the following:*

a. Town of Red Cross Zoning and Subdivision Ordinances.

b. Erosion and sedimentation control regulations administered in Oakboro by the N.C. Dept. of Environmental Quality.

c. Floodplain or flood damage prevention regulation. (Chapter 151.3 of the Town's Code of Ordinances).

(j) *Applicants may pick the version of the ordinance or rule that applies.* A permit applicant may choose the version of each land development regulation applicable to the project upon submittal of the application for the first development permit.

(k) Time Limits.

(1) Applicants must submit subsequent complete development applications within 18 months of approval of the initial permit. Applicants may then select whether the current code or the code in effect at the time of the initial application, applies.

(2) If an applicant fails to act on an application for six months, the applicant waives permit choice and must comply with the new ordinance. The vested rights provisions of the following Div. 3 Vested Rights apply.

DIVISION 3. VESTED RIGHTS.

Sec. 130 – Purpose and Intent.

This section is intended to implement §§ 160D-108 and 160D-108.1 of the North Carolina General Statutes with respect to the establishment of zoning vested rights for landowners or applicants who have received a development approval from the Town.

Sec. 131 – Vested Rights Defined.

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

Sec. 132 – Site-Specific Vesting Plan Defined.

(a) For the purposes of this section, a site-specific vesting plan is defined as a plan of land development submitted to the Town for purposes of obtaining approval.

(b) A site-specific vesting plan must provide, with reasonable certainty, all of the following:

(1) The boundaries of the development;

(2) Topographic and natural features affecting the site;

(3) The approximate location of proposed buildings, structures, and other improvements;

(4) The approximate dimensions, including height, of proposed buildings and other structures;

(5) The approximate location of all existing and proposed infrastructure on the site, including water, sewer, streets, and pedestrian ways;

(6) The type or types of proposed land uses; and

(7) The density or intensity of development.

(c) A variance, sketch plan, or any other document that fails to describe with reasonable certainty the type and intensity of use for a specific lot or lots of property shall not constitute a site-specific vesting plan.

(d) The following development approvals constitute a site-specific vesting plan:

(1) Final plats (See § 338 Final Plat);

(2) Preliminary plats associated with a major subdivision (See § 340 Major subdivision);

(3) Site plans ((See Zoning Ordinance §§ 8-10, 8-11, 9-4, 9-5, 9-6); and

(4) Special use permits (See Zoning Ordinance § 9-5).

Sec. 133 – Site-Specific Vesting Plan Defined

Any complete application for subdivision plat approval submitted to the Town provided that the applicant states in writing that vesting is requested. Vesting is available for other types of approvals or permits listed in the zoning ordinance. See also N.C. Gen. Stat. § 160A-108.1.

Sec. 134 - Establishment of a Zoning Vested Right.

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

(b) Common law vesting. A common law vested right is established only when the following can be demonstrated by the landowner:

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

(2) The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and

(3) It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.

Sec. 135 – Process to Claim Vested Right.

(a) A landowner seeking to claim a vested right shall submit information to substantiate their claim of vesting status along with an application for a determination in accordance with § 335 Determination and Interpretations.

(b) Appeal of a decision on a determination application may be filed with the Board of Adjustment in accordance with § 331 Appeals.

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(c) Applicants seeking to extend the vesting status of a site-specific vesting plan may file an application for a vested rights certificate (see § 3322 Vested Rights Certificate).

Sec. 136 – Effect of a Vested Right.

(a) Development approvals that have an established vested right in accordance with §§ 160D-108 and 160D-108.1 of the North Carolina General Statutes and this section shall preclude any action by the Town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.

(b) *Except when subject to sub-section (c) below, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested*:

(1) Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and §143-755 of the North Carolina General Statutes;

(2) Subdivisions of land for which a subdivision application has been submitted and approved in accordance with this Ordinance and §143-755 of the North Carolina General Statutes;

(3) A site-specific vesting plan approved in accordance with this Ordinance and §160D-108.1 of the North Carolina General Statutes;

(4) A multi-phase development approved in accordance with this Ordinance and §160D-108 of the North Carolina General Statutes; and

(5) A vested right established by the terms of an approved development agreement in accordance with this Ordinance and Article 10 of Chapter 160D of the North Carolina General Statutes.

(c) Amendments to this Ordinance shall apply to vested development approvals if:

(1) A change to State or federal law occurs and has a retroactive effect on the development or use;

(2) There is written consent to be subject to the amendment by the landowner;

(3) The development approval expires; or

(4) The development is not undertaken or completed in accordance with the approval.

Sec. 137 – Duration.

Vested rights shall commence upon approval of a development application and shall continue through the maximum duration periods established in this section.

(a) Building permits. The issuance of a building permit establishes a vested right to development for a period of six months, as long as the building permit complies with the terms and conditions of approval of that building permit.

(b) Development approvals. Except for building permits, site-specific vesting plans, development agreements, and multi-phase developments, any development approval under this Ordinance shall be vested from changes in this Ordinance for a period of one year from the date of approval, provided the development subject to the approval complies with all applicable terms and conditions. If work has commenced before one year form the date of approval, then the approval is vested unless work on the project is voluntarily and intentionally discontinued for two years.

(c) *Multiple permits for development project.* Subject to the other subsections of this section (136), where

multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

(d) Site specific vesting plans.

(1) Development approvals identified by this Ordinance as site-specific vesting plans shall be granted a vested right to develop for a maximum period of two years from the date of the approval, provided the development subject to the approval complies with all applicable terms and conditions.

(2) The two-year vesting duration of a site-specific vesting plan may be extended up to five years from the date of the approval in accordance with § 342 Vested rights certificate.

(3) Site-specific vesting plans meeting the definition of a multi-phase development shall be vested in accordance with sub-section (e) below.

(e) Multi-phase developments.

(1) A multi-phase development plan is subject to a master plan that depicts the types and intensities of all uses as part of the approval, and includes more than one phase shall be considered as a multi-phase development plan that is granted a vested right to develop for a period of seven years from the date of approval of the first site plan associated with the development.

(2) Vesting shall commence upon approval of the site plan for the first phase of the development.

(3) The vested right shall remain in effect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

(f) Development agreements. A development agreement shall be vested in accordance with the vesting term identified in the development agreement.

Sec. 138 – Termination.

(a) Vested rights established in accordance with this Ordinance shall run with the land.

(b) In no instance shall vesting status extend beyond the maximum duration for the type of development application approval identified in § 136 Duration.

(c) In no instance shall the vesting status of a development approval continue after the development approval expires or if the development approval is revoked for failure to comply with the terms of the approval or of this Ordinance.

(d) In no instance shall the vesting status of a development approval continue after it is determined that the development approval was based upon intentional inaccurate information or material misrepresentations.

(e) In no instance shall vested rights continue if the Town Board of Commissioners finds, after a duly noticed public hearing, that natural or man-made hazards resulting from the development would result in a serious threat to public health, safety, or welfare if the development were to be continued or completed.

(f) In the event of commenced but uncompleted work associated with a development approval, vested rights shall expire within 24 months of the discontinuance of work. This 24-month period shall not include the time associated with work stoppage resulting from an appeal or litigation.

Sec. 139 – Limitations.

(a) The establishment of a vested right does not preclude the Town's application of overlay zoning district requirements or other development regulations that do not affect the type of land use, its density, or intensity.

(b) A vested right shall not preclude the application of changes to building, fire, plumbing, electrical, or mechanical codes made after the development approval where a vested right was established.

ARTICLE 2. - AUTHORITIES

DIVISION 1. BOARD of COMMISSIONERS

Sec. 211 – Powers and Duties

(a) Without limiting any authority granted to the Board of Commissioners by General Statutes or by other Ordinances of the Town, the Board of Commissioners shall have the following powers and duties with respect to this Ordinance:

(1) To adopt, amend or repeal this Ordinance;

(2) To approve or deny requests for approval of major preliminary and final subdivision plats including Conservation Subdivisions, and Vested Rights Certificates;

(3) Such additional powers and duties as may be set forth in this Ordinance or in the General Statutes.

DIVISION 2. PLANNING BOARD

Sec. 221 – Powers and Duties

(a) In addition to its specific duties set forth in this and other Town Ordinances and policies, the Planning Board shall have the following powers and duties:

(1) Review of Development Applications (See Table 1): To review development applications and to make advisory recommendations to the Board of Commissioners on applications for major preliminary subdivision plats, major site plans site plans.

(2) To approve preliminary family and minor subdivision plats.

(3) Conduct Studies and Make Reports: To initiate or conduct studies of land use, development trends, zoning patterns, and other planning matters, and to report findings and recommendations to the governing board.

(4) Promote Public Interest in Planning: To engage in outreach and education efforts to inform the public on planning and development matters.

(5) Review of Subdivision Ordinance Updates: To periodically review and recommend updates to this Ordinance to ensure consistency with the comprehensive plan and changing community needs.

(6) Other Duties as Assigned: To perform any other related duties as may be assigned by the board of commissioners or required by state statute.

DIVISION 3. BOARD of ADJUSTMENT

Sec. 231 – Powers and Duties

(a) The Board of Adjustment shall have the following powers and duties in addition to the duties listed in the Zoning Ordinance:

(1) **Administrative Appeals**. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrator in the enforcement of the zoning provisions of this Ordinance.

DIVISION 4. TECHNICAL REVIEW COMMITTEE

Sec. 241 - Establishment

(a) The Town Administrator shall appoint a committee of staff members and other agencies having particular expertise in the development of real property as the Technical Review Committee (TRC). The Committee shall be chaired by the Town Planner. The TRC members shall consist of the Planning Board Chair, and the Volunteer Fire Chief or their designees. Other members shall serve on the TRC on an ad hoc basis, depending on the nature, size, and complexity of the development project to be reviewed include, but are not limited to: Parks and Recreation, Town Attorney, NCDOT, and Public Works. Stanly County agencies may be consulted, including but not limited to: Stanly County Public Utilities (including storm water, erosion control, infrastructure), Environmental Health, Health Department, Inspections, GIS/ E911,and Emergency Management Services.

Sec. 242 – Powers and Duties

(a) The TRC shall review and comment on all plans to be reviewed and/or approved by any other body listed in this Ordinance, including the Board of Commissioners, Planning Board, and Board of Adjustment, and on all request for permits referred to the DRC by the Town Planner, both for conformity with the Town Code and with Board of Commissioners resolutions.

(b) The TRC shall suggest rules of procedure and schedules to ensure that plans submitted shall be reviewed and comments returned to developers in a timely manner. The Board of Commissioners shall approve the rules of procedure.

DIVISION 5. TOWN PLANNER

Sec. 251 Powers and Duties

(a) The Town Planner shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(1) .General planning and permitting.

A. To review all applications for land development for compliance with the terms of this Ordinance.

B. To issue and maintain a record of all development-related permits and approvals on file and to make copies available to interested parties.

C. To provide the Board of Commissioners, Planning Board, Board of Adjustment, Town Staff, and applicants with reports and recommendations, as required by this Ordinance, other laws or regulations or at the request of said bodies.

D. To interpret the language of this Ordinance.

E. To enforce compliance with the terms of this Ordinance, unless otherwise specified.

F. To issue Zoning Compliance Permits in conjunction with the Technical Review Committee. (See § 3313).

G. To revoke any permits provided herein.

H. . To enforce compliance with the terms of this Ordinance, unless otherwise specified.

(2) Subdivision administration.

A. To review all applications for the subdivision of land for compliance with the terms of this Ordinance.

B. To approve final plats, exempt subdivisions (See § 337), expedited subdivisions (See § 337), and final subdivision plats (See § 339), and to revoke any permits as provided by the code enforcement sections of h Zoning Ordinance.

C. To provide the Board of Commissioners and Planning Board with reports and recommendations, as required by this Ordinance, other laws or regulations, or at the request of said bodies.

D. To issue and maintain a record of all subdivisions and approvals on file and to make copies available to interested parties.

E To enforce compliance with the terms of this Ordinance, unless otherwise specified.

ARTICLE 3. PROCEDURES & PERMITS

DIVISION 1. SUMMARY of PROCEDURES

Sec. 311. Summary of Procedures

The following Table summarizes the procedures explained in this Article.

Table 1 - Summary of Procedures

TABLE 1. SUMMARY OF PROCEDURES

Review Authority Actions: C = Comment; R= Recommendation; D = Decision; A = Appeal; M = Mandatory; O = Optional
Type of Review: | |=Public Meeting; / \=Legislative Hearing; { }=Quasi-Judicial Hearing

Application Type	UDO Section Number	Pre-Application Conference /1/	Neighborhood Meeting /3/	Review Authority /2/						
				Town Planner	Project Review Committee	Planning Board	H	Board of Adjustment	Board of Commissioners	Superior Court
Administrative Modification	330	M	•	D	•	•	•	{A}	•	•
Appeal	331	N/A	•	•	•	•	•	{D}	•	A
Building Permit /4/	332	N/A	•	C	•	•	•	•	•	•
Certificate of Occupancy – Zoning Check /4/	333	N/A	•	D	•	•	•	•	•	•
Determination and Interpretation	335	O	•	R	/5/	•	•	{D}	•	•
Exempt Subdivision	336	O	•	D	•	•	•	•	•	A

TABLE 1. SUMMARY OF PROCEDURES

Review Authority Actions: C = Comment; R= Recommendation; D = Decision; A = Appeal; M = Mandatory; O = Optional
Type of Review: | |=Public Meeting; / \=Legislative Hearing; { }=Quasi-Judicial Hearing

Application Type	UDO Section Number	Pre-Application Conference /1/	Neighborhood Meeting /3/	Review Authority /2/						
				Town Planner	Project Review Committee	Planning Board	H	Board of Adjustment	Board of Commissioners	Superior Court
Expedited Subdivision	336	N/A	•	D	/5/	•	•	{A}	•	A
Family Subdivision	337	R		R	R	D				
Final Plat	3389	N/A	•	D	•	•	•	•	•	A
Floodplain Development Permit See Town Code Chapter 151	•	N/A	•	D	•	•	•	{A}	•	•
Grading Permit	339	O	•	D	R	•	•	•	•	•
Conservation Subdivision	334	M	M	R	C	|R|	•	•	/D\	A
Major Subdivision	340	M	M	R	/5/	|R|	•	•	D	•
Minor Subdivision	341	O	•	R	/5/	D	•	•	{A}	•
Vested Rights Certificate	342	M	•	R	/5/	•	•	•	/D\	A
Zoning Compliance Certificate	343	O	•	D	/5/	•	•	{A}	•	•

NOTES:
/1/ See Section 320. Pre-Application Conference.
/2/ Review authorities are defined in Art. 2, Authorities.
/3/ Required if the density or intensity of the use of the property is to be increased.
/4/ Issued by Stanly County Building Inspections Dept.; Town Planner checks that project as-built complies with UDO.
/5/ Optional comment

DIVISION 2. STANDARD REVIEW PROCEDURES.

Sec. 321 – Pre-Application Conference.

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

(b) Applicability

(1) Pre-Application Conference Required. A pre-application conference between the applicant and Town staff is required before submittal of the following applications;

a. Administrative modification;

b. Conservation subdivisions;

c. Major Subdivision;

d. Vested rights certificate or determination.

e. Family Subdivision

(2) Pre-Application Conference Optional A pre-application conference between the applicant and Town staff is optional before submittal of the following applications:

a. Determinations and Interpretations;

b. Exempt subdivision plats;

c. Final plats;

d. Minor subdivisions;

e. Zoning Compliance Certificates.

(c) Pre-Application Conference Not Conducted When a pre-application conference is not required by the Town, one may be held at the request of applicants, or for applications made directly to Stanly County, Stanly County may require a pre-application conference. .

(d) Scheduling Applicants shall contact the Town Planner to schedule a pre-application conference.

(e) Procedure

(1) Following receipt of a request for a pre-application conference, the Town Planner shall schedule the conference and notify the applicant of the time and location. The Town Planner may invite the Technical Review Committee to the conference. During the conference, Town staff members will explain the application review process and any special issues or concerns regarding the subject proposal.

(2) The applicant is encouraged to submit a sketch or conceptual plan, if appropriate, to Town staff during the pre-application conference.

(3) In cases where a pre-application conference is required, the Town Planner shall forward a brief written summary of the issues discussed during the pre-application conference to the applicant for inclusion with the application materials.

(f) Effect

(1) When required, a completed pre-application conference entitles an applicant to take the next step in the application process. Application types requiring a pre-application conference will not be accepted until after the mandatory pre-application conference has been completed.

(2) Discussions at a pre-application conference are not binding on the Town and do not constitute submittal for formal review of an application.

Sec. 322 – Neighborhood Meeting

(a) *Application Acceptance. The Town Planner shall not accept an application for a Major Subdivision on a property unless:*

(1) *Meeting.* All adjacent property owners have been invited to a neighborhood meeting held at a reasonable time and location; and

(2) *Attendance and Summary.* The applicant shall submit a summary report indicating meeting minutes, an affidavit about the mailing and property posting (See (b) Applicant Duty), attendance and the results of the meeting with the required application.

(b) *Applicant Duty. The applicant shall set up the meeting.* The applicant may hold additional neighborhood meetings prior to any public hearing held by the Town at the applicant's discretion.

(1) *Mailed Notice.* At least seven days before the Neighborhood Meeting, the applicant shall mail notice of the neighborhood meeting to the owners of affected parcels of land and the owners of all parcels of land located within 300 feet of the boundaries of the land subject to the application. Properties are "abutting" even if separated by a street, railroad, other transportation corridor or stream, wetland or other natural features.

(2) *Posted Notice.* The applicant shall prominently post a notice of the Neighborhood Meeting on the subject property or on an adjacent street or right-of-way. The notice shall be posted at least seven days before the Neighborhood Meeting. When multiple parcels are included within a proposed major subdivision, a posting on each individual parcel is not required but the applicant shall post sufficient notices to provide reasonable notice to interested persons and affected and abutting property owners.

(c) *Continuing the review process.* After the neighborhood meeting has occurred applications may be reviewed as proved in section 323 and the succeeding sections.

(d) *Response to meeting summary.* Any person attending the Neighborhood Meeting may submit a written response to the applicants meeting summary to the Town Planner within 30 days after the Neighborhood Meeting. The response may state the understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the Neighborhood Meeting shall be in the form of an affidavit, and shall be transmitted to the applicant, and included with the application materials.

Sec. 323 – Application Filing and Acceptance.

(a) *Authority to File Applications* Unless expressly stated otherwise in this Ordinance, development applications associated with a particular lot or site reviewed under this Ordinance shall be submitted by the landowner, contract purchaser, agent of the landowner, or other person having a recognized property interest in the land on which development is proposed. Agents may be asked to provide proof of agency.

(b) *Application Content* The Town Planner is authorized to establish the application content and forms, which shall be maintained in the offices of the Planning Department.

(c) *Application Fees.*

(1) The Board of Commissioners shall establish application fees and may amend and update those fees, as necessary. Fees shall cover the costs of review, including public notification, as required.

(2) No action shall be taken on an application and no application approval shall be issued until all required application fees are paid in full.

(d) *Submittal and Review Schedule.*

(1) The Town Planner is authorized to and shall establish specific rules for submittal and review schedules (including time frames for review) for the various types of development applications, which shall be on file and available for inspection in the offices of the Planning Department during normal business hours.

(2) Nothing shall require or prohibit the Town Planner from reducing the amount of time necessary for

review of an application as workflow allows, but the timeframes for public notice in Section 324, shall not be reduced.

(e) Application Submittal.

(1) Applications shall be submitted to the Town Planner in the form established by the Town Planner, along with the appropriate application fee.

(2) An application shall not be considered to be submitted until determined to be complete in accordance with Section 323(d).

(3) No application shall be reviewed or decided until after it is determined to be complete.

(f) *Burden of Presenting Complete Application* The burden of presenting and maintaining a complete application shall be solely upon the applicant. *Determination of Application Completeness* On receiving a development application, the Town Planner shall determine, within seven days, whether the application is complete or incomplete. A complete application is one that: Contains all information and materials identified in the appropriate Town ordinances and other documentation as required for submittal of the particular type of application;

(2) Is in the form and number of copies required by the appropriate Town ordinance(s) and/or documentation;

(3) Is legible and drawn or printed to scale (where appropriate);

(4) Is signed by the person with the authority to file the application;

(5) Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance;

(6) Is accompanied by the fee established for the particular type of application;

(7) Includes material associated with a pre-application conference if one is required; and

(8) Includes the written summary of a neighborhood meeting if one was conducted prior to application submittal.

(g) Application Incomplete

a. If the application is incomplete, the Town Planner shall notify the applicant in writing of the deficiencies.

b. The applicant may correct the deficiencies and resubmit the application for completeness determination.

c. Application processing shall stop following delivery of a notice of incomplete application until all deficiencies are addressed and the application is determined to be complete, or the applicant declares the application to be complete in accordance with Section 322(j).

d. If the deficiencies in an application are not addressed in writing in 45 calendar days, the application will be treated as withdrawn. If the application is re-submitted after 45 days, the fee set by the Board of Commissioners will be charged.

(h) Application Complete

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

b. Nothing shall preclude the Town Planner or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete.

(i) Declaration of Completeness by Applicant

a. If, upon receipt of notice of application deficiencies by the Town Planner, an applicant wishes to have the application processed without further amendment or revision, the applicant shall provide written notice to the Town Planner that they desire the application to be processed without further amendment or revision.

b. Upon receipt of written notice to process the application without further amendment or revision, the Town Planner shall process the application in accordance with the standards in this Ordinance. In no instance shall additional materials or information be added to the application by the applicant. Nothing shall limit an applicant from withdrawing an application in accordance with Section 329.1.

Sec. 324 – Staff and Technical Review Committee Review and Action.

(a) Staff Report and Recommendation

(1) The Town Planner may review the application with the Technical Review Committee.

(2) The Town Planner shall prepare a written staff report on any application to be reviewed or decided by the Planning Board, Board of Commissioners, or the Board of Adjustment.

(3) Except for appeals the staff report shall conclude whether the application complies with all applicable review standards of this Ordinance, and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type.

(4) In cases where the staff finds an application does not comply with the provisions of this Ordinance the staff report shall cite the specific code section(s) in question and the reasons why the application fails to comply.

(5) The staff report may identify and recommend modifications to the development proposal that specify how compliance deficiencies might be corrected and how adverse effects of the development application (if any) might be mitigated.

(6) A staff report is not required for applications decided by the Town Planner or the Technical Review Committee, though one may be prepared.

(b) Distribution of application and staff report

(1) Schedule and ensure any required public notice of the application (if appropriate) is prepared in accordance with Section 324 Public Notices.

(2) Transmit the application, related materials, and staff report to the appropriate review authority (ies);

(3) Transmit a copy of the staff report and any related materials to the applicant; and

(4) Make the application, related materials, and staff report available for examination by the public.

Sec. 325 – Public Notices.

(a) Public Notification Requirements

(1) Applicable State Law All development applications subject to public notification shall comply with standards in North Carolina General Statutes Sections 160D-601, 160D-602, 160D-405, 160D-406, 160D-702, 160D-705 and 160D-1405 of the (as appropriate) and the other provisions in this Ordinance related to public notice.

(2) Notice Type and Timing The Town Planner shall ensure public notification (whether via published notice, mailed notice, or posted notice) is provided in accordance with the requirements in the following Table 2 Public Notice Type and Scheduling, for the type of application and the type of notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

Table 2 - Public Notice & Scheduling

TABLE 2. PUBLIC NOTICE AND SCHEDULING				
APPLICATION TYPE	REVIEW AUTHORITY [1]	TYPE OF NOTICE PROVIDED "X" = REQUIRED		
		PUBLISHED NOTICE [2]	MAILED NOTICE [3]	POSTED NOTICE [4]
Appeal	BOA	·	X [5]	X [5]
Vested Rights Certificate or Determination	BOC	X	X	·
NOTES: [1] "BOA" = Board of Adjustment; "PB" = Planning Board; "BOC" = Board of Commissioners. [2] Published notice shall be provided once a week for 2 successive calendar weeks, with the first notice published between 10 and 25 days before the public hearing. [3] Mailed notice shall be provided to the applicant, affected landowners, and landowners of abutting land between 10 and 25 days before the public hearing. [4] Posted notice shall be provided between 10 and 25 days before the public hearing. [5] Mailed and posted notice shall only be required in cases where an appeal pertains to particular lot or site.				

(b) Published Notice Requirements.

(1) When the provisions of this Ordinance require that public notice be published, the Town Planner shall publish a notice in a newspaper that is published weekly and that has general circulation in the community.

(2) The form and content of the notice shall comply with the applicable N.C. General Statute.

(3) A copy of the published notice shall also be published on the Town's website.

(c) Mailed Notice Requirements.

(1) Mailed notice specified in Table 2. Public Notice and Scheduling shall be mailed to:

a. All landowners subject to the application;

b. The applicant, if different from the landowner; and

c. All landowners entitled to receive notice by the N. C. General Statutes (including landowners located outside the Town) whose address is known by reference to the latest County tax listing.

(2) Notice shall be deemed mailed by its deposit in the United States mail, first class or certified (as appropriate), properly addressed, postage paid, or other form of mailing authorized by N.C. Rule of Civil Procedure 4.

(3) The content and form of the notice shall comply with the applicable requirements in the North Carolina General Statutes.

(4) A copy of the mailed notice shall be maintained in the Town Planner's office for public inspection during normal business hours.

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

(d) *Posted Notice Requirements.* Posted notice shall be made by the Town Planner or designee, and shall comply with the following: A sign shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

(2) The content and form of the notice shall comply with the applicable requirements in the North Carolina General Statutes.

(e) Constructive Notice.

(1) Minor defects in any notice shall not impair the notice or invalidate proceedings if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:

a. Errors in a legal description;

b. Errors or omissions in the tax listing provided by the County; or

c. Typographical or grammatical errors that do not impede communication of the notice to affected parties.

(2) Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property(ies) shall be strictly adhered to.

Sec. 326 – Public Meetings and Hearings.

(a) Public Meetings. Applications subject to a recommendation by the Planning Board in the Table 1. Summary of Procedures, shall be heard by the Planning Board during a public meeting (not a public hearing noticed in accordance with Section 324). The public meeting shall be open to the public and shall be conducted in accordance with the Planning Board's adopted rules of procedure for public meetings. There is no requirement to allow public comment or testimony during a public meeting.

(b) Legislative Public Hearings

(1) Applications decided by the Board of Commissioners as legislative decisions as listed in Table 1 Summary of Procedures, shall be reviewed during a legislative public hearing subject to prior public notification in accordance with Section 324.

(2) The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public hearings. Attendees shall be afforded the opportunity to comment or provide testimony during a public hearing, as authorized in the adopted rules of procedure.

(c) Record

(1) A recording shall be made of all public hearings and the recordings shall be kept for at least two years.

(2) Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

(3) Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be maintained by the County in accordance with its records retention policies.

(d) Board of Adjustment Hearings. Hearings by the Board of Adjustment are always quasi-judicial. See Town Zoning Ordinance § Art. IX ADMINISTRATION for the standards for Board of Adjustment hearings.

Sec. 327 – Conditions of Approval.

(a) *Conditions of approval may be applied to the approval of a subdivision if they are requirements of this Ordinance or it the applicant consents.* Conditions of approval shall be limited in both type and amount to those that address:

(1) The conformance of the development to this Ordinance or other applicable Town ordinances;

(2) The conformance of the development to the adopted policy guidance; and

(3) The impacts reasonably expected to be generated by the development on the public and surrounding land.

Sec. 328 – Written Notice of Decision.

(a) Procedure The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon either (i) filing the written decision with the Board of Adjustment secretary or (ii) delivery as provided in section 327(c), whichever is later.

(b) Content The notification of decision on an application shall be issued in the name of the applicant or applicant's agent, as appropriate, directed to (i) The applicant, (ii) The landowner both to the address(es) identified in the application materials, and (iii) The other parties in interest (if any) and (iv) any persons who make a written request for a copy of the determination to the Town Planner. The notice shall identify the following:

(1) The land or matter subject to the application;

(2) A reference to any approved plans, as appropriate;

(3) The approved use(s), if any; and

(4) Any conditions of approval or other applicable requirements.

(5) Any order, finding or certificate approved and issued.

(c) Timing Except where otherwise stated in this Ordinance, the Town Planner shall provide the applicant written notification of a decision or action within 10 business days after a final decision on a development application. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail. The Town Planner shall certify that proper notice has been made if required. *Copy of Decision In addition to providing notification of a decision on an application to an applicant, the Town Planner shall make a copy of the decision available to the public in her offices at Town Hall during normal business hours.*

Sec. 329. - Effect of Development Approval.

(a) Effect Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan for development, or other specific activity approved.

(b) Permit Prerequisite In the event a permit or development approval is a prerequisite to another permit or development approval (e.g., administrative adjustment or variance approval prior to a site plan approval), development may not take place until all prerequisite approvals are obtained. Approval of one development application does not guarantee approval of any subsequent development application.

(c) Transfer

(1) Except when otherwise specified, development approvals run with the land and may be transferred from one owner to another, provided the land, structure, or use type continues to be used for the same purpose for which the approval was granted.

(2) The terms and requirements of the approval shall continue to apply to all subsequent owners or interests.

Sec. 3210 – Phased Development.

(a) In the case of phased development, such as major subdivisions shall include:

(1) An illustration of all of the phases or the development;

(2) A schedule for completion of public and private infrastructure associated with the development; and

(3) All necessary improvements within the phase as well as outside the phase, but necessary to serve the development withing the phase being proposed for construction first.

Sec. 3211 -Modification, Continuance or Withdrawal.

(a) *Modification of Application.* An applicant may revise an application during a public hearing in response to recommendations or suggestions of the Board.

(1) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the board, the applicant may agree to modify his application in writing, including the plans and specifications submitted. In the alternative, the board may continue the hearing so that the application and/or plans may be revised and submitted to the town.

(2) Unless such modifications are so substantial or extensive that the board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the 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 board's secretary. The review authority may approve an application modified during a public hearing provided that a Zoning Compliance Certificate will not be issued until plans reflecting the agreed upon changes are submitted to and approved by the appropriate Town staff members.

(b) *Continuances and withdrawals.*

(1) The board may continue the hearing until a subsequent meeting to take additional information. No further notice of a continued hearing need be published unless a period of 60 days or more elapses between hearing dates

(2) An applicant may request that a review authority's consideration of an application at public meeting or hearing be continued by submitting a written request to the Town Planner.

(3) *Town Planner Action.* If public notice has not been provided in accordance with this Ordinance prior to the request for a continuance, the Town Planner shall consider and decide the request. A request for continuance shall be approved only in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, or bring the application into closer alignment with the adopted policy guidance or the requirements of this Ordinance.

(4) Review Authority Action

a. If public notice has been provided in accordance with this Ordinance prior to a request for a continuance, the request for continuance shall be placed on the agenda of the review authority on the date the application is to be considered. The review authority may approve the request for good cause.

b. The applicant shall be responsible for any additional public notification expenses.

(c) *Continuance of Public Hearing*

(1) The Board may continue a public hearing until a subsequent meeting and may keep the hearing open to receive additional information up to the point when a final decision is made.

(2) No further notice of a continued hearing is required unless a period of eight or more weeks lapse between hearing dates.

(d) *Withdrawal*

(1) An applicant may withdraw an application at any time.

(2) If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal. Application fees for withdrawn applications shall not be refunded.

Sec. 3212 – Reconsideration.

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

(1) The same use type(s) in the same approximate location(s) as the denied application; or

(2) The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.

(b) *The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for reduction of the time limit, along with a fee to defray the cost of processing the request, to the Town Planner, who shall transmit the request to the review authority.* The review authority may grant the request only on a finding by a majority of its membership that the owner or agent has demonstrated that:

(1) There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or

(2) New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or

(3) The new application proposed to be submitted is materially different from the prior application; or

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

DIVISION 3. SPECIFIC DEVELOPMENT APPLICATIONS.

Sec. 331 – Administrative Modifications.

(a) *Purpose and Intent* *This is a new procedure created by the General Assembly in 2020 that allows the Town Planner to administratively reduce a numeric standard by up to 10% as a "safety valve" to accommodate difficult sites or unexpected conditions without having to require a variance, or an amendment to an approved preliminary subdivision plat, site plan, conditional district rezoning or special use permit.* There are specific criteria that clarify when this can be used, and for what purposes. Requests exceeding 10% would be required to obtain a variance or the applicant could choose to file an amendment to the original approval.

(b) Applicability. Administrative modifications may not change:

(1) the permitted uses,

(2) the permitted density of the overall development or any phase lines.

(c) Examples of adjustments that may be made by the Town Planner:

(1) Changes to the location of entrances or driveways, minor rearrangement of internal streets, turn lanes, drives, or access restrictions;

(2) Increases in or changes to the configuration of parking areas;

(3) Increases in or changes to the configuration or location of open space or placement of required amenities;

(4) Changes to the arrangement or location of buildings, provided there is no increase in number;

(5) Changes to the proposed building elevation or façade, including materials, provided that the change retains the same general architectural character and same building height;

(6) Changes to the configuration of landscape yards, including types of materials, provided the screening function is maintained;

(7) Decreases in residential density or non-residential gross floor area; and

(8) Minor changes to lot line locations, provided there is no increase in the total number of lots and provided all lots comply with the dimensional requirements for the zoning district where located

(d) *Procedure***.** The owner or owner's agent shall request an adjustment in writing.

(1) Pre-Application Conference Mandatory (see Section 320. Pre-Application Conference).

(2) Application Submittal Applicable (see Section 322. Application Filing and Acceptance).

(3) Staff Review and Action Applicable (see Section 323. Staff and Development Review Committee Review and Action).

(e) *Decision***.** The Town Planner shall have ten (10) business days to issue a written decision and approve or deny the adjustment

(f) *Review Criteria* The Town Planner shall review the application based on the standards of the adjustment requested. For example, a request for a variance shall be reviewed using the standards for a variance. An administrative adjustment shall be approved if the applicant demonstrates all of the following:

(1) The administrative adjustment:

a. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or

b. Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or

c. Is necessary to allow for proper functioning of on-site wastewater or stormwater

management devices; or

d. Saves healthy existing trees;

e. The administrative adjustment does not exceed the maximum allowable threshold;

f. The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;

g. The administrative adjustment will not pose a danger to the public health or safety;

h. The administrative adjustment will not have a negative impact on the function or performance of onsite wastewater or stormwater management structures;

i. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and

j. The development standard being adjusted is not the subject of a previously approved administrative adjustment on the same site.

(g) *Amendment:* A second adjustment to the same standard, ordinance or approval is not available, except in cases where the cause of the second adjustment is not caused by the owner or owner's agents. In no case will the first and any subsequent adjustments be greater than a 10% deviation from the original.

EXAMPLE: Landowner seeks a 5% side yard setback adjustment for an accessory building. The set back is ten feet. The Town Planner grants an adjustment of six inches. Upon digging foundations, the Landowner strikes bed rock. The landowner asks for a second adjustment. The Town Planner may grant a second six-inch adjustment.

(h) *Expiration:* Adjustments expire at the same time as the permit being adjusted would have expired without the adjustment.

(i) *Appeal:* The landowner or landowner's agent may apply for an amendment to the permit for which the adjustment was sought or bring an appeal under Section 331.

Sec. 332 - Appeals.

(a) Introduction.

(1) Appeals my be made either to the Board of Adjustment OR to the Stanly County Superior Court.

(2) The Board of Adjustment shall determine contested facts. The decision of the board shall be based on competent, material and substantial evidence in the record. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall issue a written decision containing the boards decisions as to contested facts and the application of the facts to the standards of the zoning ordinance. To this end, the Board of Adjustment shall have all the powers of the town staff from whom the appeal is taken.

(3) An appeal from any final administrative order or decision of the town staff charged with enforcement of this Ordinance may be taken to the Board of Adjustment or to Stanly County Superior Court by any person with standing,. An appeal is taken by filing a written notice of appeal specifying the grounds with the Town Clerk / Board of Adjustment secretary. A notice of appeal shall be considered filed with the town and the Board of Adjustment when delivered to the Town Clerk.

(b) *Time to Appeal.* The property owner, applicant or other party with standing shall have 30 days from the receipt of written notice to file an appeal. If delivery of the decision is by first class mail, the time to appeal shall be 33 days unless the appellant provides evidence of the date of delivery.

(c) *Stay of Enforcement Actions.* An appeal stays all actions by the town enforcing the requirements of the zoning ordinance unless the town staff who made the decision files an affidavit with the board stating the facts of the case and how a stay of enforcement will cause imminent peril to life or property or that a stay would interfere with ordinance enforcement because the violation is transitory. If the enforcement action is not stayed by Stanly County Superior Court, the person appealing may file a request that the board hear the matter in 15 calendar days. The 15-day deadline is mandatory.

(d) *Procedure for Appeals to the Board of Adjustment*.

(1) After receipt of notice of an appeal, the Board of Adjustment secretary shall schedule the time for a hearing which shall be at the next regular or special meeting, but in no case later than 60 days from the filing of notice of appeal.

(2) Written notice of the appeal shall be sent to the appellant, property owner, applicant and all abutting property owners by the town staff following the procedures in Section 324. Public Notices.

(3) The town staff who made the decision shall send all documents and exhibits constituting the record of the decision being appealed to the Board of Adjustment, the person who made the appeal and the owner of the property.

(4) When an appeal is taken to the Board of Adjustment, the designated town staff shall have the initial burden of presenting to the board 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.

(5) The staff who made the decision, or the current incumbent in that position, shall appear as a witness at the hearing.

(6) The board shall hear the appeal following the procedural rules in Section 325(c). Public Meetings and Hearings.

(7) The board shall make its decision in a reasonable time following the requirements of Sections 325. Public Meetings and Hearings and 327. Written Notice of Decision.

Sec. 333 – Building Permit.

Stanly County Building Inspections Dept issues building permits after receiving a zoning compliance permit issued by the Town Planner or designee.

Sec. 334 – Certificate of Occupancy

Stanly County Building Inspections Dept. issues certificates of occupancy after the Town Planner checks the site for compliance with the Zoning Ordinance, any Town-issued permits and Town policies, procedures and guidelines. The Town Planner will provide the zoning compliance certificate and forward it to Stanly County. (See Section 3313 below).

Sec. 335 – Conservation Subdivision

Conservation subdivisions shall be approved through the Article 7, Div. 8, Conservation Subdivisions, Major Subdivision (Section 3311), and Final Plat (Section 339) processes.

Sec. 336 – Determinations and Interpretations

(a) Purpose: To allow an applicant to obtain a written interpretation of (i) the meaning of a word, phrase, clause section or division of this Subdivision Ordinance, or (ii) the meaning of a permit issued pursuant to this Ordinance.

(b) Determinations of the Meaning of the Subdivision Ordinance

(1) Applicability The Town Planner is responsible for written interpretations, including, but not limited to interpretations of:

a. The meaning of the text in this Ordinance;

b. Definitions of undefined terms; and

c. Compliance with conditions of approval.

(2) Interpretations Distinguished

a. Only formal interpretations issued in accordance with this procedure are subject to appeal as an administrative decision.

b. Any written or oral interpretations that do not meet the strict requirements of this section are advisory interpretations.

c. Advisory interpretations have no binding effect and are not considered formal interpretations subject to appeal.

(3) Interpretation Procedure

a. Pre-Application Conference Optional (see Section 321. Pre-Application Conference).

b. Application Submittal and Acceptance Applicable (see Section 323. Application Filing). Any person may request a formal interpretation of any provision of this Ordinance, , a definition, or a prior condition of approval, provided the request:

1. Relates to a specific parcel of property, section of this Ordinance or the Zoning Ordinance, or prior development approval;
2. Is made in writing; and
3. States all of the necessary facts to make the interpretation or enable research.

c. If a request relates to a particular lot or site and the applicant is not the owner, agent or contract purchaser, the applicant must certify that a copy of the request has been provided to the landowner prior to submittal to the Town.

(4) Staff Review and Action

a. Applicable (see Section 324. Staff and Technical Review Committee Review and Action).

b. The Town Planner shall review the request and make interpretations in accordance with Sub-section 5 below. Interpretation Review Standards.

c. The Town Planner may request additional information from an applicant as necessary to make an interpretation.

d. Prior to rendering an interpretation, the Town Planner may consult with the Town Attorney, Project Review Committee or other Town officials.

(5) Interpretation Review Standards

a. Undefined Term If a term in this Ordinance is undefined or the meaning is unclear, the Town Planner may interpret the term based upon appropriate definitions in any of the following sources:

2. Planning-related definitions in publications prepared or offered by the American Planning Association or the Urban Land Institute;
3. The Oxford Dictionary of Construction, Surveying, and Civil Engineering;
4. The North Carolina General Statutes;
5. The North Carolina Administrative Code;
6. The State Building Code;
7. Black's Law Dictionary; or
8. Other professionally accepted source.

b. Text Provisions and Prior Approvals Interpretation of this text and approved applications shall be based on the standards in Art. 10, Measurement and Definitions, and the following considerations:

1. When the legislative intent of a provision is unclear, the Town Planner shall consider the clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision—as established in Section 1030. Defined Terms, and/or by the common and accepted usage of the term;
2. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;

3. The general purposes served by this Ordinance, as set forth in Section 105. Purpose and Intent; and

4. Consistency with the Town's adopted plan(s).

(6) Effect.

a. A written interpretation shall be binding on subsequent decisions by the Town Planner or other administrative officials in applying the same provision of this Ordinance in the same circumstance,

b. The Town Planner shall maintain a record of written interpretations that shall be available in the Planning Department for public inspection, on reasonable request, during normal business hours.

c. If the Town Planner posts the property subject to the written interpretation for at least ten (10) days, then all parties will be deemed to have constructive notice of the decision. The sign shall be titled "Subdivision Decision" in letters at least six inched high and shall identify how to obtain information about the decision.

(7) Appeal. Appeal of a decision on an interpretation made by the Town Planner shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 301. Appeals.

Sec. 337 – Expedited and Exempt Subdivisions.

(a) Expedited exception for subdivision of land in single ownership established by N.C. General Statute Section 160D-802. In reviewing expedited subdivisions, the Town Planner shall follow the procedure in sub-section (b) (2) b Subdivision Exempt or Expedited Review Processes below. The Town Planner will review and approve a final plat prior to recordation, and sign the required certificates, only if all the following conditions apply:

(1) The division will not create parcels greater than ten acres where no street right-of-way dedication is involved.

(2) No part of the tract or parcel to be divided has been divided under this subsection in the ten years prior to division.

(3) The entire area of the tract or parcel to be divided is greater than five acres.

(4) After division, no more than three lots result from the division.

(5) After division, all resultant lots comply with all of the following:

a. Any lot dimension size requirements of the applicable land-use regulations, if any.

b. The use of the lots is in conformity with the applicable zoning requirements, if any.

c. A permanent means of ingress and egress is recorded for each lot.

(b) Exempt Subdivision Certification.

(1) Purpose and Intent. The purpose for this exempt subdivision procedure is to establish a clear and predictable procedure for the Town to determine and document that a proposed division of land is exempted from the subdivision requirements of this Ordinance in accordance with Section 160D-802 of the N. C. General Statutes

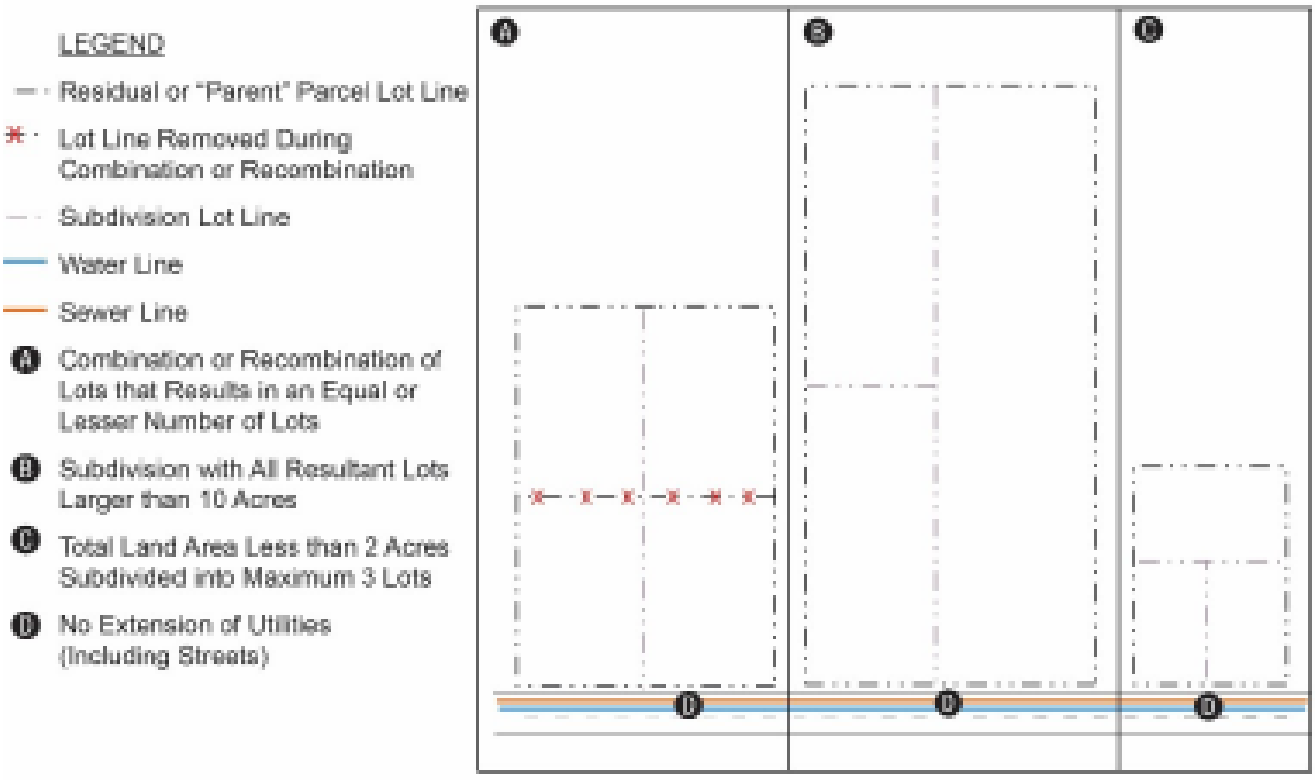
(2) Applicability

a. The following forms of land division (see Figure 1: Exempt Subdivision) are exempt subdivisions exempted from the subdivision requirements of this Ordinance (but not from the provisions in this section):

1. A combination or recombination of portions of previously subdivided and recorded lots that does not increase the total number of lots, and the resultant lots are equal to or exceed the standards of this Ordinance;

2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
3. Public acquisition involving the purchase of strips of land for the widening or opening of streets;
4. Division of a tract of land in single ownership, where the total area of all land in the land division is no greater than two acres, the division creates no more than three lots, where no street right-of- way dedication is involved, and the resultant lots are equal to or exceed the standards of this Ordinance; or
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with Chapter 29 of the North Carolina General Statutes.
6. Divisions of land that are not consistent with these criteria shall not be considered exempt subdivisions and shall be subject to the applicable review procedure and subdivision requirements of this UDO.

Figure 1 - Exempt Subdivision



b. Subdivision Exempt or Expedited Review Procedures

1. Pre-Application Conference Optional (see Section 320. Pre-Application Conference).

2. Application Submittal Applicable (see Section 322. Application Filing and Acceptance).

(A) An application for exempt subdivision determination may be filed by the Town Planner, the Planning Board, the Board of Commissioners, a landowner, or a contract purchaser.

3. Except for subdivisions where all lots shall be served by a central wastewater system, applications for a subdivision exemption shall include an evaluation from Stanly County

Environmental Health Department indicating that an on-site wastewater system may be used on each lot included in the subdivision.

4. Staff Review and Action

(A) Applicable (see Section 323. Staff and Development Review Committee Review and Action).

(B) The Town Planner shall review the application in accordance with sub-section (d) below, Exempt Subdivision Review Standards, and certify that the land division qualifies as an exempt subdivision.

c. Recordation If an exempt subdivision plat or other document is prepared by the applicant, it shall be certified by the Town Planner, and shall be recorded in the office of the Stanly County Register of Deeds. Exempt Subdivision Review Standards A division of land shall be certified as an exempt subdivision if it is excluded from the definition of a subdivision in accordance with Section 160D-802 Applicability of the N. C. General Statutes; and

2. Complies with all applicable standards in Article 4, Zoning Districts; and

3. Complies with all standards or conditions of any applicable permits and development approvals; and

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

e. Effect

1. A division of land determined to be an exempt subdivision shall be exempted from the subdivision standards of this Ordinance, but development of land within an exempt subdivision shall remain subject to the requirements for an improvement permit from the Stanly County Health Department, as well as all applicable standards in this Ordinance.

2. In the event a division of land does not qualify as an exempt subdivision, it shall be reviewed in accordance with the applicable subdivision procedure and shall be subject to all applicable subdivision standards in this Ordinance.

(3) Appeal. Appeal of a decision on an expedited or exempt subdivision shall be reviewed and decided

Sec. 338 – Family Subdivision.

(a) Definitions Family Subdivision. A Minor Subdivision for the creation of lots which are to be conveyed only to family members provided that The property subject to the Family Subdivision has not been a part of a Family or Expedited Subdivision for the previous 10 years; All deeds conveying lots in a Family Subdivision shall state that the property may not be conveyed to anyone who is not an "Immediate Family Member" (as defined below) for five (5) years from the date of the first conveyance of the property after the initial filing of the Final Plat; Immediate Family Members include spouses, parents, siblings and their children, grandparents, including all step-relations and adoptees.

(b) Additional Application Submittal Requirements for Family Subdivisions.

(1) Lots reached by easement shall submit a private road maintenance agreement to the Town with the application and record the agreement at the same time as the approved plat;

(2) Lots sharing a water course, pond or lake a lake or watercourse maintenance agreement shall be submitted to the Town with the application and recorded at the same time as the approved plat.

(3) A copy of any instruments of conveyance (i.e. deeds) or an executed affidavit stating that property will only be conveyed to immediate family members.

(4) A septic suitability certificate from the Stanly Count Dept. of Health or reports) from a N.C. licensed soil scientist for each lot.

(c) Application Submittal Requirements. A pre-application conference is required. Applications for

family subdivision approval, along with any required fees, shall be filed with the Town Planner. The Town Planner shall prescribe the form of applications, as well as any other material that may reasonably be required to determine compliance with this division. Minor subdivision plats shall comply with the mapping requirements of Art. 7 below and contain the certifications required by section 7101. The Town Planner shall not review an application unless it is complete and complies with the requirements of the UDO. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

(d) Town Planner's Action. The Town Planner shall discuss the application with the Technical Review Committee. The Town Planner shall forward a written recommendation with the application to the Planning Board for consideration at its next regularly scheduled meeting.

*(e) Planning Board's Action. T*he Board shall determine if the plat and application conform with all applicable regulations. The Board shall act on an application based solely on the findings as to compliance with applicable regulations. The Board shall approve, approve subject to conditions, deny, or refer to the major subdivision approval process if he/she finds it to be a major subdivision proposal or if requested by the applicant. If the Board refers the request to a major subdivision review, an amended application shall be submitted as required in Section 3311. Major Subdivisions. The Board may impose reasonable conditions on its' approval to ensure the subdivision complies with the intent and requirements of this Ordinance.

(g) *Actions Subsequent to Decision.* The Town Planner shall notify the applicant of the decision on the applicant's application for a family subdivision approval and shall file a copy of the decision in the office of the Town Planner. The Planning Board Chair shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat if it is approved or approved with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Planner and one copy to the Stanly County Department of Environmental Health if any of the lots are served by a well and/or septic tank. Approval of any family subdivision plat is void if it is not properly recorded within 60 days after the Board's approval. The Town Planner may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements of the register of deeds for recordation within that period. Plats shall conform to the drawing specifications and certification requirements of Article 7, Subdivisions.

(h) Appeal of Decision. Subdivisions not approved by the Planning Board are automatically referred to the Board of Commissioners for reconsideration.

Sec. 339 – Final Plat.

(a) *Application requirements.* Applications for final plat approval of subdivisions shall be filed with the Town Planner. The Town Planner shall prescribe the form of application, as well as any other material he/she may reasonably require to determine compliance with this division. Final plats shall comply with the mapping requirements of this section and Article 7 including the certification and endorsement requirements of Section 7101 Plat Certificates. For major subdivisions, a preliminary plat for the lots shown on the proposed final plat must have been approved and not expired before a final plat approval application may be accepted. As part of the application for final plat approval, the applicant shall certify one of the following: That all required improvements (streets, utilities, storm drainage facilities, street signs, and facilities for common use, if any) approved as part of the preliminary plat approval and serving lots shown on the final plat have been completed, or

(2) That a performance guarantee has been posted and approved by the town.

(3) That the development requires only review of the final plat per this section.

(b) Town Planner 's Action. When the Town Planner accepts an application for final plat approval of a subdivision, the Town Planner shall determine if the final plat conforms to all applicable regulations and to an approved valid preliminary plat if a major subdivision. He/she shall approve or deny the application.

(c) Actions subsequent to decision. If an application for final plat approval of a subdivision is approved,

the Town Planner shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat. The applicant shall record the final plat in the office of the Stanly County Register of Deeds. Approval of any final plat is void if it is not properly recorded within 60 calendar days after the Town Planner 's endorsement of the approval. The Town Planner may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his control, fails to meet the requirements of the register of deeds for recordation within that period. Such plat shall conform to the drawing specifications, certifications and endorsement requirements of this Section, Art 7. Subdivisions and section 7101. Plat Certificates.

(d) Appeal of decision. The Town Planner's decision on a final plat approval application may be appealed to the Board of Adjustment under an appeal of administrative decision in Section 3301. Appeals.

(e) Specifications for drawings.

(1) Format. The requirements of this section apply to the format of drawings. Plat. The plat shall be drawn to the standards of G.S. Section 47-30. Plats and Subdivision; Mapping Requirements at a scale between 1:100 and 1:20. Under special circumstances, with the Town Planner's approval, a preliminary plat can be drawn to another scale which can clearly and accurately display the necessary information for review. The plat shall show the following:

(3) Title data. Name of the subdivision, the names and addresses of the owner or owners, name of designer of the plat, scale, date, approximate north point, and in large letters the words "Preliminary Plat."

(4) Existing data. Property lines, street lines and names, greenways, sidewalks, bicycle facilities, principal buildings, existing utility lines (water, sewer, electric, gas, etc.) watercourses (intermittent and perennial), wetlands, bridges, public/private easements, names of adjacent: subdivisions, property owners, zoning districts, land uses, distance to nearest street intersection, voluntary agricultural districts, corporate limits and/or planning district lines; and an inset sketch map showing the subdivision's location in relation to the town and general area.

(5) Data relating to subdivision. Names, locations and other dimensions and/or metes and bounds of proposed streets, lots, easements, building lines, gross acreage to be developed, development existing and proposed impervious surfaces, buffers, and recreational/open space areas, if appropriate. A statement describing the water supply and sanitary sewage disposal facilities proposed to be installed in the subdivision.

(6) Floodway data. The boundaries of both the floodway and floodplain, shown on maps entitled flood hazard boundary map, shall be shown clearly.

(7) Dedications for future right-of-way. Whenever land to be subdivided includes any part of a planned thoroughfare improvement shown on the official plan(s) adopted by the town, the applicant shall dedicate the right-of-way in the location and to the width specified in the comprehensive plan or roadway project to the DOT or HOA, whichever applies. Land reserved for future right-of-way shall not be counted in satisfying any yard, area, or dimensional requirements.

(8) Stormwater Management Statement as required in Town Code of Ordinances Chapter 151.3 Flood Damage Prevention.

(f) Final plat. The final plat shall show the following:

(1) Title and documentation data. Name of subdivision, the township, the name of the licensed surveyor under whose supervision the plat was prepared; the date of the plat; the scale and north point; and all endorsements and certifications required by Art. 7, Div. 9 Plat Certificates.

(2) Data relating to the subdivision. Lines and names of streets; lines of all lots, easements, areas devoted to common use, with notes stating clearly their proposed use, required landscape buffers, any limitations and the person or entity responsible for continued maintenance; corporate and/or other boundaries; lots numbered consecutively through the subdivision;

building lines; metes and bounds survey information sufficient to determine readily on the ground the location of every street, lot line, boundary line, block line, easements line, and building line; the radius central angle, and tangent distance for both street lines of curved streets, the locations and types of all permanent monuments; the names of subdivisions, subdivision entrance sign easement, and streets adjoining the platted subdivision; if applicable, the location of mail kiosk; and designation of all streets and easements within the subdivision as public or private.

(3) *State statute.* All data shown on the final plat shall be consistent with the provisions set out in N.C. General Statutes section 47-30.

(4) *Easements.* All easements and their function shall be shown on the final plat. Drainage easements shall comply with Town Code of Ordinances Chapter 151 and NCDOT Subdivision Road Standards.

(5) *Floodway data.* The boundaries of both the floodway and 100-year floodplain zone, as shown on the map entitled "Flood Boundary and Floodway Map," shall be shown. The FIRM panel and its adoption date shall be shown.

(6) *Future streets.* All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the plat, by the words "Reserved for Future Public Access."

(7) *Subdivision road disclosure statement.* The subdivision road disclosure statement shall be shown on the final plat. All roads shown on the final plat shall be designated in accordance with N.C. Gen. Stat. Section 136-102.6 and designation as a public road shall be conclusively presumed an offer of dedication to the public. Where roads 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 road shall be noted on the final plat.

(8) *Plat certificates.* As required by section 7101 Plat Certificates below.

(9) *Certificates and endorsements on final plat.* The certificates and endorsements in the following table, where applicable, must be shown on all final plats of subdivisions. See section 7101 Plat Certificates for examples of the certificates:

Table 3 - Required Certificates

TABLE 3. REQUIRED PLAT CERTIFICATES

TYPE OF SUBDIVISION	SECTION NUMBERS (See Art. 7, Div. 10, Plat Certificates, Section Number:)
Expedited	7102, 7103, 7107, 7108, 7109, 71010, 71012 As applicable: 7103, 71011
Exempt	7102, 7103, 7108, 7109, 71010, 71014
Family	7102, 7103, 7108, 7109, 71010 As applicable: 7104, 7107, 71012
Preliminary	Sec. 7102, 7103, 7104, 7112
Minor	7102, 7103, 7107, 7108, 7109, 71012 As applicable: 7104, 7105, 7106, 71010, 71011
Major	7102, 7103, 7104, 7105, 7107, 7108, 7109, 71012 As applicable: 7106, 71010, 71011

(g) *Distribution of recorded plat and recorded covenants.* When approved by the Town Planner, he or she shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat. The Town Planner may approve a final plat with conditions. The applicant shall record such plats with the Stanly County Register of Deeds returning one to the Town Planner, along with a recorded copy of

the required covenants in 30 days. The Town Planner may choose in his sole discretion to record the plat, in which case the applicant shall pay the recording fee to the Town in advance. The applicant shall provide a copy of the recorded plat to the Stanly County departments of environmental health and public utilities, as needed.

Sec. 3310 – Grading Permit

A Zoning Compliance Certificate must be obtained from the Town Planner before beginning grading. The Town Planner issues grading permits. See the Engineering Standards and Procedures Manual (Sept. 11, 2024, as amended.) for details on grading standards.

Sec. 3311 – Major Subdivision.

(a) Policy. It is the policy of the Board of Commissioners that all major subdivision approved after ADOPTION DATE meet the standards of Division 8, Conservation Subdivisions.

(b) Preliminary plat approval. All major subdivisions must have a preliminary plat approved by the Planning Board and the Town Board of Commissioners prior to any construction or final plat approval.

(c) Preliminary conference. Required. See Section 320, Pre-Application Conference.

(d) Neighborhood Meeting. Required. See Section 321. Neighborhood Meeting

(e) Application submittal requirements. Applications for major preliminary plat approval shall be filed with the Town Planner per section 322. The Town Planner shall not accept an application unless it complies with all UDO requirements (see Art. 7, Subdivisions), including written confirmation that the applicant is the owner or agent having a valid ownership interest, or a valid enforceable contract or option for an ownership interest in the property involved. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

(f) Town Planner's Report The Town Planner shall forward to the Planning Board an analysis of an application for major preliminary plat approval with his/her recommendation per section 323.

(g) Planning Board review and action.

(1) After receiving the Town Planner 's report on an application for major subdivision preliminary plat approval, the Planning Board shall consider the application at its next regularly scheduled meeting. No formal public hearing will be held. The Planning Board may hear comments and questions. The Planning Board may place reasonable and fair limitations on comments, arguments, and questions to avoid undue delay. The applicant shall bear the burden of establishing that he/she is entitled to approval of the application.

(2) The Planning Board shall recommend approval, denial or approval with conditions to the Town Board of Commissioners on applications for major subdivision preliminary plat approval after reviewing the application, the Town Planner's report and public comment on the application. It shall base its action on its findings as to conformity with all applicable UDO requirements. The Planning Board may also table to address deficiencies identified by the Planning Board.

(3) After receiving the Town Planner's report and the recommendation of the Planning Board, the Board of Commissioners will consider the application at its' next regularly scheduled meeting. The Board shall approve, deny, approve, or table to allow the applicant to address deficiencies in the application. The Board may impose reasonable conditions on its approval to ensure compliance with the UDO per section 326.

(4) The Town Planner shall notify the applicant in writing of the Board of Commissioner's decision and shall file a copy of the decisions.

(h) Expiration of preliminary plat approval. Preliminary plat approval, or re-approval, for a major or commercial subdivision shall be effective for two years from the date of approval. An extension may be requested of the Board of Commissioners for an additional two-year period. Otherwise, the vesting provisions at Art. 1, Div. 3 apply.

(i) Appeal of Decision The Board of Commissioner's decision on an application for a preliminary plat

approval for a major subdivision may be appealed to the Stanly County Superior Court within thirty days from receipt of written notice of the decision.

(j) *Conservation Subdivisions.* The approval of conservation subdivisions requires several steps before preliminary plats can be accepted for review. See Art. 7, Division 8. Conservation Subdivisions.

Sec. 3312 – Minor Subdivision.

(a) Application Submittal Requirements. A pre-application conference is optional. Applications for minor subdivision approval, along with any required fees, shall be filed with the Town Planner. The Town Planner shall prescribe the form of applications, as well as any other material that may reasonably be required to determine compliance with this division. Minor subdivision plats shall comply with the mapping requirements of section 7101 and Art. 7, Subdivisions. The Town Planner shall not review an application unless it is complete and complies with the requirements of the UDO. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

(b) Town Planner's Action. The Town Planner shall discuss the application with the Technical Review Committee. The Town Planner shall forward a written recommendation with the application to the Planning Board for consideration at its next regularly scheduled meeting.

*(c) Planning Board's Action. T*he Board shall determine if the plat and application conform with all applicable regulations. The Board shall act on an application based solely on the findings as to compliance with applicable regulations. The Board shall approve, approve subject to conditions, deny, or refer to the major subdivision approval process if he/she finds it to be a major subdivision proposal or if requested by the applicant. If the Board refers the request to a major subdivision review, an amended application shall be submitted as required in Section 3311. Major Subdivision. The Board may impose reasonable conditions on its' approval to ensure the subdivision complies with the intent and requirements of the Subdivision Ordinance.

(d) Actions Subsequent to Decision. The Town Planner shall notify the applicant of the decision on the applicant's application for a minor subdivision approval and shall file a copy of the decision in the office of the Town Planner. The Planning Board Chair shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat if it is approved or approved with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Planner and one copy to the Stanly County Department of Environmental Health if any of the lots are served by a well and/or septic tank. Approval of any minor subdivision plat is void if it is not properly recorded within 60 days after the Board's approval. The Town Planner may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements of the register of deeds for recordation within that period. Plats shall conform to the drawing specifications and certification requirements of Article 7, Subdivisions. *Appeal of Decision.* Subdivisions not approved by the Planning Board are automatically referred to the Board of Commissioners for reconsideration.

Sec. 3313 - Zoning Compliance Certificate.

(a) Certificate of Zoning Compliance. Except as otherwise specifically provided in this ordinance, it shall be unlawful to begin any excavation, removal of soil, clearing of site, or placing any fill on lands contemplated for development, or to begin any construction, moving, alteration, or renovation, except for ordinary repairs, of any building or other structure, including accessory structures and signs, until the Town Planner has issued for such action a Zoning Compliance Certificate, certifying that such development complies with the applicable provisions of this article.

(b) Zoning Compliance Certificate application submittal requirements/sketch or site plan review required.

(1) All applications for a Zoning compliance certificate shall include a either a subdivision, site plan or a sketch plan application.

(2) Site plans are required for applications for a variance, subdivision plat, floodplain development permit, or special use permit. See Section 3316. Site Plan and Appendix 1. Subdivision and Site Plan Requirements for further details.

(3) Sketch plan review and approval by the Town Planner as appropriate, shall be required prior to the

issuance of a Zoning Compliance Certificate for single family dwellings or duplexes, residential additions, accessory structures or accessory uses on a lot. The Town Planner shall prescribe the form on which applications are made.

(4) Sketch plan applications shall include a sketch plan drawn to scale. At a minimum, the sketch plan shall contain:

a. The name and address of the owner and applicant, if not the same person;

b. The approximate total acreage of the proposed development;

c. The locations of buildings, lot boundaries, impervious surfaces and square footage total, easements and building setback lines; and

d. Any other information the owner or applicant believes necessary to obtain the opinion of the Town Planner staff as to proposed development's compliance with the requirements of this UDO. If the principal structure is less than ten feet from a lot boundary line, or if additional information is needed to evaluate compliance, the Town Planner may require a survey drawn, signed and sealed by a North Carolina licensed engineer, architect or professional surveyor.

e. If the property is located in a floodplain, the application requirements of Town Code of Ordinances Chapter 151 must be met.

(5) Applications which are not complete shall be returned to the applicant in a reasonable time, not to exceed 60 days, depending on the complexity of the application, with a notation of the deficiencies in the application.

(c) Staff consultation after application submitted.

(1) Upon receipt of a formal application for a Zoning Compliance Certificate the Town Planner shall review the application and, forward the application to the Project review Committee for their review and comment. If the applicant wishes, the Town Planner or the Town Planner and Project Review Committee may confer with the applicant to ensure that he or she understands the Town Planner's interpretation of the applicable requirements of this Article, that the developer has submitted all of the information that he or she intends to submit, and that the application represents precisely and completely what he or she proposes to do. If the Town Planner and/or Project Review Committee believes that the application is incomplete, the Town Planner shall advise the applicant in writing about what is required to complete the application.

(2) If the application is for a permit that requires Planning Board, Board of Adjustment or Board of Commissioner's approval, the Town Planner shall place the application on the agenda of the proper board when the application is complete or the applicant states, in writing, that the application is complete.

(d) Action on the application. On receipt of a completed application for a Zoning Compliance Certificate, the Town Planner, together with the Project Review Committee shall cause an analysis to be made pursuant to Section 324. Staff and Development Review Committee Review and Action. The Town Planner and Project Review Committee shall determine if any applicable conditions of an approved special use permit, conditional district zoning approval or variance have been met. The Town Planner may impose such reasonable conditions on an approval as will ensure compliance with this UDO. No Zoning compliance certificate will be issued until all necessary NCDOT (curb cut or other applicable permits) and/or Stanly County Health Department (septic system and/or well) requirements for the proposed work and/or Town or Stanly County Public Utilities have issued permits that have been given to the Town Planner. Where a building permit, floodplain development permit or sign permit is required, such permit shall not be issued prior to the issuance of the Zoning Compliance Certificate required for the development. The aforementioned permits shall comply with the approved Zoning Compliance Certificate, including all conditions of approval thereto.

(e) Actions subsequent to decision. In the case of approval or approval with conditions of an application for a Zoning Compliance Certificate, the Town Planner shall issue the Zoning Compliance Certificate.

In case of denial on an application, the applicant shall be notified, in writing, of the reasons for such denial. No building or structure for which a Zoning Compliance Certificate has been issued shall be used or occupied until, after final zoning compliance inspection, a certificate of occupancy has been issued by Stanly County indicating compliance with the provisions of this article and all other state and local laws, including the conditions of the Zoning compliance certificate and all other required permits.

(f) Appeal of decision. A decision by the Town Planner in granting or denying a Zoning Compliance Certificate may be appealed within 30 days to the Board of Adjustment in accordance with the provisions of Section 332. Appeals.

(g) Modification of Zoning Compliance Certificates. The Town Planner, with the advice of the Project Review Committee may approve a modification of Zoning Compliance Certificate provided such changes continue to comply with the approving action (if any) and all other applicable requirements. An application for modification of a Zoning Compliance Certificate shall be reviewed in accordance with the procedures established in this article.

(h) Expiration and revocation of Zoning Compliance Certificates.

(1) Starting time limit. If the use, construction, or activity authorized by approval of an application for a Zoning Compliance Certificate or modification of a Zoning Compliance Certificate is not started within 24 months of the date of approval, the permit shall expire, and any town permit issued pursuant to the approval shall be void (except for permits issued as a result of quasi-judicial process). The Town Planner, with the advice of the Technical Review Committee may grant an extension of the starting time limit for up to 12 months. The Town Planner shall determine whether the use, construction, or activity has started.

(2) Revocation of Zoning Compliance Certificate. If any conditions of a Zoning Compliance Certificate or modification of a Zoning Compliance Certificate, or requirements of this article applicable to the permit or modification are violated, the Town Planner, with the advice of the Project Review Committee may revoke the permit or modification. The Town Planner, with the advice of the Project review Committee, may reinstate a revoked Zoning Compliance Certificate or modification of a Zoning Compliance Certificate if he determines that:

a. The holder of the revoked permit or modification submitted a request for reinstatement within 90 days of the revocation;

b. The violations that were the cause of the revocation have been corrected; and

c. The development fully complies with all conditions of the permit or modification and all applicable requirements of this article.

Sec. 3314 – Vested Rights Certificate

(a) Introduction This section is intended to implement the provisions of N. C. Gen. Stat. (G.S.) Section 160D-108.1 pursuant to which a statutory zoning vested right is established upon the approval of a site-specific vesting development plan. For the purpose of this section, a site-specific vesting plan is defined as a plan of land development submitted to the town for purposes of obtaining subdivision approval, a special use permit or Zoning Permit.. A zoning vested right is defined as a right pursuant to G.S. Section 160D-108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan

(b) Establishment of a Statutory Vested Right

(1) A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the Board of Commissioners, of a site-specific vesting plan.

(2) The Board of Commissioners may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.

(3) Notwithstanding subsections (a) and (b) of this section, approval of a site-specific vesting plan with a condition that a variance is obtained, shall not confer a zoning vested right unless the necessary variance has been obtained.

(4) A site-specific vesting plan shall be deemed approved upon the effective date of the Board of Commissioner's approval authority's action or ordinance relating thereto.

(5) The establishment of a zoning vested right shall not preclude the application of any overlay zoning that imposes additional requirements but does not affect the allowable type or density of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the town, including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific vesting plan upon the expiration or termination of the vested right in accordance with this section.

(6) A zoning vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific vesting plan, all successors to the landowner that established the zoning vested right shall be entitled to exercise such right while applicable.

(c) Approval procedures and approval authority.

(1) Except as otherwise provided for in this section, an application for specific vesting plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or Zoning compliance certificate or approval for which application is made.

(2) In order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the Board of Commissioners following notice and a public hearing as provided Sections 324 Public Notices and 325. Public Meetings and Hearings. In order for a zoning vested right to be established upon approval of a site-specific vesting plan, the applicant must indicate at the time of application, on a form to be provided by the town, that a zoning vested right is being sought.

(3) Each map, plat, site plan or other document evidencing a site-specific vesting plan shall contain the following notation: "Approval of this plan established a zoning vested right under N. C. Gen. Stat. Section 160D-108.1 unless terminated at an earlier date, the zoning vested right shall be valid until two years from date of issuance."

(4) Following approval or conditional approval of a site-specific vesting plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(5) Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

(d) Duration.

(1) A zoning right that has been vested as provided in this Section shall remain vested for a period of two years unless specifically and unambiguously provided by the Board of Commissioners as provided in this sub-section (c). This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the Board of Commissioners at the time the amendment or modification is approved.

(2) Notwithstanding the provisions of subsections (a) and (b) of this section, the Board of Commissioners may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the Board of Commissioners at the time the site-specific vesting plan is approved.

(3) Upon issuance of a building permit, the expiration provisions of N. C. Gen. Stat. Sections 160D-1111 and 160D-1115 apply, except that a building permit shall not expire or be revoked because of the running time while a zoning vested right under this section is outstanding.

(e) Termination. A zoning right that has been vested as provided in this Section shall terminate:

(1) At the end of the application vesting period with respect to buildings and uses for which no valid building permit application has been filed;

(2) With the written consent of the affected landowner;

(3) Upon finding by the Board of Commissioners, by ordinance after notice and a public hearing, that natural or manmade hazards on or 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 approved site-specific development plan;

(4) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, engineering, planning, marketing, legal, and other consultant's fees incurred after approval by the town, 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

(5) Upon findings by the Board of Commissioners, 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 approval authority of the site-specific development plan; or

(6) Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site-specific development plan, in which case the approval authority 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 public hearing.

(f) *Limitations.* Nothing in this article is intended or shall be deemed to create any zoning vested right other than those established pursuant to N.C. Gen. Stat. Section160D-108.1.

Sec. 3315 – Special Flood Hazard Area Construction Permit

Permits are required per Chapter 151 for construction ion flood-prone areas to ensure that proposed development meets the requirements of the National Flood Insurance Program.

ARTICLES 4 – 6 RESERVED

ARTICLE 7. - SUBDIVISIONS

DIVISION 1. INTRODUCTORY PROVISIONS.

Sec. 711 – Intent.

It is the intent of this Article to provide an orderly process for division of land into lots or parcels for the purpose of sale and/or building development by property owners. It is also this Article's intent to ensure that subdivided lots or parcels can be used safely to build on without danger to the health, safety, and general welfare of both the prospective or future owners in the Town's community, and that subdivisions are provided with and provide for adequate and efficient access and coordination of streets, water and/or sewage, parks, schools, playgrounds and other public requirements and facilities where appropriate.

Sec. 712 – Authority.

(a) The regulations of this Article are adopted under the authority of § 160D-801 of the North Carolina General Statutes which authorizes the Town to regulate the subdivision of land.

(b) The regulations of this Article shall govern each and every subdivision of land within the Town's planning jurisdiction as now or hereafter established.

Sec. 713 – Applicability.

(a) No land shall be subdivided, platted, or recorded, nor shall subdivided lots or parcels be sold, offered for sale, used, or occupied unless and until a final plat of the subdivision has been approved under this Article and has been recorded by the Stanly County Register of Deeds. No lot or parcel resulting from a division of land excluded from the definition of subdivision in § 1031, Defined terms, shall be sold, offered for sale, used, or occupied until the Town Planner certifies that such division of land falls within one of the exclusions listed in the definition of subdivision. No plat of any division of land within the Town's corporate limits shall be filed or recorded by the county register of deeds unless it contains the Town Planner's certification that the division of land has been approved under, or is not subject to, this Article.

(b) All property having Stanly County water and sewer services zoned RA, R-40, R-20 or R-8, or the conditional district versions of those for zoning districts shall only be platted under the Division 7 Conservation Subdivisions below.

Sec. 714 – Penalties for Transferring Lots in Unapproved Subdivisions.

(a) Any owner or agent of the owner of any land located within the Town's corporate limits who subdivides their land in violation of this Article or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Article and recorded in the office of the Stanly County Register of Deeds, shall be guilty of a Class 1 misdemeanor; and civil penalties described in Zoning Ordinance § 910 Enforcement -Civil Penalties.

(b) 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.

(c) The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Article.

(d) The Town shall ask Stanly County to deny building permits required may be denied for lots that have been illegally subdivided.

(e) In addition to other remedies, the Town 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.

Sec. 715 – Subdivisions Distinguished.

(a) Minor subdivision. A minor subdivision shall include a division of land of three or fewer lots, including any remaining residual parcel. Minor subdivisions do not include the (i) creation of new roads; and (ii) do not require the extension of a Town or other public sewer or water line; and (iii) Do not require a variance; and (iv) There has been no other subdivision of the parcel for at least one calendar year. Minor subdivisions shall be reviewed in accordance with the standards in this Article as well as § 3312, Minor Subdivision.

(b) Major subdivision. A major subdivision shall include a division of land resulting in four or more lots, including any residual parcel. Major subdivisions shall be reviewed in accordance with the standards in this Article as well as § 3311, Major Subdivision.

(c) Expedited subdivision. An expedited subdivision is neither a major nor a minor subdivision, but shall fully comply with all applicable standards for the zoning district where it is located as well as the standards in § 337, Expedited and Exempt subdivisions. Approval of an expedited subdivision requires the recordation of a subdivision plat in accordance with all applicable provisions in this Ordinance.

(d) *Conservation subdivision:* Conservation subdivisions are a kind of major subdivision that require reserving sensitive environmental lands as open space and are approved under the process found at Division 8 below.. Conservation subdivisions shall be reviewed in accordance with §335 Conservation Subdivision and Division 8 below.

(e) *Family subdivision:* A family subdivision is a minor subdivision. See the approval process at § 338 Family Subdivision above and Division 9 below

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DIVISION 2. SUBDIVISION DESIGN STANDARDS.

Sec. 721 – Intent.

Subdivisions shall be designed with a street and pedestrian network which provides safe, adequate access to all lots within the subdivision. Extension of a public access to an adjoining property should be considered in the subdivision design where a compelling public need is deemed necessary for orderly development of these adjoining properties. However, the design of the local street network in a subdivision should not encourage large amounts of through traffic, the origins and destination of which are external to the subdivision, to use local roads in the subdivision. Due consideration should be given to preserving important natural features, such as trees, ponds, streams, lakes, as well as historical sites which are of value to the Town as a whole. Consideration shall also be given to grading to ensure the adequate flow of stormwater on the site, and the retention of stormwater as required by Stanly County Public Utilities Department.

Sec. 722 – Applicability of Lot Design Standards.

Each lot in a subdivision shall comply with the lot design standards contained in this division. Newly created or revised lots shall be designed so that any existing structures continue to meet the requirements of this division or so that any existing nonconformity is not increased, enlarged, or extended. The standards of this section, however, do not apply to recreation areas.

Sec. 723 – Lot Size Standards.

(a) Every subdivided lot shall comply with the minimum lot size, lot width, and street frontage standard as stipulated in this Article, the Town Zoning Ordinance and the standards of the Stanly County Environmental Health Department for lots not served by a public water and/or sanitary sewer system.

(b) Lots laid out for commercial or industrial purposes shall be of a size that is adequate to provide for the structure to be located on the site; off-street parking facilities required by the type and use of the development; and any required landscape buffer or screening areas. Lots shall comply with the provisions of this division and the Zoning Ordinance.

Sec. 724 – Lot and Block Arrangement.

(a) Lots. The arrangement of lots in a subdivision shall comply with the provisions of this division and the regulations of the Town and shall provide vehicular access to buildings on the lot from an approved street.

(b) Blocks Perimeters.

(1) Applicability

a. The block perimeter standards apply to preliminary subdivision plats, final plats and site plans submitted in accordance with Sections 335, Conservation Subdivisions and 3411, Major Subdivisions. These standards can be modified by a zoning condition contained in an adopted, and conditional use zoning district, an approved conservation subdivision, mixed use development or planned unit development.

b. Except where a street connection traversing the subject property is shown on an adopted NC DOT or Town Plan, compliance with the maximum block perimeter standards, including maximum dead-end street length, shall not be required when one or more of the following conditions are:

1. The site to be developed is below the minimum applicable site area established in Table 19 below.
2. The resulting street connection, if completed, would neither reduce the perimeter of the oversized block by at least 20 percent nor result in nonconforming block perimetersThe resulting street connection, if completed, would result in a new block perimeter less than 50 percent of the maximum block perimeter length.
3. The new street or street stub right-of-way, including utility placement easement, would

consume more than 15 percent of either the area of the impacted adjacent property or the property to be developed.

4. *A traffic study sealed by a N.C. professional engineer is submitted substantiating that the street connection would lead to an intersection level of service within a residential zoned area of Level of Service (LOS) E or F.*

5. *The creation (on the property to be developed) or continuation (on an adjacent property) of any new street or street stub would be obstructed by any of the following:*

   a) existing improvements where the value of such improvements is more than the land value of the parcel on which the improvements are located;

   b) railroad, or controlled access highway;

   c) watercourse that has one (1) square mile of drainage area or more; or

   d) previously established tree conservation area, open space or public park.

6. *Blocks recorded on or before __[ADOPTION DATE]_____, whose block perimeter length does not exceed 150% of the maximum established in Sec. 724 (b)(2) Block Standards below.*

7. *North Carolina Department of Transportation denies a driveway permit necessary to make the street connection.*

8. *The property to be developed or the adjacent property to which any new street or stub street would be continued contains one or more of the following land uses: historic landmark, cemetery, hospital, school including colleges, places of worship, police station, fire station, EMS station, jail or any residential uses on lots no larger than two acres.*

(2) Block Standards

a. Residential blocks must have sufficient width to provide for two tiers of residential lots, except where single tier lots are required to accommodate single loaded streets where across from a public park or open space, to allow for unusual topographic conditions or when adjacent to the outer perimeter of a subdivision.

b. The following table establishes the maximum block perimeter and maximum length for a dead-end street by zoning district. If a single block contains more than one zoning district, the least restrictive requirement applies.

Table 4 - Maximum Block Sizes, Dead End Street Lengths

TABLE:4 Maximum Block Sizes, Dead End Streets Lengths			
Zoning Districts **By average lot size on Block: RA, R40, R20**	**Block Perimeter (Max.) feet**	**Dead End Street (max)**	**Min. Site Area Applicable (acres)**
40,000+ SF	8,000	750	9
20,000 – 39,9999 SF	7,000	700	7
10,000 – 19,999 SF Keep ??	4,500	500	5
By districts: R8	3,000	400	3
CB? MIKE WHAT GOES HERE?	2,000	200	2
NB?	2,500	300	3
HB?	4,500	550	3
GB?	N/A	750	5
Conservation Subdivision	NA	1,000	4

(3) Block Measurement

a. A block is bounded by a public right-of-way (not including an alley). All public rights-of-way proposed as part of a development must be improved with a street.

b. Block perimeter is measured along the edge of the property adjoining the public right-of-way. Dead end streets are measured from intersecting centerlines.

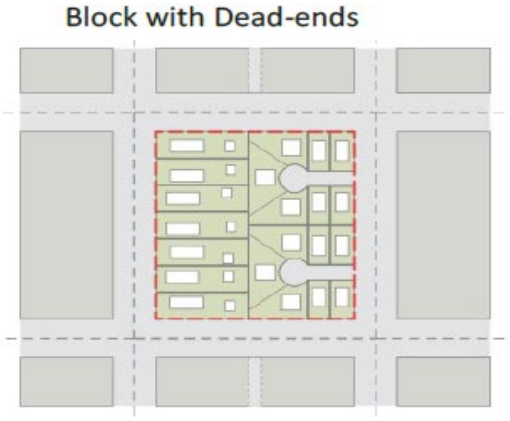
c. The maximum block perimeter shall be permitted to extend 50% where the block contains a mid-block sidewalk, greenway or an alley that connects two streets on opposing blocks including pedestrian passages and alleys that connect dead-end streets.

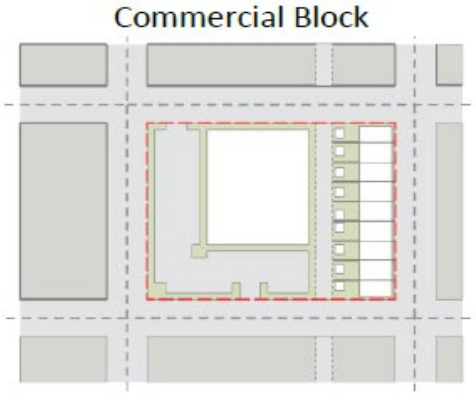
d. Blocks may be broken by a civic building or open lot, provided that the lot is at least 50 feet wide and deep and provides a pedestrian passage that directly connects the two streets on each block face.

e. Withing a single phase of any subdivision or development, individual block perimeters are permitted to exceed the maximum by 25% provided that the average of all block perimeters ion the phase does not exceed the maximum.

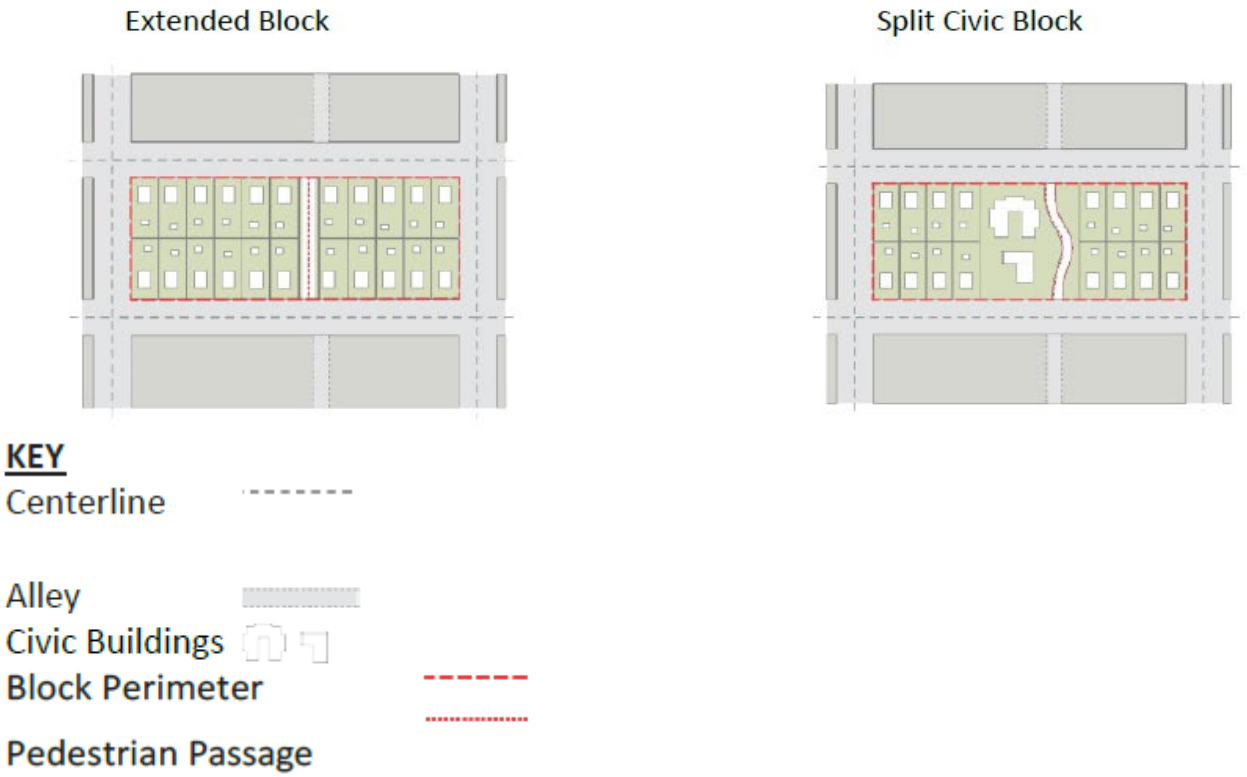
f. Where the block pattern is interrupted by public parkland, including greenways, that is open and accessible to the public, pedestrian access points shall be provided with a minimum spacing equal to ½ of the maximum block perimeter.











Sec. 725 – Flag Lots.

(a) Flag lots and easement access lots shall be permitted only if it can be demonstrated by the applicant that the subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit flagpole lots. Hardships shall include the following:

(1) Topographic constraints or irregularly shaped land in which no alternative exists;

(2) Natural features such as ponds, streams, wetlands, or buffers exist which would limit street construction and/or lot design;

(3) A long narrow parent parcel which would limit alternative designs;

(4) A parent parcel that has limited or no direct road frontage which would require the use of a flagpole or easement with no alternative design available;

(5) No alternative access is available or feasible such as a paved subdivision street or cul-de-sac street constructed to NCDOT standards.

(b) It is the responsibility of the applicant to present evidence to the Town Planner that one or more of the hardships listed in sub-section (a) above exist.

(c) Any decision of the waiver described in subsection (a) of this section may be appealed to the Board of Adjustment as described in § 331. Appeals.

(d) All flag lots or easement access lots within a major subdivision shall meet the following requirements:

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

b. The minimum flagpole width shall be 30 feet;

c. The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 100 feet;

d. Where public water is available, the occupied building on the flag lot shall be within 500 feet of a fire hydrant. The hydrant shall not be across a street from a proposed flag lot. This distance shall be measured along the street, then along the flagpole, then from the end of the flagpole in a straight line to the building thereon;

e. Where public sewer is available, the occupied building on the lot shall have a gravity service line, or the sewer pump requirements shall be noted on the recorded plat;

f. Use of a single driveway to serve the flag lot and an adjoining lot is permitted and encouraged. In the case of a shared driveway, the location of the driveway shall be on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole; and

g. Designate the building footprint and orientation of the house on the preliminary plat.

(e) The flagpole portion of a lot shall not be used to calculate the area, width, or setbacks of the lot for the zoning district in which the lot is located.

Sec. 726 – Reverse Frontage Residential Lots.

For residential developments designed to have the dwelling units face an internal subdivision street and the rear of the dwelling units partially or completely facing an arterial or collector road, the following shall be required:

(c) An eight-foot landscape berm, decorative wall, or opaque fence (excluding a wooden fence) is required for lots abutting a collector or arterial street.

(b) The use of only plant material configured in accordance with a landscape buffer (See Zoning Ordinance § 612 Landscape Buffers) is required for lots abutting all other streets.

(c) Existing vegetation may be used provided the planting density meets or exceeds that required for a landscape buffer (See Zoning Ordinance § 612 Landscape Buffers) and provided it remains undisturbed.

DIVISION 3. STREETS AND SIDEWALKS.

The type and arrangement of streets within a development under this Ordinance shall comply with and coordinate with the Town's adopted transportation plan(s); or the decision of the Town Planner. Principal vehicular access points to the subdivision shall be designed to encourage smooth traffic flow and minimize hazard to vehicular traffic, pedestrian and bicycle traffic. Accommodation for controlled turning movements into and out of the subdivision and improvement of the approach street should be considered where existing or anticipated heavy traffic flows indicate need. Safe and convenient vehicular access shall be provided for emergency, service and school bus vehicles.

Sec. 731 – Site Access and On-Site Circulation.

(a) Purpose and intent. The purpose of this section is to ensure the safe and efficient movement of vehicles, bicyclists, pedestrians, and deliveries on development sites in the Town's planning jurisdiction. More specifically, these standards are intended to:

(1) Protect the health and safety of Town residents and visitors;

(2) Ensure pedestrian accessibility is included in site planning;

(3) Protect the safety of motorists, pedestrians, and bicyclists from traffic entering or exiting the street system; and

(4) Encourage alternative forms of transportation.

(b) *Applicability*.

(1)

(2) General. Except where otherwise expressly stated, the standards in this section apply to all new development in the Town's planning jurisdiction. Existing development. Compliance with these standards shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity in an amount equivalent to or beyond 50 percent. *Timing of review*. Development subject to these standards shall be reviewed for compliance at the time of preliminary subdivision plat, site plan, or special use permit review, as appropriate. In cases where a development application is considered by more than one review authority, the decision regarding compliance with these standards shall be made by the review authority making the final decision on the application under review. *Site access and circulation standards*.

(1) Access to lots.

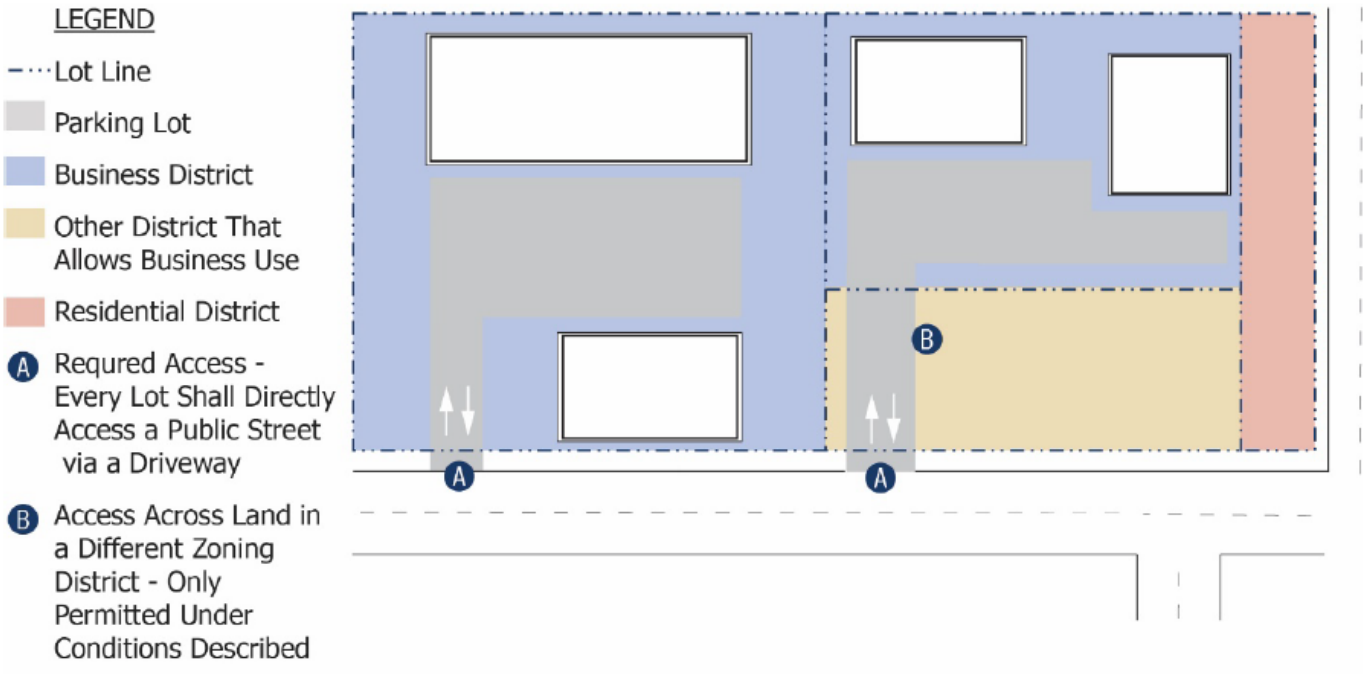
a. While every lot is not required to have lot frontage on a public street, every lot shall abut or have direct access, via a driveway configured in accordance with § 731 (d)(2), Driveways, to a public street.

b. No building or structure shall be constructed or placed on a lot that does not abut or have direct access to a public street.

c. Direct access to a publicly maintained street shall not extend through or across land in a different zoning district than the lot being served by the access ~~(see Figure Lot Access).~~ This requirement is waived when the land in the different zoning district is classified as a business district, allows the use being served by the direct access, or provides the sole means of access for the use.

Figure 3 - Lot Access

Figure 33 - Lot Access



d. Vacant lots of record established prior to ADOPTION DATE OF FIRST SUBDIV ORD ADOPTED by TOWN, that do not about a publicly maintained street may establish access through a permanent access easement, provided the lot is used for one single-family detached dwelling and its allowable accessory uses, and provided the easement complies with the following:

1. The easement is recorded in the offices of the register of deeds;
2. The minimum easement width is 20 feet;
3. The minimum separation between the easement and any other platted access or right-of-way is at least 150 feet;
4. The location of the easement is recorded on a plat; and
5. The easement permits ingress, egress, regress, and necessary utilities to serve the lot.

(2) Driveways.

a. Driveways providing ingress or egress to a state-maintained or private street shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highways" adopted by the North Carolina Department of Transportation (NCDOT), as amended.

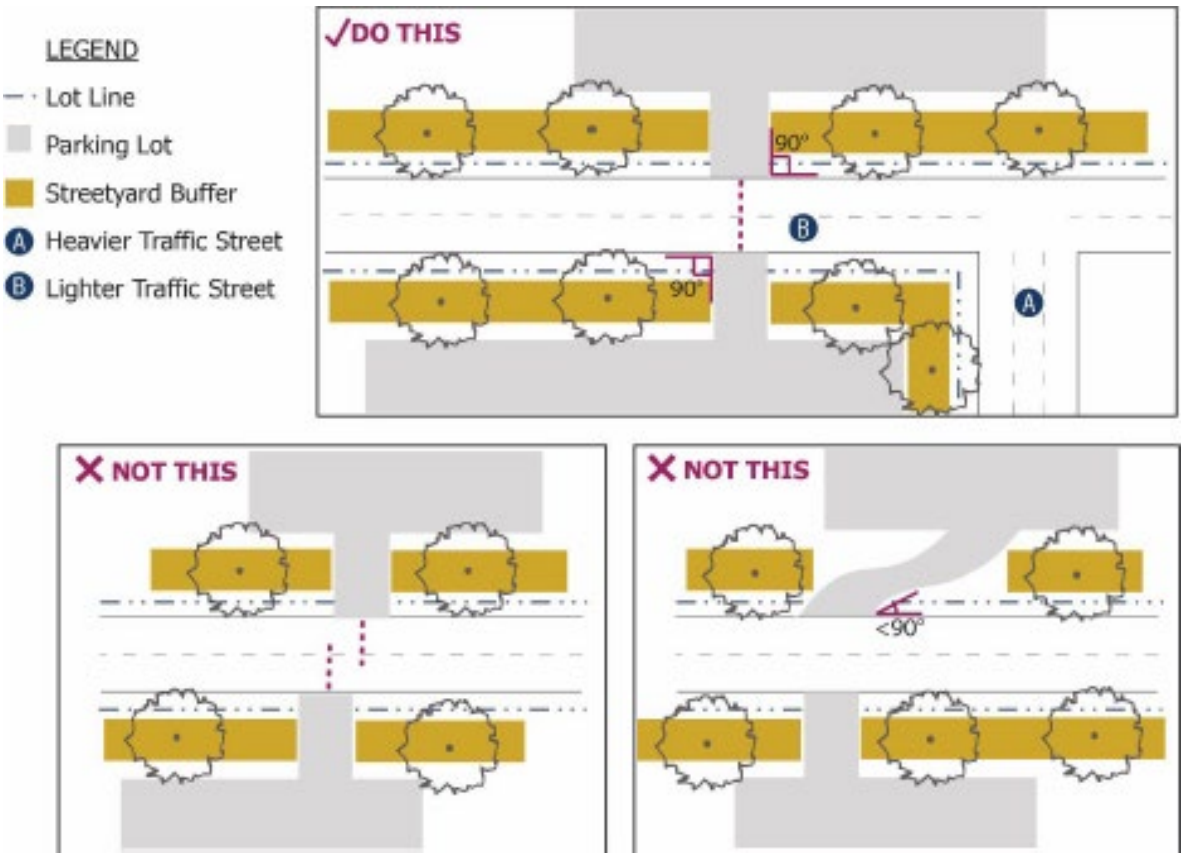
b. All new driveways connecting to State-maintained streets shall obtain a driveway permit

from NCDOT prior to the construction.

c. Driveway configuration.

1. Vehicles can enter and exit from a lot without posing any substantial danger to themselves, pedestrians, bicycles, or vehicles traveling on abutting streets.
2. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.
3. Driveway radii shall be designed in accordance with the NCDOT's or the Town's specifications and shall not extend beyond side lot lines.
4. No driveway serving an off-street parking area or providing on-site circulation is permitted within any required landscaping area, but driveways may be installed across these areas.
5. Driveways shall be as nearly perpendicular to the street right-of-way as possible (see ~~Figure _ Driveway Configuration).~~
6. Driveways shall line up with other driveways/streets across the street, where practicable.
7. Driveways on corner lots shall provide access from the street with less traffic, to the maximum extent practicable.

Figure 4 - Driveway Configuration



d. Driveway spacing.

1. No portion of any driveway leading from a street shall be closer than 100 feet to the corner of any adjacent street intersection measured from the edge of the right-of-way.
2. On lots with less than 100 feet of lot width, the driveway shall be located as far as practicable from the adjacent street intersection.
3. Except when configured as paired driveways, driveways serving individual single-family detached dwellings, individual single-family attached dwellings, duplex, triplex, or quadruplex buildings shall be located at least 20 linear feet from any other driveway on the same or different lot. For the purposes of this section, paired driveways are up to two driveways, whether on the same or different lots, where one side of a driveway is within five feet of the side of the other driveway.
4. Except as provided in § (d)(3) immediately above, Driveways, above, no two driveway access points, whether on the same or different lots, shall be located within 50 feet of each other, to the maximum extent practicable.

e. Driveway surfacing. New driveways established after the effective date of these standards that abut a paved street shall be surfaced with asphalt or concrete at least six inches thick for a distance of at least five feet from the edge of the right-of-way or the driveway radius point, whichever is greater.

f. Sight distance triangles.

g. Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection. Required sight distance triangles shall be configured in accordance with Table 10 Sight Distance [triangle] Requirements below.

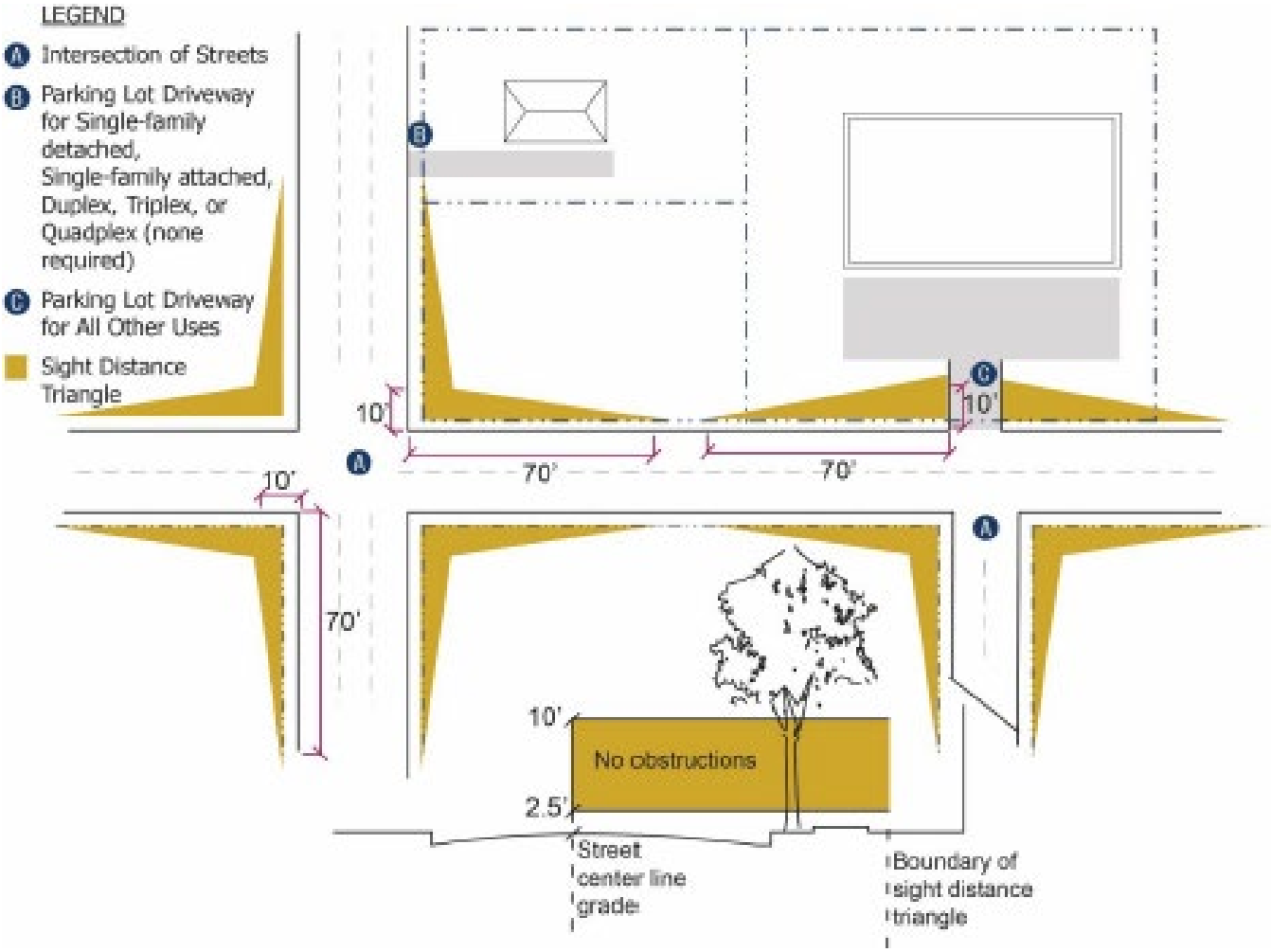
Table 5 - Sight Distance Requirements

TABLE 5. SIGHT DISTANCE REQUIREMENTS		
TYPE OF INTERSECTION		**MINIMUM SIGHT DISTANCE TRIANGLE REQUIRED [1] [2]**
Intersection between 2 streets (public or private)		10/70 from all approaches
Driveways serving parking lots		10/70 from the street approaches
Driveways serving individual land uses without parking lots	Single-family detached and attached dwellings (including duplexes)	None
	All other uses of land	10/70 from street approaches, wherever possible
NOTES: [1] Sight distance triangles shall be an area between a point at the edge of pavement of a proposed or existing street located 70 linear feet from the intersection and a second point at the edge of the opposing street's edge of pavement located ten feet from the intersection. [2] The NCDOT may require an alternative configuration.		

h. No planting, structure, fence, wall, slope, embankment, parked vehicle, or other obstruction to vision between the heights of two-and-one-half feet and ten feet above the centerline grades of intersecting streets or accessways may be located within a required sight distance triangle. ~~(see Figure 31 Sight Distance Triangles).~~

[1] Measuring from edge of pavement required by S.L. 2021-121 Sec. 3a, effective date August 30, 2021.

Figure 5 - Sight Distance Triangle



(4) *On-site pedestrian walkways. On-site pedestrian walkways that minimize conflict between pedestrians and vehicles shall be provided on all non-residential, mixed-use, and multi-family development sites, and shall be configured in accordance with the following standards.* On-site pedestrian walkways shall connect building entrances to off-street parking areas and to other building entrances on the same site (see Figure 36 On-Site Pedestrian Walkways).

b. Development subject to these standards shall provide at least one connection to an existing or planned public sidewalk or existing greenway via an on-site pedestrian walkway configured in accordance with these standards. In cases where existing or planned sidewalks do not exist, at least one on-site pedestrian connection shall continue to the right-of-way edge.

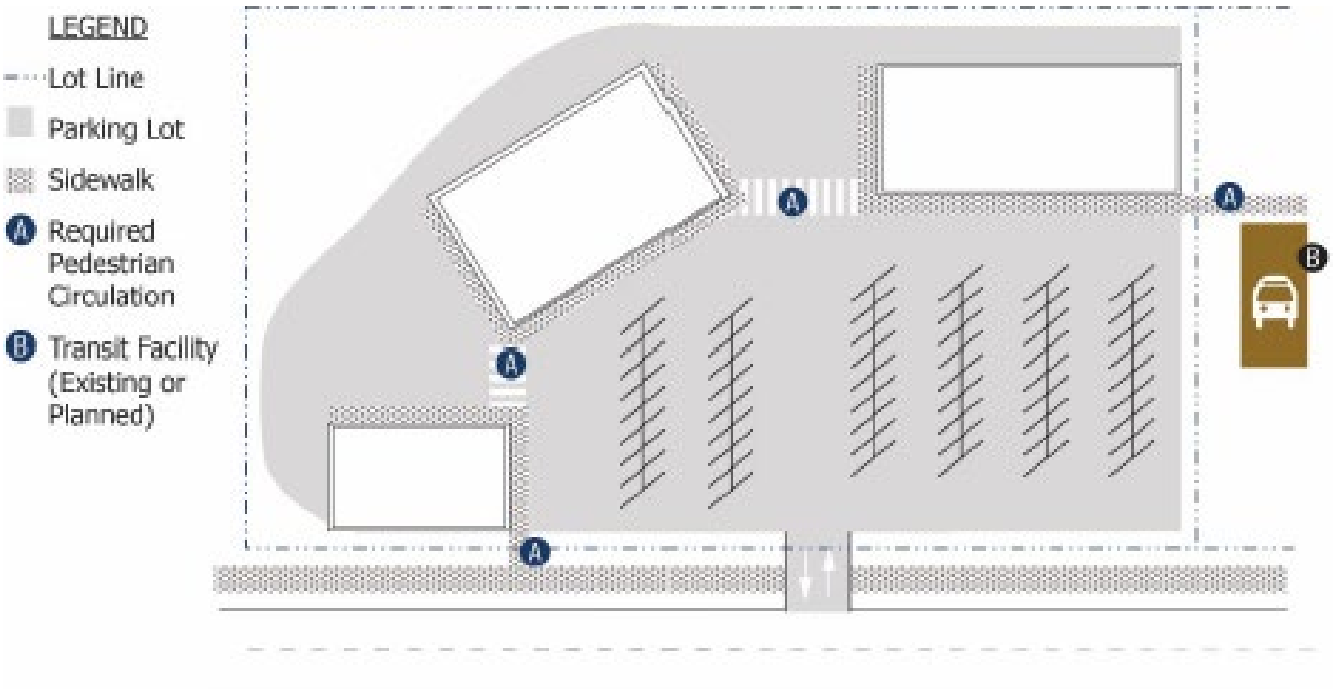
c. Connections shall be made to all existing or planned adjacent transit facilities, to the maximum extent practicable.

d. On-site pedestrian walkways shall be paved with asphalt, concrete, or other all-weather material, and shall be of contrasting color or materials when crossing parking lot drive aisles.

e. On-site pedestrian walkways shall be positively drained and configured to avoid areas of pooling water.

f. On-site pedestrian walkways shall be in compliance with applicable state and federal requirements, including ADA requirements.

Figure 6 - On-Site Pedestrian Walkways



(5) Compliance with requirements for sidewalks. Development subject to the standards in this section shall comply with all applicable standards in the Engineering Standards and Procedures Manual, §731 Site Access and On-Site Circulation, and § 734 Sidewalks.

Sec. 731 – Roads.

The arrangement, character, extent, width, grade, and location of all roads should be designed in relation to existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads and existing and potential land uses in adjoining areas.

(a) Minimum construction standards. All roads shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards and the Town's Engineering Standards and Procedures Manual (latest edition), and shall:

(1) Be dedicated for public use and meet the design and construction standards as required by the Town's Engineering Standards and Procedures Manual (latest edition) / NCDOT for the functional classification and projected traffic volumes;

(2) For all roads not maintained by NCDOT and/or not dedicated for public use, be ensured proper maintenance through the establishment of a homeowners' association or a road maintenance agreement.

(b) Other road requirements.

(1) Permits for connecting to state roads. An approved permit is required to connect any subdivision street to an existing state road. This permit is required prior to constructing the road. The application is available at the office of the nearest district engineer of the division of highways.

(2) *Offsets to utility poles.* Overhead utility poles shall be break-away or located outside the roadway clear zone.

(3) *Wheelchair ramps and curb cuts for disabled persons.* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of § 136-44.14 of the North Carolina General Statutes and the Americans with Disabilities Act.

(4) *Mail box kiosks.* All mail box kiosks shall meet the USPS Cluster Box Units Concrete Pad Installation - Interim Pad Policy (2/19/2017 or most recent edition) and the NCDOT Policy for Placement of Mail Cluster Box Units (9/1/2015 or most recent edition) and be subject to approval by the North Carolina Department of Transportation.

(c) *Relationship to adjoining properties.* New streets or roads shall be appropriately related to, and coordinated with, adjoining properties and existing and proposed roadways. Roadways within a proposed subdivision may be required to connect with adjoining properties where necessary to permit the convenient, efficient and safe movement of traffic. All roads that extend to adjacent properties shall be designated as public roads.

(d) *Cul-de-sac length.* No residential street terminating in a cul-de-sac shall exceed the lengths listed in Table 19 above.

(e) *Access to streets.* Every subdivided lot shall front on, or have direct driveway access or dedicated easement to, a public street meeting the standards of the latest edition of the NCDOT subdivision roads minimum construction standards/ Town's Engineering Standards and Procedures Manual (latest edition).

(f) *Direct residential driveway connections.* Subdivisions located on an arterial or collector road shall be designed such that no new subdivided lot shall have a direct driveway connection onto the arterial or collector road, unless it can be demonstrated that the proposed subdivision cannot be feasibly designed, or that no reasonable alternative exists, to prohibit driveway access onto the collector street.

(1) Major subdivisions to be located on a local road shall be so designed that there shall be no more than one direct residential driveway connection per 500 feet along the same side of the local road, unless it can be demonstrated that the proposed subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit individual driveway access onto a local road.

(2) *Subdivision access.* A second or third full-service access built to the standards of the Town's Engineering Standards and Procedures Manual for the purpose of ingress and egress, or emergency access easement will be required when meeting or exceeding the following thresholds:

a. For subdivisions proposing between 25 and 50 lots, the developer has the option of providing a second full-service access built to the standards of the Town's Engineering Standards and Procedures Manual (latest edition) for the purpose of ingress and egress or a dedicated "emergency vehicle access." This "emergency vehicle access" is to be constructed of any all-weather surface and kept cleared at all times in case the main entrance is blocked, and emergency vehicles need to access the development.

b. For subdivisions proposing 51 or more 100 lots, a third full-service access built to the standards of the Town's Engineering Standards and Procedures Manual (latest edition) for the purpose of ingress and egress will be required. In lieu of installation of a third full-service access, a dedicated emergency vehicle access must be approved by the planning board and constructed as described above with one full-service access approved by the planning board planned within the subdivision.

c. Note: For determining when a second or third access is required, the count will be cumulative over all subdivision phases.

(g) *Subdivision road standards.*

(1) The applicant/developer shall be responsible for ensuring that all dedicated public subdivision streets are successfully accepted by NCDOT or the Town for maintenance. The applicant/developer shall be responsible for maintenance of all streets and protection of rights-of-way until such streets are accepted into the state road system.

(2) Where streets are dedicated to the public but not accepted into the state or Town systems at the time the plat is recorded, a statement explaining the status of the street shall be included on the final plat. Said statements shall explain that the applicant/developer is ultimately responsible for the upkeep and maintenance of all streets until such time that the streets are included in the state system.

(3) *Stub out streets.* All stub out streets shall be posted with a sign at least 24 inches by 36 inches in area but no greater than 36 inches by 48 inches with a minimum height of three feet and a maximum height of five feet stating the following: Road subject to future extension for additional lots.

Sec. 732 – Traffic Impact Analysis (TIA) Submittal Requirement.

(a) *Purpose:* Red Cross is committed to maintaining and improving the quality of life for current and future citizens. A major factor affecting the quality of life has become traffic congestion along the major thoroughfares and local streets within urbanizing areas. By requiring a traffic impact analysis (TIA), the Town can evaluate the effect proposed development will have on the Town's existing traffic system and enable the Town to require specific improvements. The intent of this section is to provide developers with a clear policy as to the Town's TIA expectations and to ensure that all developments are treated equally through the establishment of specific guidelines and improvement requirements.

(b) *Requirement thresholds.*

(1) Residential subdivision proposing fifty (50) lots/units or more, no matter how many phases are proposed.

(2) Proposed nonresidential subdivision which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

(3) Any residential or nonresidential development requiring a special use permit or site plan approval which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

(4) Note #1: The count is cumulative; as a proposed development reaches the threshold, a TIA will be required for the entire development. As new phases are proposed and once a development has reached the threshold, an additional TIA will be conducted for each additional phase.

(5) Note #2: Failure to meet all requirements listed within this section may constitute disapproval of the development request.

(c) *Retention of expert assistance and reimbursement by applicant.*

(1) The Town shall identify consultants and/or experts who are able to prepare, review and evaluate the traffic impact of the proposed development.

(2) The Town will present a list of the consultants identified in (c)(1) to the applicant. The applicant shall select one firm from the list to conduct a TIA for the applicant's proposed development at the applicant's expense.

(3) The Town, applicant and consultant shall agree in writing to the scope of work and costs of the TIA. The selected consultant shall provide draft and final versions of the TIA directly to the Town.

(4) The Town may retain a consultant to review and evaluate the applicant's TIA. Any cost associated with the Town's review shall be paid by the applicant. The applicant will provide funds for the review at step (2) above. The Town will hold the funds in escrow until either used for a TIA review or returned to the applicant.

(d) *Traffic impact analysis guidelines.* All traffic impact analyses shall be completed in accordance with the guidelines listed in N.C. DOT's Congestion Management Analysis guidelines and N.C. DOT regulations.

(e) *Improvement requirements.*

(1) *Left turn lane, right turn lane, and/or right turn taper.* Based on requirements of the NCDOT Driveway Manual or other NCDOT standards.

(2) *Additional right-of-way.* If a subject development falls along a road projected to be widened by NCDOT or an adopted Town or Stanly County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.

(3) *Offsite improvements.* If a road segment or intersection is currently performing at level of service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements to maintain the road segment or intersection at LOS D must be included. If a road segment or intersection is currently performing at level of service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIA shall demonstrate how an LOS D could be achieved and also specify what improvements must be made to ensure that the road segment or intersection is not degraded any further than the current levels.

(4) *Other necessary improvements.* Additional improvements may be required based on the TIA recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development. Additionally, the planning board may determine that additional improvements are necessary to ensure the safety and welfare of the Town's citizens and travelers.

Sec. 733 – Curb and Gutter Standards.

When provided or required by either the Planning Board or Board of Commissioners, curb and gutters shall be constructed in accordance with plans and profiles meeting the specifications for curb and gutters in the Town's Engineering Standards and Procedures Manual (latest edition).

Sec. 734 – Sidewalks.

(a) *Specifications.*

(1) *Sidewalks or shared use paths (or greenways) will be provided along (i) both sides of new collector and arterial streets and (ii) both sides of all streets located in the NB, HB and GB districts and (iii) on both sides of all streets in non-residential sections of PUDs.*

(2) Sidewalks or shared use paths shall be provided along one side of local streets inside major subdivisions of seven or more lots.

(3) Sidewalks and/or greenways will be provided to all required open spaces and public parks, greenways and schools.

(4) Sidewalks shall be constructed to a minimum width of five feet and in accordance with the Town's Engineering Standards and Procedures Manual (latest edition) or NCDOT specifications and construction standards.

(5) All sidewalks shall be located behind curb and gutter or beyond the clear zone behind a swale or ditch.

(6) All sidewalks shall be placed in the street right-of-way or within a public access easement.

(7) A shared use path or greenway trail that is constructed in accordance with NCDOT specifications and construction standards (Complete Streets) and the most recent edition of the Town's Engineering Standards and Procedures Manual may be credited towards required sidewalks on a case-by-case basis based on a determination by the Town Planner.

(8) The Board of Commissioners may require additional sidewalks in residential developments on a case-by-case basis.

(b) *Protection of significant trees.* Sidewalks and shared use paths (or greenways) shall be meandered to protect and preserve existing significant trees. "Significant trees" depend on the species and health of the trees. Generally healthy overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant." For that purpose, sidewalks and shared use paths (or greenways) may be placed within a minimum 15-foot-wide public access easement located outside the public right-of-way. In no case shall more than 30 percent of a tree's roots be disturbed.

Sec. 735 – Accessibility for The Handicapped.

Except for single-family dwellings, all buildings and facilities used by the general public shall be accessible to and usable by the physically handicapped in accordance with the building code provisions as established by the state.

DIVISION 4. OPEN SPACE.

Sec. 741 – Open Space Requirements Purpose and Intent

Open space requirements. Residential subdivisions and multi-family development shall provide open space set aside in accordance with this Division.

The purpose of this section is to help ensure the provision and maintenance of open space resources that encourage recreation and the gathering of Town residents and visitors. These standards are further intended to:

(a) Establish the standards under which residential, mixed-use, and non-residential development shall set aside a portion of the development area as open space;

(b) Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides, based on the zoning district designation; and

(c) Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space set-asides.

Sec. 742 – Applicability.

(a) Unless exempted by this section, the standards in this section shall apply to all new single-family detached residential subdivisions, duplex development, multi-family development, and mixed-use development.

(b) Redevelopment of the use types listed in (a) above conducted after ADOPTION DATE, shall comply with the standards in this section, to the maximum extent practicable, and shall provide its pro rata share of open space set aside.

Sec. 743 – Exemptions.

The following forms of development shall be exempted from the standards in this section:

(a) Development of an individual single-family detached dwelling (including manufactured homes) on its own lot;

(b) Subdivisions comprised solely of four or fewer lots where all lots intended for single-family detached residential dwellings; and

(c) Developments of two acres or less in total area.

Sec. 744 – Minimum Open Space Set-Aside Requirements.

(a) Amount.

(1) All development subject to these standards shall set aside the amount of open space required in Zoning Ordinance § 6-3 Open Space.

(b) Type.

(1) See Zoning Ordinance § 6-3 Open Space.

Sec. 745 – Ownership of Open Space Set-Asides

Open space set-asides are intended to remain under private ownership while being available for use by residents and visitors in the development where located. Ownership of open space set-asides shall remain with the owner of the land, except in the following circumstances:

(a) Owners' association. All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners' or property owners' association, which shall be established in accordance with § 771, Required restrictive covenants and review by Town.

(b) Nonprofit organization. The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the set-aside will be properly managed and maintained.

(c) Dedicated to town or another public agency. In some cases, certain lands designated as open space

set-asides, such as wildlife habitat or greenways, may be dedicated to the Town or other public agency during the development review process. The Board of Commissioners shall determine which lands and under what conditions open space set-asides may be dedicated to the Town or other public agency.

Sec. 746 – Maintenance of Open Space Set-Asides.

(a) The owner of the land shall be responsible for maintenance of all open space set-aside areas (including land, vegetation, private infrastructure, greenways, and other features) in accordance with this Ordinance and any conditions of approval associated with the development.

(b) Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Zoning Ordinance Article 9: Violations.

Sec. 747 – Payments In Lieu Of Provision or Dedication.

(a) Payments in lieu of provision or dedication. No payment in lieu is permitted.

Sec. 748 – Dedication of Public Land.

(b) Subdivisions of land of four or more single-family residential lots (including detached or attached units) shall be required to dedicate a portion of the land, for public parkland, in accordance with the standards of this section.

(c) Dedication amount.

(1) Single-family residential subdivisions of five or more lots may be asked to dedicate 1,000 square feet of land per residential lot to the Town for its use in developing public parkland.

(2) No credit towards required parkland dedication is given for lands mandated for preservation by State or federal requirements.

(3) No more than 25 percent of the total dedication requirement may be met through dedication of water areas.

(d) Procedure for dedication.

(1) The developer and/or Town shall identify land proposed for dedication.

(2) The Town shall review the proposed application and determine if it complies with the standards in this section. The decision to accept dedication is up to the sole discretion of the Board of Commissioners.

(e) Land shall be dedicated prior to recording the first final plat for the subdivision, or the payment-in-lieu shall be paid prior to recording the first final plat for the subdivision for which the payment-in-lieu is paid.

(f) Nature of area to be dedicated. All lands proposed for dedication as park areas shall meet the following standards:

(1) Unity. The dedicated land shall be a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the Town Board of Commissioners that multiple parcels would better serve Town residents.

(2) Usability. Public parkland must be without significant topographic elevation changes, well-drained, usable land for a park, as determined by the Town Board of Commissioners. At least two-thirds of the dedicated land shall be usable for active recreation. In cases where dedication includes an area of water, public access to all portions of a water feature shall be provided and maintained, regardless of water feature's size.

(3) Shape. The dedicated land shall be of a shape that supports gathering and recreation activities.

(4) Location.

a. The dedicated parkland shall be located so it can reasonably serve the park needs of the residents of the subdivision and immediate area.

b. The Town Board of Commissioners may require that the land dedicated be located on the

periphery of the development in order to allow enlargement by combining the recreation and park area with adjacent development or park facilities, existing or planned.

(5) *Access.*

a. All dwelling units in the subdivision and residents in the immediate area shall have access to and from the parkland provided by means of streets and public walkways or trails.

b. Rights-of-way for this access shall be shown on the preliminary and final plats.

c. All dedicated lands shall have access by way of a street or a twenty-foot-wide public access easement. Such access can be provided when the dedicated land is adjacent to existing or proposed public parkland with street access.

(g) *Credit for greenways and trails.* Land or easements dedicated to the Town for use as greenways, trails, or shared paths shall be credited towards the public park dedication standards in this section.

(h) *No payments-in-lieu are permitted.* See section 747.

Sec. 749 – Trails and Shared Use Paths.

(a) *Required dedication and construction.*

(1) Whenever a tract of land included within any proposed major subdivision or subject to a site plan application includes any part of a trail or shared use path designated in the Town's adopted policy guidance, including the most recent versions of the Stanly County Comprehensive Master Plan and the Carolina Thread Trail Master Plan for Stanly County Communities, the trail or shared use path shall be platted and dedicated to the Town.

(2) Trails and shared use paths shall be constructed as part of the required infrastructure serving a site or a subdivision.

(b) *Trail/path configuration.* A shared use path or trail shall be constructed in accordance with NCDOT specifications and construction standards (complete streets) and the most recent edition of the Town's Engineering Standards and Procedures Manual (latest edition) bike and pedestrian plan and the following:

(1) The land dedicated to the Town for a trail or shared path access way shall be at least 12 feet wide.

(2) The trail or shared use path shall include a trail of at least ten feet in width, paved with asphalt or concrete that meets ADA guidelines for accessibility.

(3) The trail or path shall be edged with gravel shoulders of at least one foot in width on each side.

(4) Positive drainage shall be established in areas adjacent to the paved trail or path.

(5) In cases where a trail or path crosses a street, the pedestrian crossing area shall be demarcated and supplemented with signage that alerts drivers to the presence of pedestrians.

(c) *Density credits.*

(1) Land that is dedicated in fee-simple interest to and accepted by the Town in accordance with this section shall be credited toward the donating parcel's lot or tract area for the purpose of calculating the density of development and area coverage calculations though no longer part of the parcel.

(2) Dedicated land credits shall be transferred to subsequent holders if properly noted in transfer deeds.

(d) *Open space set-aside credits.* Land associated with a trail or shared use path that is dedicated to the Town shall be credited towards any open space set-aside requirements.

(e) *Park land dedication credits.* Land associated with a trail or shared use path that is dedicated to the Town shall be credited towards any public parkland dedication requirements.

DIVISION 5. UTILITIES AND INFRASTRUCTURE.

Sec. 751 – Water and Sewer.

(a) *Service by public systems.* All developments shall be served by a Stanly County water supply and a Stanly County sanitary sewer system wherever service is available, including by extension of a sewer lateral of four-inch sewer line. Fire hydrants of sufficient water pressure to provide adequate fire protection shall be provided where necessary. All proposed public water and sanitary sewer installations shall be approved by the County public utilities department with jurisdiction. Certification of such approval shall be submitted to the Town Planner prior to issuance of any zoning compliance certificate (see Section 3313) for the development being served. No zoning compliance certificate shall be issued until the following documents have been submitted to the Town Planner:

(1) Certification that all water/sewer facilities necessary to serve such structure have been completed to County standards; and

(2) As-built construction drawings of those completed water and/or sewer facilities as required by the County.

(b) *Service by individual systems.* Where County water and/or sewer is not available, Individual water supply/sewer treatment systems intended to provide potable water/sewer treatment, and/or individual subsurface sewage disposal systems, may be permitted on a parcel/lot, subject to approval by the Stanly County Environmental Health Department. Certification of the Stanly County Environmental Health Department approval shall be submitted to the Town Planner prior to issuance of any zoning compliance permit for the development being served.

(c) *Public water, fire hydrants, and sewer systems.* Subdivisions that incorporate a public water distributions system and/or a public sewage collection system shall require that all future homeowners connect to the public water and/or sewer system prior to the issuance of a certificate of occupancy for their principal structure. All subdivisions incorporating a public water distribution system and/or a public sewage collection system shall comply with the standards of the State of North Carolina, the Town and Stanly County, as applicable.

Sec. 752 – Other Utilities.

For all new developments, except residential subdivisions of three lots or less, all utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground, and all surface disruptions required for installation shall be rehabilitated to the original or an improved condition.

Sec. 753 – Stormwater.

All subdivisions subject to this Article shall comply with the following standards:

(a) *To the extent practicable, all development shall conform to the natural contours of the land, and natural and pre-existing artificial drainage ways shall remain undisturbed.*

(b) All storm drainage systems shall be designed to convey stormwater from a 10-year frequency storm; and detain the runoff form the first one inch of rainfall so that is released at pre-development volumes and velocities. MIKE IS THIS A NEW REQUIREMENT ?

(c) No surface water or stormwater may be channeled or directed into a sanitary sewer.

(d) All development shall be constructed and maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties thereby unreasonably causing substantial damage to the higher adjacent property.

(e) The storm drainage standards of the Engineering Standards and Procedures Manual, latest edition.

DIVISION 6. PERFORMANCE GUARANTEES.

For major subdivisions, a preliminary plat for the lots shown on the proposed final plat must have been approved and not expired before a final plat approval application may be accepted. As part of the application for final plat approval, the applicant shall certify one of the following:

Sec. 761 – Generally.

(a) That all required improvements (streets, utilities, storm drainage facilities, street signs, and facilities for common use, if any) approved as part of the preliminary plat approval and serving lots shown on the final plat have been completed, or sufficient performance guarantee has been posted;

(b) That a performance guarantee at a rate of 1.25 of the estimated cost and description thereof, including sufficient means and procedures, to ensure satisfactory completion of any uncompleted improvements have been posted at the time the plat is recorded, or in the case of phased subdivisions at the time a subsequent plat is recorded, provided that the Town Planner shall specify which subsequent final plat requires the performance guarantee.

Sec. 762 – Duration.

The duration of the performance guarantee shall initially be one year, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration.

Sec. 763 – Extension.

(a) An applicant/developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension.

(b) If the improvements are not completed to the specifications of the Town, County or other utility provider, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements.

(c) If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision d of this subsection and shall include the total cost of all incomplete improvements.

Sec. 764 – Release.

(a) The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete.

(b) The Town shall conduct an inspection of the improvements subject to a performance guarantee within 30 days of a request received from a developer and advise the developer whether the improvements are completed to the required specifications. In the event the Town and developer disagree whether a required improvement is completed to the specifications of the Town, a developer may obtain a certification under seal from a licensed professional engineer that the required improvement has been completed to the Town's specifications.

(c) The Town shall return letters of credit or escrowed funds upon: 1) Completion of the required improvements to the specifications of the Town withing thirty days of acknowledging that the improvements are complete; 2) receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specification of the Town; or 3) Acceptance of the required improvements, if the required improvements are subject to Town acceptance.

(d) When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to Town acceptance, upon request by the applicant/developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.

Sec. 765 – Amount.

(a) The amount of the performance guarantee shall not exceed 125 percent of the reasonably estimated cost of completion at the time the performance guarantee is issued.

(b) The Town may determine the amount of the performance guarantee or use a cost estimate determined by the applicant/developer. The reasonably estimated cost of completion shall include 100 percent of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing.

(c) The additional 25 percent allowed under this section includes inflation and all costs of administration regardless of how such fees or charges are denominated.

(d) The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed 125 percent of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

DIVISION 7. OWNERS' ASSOCIATIONS.

Sec. 771 – Required Restrictive Covenants and Review by Town.

(a) Prior to the approval of any final subdivision plat the applicant/developer shall create a homeowner's association to be responsible for the at least the items listed in this section. The restrictive covenants will contain the model language found in Division 13. The proposed restrictive covenants will be reviewed and approved by the Town Attorney. The model language need not be followed, if substantial similar covenants accomplishing the goals of this section are proposed and then approved by the Town Attorney. A copy of the recorded covenants will be provided to the Town Planner before the final plat is recorded. If a development is built in phases the covenants will be reviewed and approved before the final plat is issued for the first phase.

(b) The Board of Commissioners may but are not required to accept the offer of dedication of infrastructure for Town ownership and maintenance.

(c) Prior to the final approval of any major subdivision submitted after [ADOPTION DATE], the applicant/developer will meet the following goals regarding ownership, maintenance and repair of the subdivision's rights-of-way, roads, sidewalks, greenways and related stormwater drainage infrastructure:

a. A homeowner's association will be created by the applicant/developer, known in this sub-section as the declarant.

b. Membership in the HOA is mandatory for all current and future property owners for the purpose of maintaining the streets, sidewalks, greenways and related stormwater drainage infrastructure.

c. The declarant will own and maintain the roads, sidewalks, greenways and associated stormwater drainage infrastructure until such time as the ownership interest is transferred to the HOA or to NCDOT.

d. The HOA is responsible for the maintenance and repair of the streets, sidewalks and related stormwater drainage infrastructure to NCDOT Standards in the current edition of the "Subdivision Roads Minimum Construction Standards."

e. Each member of the HOA will be assessed annually their pro rata share of the costs of road, sidewalks and greenway maintenance and related stormwater drainage infrastructure but in no case less than $100.00.

f. The association shall deposit all assessments for the purpose of maintenance, repair, and upkeep of the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision into a separate account with an accredited, FDIC backed banking institution in the name of the association. The association shall file with the Town, by the first day of the calendar year, an annual accounting of said maintenance account.

g. The HOA or declarant, whichever the case may be, shall either (i) Petition the NCDOT to assume ownership and maintenance of the rights-of-way, roads, sidewalks greenways and related stormwater drainage infrastructure or (ii) Provide that the rights-of-way, roads, sidewalks, greenways and related stormwater drainage infrastructure be privately owned and maintained to NCDOT standards in perpetuity.

h. To the extent permitted by law, in the event that the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the rights-of-way thereto have not been previously dedicated to the NCDOT, in the event the association should dissolve, the association shall transfer any and all ownership interest in the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the rights-of-way thereto, as well as the associated maintenance account as described in paragraph (6) above, to another legal entity for the purpose of maintenance, repair, and upkeep.

DIVISION 8. CONSERVATION SUBDIVISIONS

Sec. 781 – Intent

Conservation subdivisions provide the opportunity for property owners to achieve more efficient development than can be achieved through conventional development, while retaining significant open areas that may be used for agriculture, forestry or environmental purposes. It is the policy of the Board of Commissioners that all major subdivisions applied for after the EFFECTIVE DATE shall be Conservation Subdivisions approved under the standards of this Division. MIKE THIS says Conservation Subdivisions are mandatory. Please confirm that is correct. If it is correct we need to discuss the implications

Sec. 782 – Purpose

This Article is adopted for the following purposes:

(a) To guide future growth and development consistently with the comprehensive plan;

(b) To guide site analysis to plan appropriate areas for development and conservation;

(c) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources;

(d) To preserve scenic views minimizing views of new development form existing roads;

(e) To preserve prime agricultural land by concentrating housing on land that has low agricultural potential;

(f) To preserve commonly owned open space for passive and/or active recreational use by residents of the development and, where specified, the larger community. Active recreation areas are intended to be located on previously cleared lands to minimize new clearing of wooded land;

(g) To provide a diversity of lot sizes, housing and building densities to accommodate a variety of age and income groups;

(h) To provide buffering between residential and non-residential land uses;

(i) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;

(j) To preserve significant archaeological sites, historic buildings and their settings;

(k) To preserve scenic views and elements of the Town's rural character and to minimize perceived density by minimizing views of new developments from existing roads;

(l) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs and the amount of paving for development;

(m) To create compact neighborhoods accessible to open space amenities and with a strong identity; and

(n) To meet demand for housing in a rural setting.

Sec. 783 – Applicability and Compliance

Conservation subdivisions shall be applied to all major subdivisions. There are two options for conservation subdivisions, the "Estate" option and the "Village" option. The Estate option is available where public water and sewer or a community water and waste water treatment system is not available. Public water and sewer or a community water and sewer systems are required for Village conservation subdivisions. Under the Village option new residential building lots shall be consistent with the density of the R-9M zoning district as modified in section 789.1(e). An enhanced site plan called a concept plan (section 787) and preliminary plat are required. The Board of Commissioners shall approve the site plan and preliminary plat following a recommendation from the Planning Board. The Town Planner shall approve the final plat if it meets the requirements of the preliminary plat and concept plan (see section 788).

Sec. 784 – Definitions

See Article 10, Division 3, Section 1031, Definitions.

Sec. 785 – Open Space Standards

At least thirty percent (30%) of the unconstrained (buildable) land area in the Conservation Subdivision shall be set aside as protected open space. See Table 20 below. Unconstrained lands are lands that do not lie within "Primary Conservation Areas," as described below. Unconstrained lands also exclude the rights-of-way of high-tension electrical transmission lines, and the rights-of-way of existing or proposed streets, which therefore may not be counted toward meeting minimum open space requirements. Except under the "Estate Lot" provisions, this open space shall remain undivided, and may not be incorporated into individual house lots. [Note: In areas with very low rural density, say more than two acres per dwelling, open space percentages greater than 50% are easily achievable and highly recommended.] On the other hand, in serviced locations with public water and sewer, where densities might be several dwellings per acre, open space percentages might dip to 35 or 40%.]

(a) Types of Open Space

The types of Open Space conserved in Conservation Subdivisions shall meet the following standards:

(1) Open Space shall be comprised of two types of land: "Primary Conservation Areas" and "Secondary Conservation Areas" and shall be configured to create or maintain interconnected networks of conservation lands, to the greatest practicable extent.

(2) Primary Conservation Areas form the core of the open space to be protected. They are the first type of open space to be designated on a Conservation Subdivision plan to satisfy the minimum open space requirement and consist of the following site features:

a. Wetlands

b. Floodplains (100 year) and

c. Steep Slopes: Greater than 25%

(3) Secondary Conservation Areas consist of unconstrained land that would otherwise be suitable for building and includes the following

a. Farmland

b. Natural Areas

c. Moderate Slopes 15 % to 25%

d. Woodlands

e. Public or private recreational areas and facilities including:

f. Historic and/or archaeological sites

g. Scenic Views

(b) General Location Standards

(1) **Undivided Preserves**. Both Primary and Secondary Conservation Areas shall be placed in undivided preserves which adjoin housing areas that have been designed more compactly to create larger conservation units that may be enjoyed by all residents of the subdivision. Such undivided open space shall be accessible to the largest number of lots within the development. To achieve this, the majority of house lots should abut undivided open space to provide residents with direct views and access. Safe and convenient pedestrian access to the open space from all adjoining house lots shall be provided, except in the case of farmland or other resource areas vulnerable to trampling damage or human disturbance.

(2) When the ***"Estate Lot Development Option***" is used, up to 85 percent of the Secondary Conservation Area may be incorporated into estate lots not smaller than five acres.

(3) Where undivided open space is designated as separate non-contiguous parcels, no parcel shall consist of less than three (3) acres in area, nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed for neighborhood commons or greens, playfields, buffers adjacent to wetlands and watercourses, wildlife corridors, or trail links.

(4) Interconnected Open Space Network**.** As these standards are implemented, the protected open space in each new subdivision should be consciously designed to adjoin each other, so that they may ultimately form an interconnected network of Primary and Secondary Conservation Areas across the Town.

(5) Ownership and Protection of Open Space. See section 7810.

a. Up to 85 percent of the conservation land within a Conservation Subdivision may be "non-common open space" that is designated for individual private ownership, such as by the original farmer or landowner, the developer, or another private entity that maintains the open space for the uses permitted in this ordinance (such as a nursery business or commercial equestrian operation). The remaining conservation land shall remain undivided for the enjoyment of the residents, and this remainder be land that is not wet, submerged, not steep slopes (greater than 15%) and not within the rights-of-way of electric transmission lines.

b. All conservation land shall be permanently protected through conservation easements dedicated to the Town, another unit of local government, the State of North Carolina or a private non-profit land conservancy. Such easements shall apply to land owned by a homeowners' association, individual lot owners within ***Estate Lot Developments***, land owned by other private entities managing the land for open space purposes, and land dedicated to units of local government. (Land dedicated to units of local government shall be eased to a private land trust or conservancy organization because, over time, the conservation and development philosophies of elected officials are subject to change.)

(c) *Maintenance of Open Space.* Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, functioning, or overall condition, as recommended by experts in the particular area being modified. Permitted modifications may include*:*

(1) Reforestation;

(2) Pasture or cropland management;

(3) Buffer area landscaping;

(4) Stream bank protection; and/or

(5) Wetlands management.

Unless accepted for dedication or otherwise agreed to by the County, another unit of local government, the State of North Carolina or a private non-profit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon shall be borne by the property owner and/or homeowners' association.

Management Plans are required for all open space within Open Space subdivisions specifying who is responsible for which maintenance responsibilities and on what schedule. Guidelines for management can be found in the Stewardship Handbook for Natural Lands, published by the Natural Lands Trust http://www.natlands.org/services/ for-landowners/stewardship-handbook/

Sec. 786 - Application Procedure and Approval Process.

(a) *Conservation subdivisions shall be approved thorough the site plan (Section 3317), preliminary major subdivision plat (Section 3310) and final subdivision plat (Section 3309) processes with the following additional steps and analyses.*

(b) *Approval Process.*

STEP 1: MANDATORY PRE-APPLICATION CONFERENCE with Town Planner per Section 320.

STEP 2: PREPARE AN EXISTING FEATURES / SITE ANALYSIS MAP per the requirements of section 786. Submit the Map to the Town Planner.
STEP 3: MANDATORY SITE VISIT (may be combined with a pre-application conference). The applicant and Town Planner shall schedule a mutually convenient time to walk the property. The purpose of the visit it to familiarize the Town staff with the property's features and to provide an informal opportunity to discuss the location Secondary Conservation areas and house locations. The Town's engineer and/or the Development Review Committee, Planning Board and Board of Commissioners may also attend. If s Site Visit is not scheduled before the Concept Plan submission (STEP 4) it must occur before the Public Information Meeting.
STEP 4 SUBMIT A CONCEPT PLAN for approval prior to submission of a Preliminary Plat. See section 788 for the requirements of the Yield Plan and section 789 for the Open Space Development Sketch Plan (the "Sketch Plan"). The Concept Plan shall contain the following information:

(1) A County Tax Map showing the location of the parcel to be subdivided.

(2) Ten (10) copies of a Concept Plan (section 787) of the proposed major subdivision prepared in accordance with the specifications for Concept Plan drawings as contained in Section 787. A Concept Plan shall consist of three parts, including:

a. An Existing Features/Site Analysis Map (section 786);

b. A Yield Plan (section 788); and

c. An Open Space Development Sketch Plan (section 789).

(3) A Concept Plan application form as prescribed by the Town Planner in a form which provides a checklist identifying consistency with applicable design guidelines, the goals of the Town's Comprehensive Plan.

(4) Stamped envelopes addressed to each owner of property within 500 feet of the property proposed to be subdivided. The names and addresses of property owners shall be based on the current listing as shown in the Stanly County Tax Office or G.I.S. Department.

STEP 5: PUBLIC INFORMATION MEETING: Upon receipt and acceptance of the Concept Plan application, a Neighborhood Meeting will be scheduled following the requirements of section 320, except that i) Notices of the meeting shall be mailed to each owner of property within 500 feet of the property proposed to be subdivided. Notices shall be mailed by first class mail at least ten (10) days prior to the date of the meeting: ii) The Neighborhood Meeting shall be held within 15 days of acceptance of the application; and iii) The Town Planner will attend to explain the Conservation Subdivision application and approval process. The applicant will attend the meeting to answer questions about the proposed subdivision and to perform the other duties required by section 320..
STEP 6: PLANNING BOARD REVIEW: Within thirty (30) days of the date of the Neighborhood Meeting or within such further time consented to in writing by the applicant, the Town Planner shall submit to the Planning Board its recommendation, including a written analysis of the Concept Plan; its general compliance with the requirements of this Ordinance, the Comprehensive Plan, and other applicable codes and ordinances; and the concerns of citizens expressed at the Public Information Meeting. If the Town Planner fails to prepare a report to the Planning Board within the specified time period, or extension thereof, the Concept Plan is recommended without conditions. The Planning Commission shall review the Concept Plans in accordance with the criteria contained in this ordinance and with other applicable ordinances of the Town. Their review shall informally advise the Applicant of the extent to which the proposed subdivision conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:

(1) The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Site Analysis Map and on the 2010 Stanly County Comprehensive Plan Maps 3.2 Prime Farmland, 3.3 Wetlands, Flood Plains, Surface Waters and Drainage, 3-4 Slope Analysis and Drainage, 3-5 Scenic By-Ways, and the Town's Comprehensive Plan;

(2) The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels

(3) the location of proposed access points along the existing road network;

(4) the proposed building density and impervious coverage;

(5) the compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan; and

(6) consistency with the zoning ordinance.

The Planning shall submit its written comments to the applicant and the Board of Commissioners

The Planning Board shall consider the Concept Plan and make a recommendation to the Board of Commissioners. The Planning Board may recommend:

(1) Approval of the Concept Plan;

(2) Approval of the Concept Plan subject to conditions; or

(3) Denial of the Concept Plan.

STEP 7: BOARD OF COMMISSIONERS REVIEW: At the next meeting the Board will approve the Concept Plan, approve with conditions, continue deliberations to a later meeting, return the application to the Planning Board for further consideration or deny. Any conditions will be reasonable and shall be related to the applicable Town ordinances. If the Concept Plan is approved or approved with conditions, the Mayor shall endorse her/his approval on two copies of the Concept Plan. The Town Planner shall keep one copy and the other shall be returned to the Applicant. From the date of approval of the Concept Plan by the Board of Commissioners the Applicant shall have one year to prepare and file an application for Preliminary Plat approval. If a Preliminary Plat application has not been submitted within one year the Concept Plan shall become null and void.

STEP 8: FINAL PLAT APPROVAL: If the development is built according to the approved Concept Plan and Preliminary Plat, the Town Planner shall approve the Final Plat as provided in section 3309.

APPEALS: The decision of the Board of Commissioners regarding the Concept Plan may be appealed to the General Courts of Justice in Stanly County.

Sec. 787 – Existing Site Features / Site Analysis Map Standards

As determined from readily identifiable on-site inventories, aerial photographs, maps of record, State/ Federal resource maps, and local planning documents and inventories, the Existing Features/Site Analysis Map shall contain the following information:

(a) Primary Conservation Areas: Identification of physical resources associated with the site which restrict its development potential or contain significant natural and/or cultural resources, including:

(1) Topographic contours at ten-foot intervals, showing rock outcrops and slopes of fifteen percent (15%) to twenty-five percent, and more than twenty-five percent (25%).

(2) Soil type locations and characteristics relating to

(3) seasonal high-water table and depth to bedrock.

(4) Hydrologic characteristics of the site, including drainage tributaries, surface water bodies, floodplains, and wetlands.

(b) Secondary Conservation Areas: Identification of significant site elements on buildable portions of the site, including:

(1) Vegetation of the site, defining approximate location and boundaries of woodland areas, and, wherever possible, vegetative association in terms of species and size. Information from aerial photographs shall be acceptable at the Concept Plan stage.

(2) Current land use and land cover (cultivated areas, pastures, etc.), existing buildings and structures, and burial grounds.

(3) Natural areas and wildlife habitats and corridors.

(4) Historic and archaeological sites, especially those listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark, and/or located in a local historic district.

(5) Scenic views onto the site from surrounding roads as well as views of scenic features from within the site.

(c) Transportation and Utility Systems: Identification of facilities associated with the movement of people and goods, or the provision of public services, including:

(1) Railroad and street rights-of-way.

(2) Easements for vehicular access, electric and gas

(3) transmission lines, and similar uses.

(4) Public and private water and sewer lines, and storm drainage facilities.

Sec. 788 – Concept Plan

The Concept Plan is a type of Site Plan as modified by this Div. 8, Conservation Subdivisions. The Concept Plan required by Section 786 shall consist of three parts:

(a) An Existing Features/Site Analysis Map (See Section787);

(b) A Yield Plan (See Section 789); and

(c) An Open Space Development Plan (See Section 7810).

The Concept Plan shall be prepared according to the "four-step" process for designing open space subdivisions described in Section 788. In addition, the Concept Plan shall be prepared by a team including at least a civil engineer or registered land surveyor, plus either a landscape architect or a land use planner experienced in open space design.

(d) Design Process

Conservation Subdivisions shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space. The design process begins with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step. This "four-step" design process is further described below.

(1) Open Space Designation**:** During the first step, all potential Conservation Areas, both Primary and Secondary, shall be identified, using the Existing Features/ Site Analysis Map. Primary Conservation Areas shall consist of those features described in Section 785(a). Secondary Conservation Areas shall comprise the natural, scenic, and cultural resources as described in Section 784(a) above.

a. Guidance as to which parts of the remaining land to classify as Secondary Conservation Areas shall be based upon:

1. On-site visits;

2. The Open Space Standards contained in Section 785 above; and

3. The Evaluation Criteria contained in Section 7811 below.

(2) House Site Location**:** During the second step, potential house sites are tentatively located. The proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the Evaluation Criteria contained in Section 789.2 below. Generally, housing sites should be located no closer than 100 feet from Primary Conservation Areas. Such sites may be situated 50 feet from Secondary Conservation Areas to permit the enjoyment of scenic views without negatively impacting Primary Conservation Areas.

(3) Street Alignment and Trail Networks**:** The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical manner, and of laying out a network of informal trails connecting neighborhood areas with open space features within the conservation lands. When lots and access streets are laid out, they shall be located in such a way that avoids or at least minimizes impacts on both Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing slopes over 15 percent shall be strongly discouraged, unless such streets link one buildable portion of a site with another when no other means of access is available.

a. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained and to facilitate easy access to and from homes on different parts of the property and on adjoining parcels. Where cul-de-sacs are necessary, those serving six (6) or fewer homes may be designed with "T-turnarounds" facilitating three- point turns. Cul-de-sacs serving more than six homes shall generally be designed with a central island containing indigenous trees and shrubs, either conserved or planted. All cul-de-sacs should provide trail access to the open space and/or other nearby streets. The creation of single- loaded residential access streets is encouraged to maximize the number of homes in new developments that may enjoy views of open space. To make this approach economical, narrower lots as well as flag lots, both of which help to make the street system more efficient, are permitted in Conservation Subdivisions.

(4) •Drawing in the Lot Lines: The fourth step consists of drawing in lot lines around potential house sites. Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways. Individual wells and septic systems, where these are to be provided, may be located within the undivided conservation lands if sufficient space is not available on the lot. The standards of section 789.1 apply.

(5) **Note with Respect to Village Design:** For Conservation Subdivisions submitted under the Village Development Option, the sequence of steps is: conservation areas; streets, squares, and trails; house sites; and lot lines. In this denser development form, the location of streets and squares becomes elevated in importance, after the identification of Primary and Secondary Conservation Areas. House positions are of lesser importance, as they become the supporting elements within a larger streetscape. Squares and greens shall be generally laid out so that they form "terminal vistas" at the ends of streets, or at the ends of the sightlines which are terminated by bends in the streets.

Each map or plan shall be drawn in black ink or pencil (or reproduced from a digital file) to a scale of not less than two hundred (200) feet to the inch. The scale chosen shall be large enough to show all required detail clearly and legibly.

(e) General Information Required

Each map or plan required in Section 787 shall contain the following general information:

(1) A sketch vicinity map showing the location of the subdivision in relation to the existing street or highway system;

(2) The plotted boundaries of the tract from deeds or maps of record and the portion of the tract to be subdivided;

(3) The total acreage to be subdivided, including tax map, block and lot number reference;

(4) The name, address and telephone number of the subdivider or owner and the person responsible for the subdivision design;

(5) Scale, approximate north arrow and date of plat preparation; and

(6) Name of subdivision.

Sec. 789 – Yield Plan

The Yield Plan shall contain the following information:

(a) In addition to basic topography shown at two-foot contours, the location of areas unsuited for development, including wetland locations, 100-year floodplains, and slopes exceeding 15 percent;

(b) The proposed arrangement of lots, including size and number, and streets within the subdivision, including right-of-way widths; and

(c) The location of soils suitable for individual septic systems as determined by:

(1) A map based on the soil survey for the County, published by the USDA Natural Resources Conservation Service, showing the location of soil types suited for septic systems. This map shall be prepared in consultation with the Soil Scientist of the Environmental Health Division of the Health Department.

(2) In reviewing the soils data in relation to the layout of the proposed lots, the Town Planner or Planning Board may require the applicant to present the results of the preliminary soil suitability analyses conducted on a 10% to 15% sample of the proposed lots as required in the following sub-section a.

a. On sites not served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems shall be demonstrated. In areas of the site considered to be marginal for such systems, typically where the most challenging site conditions exist with respect to seasonal high-water tables, or shallow depth to bedrock or restrictive soil layers, a small percentage of lots (10%) shall be tested. The local government shall select the lots for such testing. If tests on the sample lots pass the percolation test, the applicant's other lots shall also be deemed suitable for septic systems for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others shall be tested, until all the lots in a given sample pass.

Sec. 7810 – Open Space Development Sketch Plan (the "Sketch Plan")

A Sketch Plan shall be submitted by the applicant as a diagrammatic basis for informal discussion with the Town Planner and Planning Board regarding the design of a proposed subdivision or land development. It shall be drawn by a landscape architect, or by a physical planner experienced in conservation subdivision design. One of the purposes of the Sketch Plans is to help applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.

(a) To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Town Planner and Planning Board, the Sketch Plan should include the information listed below. Many of these items can be taken from the Site Analysis Map, a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan. The diagrammatic Sketch Plan shall be prepared as an overlay sheet placed on top of the Site Analysis Map, both maps therefore being drawn to the same scale.

(b) Sketch Plans shall be prepared by a landscape architect or by a physical planner with experience designing Open Space Subdivisions. Civil engineers and surveyors may also be added to the design team at this stage. However, their role does not become preeminent until the Preliminary Plan stage.

(c) The Open Space Development Sketch Plan shall contain the following information:

(1) The proposed arrangement of lots within the subdivision, including size and number.

(2) The proposed street layout within the subdivision, including travel way and right-of-way widths, and connection to existing streets.

(3) The location, type, and area of the open space proposed in the subdivision, including open space to be preserved:

a. In a separate lot or lots under the ownership of a homeowners' association.

b. As part of individually owned lots through a conservation easement applicable to multiple lots.

c. In a separate lot or lots through dedication for public use, such as a park site, to a unit of local government, state government or a private land conservancy.

(4) The location of proposed water supply and sewage disposal facilities, including:

a. Well sites for individual and community water systems

b. Nitrification fields and land application areas for community sewage disposal systems employing subsurface disposal and spray irrigation, respectively.

c. Nitrification fields and land application areas for individual on- and off-lot sewage disposal systems employing subsurface disposal and spray irrigation, respectively.

d. Public water and sewer lines, where such facilities are available or capable of being extended.

Sec. 7811 - Performance Standards

(a) Residential Lot Requirements

(1) For the Village Option only

a. Minimum lot sizes shall comply with the R8 zoning district standards.

(2) Setbacks shall be consistent with the R8 zoning district, except as may be modified under sub-section (e) Dimensional Standards, below.

(b) All lots shall take access from interior streets. Existing farmsteads to be preserved may have a driveway as part of the historic landscape that does not access a local street.

(c) Lots shall be configured to minimize the amount of road length required for the subdivision.

(d) Building lots shall be configured to minimize loss of woodlands.

(e) Building lots should not be located along public roads peripheral to the development or in other visually prominent areas

(f) A thirty (30) foot native vegetation buffer shall be maintained around ponds and lakes, grassed areas dams, maintenance easements and other areas approved by the Town.

(g) Conservation subdivisions shall minimize the use of curb and gutter and maximize the use of open swales.

(b) Residential Siting Standards,

(1) Residences shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.

(2) Residences shall avoid encroaching on rare, threatened or endangered species habitats.

(3) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and with local or regional recreational trails and the Carolina Thread trail plan.

(4) Residences shall be located and designed to achieve the following goals, to the extent practicable:

a. Minimize impacts to prime farmland soils and large tracts of land in agricultural use and avoid interference with normal agricultural practices.

b. Prevent downstream impacts due to runoff through adequate on- site storm water management practices.

c. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.

d. Landscaping around residential areas may be necessary to reduce off site views of residences

(c) Density Determination for Conservation Subdivisions

To promote the retention of open space, the density ranges established Table 20 shall apply to development within the conservation subdivision zoning districts that retains open space or agricultural land. Agricultural land shall be limited to limited to pasture or crop production, with the exception that a single homestead may be retained on any agricultural tract encompassing 20 or more acres. Land retained as open space or limited to agricultural uses shall be designated as a separate parcel or parcels on the subdivision plat and shall be protected by conservation easement. If an existing homestead is retained on an agricultural tract, it shall not be counted when calculating the gross density of the conservation subdivision. The sliding density scale for the Conservation Subdivision District is established in Table 20.

Table 6: Development Densities for Conservation Subdivisions

Maximum Gross Density[1]	Minimum Percentage of Gross Acreage Retained for Open Space, Pasture or Crop Production[2]	Sample Development (100 Acre Site),
2.5 dwellings per acre	50%	250 Lots 50 Acres Open Space
2 dwellings per acre	40%	200 Lots 40 Acres Open Space
1 dwelling per acre	30%	100 Lots 30 Acres Open Space

Table Notes:

1. *Gross density is the number of dwellings divided by the total number of acres within the boundaries of the subdivision.*
2. *All Conservation Subdivisions must be served by the Towns sewer system.*

(d) Connectivity

Conservation subdivisions shall have at least two access points that provide connections to distinct roadways and/or an adjacent development. The Planning and Zoning Commission may approve the use of a stubbed-out road for future connection as a secondary access if the subdivision has fewer than 50 residences. See Section 730.

(e) Dimensional Standards

Provided the arrangement, design, and shape of house lots is such that lots provide satisfactory and desirable sites for building, and contribute to the preservation of designated Primary and/or Secondary Conservation Areas, minimum lot area, lot width, and setback requirements may be reduced as set forth below.

(1) Minimum lot area requirements may be reduced by up to sixty percent (60%) but shall be no smaller than 5000 square feet.

(2) Minimum lot width requirements may be reduced by

(3) forty percent (40%) but shall be no less than forty (40) feet.

(4) Minimum front setback requirements may be reduced by fifty percent (50%) but shall be no less than fifteen (15) feet.

(5) Minimum rear and side setback requirements may be reduced by fifty percent (50%) but shall be no less than five (5) feet. Side setbacks may be combined on one side provided that at least two (2) feet of setback remains on the other. Such combinations are permitted in lot layouts where this pattern is repeated with homes located off- center on their lots but evenly spaced between buildings on adjoining lots.

(6) Minimum lot frontage requirements may be reduced to twenty (20) feet, to allow for a driveway extension on a flag lot.

Sec. 7812 – Ownership and Maintenance of Open Space and Common Facilities

(a) Alternatives: The designated common open space and common facilities may be owned and managed by one or a combination of the following:

(1) A homeowners' association.

(2) A non-profit conservation organization.

(3) Public dedication to the Town if the Town agrees.

(4) An individual who will use the land for open space or agricultural purposes allowed by the conservation easement.

(b) Homeowners' Association: A homeowners' association shall be established if the common open space is proposed to be owned by a homeowners' association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners' association shall be submitted for approval to the City as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners' association shall contain the following information:

(1) The legal description of the common land;

(2) A description of common facilities;

(3) The restrictions placed upon the use and enjoyment of the lands or facilities;

(4) Persons or entities entitled to enforce the restrictions;

(5) A mechanism to assess and enforce the common expenses for the land or facilities (e.g., utility systems, private roads and other public or quasi-public improvements) including upkeep and maintenance expenses, real estate taxes and insurance premiums;

(6) A mechanism for resolving disputes among the owners or association members;

(7) The conditions and timing of the transfer of ownership and control of land facilities to the association;

(8) Any other matter the developer deems appropriate

(c) Non-profit Conservation Organization: If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance and shall not preclude the ability for the Town to extend utilities within that area in the future, if necessary

(d) Public Dedication of Open Space and Streets: The Town may at its discretion accept the dedication of fee title or dedication of a conservation easement to the common open space. The Town may accept the common open space provided that:

(1) The common open space is accessible to the residents of the Town and is identified on a Town, County or Thread Trail plan;

(2) The Town agrees to and has access to maintain the common open space;

(3) Streets or other public ways which have been designated on a duly adopted official map or element of the comprehensive plan shall be dedicated or reserved by the subdivider to the Town. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance

(e) Individual Ownership: An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

(f) In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Section, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective

(g) Management plans may be amended by the owner with the approval of the Town.

Sec. 7813 – Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered as indicating design appropriate to the site's features and meeting the intent of the Flexible Development standards. Whereas diversity and originality in lot layout are encouraged, it is recognized that not all objectives may be achieved on a given site. Each applicant must therefore strive to achieve the best possible relationship between development and preservation objectives.

In evaluating the relative significance of different categories of site features, or of individual features within certain categories, applicants shall consider recommendations by the Town Planner (and Planning Board, if the Board participates in the site visit, during and after the On-Site Visit which precedes submission of the Concept Plan.

(a) General Criteria

The following criteria apply to all Open Space Development projects:

(1) Protect and preserve all wetlands, floodplains, and steep slopes from clearing, grading, filling, or construction except as may be approved by the Board of Commissioners.

(2) The shape of the open space shall be reasonably contiguous, coherently configured, and shall abut existing or potential open space on adjacent properties. Long, narrow segments must be avoided except in the case of trail or stream corridors, or landscape buffers adjoining street rights-of-way and/or neighborhood boundaries.

(3) The pedestrian circulation system shall be designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, and link with existing or potential open space on adjoining parcels.

(4) Landscape common areas (neighborhood greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.

(b) Forest Land / Natural Areas Conservation

Where the goal of the Conservation Subdivision project is to conserve forest land and/or natural areas and wildlife habitats, the following criteria apply:

(1) Dwellings should be located in unwooded parts of the site away from mature forests, natural areas, and/or wildlife corridors.

(2) To the greatest extent practicable, development should be designed around existing hedgerows and tree lines between fields or meadows. The impact on larger woodlands (greater than five acres), especially those containing mature trees, natural areas, and/or wildlife corridors, should be minimized.

(3) When any woodland is developed, care shall be taken to locate buildings, streets, yards, and septic disposal fields to avoid mature forests, natural areas, and/or wildlife corridors.

(c) Farmland Conservation

Where the goal of the Open Space Development project is to conserve farmland, the following guidelines apply:

(1) Locate building lots in forested areas away from

(2) existing pastures, cropland, feedlots, and similar uses.

(3) If development must be located on open fields or pastures because of greater constraints on other parts of the site, dwellings should be sited in locations at the far edge of a field, as seen from a public road.

(4) Identify the most productive portions of existing pastures and cropland, and locate building lots on less productive land.

(5) Buffers shall be provided between house lots and cropland or pastures, to reduce the potential for conflict between residents and farming activities. Such buffers shall generally be 75 feet in width and shall be managed to encourage the growth of successional woodland.

(d) Conservation of Scenic Views

Where the goal of the Conservation Subdivision project is to conserve scenic views, the following guidelines apply:

(1) Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. Consider “no-build, no-plant” buffers along public roadways where views or vistas are prominent or locally significant. In wooded areas where enclosure is a feature to be maintained, consider a “no-build, no- cut” buffer created through the preservation of existing vegetation.

(2) Where development is located in unwooded areas clearly visible from existing public roads, it should be buffered from direct view by a vegetative buffer or an earth berm constructed to reflect the topography of the surrounding area, or located out of sight on slopes below existing ridge lines.

(3) Protect rural roadside character and vehicular carrying capacity by avoiding development fronting on existing public roads; e.g., limiting access to all lots from interior rather than exterior roads.

(4) Protect rural roadside character and scenic views by providing conservancy lots (e.g., six acres or more in size) adjacent to existing public roads.

(5) Avoid siting new construction on prominent hilltops or ridges, or so close to hilltops and ridges that rooflines break the horizon (unless such buildings can be effectively screened or buffered with trees).

(e) Historic and Archaeological Features

Where the goal of the Conservation Subdivision project is to conserve historic and archaeological sites and structures, the following guidelines apply:

(1) Design around and preserve sites of historic, archaeological or cultural value so as to safeguard the character of the feature(s), including fences and walls, farm outbuildings, burial grounds, abandoned roads, and earthworks.

(2) New streets, driveways, fences, and utilities must be sited so as not to intrude on rural, historic landscapes. Wherever possible, streets and driveways are to follow existing hedgerows, fence lines, and historic farm drives.

(3) New developments must include plantings which reflect natural and historic landscape materials, and are in harmony with the character of the area.

(4) Building designs and styles used in new construction should be compatible with the architectural style of historic buildings located on or adjacent to the site, especially in terms of scale, height, roof shape, and exterior materials.

(f) Recreation Provision

Where the goal of the Conservation Subdivision project is to provide recreation and parks facilities for neighborhood residents and/or the general public, the guidelines contained in Sections 664 and 741 shall apply.

(g) Section 5 Water supply and sewage disposal facilities

(1) Alternative Options

Water supply and sewage disposal facilities to serve Open Space Developments may be provided through the use of various alternatives, including:

a. Individual wells and septic tanks located either on each lot or in off-lot locations within undivided open space areas designated for such uses on the Final Plat, and protected through recorded easements; or

b. A community water supply and/or sewage disposal system designed, constructed, and maintained in conformity with all applicable state, federal, and local rules and regulations; or

c. Connection to a water supply and/or sewage disposal system operated by the Town or County. System extensions are permitted only in accordance with applicable water and sewer, and land use policies and shall be sized only to serve the Conservation Subdivision.

(h) In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Section, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective

(i) Management plans may be amended by the owner with the approval of the Town.

DIVISION 9. FAMILY AND LIMITED SUBDIVISION

Sec. 791 – Intent

The Family and Limited Subdivision option is established to allow the creation of lots for residential purposes only. These subdivisions are only authorized for properties in the _____ zoning districts

Sec. 792 – Family Subdivisions General Requirement.The Family Subdivision option is intended for the creation of lots to be deeded only to immediate family members that cannot be deeded or re-sold to a person who is not an immediate family member for at least three years form the date the subdivision is approved.

"Immediate Family Members shall include spouses, parents, siblings, children, grandparents, grandchildren, aunts, uncles, nieces or nephews including adopted, step- or biological relations."

The following requirements apply to Family Subdivisions:

(a) *All requirements for Minor Subdivisions shall be met.* Family Subdivisions shall be approved following the procedures for Minor Subdivisions.

(b) *No lot may be conveyed until a subdivision is approved and recorded at the Stanly County Register of Deeds.*

(c) *The maximum lot size for any Family Subdivision is ___ acres. The minimum lot size for new lots is one acre.*

(d) *The property included in the subdivision application shall not have been a part of a Family Subdivision for the preceding ten years.*

(e) *Each lot shall front an existing road or be granted an easement to a road.* Easements shall have a minimum width of 30 feet and be located at least 50 feet from perennial streams. A Private Road Maintenance Agreement shall be presented with the application and recorded with the Minor Subdivision Plat.

(f) *Any lots sharing a pond or lake shall provide a Pond or Lake Maintenance Agreement with the application.* The Agreement shall be executed by the Property Owners and recorded in the Stanly County Register of Deeds.

(g) *Any lots sharing a well shall provide a Management Agreement with the application.* The Agreement shall be executed by the property owners and recorded in the Davie County Deed Registry.

(h) *A signed affidavit stating that the owners or future owners of subdivision lots are immediate family members, and their relationships.*

Sec. 793 - Limited Subdivisions General Requirements

The Limited Subdivision option is intended for the subdivision of lots of between seven and 10 acres in size into no more than two lots.

The following requirements apply to Limited Subdivisions:

(a) *Subsections 791 (a), (b), (e) through (h) apply to Limited Subdivisions.*

(b) *The minimum lot size is two acres. No more than one new lot may be created.*

DIVISION 10. PLAT CERTIFICATES

Sec. 7101 - Plat Certificates Required

(a) Plat certificates are required as shown in the following table:

TABLE 7. REQUIRED PLAT CERTIFICATES	
TYPE OF SUBDIVISION	**SECTION NUMBERS** (See Art. 7, Div. 10, Plat Certificates, Section Number:)
Expedited	7102, 7103, 7107, 7108, 7109, 71010, 71012 As applicable: 7103, 71011
Exempt	7102, 7103, 7108, 7109, 71010, 71014
Family	7102, 7103, 7108, 7109, 71010 As applicable: 7104, 7107, 71012
Preliminary[3]	Sec. 7102, 7103, 7104, 7112
Final Minor [3]	7102, 7103, 7107, 7108, 7109, 71012 As applicable: 7104, 7105, 7106, 71010, 71011
Final Major[3]	7102, 7103, 7104, 7105, 7107, 7108, 7109, 71012 As applicable: 7106, 71010, 71011

NOTES: 1. Required if final ownership and maintenance of roads is not determined as of the time of final plat approval.

2. Required for all roads that are to be maintained by the N.C. Dept. of Transportation.

3. Also required for Family and Limited Subdivisions, as appropriate.

Sec. 7102 – Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision or positional accuracy as calculated is _____; that this plat was prepared in accordance with § 47-30 of the North Carolina General Statutes as amended. Witness my original signature, license number and seal this day of _____.2___ .

Seal or Stamp

Professional Land Surveyor
License Number #_____

Sec. 7103 – Professional Land Surveyor's Certificate.

As denoted by an "X" below, I, _____, certify as to the following:

a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

b. That the survey is in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.

c. Any one of the following:

(1) That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the

purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

(2) That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a watercourse.

(3) That the survey is a control survey. For the purposes of this subsection, a "control survey" is a survey that provides horizontal or vertical position data for support control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership. That the survey is of a proposed easement for a public utility as defined in § 1030.

d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

e. That the information available to the surveyor is such that the surveyor is unable to determine to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Professional Land Surveyor

License Number #_____

Sec. 7104 – Certificate of Flood Zone Information.

Property shown hereon _____is/ is not located in a FEMA designated flood zone. FEMA Flood Hazard Panel: _____; Effective Date: _____.

Professional Land Surveyor
License Number #_____

Sec. 7105 – Certificate of Ownership, Maintenance and Dedication

I hereby certify that I am the owner (or corporate officer) of the property shown and described hereon, which is located in the zoning and subdivision jurisdiction of Red Cross and that I hereby adopt this subdivision plan with my free consent, establish minimum setback lines, and dedicate all streets, alleys, parks and other sites and easements to the public or private as noted. I understand that I am responsible for maintenance of public property shown hereon until it is accepted by the appropriate government entity.

Date Owner/Officer or Corporation

Sec. 7106 – N.C. Dept. of Transportation Div. of Highways Certificate

Proposed Subdivision Road Construction Standards Certification

Approved: _____ _____
Date District Engineer

Note: Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.
Note: Site triangle takes precedent over any sign easement.
Note: Owner, developer, or contractor shall set the centerline of the existing roadway ditch back to a minimum of 12 feet from the existing/proposed edge of pavement along all road front lots.
Note: All drainage easements shall be dedicated as public, and it shall be the responsibility of the property owners to maintain the drainage easements and any drainage structures there in, so as to maintain the integrity of the drainage system and ensure positive drainage.
Note: All lots shall be served by the internal street system.

Sec. 7107 – Road Maintenance Statement

I, _____ am responsible for the construction, maintenance and required road improvements of the subdivision streets on this plat until the earlier of the follow occurs:

(a) Approved and accepted for permanent maintenance by the North Carolina Department of Transportation as public roads; or

(b) Approved and taken over by the Homeowners Association for private roads permanent maintenance; or

(c) Private road maintenance agreement is signed and recorded by owners of each lot.

Name of Corporation or Owner

Date Developer/Owner/Officer of Corporation

Sec. 7108 – Certification of Approval of a Final Plat.

Certificate of Approval for Recording - Subdivision Plat

I hereby certify: 1) that streets, utilities and other required improvements of this subdivision have been installed in and acceptable manner and according to Town specifications and standards or; 2) that a satisfactory performance guarantee for the installation of the required improvements has been received and approved by the Town; and 3) that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Red Cross, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Stanly County. This plat is null and void if not recorded at the Stanly County Deed Registry within 60 days of the date written below.

Date Town Planner

Sec. 7109 – Review Officer's Certification.

State of North Carolina
County of _____
I, _____, Review Officer of Stanly County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date Review Officer

Sec. 71010 – Register of Deeds Certification

State of North Carolina, Stanly County
This instrument was presented for registration and recording this _____ day of _____, 20_____ at _____.

_____ by _____
Register of Deeds Asst. Reg of Deeds
Recorded in PB _____ PG _____

Sec. 71011 – Acceptance of Offer of Dedication

NOTE: To be used only if Town Board of Commissioners accepts an offer of dedication at the TIME OF FINAL PLAT APPROVAL.

I hereby certify that all parks and greenways as shown on this plat were accepted, as specified, by the Board of Commissioners by a resolution adopted at the meeting held on _____, 2_____.

Date Town Clerk

Sec. 71012 – Subdivision Road Disclosure Statement.

Developers are required to give lot purchases a subdivision street disclosure statement pursuant to §136-102.6(F) of the North Carolina General Statutes.

Sec. 71013 – Certificate of Approval of Preliminary Plat.

I hereby certify that the preliminary plat for this subdivision was approved by the Board of Commissioners on _____, 2___.

Date Mayor

Sec. 71014 – Certificate of Approval of Exempt or Expedited Plat.

Certificate of Approval for Recording - Exempt or Expedited Plat

I hereby certify that this plat is exempt from the Subdivision Regulations with the Town of Red Cross, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Stanly County.

Date Town Planner

Al Benshoff
2024-11-19 16:37:00

Mike If the Town goes for the conservation subdivision option, cluster subdivisions may not be needed.

DIVISION 11. SOIL EROSION, SEDIMENTATION CONTROL, AND STORMWATER MANAGEMENT

Sec. 7111 – Sedimentation, Erosion Control and Stormwater Management.

All subdivisions and site-planned developments shall meet the following requirements:

(a) Town of Red Cross Town Code of Ordinances Chapter 151 Flood Damage Prevention

(b) Town of Red Cross Town Code of Ordinances Chapter ____, Soil Erosion and Sedimentation.

DIVISION 12. CLUSTER SUBDIVISIONS MIKE Clustered subdiv allowed in current ordinance. Should they appear here?

DIVISION 13. MODEL LANGUAGE FOR RESTRICTIVE COVENANTS

THIS DECLARATION AND AGREEMENT is entered into this the _____ day of _____, 20_____, between (Developer) (hereinafter "Declarant") and all parties hereafter acquiring any of the described property.

WITNESSETH:

WHEREAS, Declarant is the owner and developer of all lots within a subdivision of the Town of Red Cross, Stanly County, NC, known as _____ and being that certain tract or parcel more particularly described by map and survey in Plat Book _____, Page _____, of the Stanly County Registry; and

WHEREAS, it is in the best interest of the Declarant and to the benefit, interest, and advantage of every party hereinafter acquiring any of the described property that certain covenants, conditions, easements, assessments, liens, and restrictions governing and regulating the use of the property be established; and

WHEREAS, Declarant desires to provide for the continued ownership, maintenance, and repair of all streets, roads, sidewalks, and greenways together with the associated stormwater drainage infrastructure located in the above-named subdivision; and

WHEREAS, Declarant has caused or will cause to be incorporated under the laws of the State of North Carolina, a non-profit corporation known as "_____" (hereinafter referred to as "Association") for the purpose of exercising the functions aforesaid, and which are hereinafter fully set forth.

NOW, THEREFORE, in consideration of the premises, the Declarant agrees with all parties hereafter acquiring any of the property herein described, that it shall be and is hereby subject to the following restrictions, covenants, conditions, easements, assessments, and liens relating to the use thereof, which shall be construed as covenants running with the land, which shall be binding on all parties acquiring any right, title, or interest in any of the properties and which shall inure to the benefit of each owner thereof.

(1) MEMBERSHIP: Every person who is a record owner of a fee or undivided fee interest in any lot which is subject to assessment by the Association, including contract sellers, but excluding persons who hold an interest merely as security for the performance of any obligations, shall be a member of the Association. Ownership of such interest shall be the sole qualification for such membership. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment. Membership in the Association is mandatory and may not be waived by the Association for any such owner.

(2) OWNERSHIP OF STREETS, ROADS, SIDEWALKS, AND GREENWAYS: The Declarant shall own and maintain the streets, roads, sidewalks, and greenways together with the associated stormwater drainage infrastructure of the subdivision until such a time that the ownership interest in the above shall be transferred to the Association or to NCDOT.

(3) MAINTENANCE, REPAIR, AND UPKEEP OF STREETS AND ROADS: Until such a time that the ownership interest in the streets and roads of the subdivision shall be transferred to the Association or NCDOT, the Declarant shall maintain, and repair said streets and roads in the subdivision at a minimum of NCDOT standards as set forth in the most current edition of the "Subdivision Roads Minimum Construction Standards." In the event that, and after such a time that, the ownership interest in the streets and roads of the subdivision has been transferred to the Association, the Association shall maintain, and repair said streets and roads in the subdivision at a minimum of NCDOT standards as set forth in the most current edition of the "Subdivision Roads Minimum Construction Standards."

(4) ASSESSMENTS FOR MAINTENANCE, REPAIR, AND UPKEEP OF STREETS, ROADS, SIDEWALKS, AND GREENWAYS: Each member of the Association shall be required to pay an annual assessment for their pro rata share of the costs of maintenance, repair, and upkeep of the streets, roads, sidewalks, and greenways together with associated stormwater drainage

infrastructure of the subdivision, with a minimum annual payment of $_____.

(5) MAINTENANCE ACCOUNT: The Association shall deposit all assessments for the purpose of maintenance, repair, and upkeep of the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision into a separate account with an accredited, FDIC backed banking institution in the name of the Association. The Association shall file with the Town, by the first day of the calendar year, an annual accounting of said maintenance account.

(6) CONTINUED STREET, ROAD, SIDEWALK, AND GREENWAY MAINTENANCE: Either the Declarant or the Association, whichever shall possess the ownership interest in the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure, shall either (i) Petition the NCDOT to assume ownership and maintenance of the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the rights-of-way thereto, or (ii) Provide that the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the rights-of-way thereto shall be privately owned and maintained to NCDOT standards as set forth in the most current edition of the "Subdivision Roads Minimum Construction Standards" by the Association, its successors or assigns, in perpetuity.

(7) TRANSFER OF OWNERSHIP INTEREST UPON DISSOLUTION OF ASSOCIATION: To the extent permitted by law, in the event that the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the rights-of-way thereto have not been previously dedicated to the NCDOT, in the event the Association should dissolve, the Association shall transfer any and all ownership interest in the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the rights-of-way thereto, as well as the associated Maintenance Account as described in Paragraph (5) above, to another legal entity for the purpose of maintenance, repair, and upkeep.

ARTICLES 8 – 9 RESERVED

ARTICLE 10. MEASUREMENT & DEFINITION

DIVISION 1. RULES OF LANGUAGE CONSTRUCTION.

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

Sec. 1011 - Meanings and Intent.

(a) All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in § 105, Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance.

(b) When a specific section of these regulations gives a different meaning than the general definition provided in Division 3 of this Article, the specific section's meaning and application of the term shall control.

(c) Terms that are not defined are subject to their common or customary meaning.

Sec. 1012 - Headings, Illustrations, and Text.

(a) In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

(b) Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(c) Lists and examples. Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

Sec. 1013 - Time-related Language.

(a) Computation of time. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town.

(b) Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the Town.

(c) The term "day" means a calendar day, or any day during a week, including business days and weekend days.

(d) The term "holiday" means a legal holiday recognized by the Town.

(e) The term "week" means five business days and two weekend days. Weeks commence on a Monday.

(f) The term "month" means a calendar month.

(g) The term "year" means a calendar year.

(h) The term "temporary" shall mean a condition lasting for only a limited period of time; not permanent.

Sec. 1014 - References.

(a) References to this ordinance. A reference to an article, section, sub-section, or paragraph means an article, section, sub-section, or paragraph of this Ordinance, unless otherwise specified.

(b) References to other regulations or publications. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or adopted version of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

(c) References to North Carolina General Statutes. Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

Sec. 1015 - Authority.

(a) *Delegation of authority.* Whenever a provision of this Ordinance requires or authorizes an officer or employee of the Town to do some act or perform some duty, the officer or employee may designate, delegate, or authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

(b) *Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(c) *Public officials and agencies.* All public officials, bodies, and agencies to which references are made are those of the Town of Red Cross , unless otherwise indicated.

Sec. 1016 - Terminology.

(a) *Technical and non-technical terms.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(b) *Mandatory and discretionary terms.* The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may,” “can,” and “should” are permissive in nature.

(c) *Conjunctions.* Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) “And” indicates that all connected items, conditions, provisions or events apply.

(2) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

(d) *Tenses, plurals, and gender of words.*

(1) Words used in the past or present tense include the future tense as well as the past and present.

(2) Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

(3) Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

(e) *Term not defined.* If a term used in this Ordinance is not defined, the Town Planner is authorized to interpret the term in accordance with § 3306, Determination and Interpretation, based upon the definitions used in professionally accepted sources.

Sec. 1017 - Oath

The term “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms “swear” and “sworn” shall be equivalent to the terms “affirm” and “affirmed.”

DIVISION 2. RULES OF MEASUREMENT.

Sec. 1021 - Purpose.

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

Sec. 1022 - Measurement generally.

(a) Straight lines. Unless otherwise stated in this Ordinance, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two points.

(b) Rounding. Unless otherwise provided in this section or elsewhere in this Ordinance, numerical operations that result in fractions shall be rounded upwards or downwards in accordance with this section:

(1) Density. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.

(2) All other instances. All calculations that result in a fractional unit or part of a whole number, a fraction of one-half or more shall be rounded up to the next highest whole unit and a fraction of less than one-half shall be disregarded.

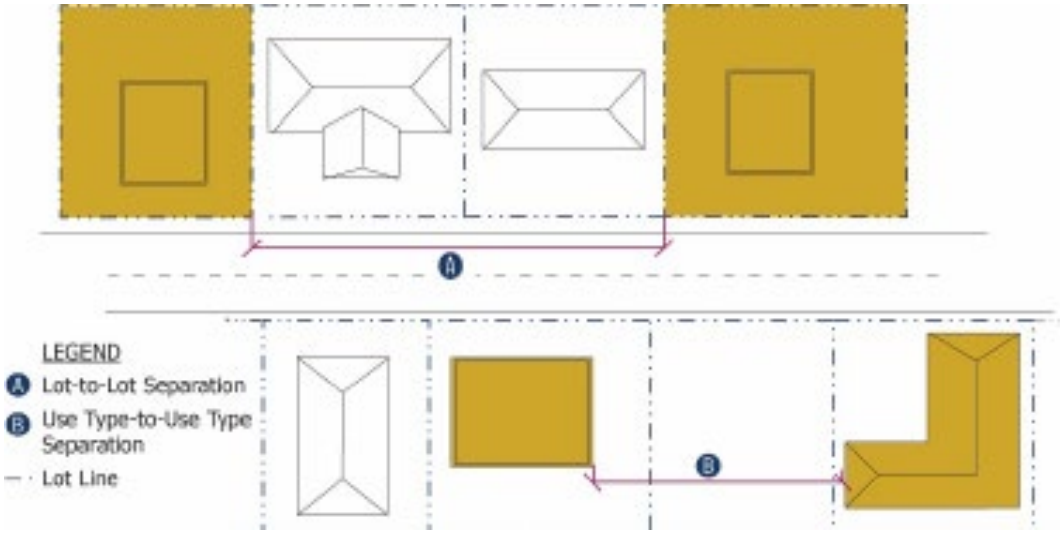
(3) Irregular shapes. In cases where an irregular shape complicates the application of these standards, the Town Planner shall determine the applicable dimensional, setback, or bulk standards in accordance with the standards in this section and § 3306, Determination and interpretation.

(c) Separation.

(1) Lot to lot. When the provisions of this Ordinance require separation between two or more lots, or a lot and another feature, separation shall be measured by drawing straight lines from the nearest point of one lot line to the nearest point of the lot line subject to the separation requirement (see Figure 29: Separation).

(2) Use type to use type. When the provisions of this Ordinance require one use type to be separated from another use type, separation shall be measured by drawing straight lines from the nearest point of the wall of one existing or proposed principal structure to the nearest point of the wall of another existing or proposed structure subject to the separation requirement.

FIGURE 7: SEPARATION



butting versus adjacent.

(3) Abutting. The term abutting describes a condition where two or more features (a lot line, building, driveway, etc.) are immediately beside or next to one another either on the same lot or on different lots sharing a common lot line.

(4) Adjacent. The term adjacent describes a condition where two or more similar features (a lot line, building, use type, structure, site feature, etc.) are proximate to one another, but are separated by some form of intervening feature, such as a street, alley, water feature, railroad, lot or property under separate ownership, or natural feature of sufficient size so as to prevent direct site visibility or impede the movement of sound from one feature to another.

Sec. 1023 - Lot dimensions.

(a) Lot measurements.

(1) Acreage. The total number or gross number of acres on a tract or site.

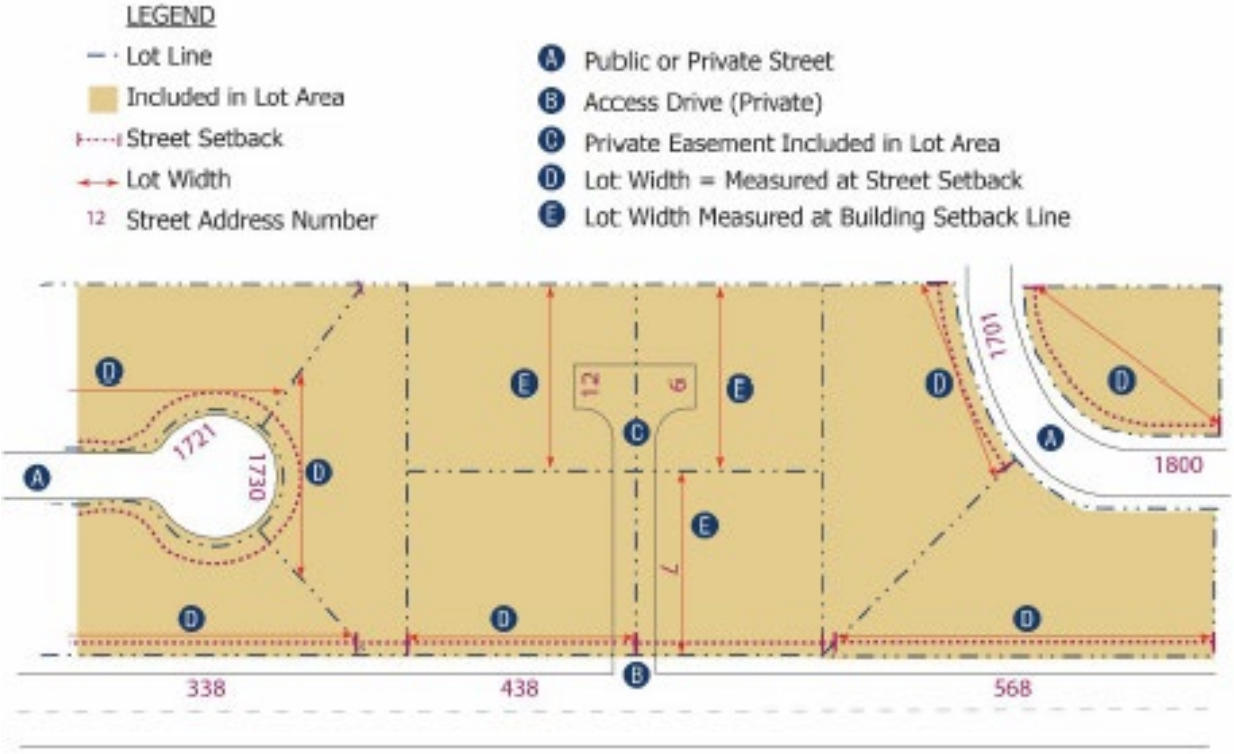
(2) Lot depth. The dimension measured from the front of the lot to the extreme rear line of the lot. In case of irregularly shaped lots, the mean depth shall be taken (see Figure 30: Lot Measurements).

(3) Lot width. The width of a lot is measured at right angles to its depth at the edge of the street setback or at a proposed building setback line, whichever is further from the street right-of-way.

(4) Minimum lot area. The minimum amount of required land area, measured horizontally, must be included within the lines of a lot. Lands located within any private easements shall be included within the lot area.

(5) Street frontage. The length of the lot line of a single lot abutting a public or existing private street right-of-way.

FIGURE 8: LOT MEASUREMENTS



(b) Lot lines. A lot line is a line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space. The following terms describe differing types of lot lines (see Figure 31: Lot Lines):

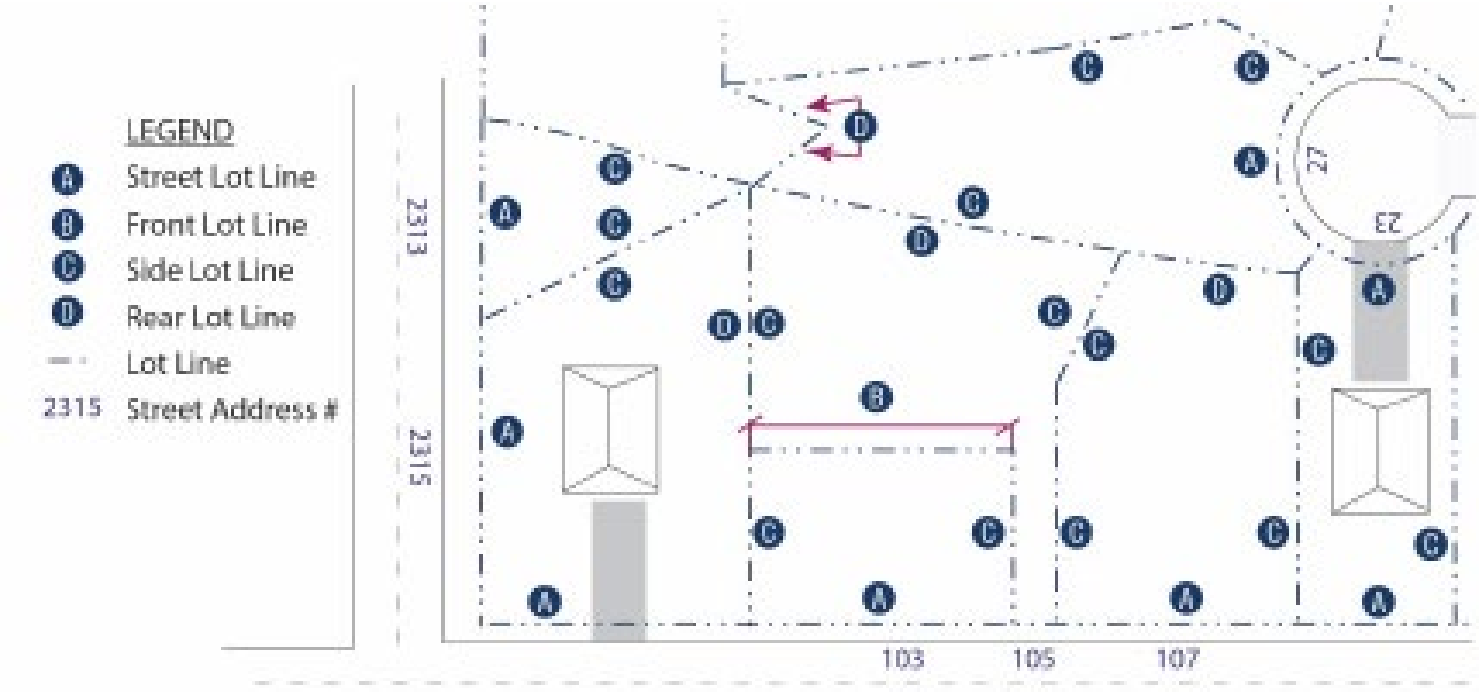
(1) Front lot line. The lot line that fronts or that is parallel and proximate to the street from which the lot's street address is derived. A front lot line does not have to border street right-of-way line.

(2) Rear lot line. The lot line opposite and most distant from the front lot line.

(3) Side lot line. The lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line. Side lot lines abut other lots, easements, public trust lands, or rights-of-way other than a street right-of way.

(4) Street lot line. A lot line that borders a platted street right of way, whether or not the street is actually constructed or open to vehicles or pedestrians.

FIGURE 9: LOT LINES



(c) Lot types.

(1) Corner lot. A lot which occupies the interior angle at the intersection of two street lines or a single street which make(s) an angle of more than 45 degrees and less than 135 degrees. The front of the lot is the lot line adjacent to the street from which the lot obtains its street address (see Figure 32: Lot Types).

(2) Flag lot. A lot having shape and configuration so that it connects to street frontage by an extension and/or arm of the main portion of the lot.

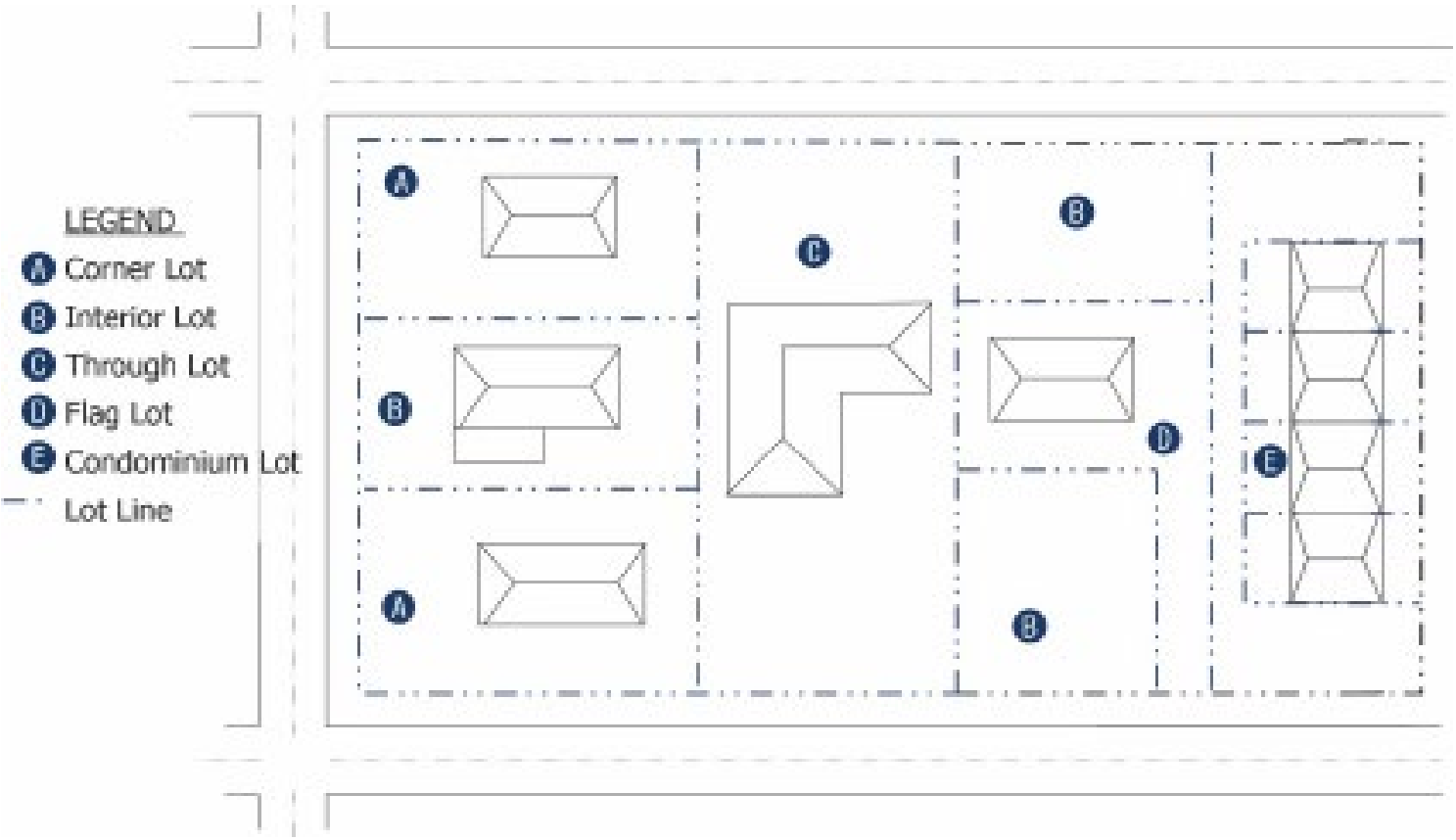
(3) Interior lot. A lot other than a corner lot with only one frontage on a street.

(4) Lot of record. A lot that is a part of a subdivision, a plat of which has been recorded in the office of the Stanly County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded with the Stanly County Register of Deeds.

(5) Through lot (double frontage lot). A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.

(6) Lots serving condominium use types. Individual condominium uses, whether residential or non-residential, are exempted from minimum lot area requirements in this Ordinance, but shall be located on a larger site or parent tract that meets the standards for the zoning district where located.

LOT 10: LOT TYPES



Sec. 1024 - Density.

Residential density is the maximum allowable number of residential dwelling units permitted on a particular site, tract, lot, or other unit of land area, typically expressed as a maximum number of residential units per acre.

(a) Calculation.

(1) Maximum residential density is calculated by dividing the square footage of a lot by the number of square feet in an acre (43,560), then multiplying the maximum number dwelling units allowed in the zoning district, and rounding the product downwards to remove any fractions.

Example:

Lot size: 52,000 square feet / 43,560 = 1.19 acres.

Zoning district maximum density is 1.08 units per acre: 1.19 x 1.08 = 1.28.

Maximum number of residential units = 1.0 (fractions are rounded downwards).

(2) Riparian buffers shall be included in the calculation of the square footage of a tract or site for the purposes of determining the maximum residential density.

(3) Land area associated with floodplains shall not be included in the calculation of the square footage of a tract or site for the purposes of determining the maximum residential density.

(4) Land area located within a right-of-way shall not be included in the calculation of allowable density.

(b) Density equivalence.

(1) Accessory dwelling units associated with a single-family residential principal use shall be counted towards the maximum allowable residential density.

(2) When calculating the density for a private dormitory associated with an educational use, two bedrooms in a private dormitory shall be equivalent to one regular dwelling unit.

(3) Maximum density amounts do not apply to student housing or lodging on college or university campuses when the housing is owned or operated by the college or university. In these instances, residential land uses are considered as an accessory to the college or university principal use.

Sec. 1025 - Setbacks.

A setback is the horizontal distance from a lot line or street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line (see Figure 33: Setbacks).

(a) *Perimeter setback.* Setbacks applied to multiple building developments or multiple lot developments that apply only to the outermost buildings along the perimeter of a development. A perimeter setback does not apply along streets, where the minimum or maximum required street setback shall prevail.

(b) *Rear setback.* A setback from an interior lot line lying on the opposite side of the lot from the street setback.

(c) *Side setback.* Any interior property line setback other than a rear setback.

(d) *Street setback.*

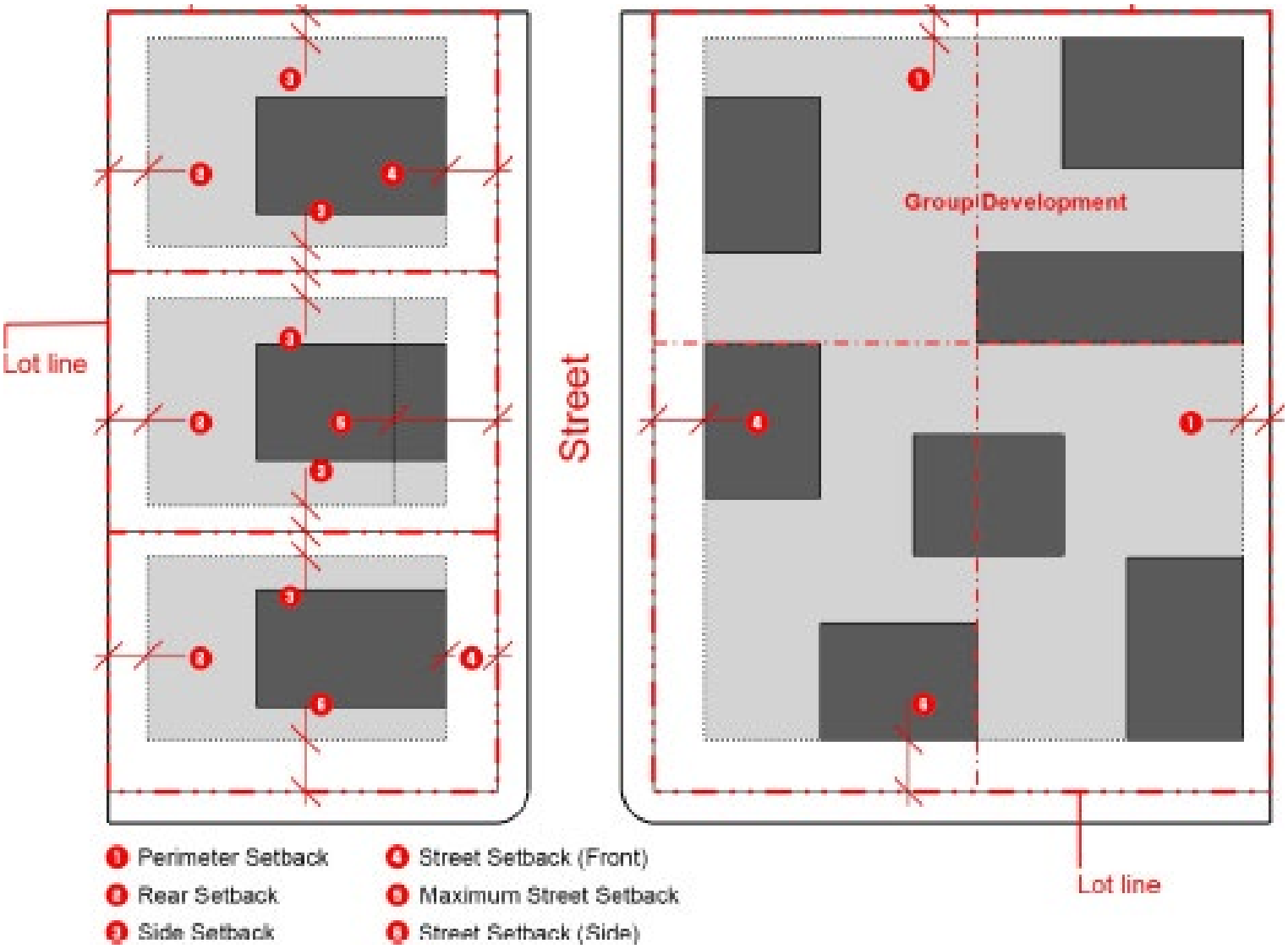
(1) A street setback measured from the right-of-way edge associated with a public street or existing private street.

(2) The street setback is a minimum setback, and nothing shall prohibit a building from being located farther from the street right-of-way, except where a maximum street setback is specifically identified by this Ordinance or a condition of approval.

(3) In cases where the street right-of-way edge is not readily identifiable, the location of the right-of-way edge shall be determined by measuring outwards from the street centerline one-half of the total right-of-way width. The right-of-way edge location shall be certified by a professional engineer or land surveyor licensed by the State of North Carolina.

(4) Lots shall provide a street setback from all lot lines abutting a street. The Town may require a deeper setback from lot lines abutting a street in cases when the ultimate street-right-of-way width has not yet been acquired.

FIGURE 11: SETBACKS



Sec. 1026 - Lot coverage.

Lot coverage is the percentage of a lot or development site that is covered by buildings or roof structures, excluding allowed projecting eaves and balconies.

Sec. 1027 - Height.

(a) Measurement. Building height shall be measured from the finished or established grade elevation following any land disturbing activities (see Figure 34: Height).

(b) Maximum height. Building height is the vertical distance from a point established as the mean elevation of the finished grade along the front façade of a building to any of the following points:

(1) The highest point of a flat roof (excluding coping or parapet walls shorter than five feet above the roof deck);

(2) The deck line of a mansard roof;

(3) The mid-point of the roof between the ridge and the eaves for a gable, hip, or gambrel roof; or

(4) To the highest point of a dome, shed, or cricket-style roof.

(c) *Story.* A building story is the portion of a building where all rooms share the same floor and ceiling level.

(1) A crawlspace or basement with an average ceiling height of less than seven feet is not considered as a story.

(2) An attic with an average ceiling height of less than six feet is not considered a story.

(d) *Exceptions.* The following features are exempted from the maximum height requirements in this Ordinance:

(1) Parapet walls of less than five feet in height above the roof deck;

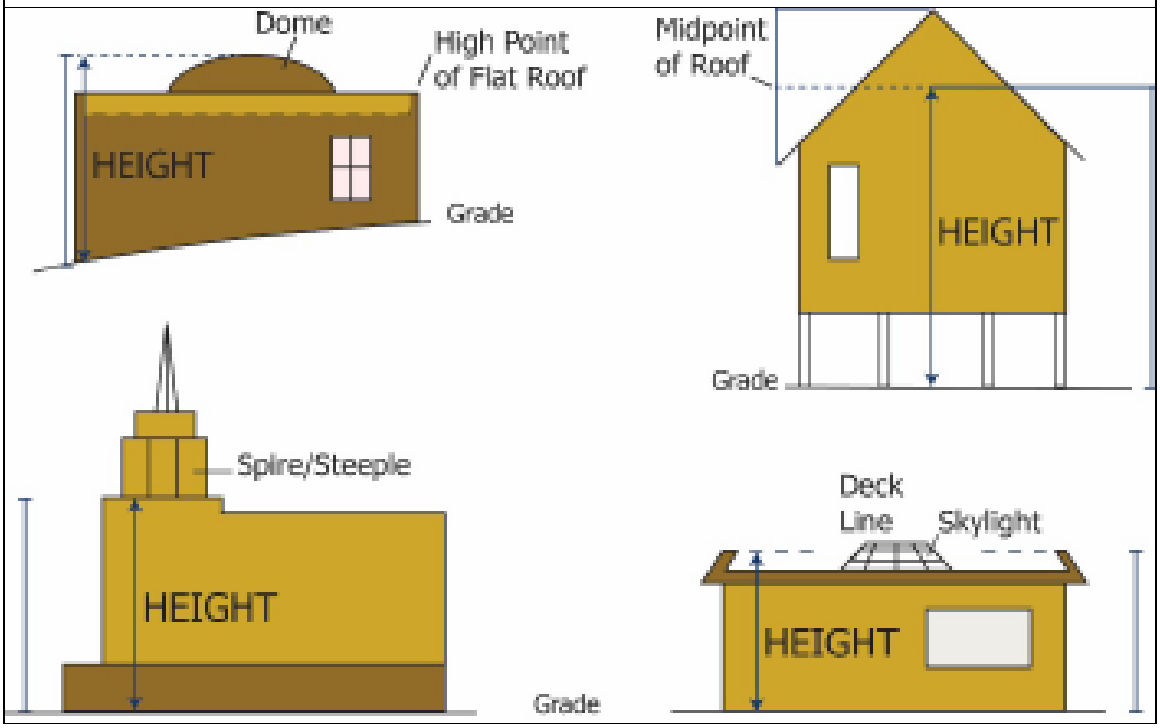
(2) Spires, steeples, minarets, belfries, cupolas, domes, and similar architectural features not intended for human habitation;

(3) Water tanks, vent housings, elevator housings, and equipment covers associated with a building;

(4) Chimneys, vent pipes, skylights, or mechanical equipment; and

(5) Bulkheads or a single-story penthouse occupying 25 percent or less of the total roof area.

FIGURE 12: HEIGHT



Sec. 1028 - Slope and elevation.

(a) *Slope.* The degree of deviation of the ground surface from a flat, horizontal elevation, usually expressed in percent or degrees of deviation from horizontal.

(b) *Base flood elevation (BFE).*

(1) A determination of the water surface elevations of the base flood as published in the flood insurance study.

(2) When the BFE has not been provided for land within the special flood hazard area, it may be obtained from engineering studies available from a federal, State, or other source using FEMA approved engineering methodologies. This elevation establishes the Regulatory Flood Protection Elevation.

(c) *Finished grade.* The established grade following grading, excavation, or other land-disturbing activity.

(d) *Natural grade.* The level of the ground elevation prior to the commencement of development or land disturbing activity.

Sec. 1029 - Parking space computation.

(a) *Rounding.* When computation of the number of required parking spaces results in a fraction, the fraction shall be rounded downwards to the previous whole number.

(b) *Multiple and mixed-uses.* Unless otherwise approved, development containing more than one principal use shall provide off-street parking in an amount equal to the total requirements of all individual uses, unless the Town Planner determines that a lower standard would be adequate because of differences in peak operating hours.

(c) *Seat based standards.* Where the minimum number of off-street parking spaces is based on the number of seats, all computations shall be based on the number of seats provided, including outdoor and waiting areas.

(d) *Employee based standards.* When the minimum number of off-street parking spaces is based on the number of employees, the computations shall be based on the number of employees on the largest shift.

(e) *Floor-area based standards.* Where the minimum number of off-street parking spaces is based on square feet of floor area, all computations shall be based on gross floor area. For the purposes of this section, gross floor area shall also include outdoor use area.

Sec. 10210 - Fence and wall height.

(a) *Measurement location.*

(1) In cases where a fence or wall is located within a required setback or required yard, fence height shall be determined along the grade of the adjacent lot or street.

(2) In cases where a fence or wall is located outside a required setback or yard, the height shall be determined based on the finished grade.

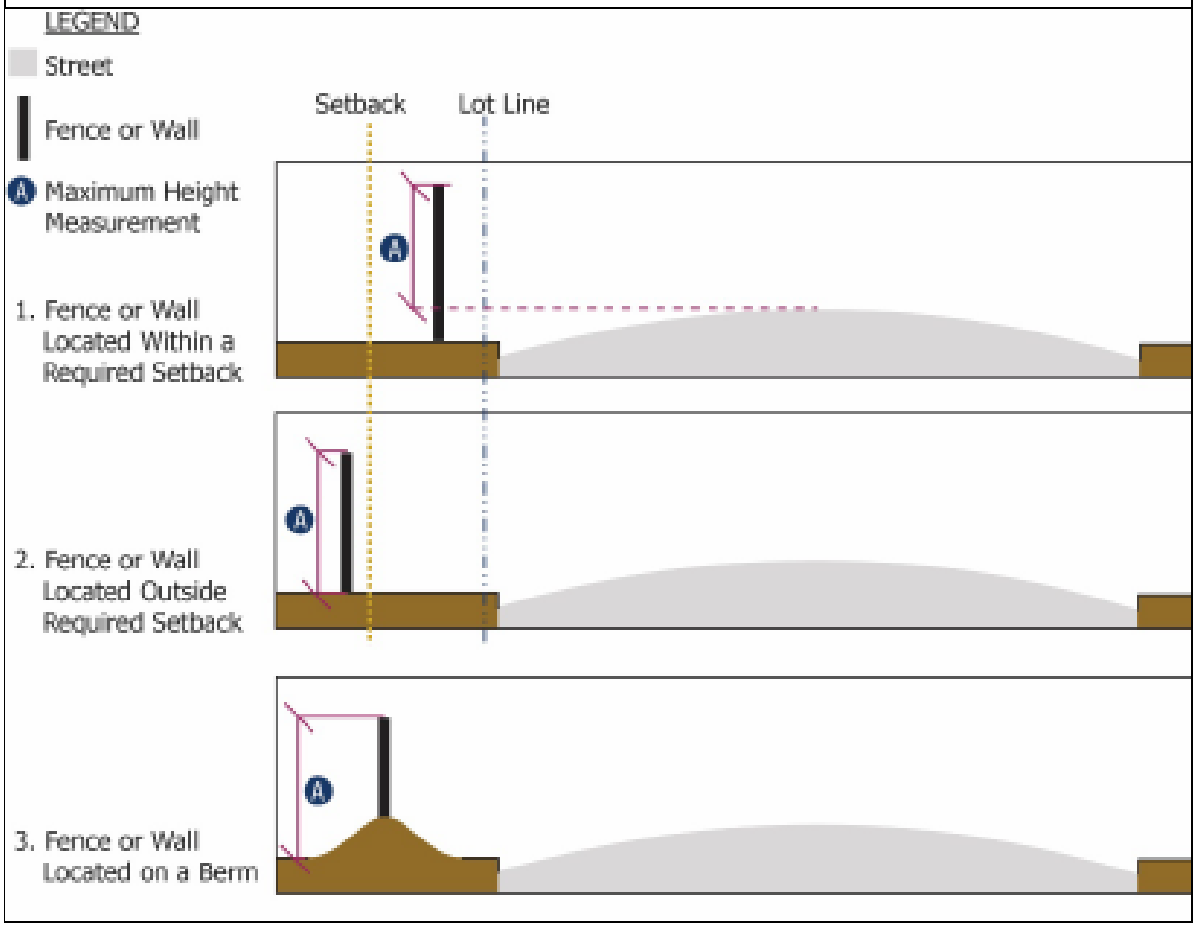
(3) In cases where a fence or wall is placed on a berm, the maximum fence or wall height shall include the height of the berm, as measured from the toe of the slope.

(4) Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.

(b) *Column and post height.* Columns or posts shall not exceed a height 18 inches above the built height of the fence.

(c) *Railings not included.* Safety railings required by the North Carolina State Building Code shall not be included in wall height measurements.

FIGURE 13: FENCE AND WALL HEIGHT



Sec. 10211 Exterior lighting measurement.

(a) Measured at the lot line. Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.

(b) Measured at finished grade. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

(c) Measurement device. Measurements shall be taken with a light meter that has been calibrated within the year the measurement was taken.

DIVISION 3. DEFINITIONS

Sec. 1031 - Defined terms.

(a) The words, terms, and phrases in the Table of Defined Terms shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(b) Definitions pertaining solely to the Water Supply Watershed Protection Overlay District (WSWOD) are proceeded by the clause "As used in the water supply watershed protection overlay district."

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
A	
ABANDONMENT	The relinquishment of property or a cessation of the use of the property for a continuous period.
ABUTTING	The condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street, water body, or right-of-way.
ACCENT	means the use of an alternate material or color to a detail that is emphasized by contrasting with its surroundings.
ACCESS EASEMENT	means an easement which grants the right to cross land.
ACCESSIBLE PARKING SPACE	means an off-street parking space provided for the exclusive use of vehicles serving disabled persons.
ACCESSORY BUILDING	See "Accessory Structure."
ACCESSORY DWELLING UNIT	A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.
ACCESSORY STRUCTURE	means a detached subordinate or incidental structure, the use of which is incidental to the principal structure, and which is located on the same lot as the principal structure.
ACCESSORY USE	A use customarily incidental and subordinate to the principal use and located on the same lot with the principal use.
ACCESSWAY	means a paved or unpaved travel way intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site.
ACTIVE OPEN SPACE SET-ASIDE	Land set aside for the residents or a development and under common ownership that is configured for active forms of recreation. Active open space typically includes playgrounds, athletic fields and courts, and similar features devoted to movement, activity, or sports pursuits.
ACTIVE RECREATION USES	Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts and other similar uses typically located in open space set-aside areas or parks.
ADDITION OR EXPANSION	means an extension or increase in the floor area or height of a building or structure.

ADJACENT	means a parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street, waterbody, or right-of-way divides the parcels.
ADJOINING	means when one property adjoins another, shares a common property line or is immediately adjacent to, or abutting it.

TABLE OF DEFINED TERMS

TERM	DEFINITION(S)
ADMINISTRATIVE DECISION	Decisions made in the implementation, administration, or enforcement of this UDO or other development regulations that involve the determination of facts and the application of objective standards set forth in this UDO. They are also sometimes referred to as ministerial decisions of administrative determinations.
ADMINISTRATIVE HEARING	A proceeding to gather facts needed to make an administrative decision.
ADOPTED POLICY GUIDANCE	means the combined future land-use policy guidance provided by the adopted comprehensive plan, area or corridor plans prepared for specific parts of the Town, and system plans related to the Town's infrastructure systems.
ADULT ARCADE	means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by all emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
ADULT BOOKSTORE	means an establishment that has as a substantial portion, over 25 percent of total retail space, of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following: (1) Books, magazines, periodicals, or other printed matter; or photographs, films, motion pictures, videocassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
ADULT BUSINESS	means any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.
ADULT CARE HOME	means a home with support and supervisory personnel licensed with the state that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities and defined in § 168-21 of the North Carolina General Statutes.
ADULT DAY CARE FACILITY	means a use of land and buildings licensed by the state that provides care to seven or more aging, disabled adults away from their homes, and by persons other than family members, guardians, or custodians. The term "adult day care facility" shall not be construed to include a group care facility.

ADULT ESTABLISHMENT	means any business by its nature or use that is intended to serve patrons of age 18 years or older which may or may not be limited to those businesses regulated under § 511 Use types.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
ADULT MOTION PICTURE THEATER	means an establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion, 25 percent, of the total presentation time is devoted to the showing of material characterized by all emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
ADULT THEATER	means a theater, concert hall, auditorium or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.
AGRICULTURAL LAND	means land consisting of ten acres or more that are in actual production and having gross income from the sale of agricultural products produced thereon (together with payments received under a soil conservation or land retirement program) averaging $1,000.00 per year for the immediately preceding three years. Reference Farmland Taxation Act, § 105-277.3 of the North Carolina General Statutes.
AGRICULTURE OR HORTICULTURE	The cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, market gardening, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. Uses also include agronomy, aquaculture, fisheries, apiculture, silviculture, plant nurseries, and similar uses.
AGRICULTURE SUPPORT SERVICES	Commercial establishments engaged in the sales, repair, rental, and storage of tools, equipment, supplies, and machinery in support of farms, farming, agriculture, or horticulture. Uses also include sales of products grown on a farm, provision of farm-related experiences (e.g., immersion farming or pick-your-own establishments), wineries, and agritourism.
AGRI-TOURISM	means the act of visiting a working farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.
ALTERNATIVE LANDSCAPE PLAN	means a document prepared by an applicant that proposes an alternative means of compliance with the standards in § 650, Landscaping.
ALTERNATIVE PARKING PLAN	means a document prepared by an applicant that proposes an alternative means of compliance with the standards in § 670, Off-Street Parking and Loading.
AMATEUR HAM RADIO	Equipment, including antennas, transmitters, and antenna support structures used by a non-professional person in the transmittal of messages and information within the radio frequency portion of the electro-magnetic spectrum.
ANIMAL BOARDING OR GROOMING	A commercial establishment providing socialization, training, or housing, in the absence of the owner, for less than 24 hours for pets owned by the general public for which a fee is charged. Such uses may also include bathing, clipping, or services for domestic animals for which a fee is charged.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
ANTENNA	Communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.
ANTENNA COLLOCATION, MAJOR	Uses involving the placement of antennas on building's roof or wall, placement of antennas on a vertical projection not constructed for communications purposes, or placement of antennas on a communications structure that requires "substantial modifications" as defined in §160D-931 of the North Carolina General Statutes.
ANTENNA COLLOCATION, MINOR	Uses involving the placement of antennas on a vertical projection (including a structure built for communications) that does not require substantial modifications and meets the definition of an "eligible facility" in §160D-931 of the North Carolina General Statutes.
ANTENNA SUPPORT STRUCTURE	The frame, bracket, or other mechanical device, including mounting hardware such as bolts, screws, or other fasteners used to affix an antenna to a telecommunications tower, building, utility pole, or other vertical projection.
APPEAL	A request for a review of a determination, decision, or the application of any provision of this Ordinance.
APPLICANT	means any person who submits to the Town a request or plans for the purpose of obtaining approval thereof under this Ordinance.
APPLICATION	The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate Town department or review authority as part of the development review processes.
ARBOR	means a structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
ARCADE	means a series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.
ARCH OR ARCHWAY	means a curved, semicircular opening in a wall.
ARTERIAL STREET	means a street designated as an arterial street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
ARTICULATION	means the presence or projections, recesses, or other architectural features along a building façade.
ASPHALT OR CONCRETE PLANT	An industrial establishment engaged in the production of asphalt, macadam, blacktop, concrete, or mortar for use in the construction and repair of buildings, roadways, and vehicular use areas. The use involves the stockpiling of sand, binder and filler, as well as a heater to mix the ingredients, and trucks to deliver products to the site of installation.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
ASSISTED LIVING FACILITY	A residential facility with support and supervisory personnel for the elderly or infirm that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational and social activities, financial services, transportation, laundry, and other services appropriate for the residents and designed to provide a relatively independent lifestyle.
AUTHORIZED AGENT	A person with express written consent to act upon another's behalf.
AUTOMATED TELLER MACHINE	An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it. Such uses may not serve as the principal use of a parcel of land or site.
AUTOMOTIVE SALES OR RENTALS	Premises on which new or used passenger automobiles, trailers, recreational vehicles, or light trucks in operating condition are displayed for sale, lease, or rental.
AUTOMOTIVE PARTS AND ACCESSORY SALES	The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to bed liners, toolboxes, truck tops, or audio systems. Such uses do not include the sale of gasoline or other fuels.
AUTOMOTIVE PAINTING/BODY SHOP	Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.
AUTOMOBILE REPAIR AND SERVICING (WITHOUT PAINTING/BODYWORK)	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service.
AUTOMOTIVE TOWING AND STORAGE LOT	An establishment operated for the purpose of temporary storage on-site of operable or inoperable vehicles. If an establishment , stacks vehicles or portions of stored vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.
AWNING	means a plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window.
B	
BALCONY	means a platform on the outside of a building that is accessible from an upper-story door or window and bounded by a building wall on at least one side, with its open sides surrounded by a railing.
BAR, COCKTAIL LOUNGE, OR PRIVATE CLUB	An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with State law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.
BASEMENT	means any area of a building having its floor subgrade (below ground level) on all sides.

BAY WINDOW	means a window, typically with two or more sides that is built to project outward from an outside wall.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
BED AND BREAKFAST	A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast for guests only.
BELTCOURSE OR BELT COURSE	Means a horizontal band forming part of an interior or exterior architectural composition (as around pillars or engaged columns). Belt courses are often made of brick or stone.
BERM	means an elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.
BICYCLE PARKING SPACE	means land and facilities used for the parking of bicycles, including a mechanism for securing a parked bicycle.
BLOCK	The land lying within an area bounded on all sides by streets.
BLOCK FACE	The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.
BOARD OF ADJUSTMENT	means the quasi-judicial body composed of appointed representatives from the Town which are given certain powers under and relative to ordinances of the Town. Also known as the Zoning Board of Adjustment.
BONA FIDE FARM	Any tract or tracts of land used for farm purposes as defined in §160D-930 of the North Carolina General Statutes, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in §106-581.1 of the North Carolina General Statutes. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under §106-743.2 of the North Carolina General Statutes is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes: 1. A farm sales tax exemption certificate issued by the Department of Revenue; 2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to §105-277.3 of the North Carolina General Statutes; 3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; and 4. A forest management plan.
BOTTLE SHOP	A commercial establishment engaged in the retail sale of beer, wine, or liquor in sealed containers offered for sale to an individual solely as a sealed container such as a bottle or can. Beverages may be sold for off-site or on-site consumption only in accordance with all applicable State laws and permits. Incidental sale of food or associated merchandise may also take place.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
BROADCASTING TOWER, RADIO OR TELEVISION	A tower or similar structure devoted to the transmission of television or radio signals. Such uses may also include buildings, studios, and related appurtenances.
BUFFER	An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use.
BUFFER, STREETSCAPE	See "Streetscape Buffer."
BUFFER, PERIMETER	means vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance, including the Type A Separation, Type B Intermittent, Type C Semi-Opaque, and Type D, Opaque.
BUILDABLE LOT	means a lot of record created under the requirements of this Ordinance, or under the standards of previous requirements, containing sufficient area, exclusive of easements, flood hazards, water bodies, well and wastewater disposal tank fields; sufficient total dimensions; sufficient means wastewater disposal system; and sufficient access to permit construction thereon of a principal building together with its required parking and buffer yards.
BUILDING	Any structure used or intended for supporting or sheltering any use or occupancy. This term does not include camping trailers, motorized homes, pickup campers, travel trailers or self-contained travel trailers.
BUILDING AXIS	means an imaginary line between two points on a building that describes or explains how the building is organized. For example, the ridgeline of a roof gable depicts a building's axis.
BUILDING FAÇADE	means the entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Façades may be on the front, side, or rear elevation of the building.
BUILDING FOOTPRINT	means the area occupied by the perimeter of a principal building. Accessory structures and non-building facilities are not included in the building footprint.
BUILDING PROJECTION	means an extension of a building wall or building façade projecting outwards from the primary building façade plane typically used to provide visual interest, contain an entrance, or conceal or screen a service element of site feature like a refuse collection container.
BUILDING RECESS	means an inset or indentation of a building wall or building façade from the primary building façade plane typically used to accommodate windows, walk-up service features, doorways, or pass-throughs.
BUILDING WALL PROJECTION	means an extension of a building wall or building façade projecting outwards from the primary building façade plane typically used to conceal or screen a service element of site feature like a refuse collection container.

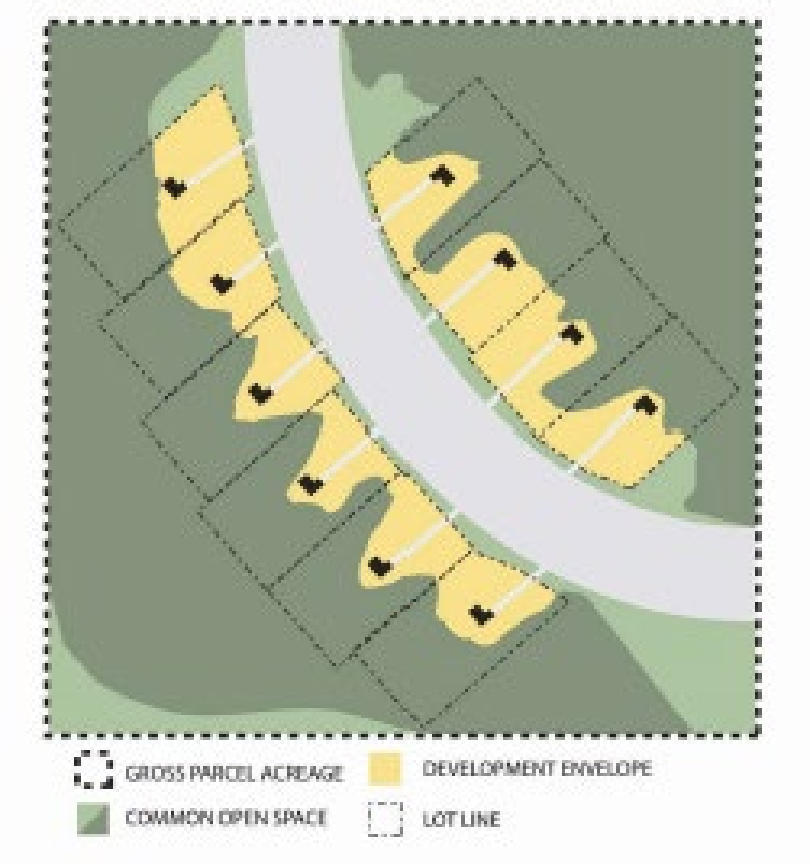
TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
BUILDING WING	means a portion of a building that is subordinate to the main or central part of the structure. Building wings may share a wall with the main or central part of the building or be joined to it by another ancillary structure like a hallway or a colonnade.
BUILDING, ACCESSORY	See "Accessory Building."
BUILDING, PRINCIPAL	means a building or, a group of buildings, in which the principal use of the lot is conducted.
BULKY ITEMS SALES	A retail establishment engaged in the retail sale of large or bulky items that are not commonly constructed or maintained indoors, such as truck camper tops, bed liners, prefabricated outdoor buildings, manufactured homes, modular homes, play equipment, portable storage containers, or hot tubs. Such uses may include on-site assembly or fabrication of such items for sale.
BUMP OUT	See "Building Projection."
BUSINESS INCUBATOR	A commercial establishment that provides support and encouragement to new business startups and ventures in the form of affordable floor area to rent, shared office space, shared marketing resources, and may also provide management training services and access to financing. Business incubators contain a wide array of use types, including retail, office, personal service, and light manufacturing uses.
C	
CALIPER	means measurement for determining the size of trees at time of planting. Caliper is the quantity in inches of the diameter of trees measured at six inches or 12 inches above the ground, based on the size of the tree being measured.
CAMPER	A portable dwelling (as a special equipped trailer or automobile vehicle) for use during travel and camping.
CANOPY	means a permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature. A canopy is not a completely enclosed structure.
CANOPY TREE	means a species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
CAR WASH OR AUTO DETAILING	An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Incidental sales of automobile-related accessories may take place.
CASUALTY DAMAGE	The damage to or loss of a nonconforming structure or use that is sudden, unexpected, and unusual. Typically associated with fire, severe weather, or Act of God.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
CATERING ESTABLISHMENT	A commercial establishment that prepares, delivers, and may or may not serve food and/or beverages to clients in a pre-arranged on-site or off-site location at a pre-arranged time. Catering operations associated with a restaurant are considered eating establishments, and catering associated with a hotel, motel, or conference venue is considered an accessory use.
CEMETERY, COLUMBARIUM, MAUSOLEUM	Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.
CENTRAL LEADER	means the dominant upright branch (or trunk) of a tree.
CERTIFICATE OF OCCUPANCY	means a document issued by the Stanly County Building Inspector certifying compliance with all applicable State and local construction codes, including all terms of an approved zoning compliance permit or special use permit, and authorizing occupancy of a building or structure.
CERTIORARI	A situation where an appellant may file an appeal of a decision directly to a higher court of law.
CHANGE OF USE	means the change in the use of a building, structure, or land. "Change of use" includes a change from one use type to another use type.
CHANGEABLE COPY	Text or other depictions on the face of a sign that are capable of being revised on a regular or infrequent basis.
CHILD CARE, INCIDENTAL	A program or arrangement, licensed by the State and located in the provider's residence where, at any one time, three or more children under the age of 13, receive child care on a regular basis of at least once per week for at least four (but less than 24) hours per day from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. This definition does not include child day care centers, cooperative arrangements among parents, or other activities not defined as child care by §110-86 of the North Carolina General Statutes. Provision of day care services for more than six children in a residential dwelling is subject to the standards for a child care facility.
CHILD DAY CARE FACILITY	means any establishment that provides regular care, activity, and supervision, with or without academic instruction, for five or more children under the age of 16 years and operates more than four hours per day but not more than 18 hours per day. A commercial or nonprofit child care center establishment is not operated as a small or large day care home. The term "child care center" includes infant centers, preschools, and extended day care facilities. These may be operated in conjunction with a business, school, or religious facility, or as an independent land use. A child care center must meet applicable requirements of the State Building Code and must have a fence of at least four feet in height surrounding any play area provided for the children. The operation of the center shall comply with all federal, State and local codes.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
CHURCH	A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Also includes temples and mosques.
CIVIC, FRATERNAL, & SOCAL ORGANIZATIONS	A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
CLINIC	means an establishment used for the care, diagnosis, therapy, or counseling of sick, ailing, infirmed, or injured persons or nonmedical therapy and counseling on an out-patient basis.
CLUSTER DEVELOPMENT	means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. The term "cluster development" includes nonresidential development as well as single-family residential and multifamily developments.
CLUSTER MAILBOX UNIT	means a centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.
COFFEE SHOP/BAKERY	A commercial establishment engaged in the retail sale of coffee, tea, breads, and confectionaries for on-site and off-site consumption. Such uses may also offer a limited range of food available for on-site or off-site consumption as well as merchandise associated with home consumption. A coffee shop or bakery may also include, as an accessory use, equipment and facilities to prepare coffee beans or baking raw materials for consumption. Uses engaged solely in material processing for off-site consumption are manufacturing uses. Uses that derive the majority of their income from sales of food are restaurant uses.
COLLECTOR STREET	means a street designated as a collector street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
COLLEGE OR UNIVERSITY	A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.
COLLOCATION	The placement, installation, modification, operation or replacement of antenna and related wireless telecommunications equipment on, under, or within an existing or replacement telecommunications tower, utility pole, building, or other vertical projection.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
COLLOCATION, MAJOR	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a building's roof, on a building's wall, on a vertical projection not constructed for the provision of wireless telecommunications services, or on a telecommunications tower where the collocation requires "substantial modifications" to the telecommunications tower, as defined in this Ordinance and §160D-931 of the North Carolina General Statutes.
COLLOCATION, MINOR	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a telecommunications tower that does not require "substantial modifications" and that meets the definition of an "eligible facility request" as defined in this Ordinance and §160D-931 of the North Carolina General Statutes.
COLUMN	means an upright pillar, typically cylindrical and made of stone or concrete, supporting an entablature, arch, or other structure or standing alone as a monument.
COMMON LAW VESTED RIGHT	Legal doctrine that recognizes where property owners have reasonably made a substantial expenditure of money, time, labor or energy in a good faith reliance on a permit from the government, that they acquire "vested rights" or a protected right to complete the development of their land as originally begun despite any changes in the zoning on the property.
COMMON OPEN SPACE	Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the subdivision. Common open space shall not be a part of individual residential lots. I shall be substantially free or structures but may contain historic structures and archaeological sites, and/or recreational facilities for residents or drainage fields as indicated on the approved development plan
COMMUNITY CENTER	A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.
COMMUNITY CHARACTER	means the sum or combined effect of the attributes and assets that make the Town unique and that establish the Town's "sense of place." Attributes include the resident population, local institutions, visual characteristics, natural features, and shared history.
COMPREHENSIVE PLAN	means the Comprehensive Plan for the Town of Red Cross, as adopted and amended by the Red Cross Board of Commissioners. A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. A land-use plan uses text and maps to designate the future use or reuse of land. A comprehensive or land-use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs. See. §160D-501 of the North Carolina General Statutes and section 3304 for the complete statutory definition.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
COMPUTER RELATED SERVICE	A commercial establishment engaged in diagnosis and repair of personal computers and associated peripherals, including printers, network equipment, monitors, and related equipment. Such uses may also procure replacement parts and construct computer components or systems for clients. Limited sale of new or reconstructed computers and computer equipment is an accessory use. Manufacture or assembly of computer systems on an industrial scale or for resale to members of the general public is a light manufacturing use.
CONCEPT PLAN	A plan for development intended solely for illustrative purposes to assist a review authority in its consideration of a proposed development. A concept plan may, but does not necessarily need to include, the detailed elements typically found in a site plan (for example, detailed locations of buildings, location of off-street parking, location of landscaping, etc.).
CONDITION OF APPROVAL	A limitation or stipulation on the range of allowable uses, density, intensity, configuration, or operational parameters of new development or redevelopment. A condition may be proposed by an applicant, a staff member, or a review authority that must be accepted by an applicant and the Town to become binding.
CONDOMINIUM	A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes § Ch. 47A) and/or the North Carolina Condominium Act (§Ch. 47C of the North Carolina General Statutes).
CONE OF ILLUMINATION	The detectable spread of illumination from a source of exterior lighting.
CONSERVATION EASEMENT	The grant of a property right or interest from the property owner to the Town or a nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future development

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
CONSERVATION SUBDIVISION	**A residential development in a rural setting that is characterized by compact lots and common open space; where the natural features of the land are preserved to the greatest extent possible. Illustrated in the Figure above.** 
CONSTRUCTION	The erection of any building, structure, on-site improvement, or any preparations (including land disturbing activities) for the same, regardless whether the site is presently improved, unimproved or hereafter becomes unimproved by "demolition," destruction of the improvements located thereon by fire, windstorm or other casualty.
CONSTRUCTION PLAT	means a plan with supporting data for a proposed subdivision, developed for the purpose of establishing the layout and provision of roads and utilities.
CONTAINERIZED STOCK	means trees or other vegetation delivered for planting or establishment in individual or group containers.
CONTINUANCE	The adjournment or postponement of review or a decision on an application for development approval to a specified future date.

CONTRACT PURCHASER	A person who has entered into a contract with another party to purchase real property, but who has not yet settled on the purchase.
CONTRACTOR SERVICES/YARD	Offices for building, plumbing, or electrical contractors, and related storage facilities.

TABLE OF DEFINED TERMS

TERM	DEFINITION(S)
CONVENIENCE STORE	A retail establishment which offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Gasoline and/or fast food may also be offered for sale but only as a secondary activity of a convenience store and subject to the standards of this Ordinance. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.
CONVENTIONAL ZONING DISTRICT	A designation or classification applied to certain lots or tracts as shown on the Official Zoning Map. Conventional zoning districts specify the broad range of allowable land use types permitted on lots or tracts within the particular district. The conventional zoning district standards also specify the applicable dimensional requirements for lots and buildings as well as any unique provisions that apply solely to lands in the particular district.
COPING	means a finishing or protective course of masonry or cap of metal located at the top of a brick, stone, or masonry wall.
CORNICE	means any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.
COUNTY	means Stanly County, North Carolina.
COVENANT	A binding written agreement between two or more private parties regarding the use, occupancy, or configuration of development that runs with the land.
CO-WORKING SPACE	A land use that serves as a shared workspace for employees of different organizations. Co-working spaces consist of private, self-contained offices as well as shared or common office workspaces available for rent by more than one individual. Co-working spaces may include shared administrative staff, document production, presentation equipment, storage, kitchens, or private meeting rooms.
CULTURAL FACILITY, LIBRARY, OR MUSEUM	A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food to the public.
CURB	means a constructed element used to stabilize paving, gutter, planting areas, or sidewalks.
D	

DAY CARE, ADULT	A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of residence, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
DAY CARE, CHILD	A commercial or non-profit use licensed by the State where, at any one time, three or more unrelated children under the age of 13 receive child care from an unrelated person in a building other than a private residence on a regular basis of at least one occurrence per week for more than four hours per occurrence. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental child care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).
DECK	A structure, without a roof, directly adjacent to a principal building which has an average elevation above finished grade.
DECORATIVE GLASS	means glass located on an exterior wall of a building that may be transparent, semi-transparent, or opaque.
DEDICATION	The act of giving, donating, or dedicating land or infrastructure improvements to a unit of government for their operation and maintenance.
DENSITY	means the average number of families, persons, or housing units per acre of land.
DESIGNEE	A person selected or designated to carry out a duty or role.
DETERMINATION	means a written, final and binding order, requirement or determination regarding as administrative decision.
DEVELOPING LAND	means a parcel/lot on which surveying for development is currently taking place or for which an application is currently being reviewed for development by the Town Planner or for which development activities have been approved.
DEVELOPER	means a person, including a government agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.
DEVELOPMENT	Development means any of the following: [1] The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; [2] Excavation, grading, filling, clearing, or alteration of land; [3] The subdivision of land, as defined in §160D-802 of the North Carolina General Statutes; or [4] The initiation or substantial change in the use of land or the intensity of the use of land.
DEVELOPMENT ENTRY POINT	A vehicular access point providing ingress or egress to an individual neighborhood or development.
DEVELOPMENT ENVELOPE	Areas in a conservation subdivision within which grading. Lawns, pavement and buildings are located.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
DIAMETER AT BREAST HEIGHT (DBH)	Measurement for determining the size of existing trees to be credited towards landscaping requirements or for violations of this Ordinance. DBH is the measurement of the diameter of an existing tree trunk taken at a height of 4 ½ feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.
DORMER WINDOW	means a window that projects vertically from a sloping roof.
DORMITORY	A principal use consisting or of one or more rooms devoted that provide housing with a number of beds that serve as communal sleeping quarters. Such uses may also provide common bathrooms, recreation areas, and storage, but not kitchen facilities.
DOT OR NCDOT	means the state department of transportation.
DOWN ZONING	means a zoning ordinance that affects an area of land in one of the following ways: By decreasing the development density of the land to be less dense than was allowed under its previous usage. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
DRAINAGEWAY	means any stream, watercourse, channel, ditch or similar physiographic feature draining water from the land.
DRIVE AISLE	means a vehicular accessway within a surface parking lot or a parking structure.
DRIVE THROUGH	A facility designed to enable a person to transact business while remaining in a motor vehicle.
DRIVE-IN RESTAURANT	means an establishment that provides employee curb service or accommodations through special equipment or facilities for the ordering of food or beverage from a vehicle.
DRIVEWAY	means a vehicular way, other than a street or alley, which provides vehicular access from a street. When provided as part of a parking lot, the portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation
DRIVEWAY MEDIAN	means a constructed device, whether raised or lowered from grade level, located within a driveway or drive aisle that is used to control traffic direction or limit turning movements.
DWELLING	means any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be used for living and/or sleeping by one or more human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
DWELLING UNIT	means a group of rooms within a dwelling forming a single independent habitable unit used for or intended to be used for living, sleeping, sanitation, cooking and eating purposes by one family or small group of unrelated persons only.
DWELLING, MANUFACTURED	See “Manufactured Dwelling.”

DWELLING, MODULAR HOME	means a manufactured building designed to be used as a one-family dwelling which has been constructed and labeled indicating compliance with the state residential building code.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
DWELLING, MULTIFAMILY	See Multi-Family Dwelling."
DWELLING, SINGLE-FAMILY	See "Single-Family Detached Dwelling."
DWELLING, TOWNHOUSE	See "Townhouse."
DUPLEX DWELLING	A single detached dwelling on one lot that contains two dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.
E	
EASEMENT	means the right to use or occupy the real property of another owner for a specifically identified purpose. An easement is a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.
EAVE	means the projecting lower edges of a roof that overhangs the wall of a building.
ELECTRIC VEHICLE CHARGING STATION	An off-street parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle.
ELECTRICAL OR PLUMBING FABRICATION	An industrial establishment operated by a contractor, supplier, or distributor engaged in the fabrication and assembly of plumbing fixtures, electrical fixtures, HVAC ducting and equipment, fireplaces, or similar household or commercial features for off-site installation.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
ELECTRONIC GAMING OPERATION	means a location where a mechanically, electrically or electronically operated gaming machine or device, which is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, which is intended to be used by a sweepstakes entrant, which uses energy, and that is capable of displaying information on a screen or other mechanism. The term "electronic gaming operations" is applicable to an electronic gaming machine or device whether or not: (1) It is server-based. (2) It uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries. (3) It utilizes software such that the simulated game influences or determines the winning or value of the prize. (4) It selects prizes from a predetermined finite pool of entries. (5) It utilizes a mechanism that reveals the content of a predetermined sweepstakes entry. (6) It predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed. (7) It utilizes software to create a game result. (8) It requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device. (9) It requires direct payment into the electronic machine or device, or remote activation of the electronic machine or device. (10) It requires purchase of a related product. (11) The related product, if any, has legitimate value. (12) It reveals the prize incrementally, even though it may not influence if a prize is awarded, or the value of any prize awarded. (13) It determines and associates the prize with an entry or entries at the time the sweepstakes is entered. (14) It is a slot machine or other form of electrical, mechanical, or computer game.
ELECTRONIC MESSAGE BOARD	See Sign, Electronic Message Board.
ELEMENTARY OR SECONDARY SCHOOL	A public or private school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
ELIGIBLE FACILITY REQUEST	An application for the installation of new or replacement antennas and related wireless telecommunications equipment on an existing telecommunications tower. An eligible facilities request may include increasing the height and/or replacement of an existing telecommunications tower but shall not include any activities that constitute a "substantial modification" as defined in this Ordinance and §160D-931 of the North Carolina General Statutes. Eligible facility requests are reviewed and decided in accordance with the procedures for a minor collocation.
ENCROACHMENT	The location of a building, structure, or portion of a building or structure in an open space, setback, yard, or other area typically required to remain free of buildings or structures. In flood prone areas, an encroachment is the advance or infringement of uses, fill excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
ENTRANCE, PRIMARY	See "primary entrance."
EQUIPMENT CABINET	A non-habitable structure, such as a box, enclosure, vault, shelter, or pedestal, typically located above ground, which contains radios, computers, or other equipment necessary for the transmission or reception of wireless telecommunication signals.
EQUIPMENT COMPOUND	An area containing wireless telecommunications equipment serving antennas on a nearby telecommunications tower, utility pole, building, or other vertical projection. An equipment compound is commonly fenced or surrounding by walls that limit access to members of the general public. Nothing shall limit an equipment compound from being located within a building, on the roof of a building, or underground.
EROSION AND SEDIMENTATION CONTROL PLAN	Any plan submitted to the Division of Energy, Mineral and Land Resources or a delegated authority (such as the Town) in accordance with § 13A-57 of the North Carolina General Statutes.
ESTABLISHED GRADE	The ground elevation at a specific point on a site after completion of development activity or prior to development activity on a vacant site.
EVENT VENUE	A commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions. Typical accessory uses include kitchens or meal preparation space, limited overnight accommodations, photography studios, facilities to accommodate live or recorded music, on- and off-site parking, and outdoor recreation facilities.
EVERGREEN TREE	See "tree, evergreen."
EVIDENTIARY HEARING	Means a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by this UDO.

EXEMPTION	A use, site feature, or development condition that is exempted authorized to deviate from otherwise applicable requirements.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
EXISTING LOT (LOT OF RECORD)	A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Stanly County Register of Deeds prior to the adoption of the Town's Subdivision Ordinance (Nov. 1, 1995), or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the Subdivision Ordinance.
EXISTING TREE(S)	means trees or other woody vegetation that exist and are retained on a development site.
EXPANSION	means an increase in the floor area of an existing structure or building, or the increase of area of a use.
EX-PARTE COMMUNICATION	Any communication between a member of a decision-making body and another person involved in a development application that is made without the presence or knowledge of the other members of the same decision-making body.
EXTRACTIVE INDUSTRY	A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, hydraulic fracturing, and similar activities. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.
EXTERIOR ARCHITECTURAL FEATURES	Includes the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size and location of all such signs. Such "exterior features" shall include historic signs, color and significant landscape, archaeological and natural features of the area.
EXTERIOR LIGHTING	Illumination of a building, parking lot, or site feature.
F	
FABRICATION	means the processing and/or assemblage of various components into a complete or partially completed commodity, fabrication related to stamping, cutting, or otherwise shaping the processed materials into useful objects, and the refining aspects of manufacturing and other initial processing of basic raw materials such as metal, ore, lumber, and rubber, etc., are also included.
FAÇADE	See "building façade."
FAÇADE WALL	means the entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Façades may be on the front, side, or rear elevation of the building.
FAÇADE, FRONT	means the exterior façade of a building where the primary or front entrance is located. Typically, the front façade faces the street from which the building derives its street address.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
FAÇADE, REAR	means the exterior façade of a building that is opposite the front façade.
FAÇADE, SIDE	means the exterior façade of a building perpendicular to the front façade.
FALSE (OR OPAQUE) WINDOWS	means an exterior building material provided to replace or approximate a window.
FALSE WINDOW OR DISPLAY CASEMENT	means an exterior building material provided to replace or approximate a window, or a glass-fronted niche within a building wall used to display products available for sale.
FAMILY	One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit. The number of persons, but not exceeding a total of three unrelated persons, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage, shall be deemed to constitute a family.
FAMILY CARE HOME	A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. A disabled person is a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in §122C-3(11)b of the North Carolina General Statutes.
FAMILY EXCEPTION/EXEMPTION	Family exception regulations allow family members to subdivide property without having to comply with the approval process for major subdivisions (See § 3310). Approval is provided by the Town Planner at a fee as stated in the fee schedule. Linear family members consist of parents, their children, their grandchildren, their brothers and sisters. The term “family exception/exemption” does not include aunts, uncles, and cousins. The subdivision must meet the current subdivision and zoning regulations, with the exception of the road standards
FAMILY HEALTH CARE STRUCTURE	A transportable residential structure that is primarily assembled at a location other than its site of installation and provides an environment facilitating a caregiver's provision of care for a mentally or physically impaired person.
FARMERS MARKET	A principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products.
FASCIA	means a fascia is a board or other exterior material provided at the edge of a building where the roof meets the exterior wall. When gutters are provided, they are typically mounted to the fascia.

FENCE OR WALL	means a physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection, retention, or confinement, but not including a hedge or vegetation.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
FENESTRATION	means the arrangement of windows and doors on a building's façade.
FINANCIAL GUARANTEE	See "Performance Guarantee."
FINANCIAL SERVICE	An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial services may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Financial services may include drive-through facilities.
FINISHED SIDE OF FENCE	The side of a fence configured for the best possible appearance that does not include structural supports or exterior materials with imperfections.
FIRE LANE	means a lane or designated area in a parking lot or on a street that is reserved for firefighting equipment or staging of people during a fire and is not intended for the parking of vehicles or storage.
FLAG	means the colors and/or emblem of a government body, association, group, business, or corporation. A string of flags is a streamer and is not included in this definition.
FLAG LOT	An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.
FLAGPOLE	means a freestanding structure or structure attached to the wall or roof of a building that is used to display flags.
FLEX SPACE	Buildings designed to accommodate a combination of offices (e.g., service establishments and contractor's offices), wholesale establishments, warehousing/distribution, industrial services, and light manufacturing, with the exact proportions of each use being subject to user needs over time. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses—e.g., parking, and are included in the total gross floor area if located on the same lot.
FLOOD AND FLOODING	mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any sources.
FLOOD HAZARD BOUNDARY MAP	means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk management zones applicable to the Town.
FLOOR	means the top surface of an enclosed area in a building, including basement, such as, top of slab in concrete slab construction or top of wood flooring in frame construction.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
FOOD PRODUCTION	An industrial establishment engaged in the production and processing of bulk and packaged foods for off-site consumption. Such uses may also include facilities for storage and transport, but shall not include retail sales directly to members of the public.
FOOD TRUCK	A motorized vehicle that is designed to be readily moved and operated for the purpose of preparing and or selling food and or non-alcoholic beverages to the general public on a recurring basis.
FOOTCANDLE	A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot.
FOOTPRINT	See "building footprint."
FOREST	As used in conservation subdivisions, stands of trees greater than 8 inches DBH covering at least 2,500 feet of a proposed subdivision.
FORESTED LAND	means land consisting of 20 acres or more of wooded land that are in actual production and have a forestry plan.
FORESTRY ACTIVITY	An activity related to plating, maintaining, or removing trees as part of a forestry management plan or bona fide farming activity.
FREESTANDING SIGN	means a sign that is permanently embedded and/or anchored in the ground, in concrete, or similar. This includes a sign that has a decorative foundation or base, such as brick and/or stone. A freestanding sign is also known as a pylon sign.
FRONT FAÇADE	See "façade, front."
FUEL OIL/BOTTLED GAS DISTRIBUTOR	An establishment that stores and distributes fuel oil or bottled gases such as propane, oxygen, or liquid petroleum in bulk quantities for wholesale sale or distribution to retail outlets or end consumers at the point of use. A use engaged in sale of automobile fuel is a retail use.
FULL SERVICE ACCESS OR NO CONTROL OF ACCESS	means connections between streets or streets and driveways where no physical or other restrictions to movement exist. For example, a connection from a residential subdivision
FUNERAL-RELATED SERVICE	A commercial establishment engaged in the provision of services related to funeral services for humans or pets. Such uses may provide embalming, cremation, and memorial services. Chapels and storage areas are accessory uses. Uses for the internment of human or animal remains are park and open space uses.
G	
G.S.	means General Statutes of the State of North Carolina.
GABLE	means a triangular area of an exterior wall formed by two sloping roofs.
GALLERY	means a balcony or platform on an upper floor that projects from the primary wall plane of the building that is open underneath.

GAME ROOM	Means a principal use providing gaming machines, such air hockey, football, pinball; pool tables or billiards. Electronic gaming operations are not permitted in game rooms.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
GAMING MACHINE OR DEVICE	means one that is adapted, or may be readily converted into one that is adapted, for use in such a way that, as a result of the payment of any piece of money or coin or token or any credit card, debit card, prepaid card, or any other method that requires payment to activate play, whether directly into the slot machine or device or resulting in remote activation, such machine or device is caused to operate or may be operated in such manner that the user may receive or become entitled to receive any piece of money, credit, allowance or thing of value, or any check, slug, token or memorandum, whether of value or otherwise, or which may be exchanged for any money, credit, allowance or anything of value, or which may be given in trade, or the user may secure additional chances or rights to use such machine, apparatus or device; or any other machine or device designed and manufactured primarily for use in connection with gambling and which machine or device is classified by the United States as requiring a federal gaming device tax stamp under applicable provisions of the Internal Revenue Code.
GATHERING SPACE OR AREA	means a formal or informal area intended for or used by the general public to gather or congregate together for interaction or recreation.
GUARD HOUSE, SHELTER, OR GATEHOUSE	An accessory building, whether habitable or not, positioned at the entrance of a development to demarcate the boundary of the development. Such structures may include facilities for seating, guards, bus stops, or similar features. Vehicular gates are not included as part of a guard house, shelter, or gatehouse.
GENERAL INDUSTRIAL SERVICES	Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products, including machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; laundry, dry-cleaning, and carpet cleaning plants; film processing; and general industrial service uses. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Few customers, especially the general public, come to the site.
GENERAL STATUTES	A statute is a written law passed the General Assembly that sets forth general propositions of law that courts apply to specific situations.
GLARE	The effect produced within the visual field by a high intensity or insufficiently shielded light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance or visibility of objects.
GLAZING	means the portion of an exterior building surface occupied by glass or windows.
GOLF COURSE, PUBLIC	A tract of land under public ownership or operation laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
GOOD CAUSE	Legally adequate or substantial grounds or reason to take a certain action based upon the circumstances of each individual case.
GOOD FAITH	Sincere conduct free from malice or a desire to defraud others.
GOVERNMENTAL USE	An office or other facility of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services. Such uses may also house maintenance and repair centers, equipment, and outdoor storage yards.
GRAVEYARD	See "Cemetery, Columbarium, or Mausoleum."
GREENWAY	means public open space under the control and maintenance of the Town or other legal entity which has been designated on an officially adopted greenway or open space plan and developed in accordance with the adopted greenway or open space plan.
GROSS ACREAGE	As used in conservation subdivisions, the total area of the parcel prior to the creation of a conservation subdivision.
GROSS FLOOR AREA	means the sum of the gross horizontal areas of each floor of the principal building, and any accessory building or structures measured from outside of the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawlspace.
GROUND COVER	means low growing plants such as grasses, ivy, creeping bushes and similar decorative plantings as well as mulch, pine straw, or other similar materials used to cover the ground within required landscaping areas.
GROUND-BASED MECHANICAL EQUIPMENT	means utility or other equipment of a mechanical nature that is mounted on or below grade on the site it serves.
GROUP HOME	See Family Care Home and § 160D-907 of the North Carolina General Statutes.
H	
HABITABLE SPACE	A space in a building for living, sleeping, eating, or cooking, or used as a home occupation.
HAIR, NAILS, AND SKIN-RELATED SERVICES	A commercial establishment engaged in the provision of services pertaining to hair care, hair styling, hair removal, nail care, makeup, facial treatments, tanning, massage therapy, and similar cosmetic treatments. Such uses may or may not include other spa or salon facilities such as showers, baths, and the incidental sales of food for on-site consumption and personal skin or hair care products.
HARDSHIP	Special or specified circumstances that place an unreasonable or disproportionate burden on one applicant or landowner over another.
HAZARDOUS MATERIALS	means those materials that are listed in the most current consolidated list of chemicals covered by the Superfund Amendments and Reauthorization Act of 1986, title III.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
HEALTH CARE USE	A small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists on a short-term basis. Patients may or may not receive care or lodging overnight, but the facility is not intended for long-term overnight care. Such facilities may include sleeping rooms for care workers and members of patient's families.
HEAVY EQUIPMENT SALES, RENTAL, AND REPAIR	Premises on which new or used heavy equipment (tractors, loaders, excavators, backhoes, cranes, lifts, rollers and similar devices) are displayed for sale, lease, or rental. On-site repair and service to heavy equipment is also provided.
HEIGHT (OF A STRUCTURE OR PART OF A STRUCTURE)	means the vertical distance from the mean natural grade at the foundation to the highest portion of the structure, or part of a structure.
HIGH INTENSITY LED	One or more light emitting diodes that are optimized for providing an extra-bright, highly visible light.
HOME OCCUPATION	Any activity carried out for gain by a resident and conducted within the resident's dwelling unit or an allowable accessory structure.
HOME OFFICE	The use of a portion of a principal residence for conducting office or commercial-related activity.
HOMEOWNERS' ASSOCIATION	An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners' association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements such as recreation areas.
HORIZONTAL FAÇADE MODULATION	means projections, recesses, ribs, fins, or building wings distributed evenly across the façade of a building.
HOTEL OR MOTEL	A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Hotels or motels may include an associated eating establishment, conference facilities, and on-site recreational amenities. Hotels or motels regularly offering extended duration stay facilities to patrons are extended stay facilities. Hotel, motel, resorts, lodges, and similar overnight lodging uses are to be considered synonymous uses.
HVAC CONTRACTOR	Offices for heating and cooling contractors, and related storage facilities. Such uses may include facilities for the fabrication of metal parts, but creation of metal is a heavy industrial use.
I	
ILLUMINATED SIGN	means a sign with an artificial light source for the purpose of illuminating the sign. An externally illuminated sign is illuminated by an external source that reflects light off the surface of a sign face. An internally illuminated sign has internal light source that emits light through the sign face, i.e., LED, fluorescent, etc.
IMPERVIOUS SURFACE	means any material that reduces and prevents absorption of stormwater runoff into previously undeveloped land.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
INDOOR COMMERCIAL RECREATION	A commercial establishment located entirely indoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as billiards, bingo, bowling, video games, escape rooms, fortune tellers, skating rinks, laser tag, trampolines, and climbing walls.
INERT DEBRIS	means solid waste consisting solely of material that is virtually inert, that is likely to retain its physical and chemical structure under expected conditions of disposal, and that will not pose a threat to groundwater standards. Inert debris includes material such as concrete, brick, concrete block, uncontaminated soil, rock and gravel.
INTERMITTENT STREAM	A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the perched of seasonal high-water table. The flow may be supplemented by stormwater runoff.
INTERNALLY ILLUMINATED	An awning, sign, or canopy with an internal source of illumination.
ITINERANT MERCHANT SALES	An individual or business offering goods or services for sale at retail to members of the general public either in their homes, their place of business, or from a vehicle on a lot with an established use or a vacant lot.
J	
JUNK	means debris or refuse such as metals, plastics, appliances, paper, trash, tires, and other waste; pre-used or unusable; that are worn, deteriorated, or obsolete making them unusable in their existing condition, to include junked, dismantled or wrecked automobiles, machinery, or parts thereof.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
JUNKED, ABANDONED AND NUISANCE MOTOR VEHICLES	The term "junked motor vehicle" means an abandoned motor vehicle that also: (1) Is partially dismantled or wrecked; (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; (3) Is more than five years old and worth less than $500.00 as provided by the municipality in an ordinance adopted under this section; or Junked motor vehicle means as defined in §160A-303(b2) of the North Carolina General Statutes. Abandoned vehicle, motor vehicle or vehicles means as defined in §160A-303(b1) of the North Carolina General Statutes. An abandoned motor vehicle is one that: (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; (2) Is left on property owned or operated by the Town for longer than 24 hours; (3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or (4) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public. Nuisance vehicle means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be: (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height; (3) A point of collection of pools or ponds of water; (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; (6) So situated or located that there is a danger of it falling or turning over; (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; (8) One which has sharp parts which are jagged or contain sharp edges of metal or glass; or (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.
JUNKYARD	See "Salvage or Junkyard."
JUST CAUSE	Legitimate cause; legal or lawful ground for action.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
L	
LAND CLEARING DEBRIS	means solid waste generated solely from land clearing activities such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.
LANDSCAPE FABRIC	means a geotextile material used to control weeds by inhibiting their exposure to sunlight.
LANDSCAPE ISLAND	means the portion of a parking lot intended for landscaping material and pervious surfaces.
LANDSCAPE STRIP	means linear landscape islands located between two parallel rows of off-street parking spaces.
LANDSCAPING	means the improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and objects designed and arranged to produce an aesthetically pleasing effect.
LED LIGHTING	means a strip or connected string of semiconductor diodes that emit visible light when electric voltage is applied.
LEGISLATIVE DECISION	means the adoption, amendment, or repeal of a regulation under this UDO. As used in § 3307 Development agreement, a decision to approve, amend, or rescind a development agreement.
LEGISLATIVE HEARING	means a hearing to solicit public comment on a proposed legislative decision.
LIGHT TRESPASS	Unwanted light that shines from one lot to another.
LIGHTING PLAN	A graphic deposition of proposed exterior lighting fixture locations, height, anticipated luminance, and cones of illumination.
LOADING SPACE (FACILITY)	means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
LOCAL STREET	means a street designated as a local street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
LOT	A parcel of land not divided by streets that is or will be occupied by a building and its accessory building(s) or an open air use of land, together with all required yard and other required open spaces, with all forms of required access and necessary utilities.
LOT LINE	means a line that marks the boundary of a lot.
LOT LINE, INTERIOR	means any lot line that is not a street lot line; a lot line separating a lot from another lot.
LOT LINE, STREET	means any lot line separating a lot from a street right-of-way or easement. Where a lot line is located within such street right-of-way or easement, the right-of-way or easement boundary adjacent of the lot shall be considered the street lot line.
LOT LINE, ZERO	means any interior lot line along which a structure is allowed with no setback.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
LOT OF RECORD	means a lot which has been recorded in the office of the register of deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.
LOT WIDTH	means the horizontal distance measured along a straight line connecting the points at which a line demarcating the minimum street setback required from a street lot line intersects with interior lot lines and/or other street lot lines.
LUMEN	A quantitative unit measuring the amount of light emitted by a light source.
M	
MAJOR MODIFICATION	A significant deviation in an application, proposed development, or portion of a development that impacts the operation, appearance, function, value, or compatibility of proposed development with its surroundings. A change in the meaning or language of a legal document, such as a contract, agreement, or approval that is made by one party to the document without the consent of the other after it has been signed or completed.
MAKERSPACE	A collaborative workspace that includes shared tools, workspaces, technology, and knowledge in order to assist participants working alone or with collaborators to create and produce ideas, products, and services. Makerspaces can be formed for the purpose of instruction, creation of material for sale, or a combination of the two.
MANUFACTURED DWELLING, CLASS A (DOUBLEWIDE)	means a manufactured home of at least 320 square feet and constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Class A manufactured homes do not include any size recreational vehicle, camper trailer or A.N.S.I. park model homes.
MANUFACTURED DWELLING, CLASS B (SINGLEWIDE)	means a manufactured home of at least 320 square feet constructed after June 15, 1976, that meets or exceeds the standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a class A (doublewide) manufactured home. Class B manufactured homes do not include any size recreational vehicle, camper trailer or A.N.S.I. park model homes.
MANUFACTURED DWELLING, CLASS C	means a mobile home constructed prior to June 15, 1976, and/or does not meet the definition of either a class A or a class B manufactured home.
MANUFACTURED HOME LOT	means a piece of land within a residential-manufactured home park whose boundaries are delineated in accordance with the requirements of the Ordinance and that is designed and improved in accordance with the requirements of this Ordinance to accommodate one manufactured home.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
MANUFACTURED HOME PARK	means any lot or part of a lot, or any parcel of land which is used or offered as a location for three or more manufactured homes, regardless of whether or not a charge is made for such accommodations.
MANUFACTURED HOME PARK MAJOR COLLECTOR STREET	means any manufactured home park street or road intersecting or providing direct access to a state-maintained road, or a street that regularly serves 40 percent of the residents of the park.
MANUFACTURED HOME PARK MINOR COLLECTOR STREET	means any residential-manufactured home park street or road serving only to provide access to the individual spaces.
MANUFACTURED HOME SPACE	means a plot of land within a residential-manufactured home park designed for the accommodation of a single manufactured home in accordance with the requirements set forth in this Ordinance.
MANUFACTURED HOME STAND OR PAD	means that portion of the manufactured home space designed for and used as the area occupied by the manufactured home proper.
MANUFACTURING, HEAVY	Uses that tend to require large amounts of bulk or unrefined materials which are typically processed and stored outdoors on the site. These uses require a significant amount of energy for the processing of raw materials, and are likely to generate significant noise, vibration, dust, glare, heat, odor, smoke, truck traffic, in the immediate vicinity of the use. Heavy manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants.
MANUFACTURING, LIGHT	Uses that involve indoor processing or assembly of finished or partially finished goods and do not require large stockpiles of raw material. Processing and storage activities take place solely within enclosed buildings, which helps limit (but does not completely prevent) the creation of noise, vibration, dust, glare, heat, odor, and smoke. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.
MASSAGE	means any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.
MASTER PLAN	means a conceptual plan that illustrates and defines land use areas for residential, office, commercial, open spaces, and special facilities or other land uses. General circulation patterns, both vehicular and pedestrian, are identified and indicated on the conceptual plan.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
MATERIAL RETURN	means the continuation of one or more exterior building materials on one building façade beyond an inside or outside building corner to a logical termination point on a different wall plane.
MATURE TREE	means a tree that has reached more than one-third of its expected maximum size.
MAXIMUM EXTENT PRACTICABLE	means no feasible or practical alternative exists, as determined by the Town, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."
METAL FABRICATION AND WELDING	An industrial establishment engaged in the production, assembly, and configuration of metal products through the use of mechanical presses, forms, welding, grinding, and other mechanical processes that form, join, or alter the shape of metal but that do not include the creation or production of metal.
MICROBREWERY OR MICRODISTILLERY	An establishment engaged in the production and packaging of malt beverages, wine or spirits for distribution, retail, or wholesale both on and off-premise. A microbrewery is a facility that produces less than 15,000 barrels of beer per year and sells the majority of the beer it produces for off-site resale and consumption. A micro winery produces less than 100,000 gallons of wine per year. A micro distillery produces less than 15,000 gallons of alcoholic spirits per year. Accessory uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product.
MINOR MODIFICATION	An insignificant deviation in an application, proposed development, or portion of a development that does not impact the operation, appearance, function, value, or compatibility of proposed development.
MIXED-USE	A format that integrates some combination of residential, commercial, industrial, or institutional use types in one single building or within one single development. Mixed use development may include different use types within the same building or different use types within the same development that is comprised of multiple buildings.
MODULAR OR PREFABRICATED CONSTRUCTION	means construction of prefabricated units which are fabricated prior to erection or installation in a building or structure and may be shipped to their final on-site location.
MULTI-BUILDING DEVELOPMENT	means developments that include two or more buildings on one or more lots that is planned, organized, and managed as a single development for the purposes of the development standards.
MULTI-FAMILY DEVELOPMENT	means a development that includes three or more dwelling units configured in one or more buildings on the same lot or development site. The development includes shared parking areas, shared open spaces around the development, active recreation features, and centralized waste/refuse collection facilities.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
MULTI-FAMILY DWELLING	A structure containing three or more dwelling units that are not located on individual lots. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multi-family dwellings include what are commonly called apartments, or condominium units, but not single-family attached dwellings.
MULTIPLE LOT DEVELOPMENT	means developments that include two or more buildings on two or more lots that is planned, organized, and managed as a single development for the purposes of the development standards.
MULTI-USE PATH	means a form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, bicycling, inline skating and people in wheelchairs. Paths are typically surfaced with asphalt, concrete, or firmly packed crushed aggregate.
N	
NATIVE TREE	See “tree, native.”
NEON LIGHTING	means tubing, whether flexible or rigid, mounted to a building wall or other building feature for the purposes of providing illumination, security, attracting attention, or displaying a message.
NEW DEVELOPMENT	For the purposes of the riparian buffer standards, any development project that does not meet the definition of existing development set out in this Ordinance.
NONCONFORMING FEATURE	means a physical feature, characteristic, or a use, building structure, or other development of land that was lawfully established prior to the effective date of the Ordinance, but does not conform to the requirements of this Ordinance.
NONCONFORMING LOT	means a lot that was lawfully created prior to the effective date of the Town’s Subdivision Ordinance (Nov. 5, 1995) but does not conform to the requirements of this Ordinance or the preceding Subdivision Ordinance.
NONCONFORMING SIGN	means a sign that was erected legally but does not comply with these sign regulations.
NONCONFORMING USE	means a use of land, buildings, or structures that was lawfully established prior to the effective date of this Ordinance but does not conform to the use regulations for the zoning district in which it is located.
NONPROFIT CONSERVATION ORGANIZATION	As used in conservation subdivisions, Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
NOTICE OF PUBLIC HEARING	The formal legal notification of a public hearing on a proposed development application. A "published notice" is one required to be printed in a newspaper of general circulation. A "mailed notice" is one delivered to specified individuals by US Mail. A “posted notice” is a sign posted on or near the property subject to the application.
NOTICE OF VIOLATION	A notice indicating a violation of this Ordinance.
NURSING HOME	means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants 24 hours a day, but not including a hospital or mental health center.
O	
OATH	The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."
OCCUPANCY	The act, state, or condition of holding, possessing, residing, or otherwise using a premises, lot, site, building, or dwelling.
OFFICE, MEDICAL	A room or group of rooms used for the purpose of providing medical care or treatment, including therapeutic services and counselling. Examples of medical offices include physicians, dentists, ophthalmologists, chiropractors, psychologists, and similar medical specialists. Medical offices may or may not include laboratories, medication sales, and physical therapy facilities as an accessory use. Use types where medical professionals from differing firms or practices provide services or where patients receive treatment or services beyond the scope of a typical office visit are health care uses.
OFFICE, PROFESSIONAL	A room or group of rooms used for conducting the affairs of a business, profession. Examples of professional offices include offices for lawyers, accountants, engineers, architects, and similar professions. Professional offices may include a shared kitchen, lobby area, meeting rooms, and document production areas.
OFFICIAL PLANS	mean any plans officially adopted by the Town Board of Commissioners as a guide for the development of the Town consisting of maps, charts, and texts.
OFFICIAL ZONING MAP	The Official Zoning Map upon which the boundaries of various zoning districts are drawn, and which is an integral part of this Ordinance.
OFF-SITE VIEWS	Views of or into a development site from off-site locations such as other lots, rights-of-way, or locations within the public realm.
ON-CENTER SPACING	Placement of landscape material in a regularly spaced pattern of equal distance between plants.
OPACITY	means a measurement indicating the degree of obscuration of light or visibility.
OPAQUE	means a building, structure, building material, vegetation, or other site feature that forms a solid visual barrier.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
OPEN SPACE SET-ASIDE	Land or water areas within the site designated for a particular development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, but not including any lands occupied by streets, street rights-of-way or off-street parking.
OPERATOR	means the person responsible for the operation of a residential-manufactured home park.
ORDINARY REPAIRS AND MAINTENANCE	Work done on a sign or structure to prevent deterioration or to replace any part thereof in order to correct any deterioration, decay or damage to any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage.
OUTDOOR COMMERCIAL RECREATION	A commercial establishment located entirely primarily outdoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as: water parks, miniature golf, go cart racing, obstacle or ropes courses, zip lines, paintball, mechanical rides, and similar attractions. Outdoor commercial recreation uses may include buildings or structures that also provide indoor recreational activities.
OUTDOOR DINING AND SEATING	Accessory structures and related facilities that accommodate seating, gathering, dining, or drinking outdoors. Such uses are required to be accessory to a principal use of land. Outdoor dining and seating associated with a principal use shall not take place within a street right-of-way without an encroachment agreement from the right-of-way owner.
OUTDOOR DISPLAY/SALES	The keeping of any goods, merchandise, or vehicles, in an unroofed area for marketing or sales purposes.
OUTDOOR LIGHTING	means any lighting source designed to illuminate or aesthetically enhance a building, parking, sign, or storage area. Lighting shall be engineered as to be non-glaring on adjacent properties or uses and to be “dark sky,” focused as not to exceed the building parapet.
OUTDOOR RECREATION, PUBLIC	A public or non-profit establishment located entirely primarily outdoors that provides recreational, amusement, and entertainment opportunities for visitors. Outdoor recreation uses may include buildings or structures that also provide indoor recreational activities as an accessory use.
OUTDOOR SEASONAL SALES	The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place outdoors and in locations not devoted to such sales for the remainder of the year.
OUTDOOR SHOOTING RANGE	A commercial establishment designed and operated for the safe discharge of firearms in an outdoor venue by members of the general public. Such uses may include lead reclamation operations, noise control facilities, and sales of ammunition as an accessory use.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
OUTDOOR STORAGE (AS A PRINCIPAL OR ACCESSORY USE)	The keeping, in an unroofed area, of any goods or materials, particularly goods and materials that have a large size, mass, or volume and are either not easily moved or carried or require a mechanical lifting device (e.g., non-bagged mulch and lumber). This use does not include a junkyard or recycling facility, vehicle fleet storage, or the display and storage of vehicles as part of an automobile sales or rental use.
OUTPARCEL OR PAD SITE	means a lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part of the larger development with respect to applicable yard and dimensional requirements.
OVERHANG	means the edge of a roof or upper building story projecting outwards.
OVERLAY ZONING DISTRICT	A zoning district designation that is applied over one or more previously established conventional or conditional zoning district designations. Overlay districts modify the existing zoning district provisions by either adding additional regulations or providing greater flexibility in deviations from the existing applicable standards.
OWNER OR LANDOWNER	means the holder of a title in fee simple. Absent evidence to the contrary, the Town may rely on the Stanly County tax records to determine who is a landowner. The owner may authorize a person holding a valid option, lease, or contract to purchase, to act as his or her agent or representative for the purpose of making applications for development approvals or permits.
OWNER ASSOCIATION	An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners' association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements such as recreation areas. Also see "homeowners' association".
P	
PACKAGING AND PRINTING SERVICES	A commercial establishment providing printing, faxing, copying, document binding, photographic processing, packing, mailbox, mailing, and related services. Printing, document production, and processing services may be provided either on- or off-site. Such uses may also provide computer terminals, copiers, and similar equipment for self-service use by customers.
PARAPET	means a building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
PARCEL/LOT	means land bounded by lines legally established for the purpose of property division.
PARK OR PLAYGROUND	Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
PARKING BAY	means two off-street parking spaces serving an individual manufactured home space.
PARKING LOT	The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.
PARKING LOT CONNECTION	Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a street.
PARKING OF COMMERCIAL VEHICLES	The temporary parking of a commercial vehicle and an associated trailer used for daily or occasional private transportation at a residential dwelling. Parking of vehicles in excess of 10,000 pounds of gross vehicle weight shall be considered parking of heavy trucks or trailers. The presence of a commercial vehicle while work is being performed on a dwelling or lot shall not constitute parking of commercial vehicle as an accessory use.
PARKING OF HEAVY TRUCKS OR TRAILERS	The temporary parking of motor vehicles over 10,000 pounds of gross vehicle weight and associated trailers or equipment. The presence of a commercial vehicle while work is being performed on a building or lot shall not constitute parking of a heavy truck or trailer as an accessory use.
PARKING OF RECREATIONAL VEHICLES	The temporary parking or storage of a commercial vehicle such as a recreational vehicle, camper, travel trailer, boat, or similar equipment. Recreational vehicles shall not be used as accessory dwelling units.
PARKING PLAN	means a plan or diagram prepared by an applicant for development that depicts the required and provided number of parking spaces (if different from the required number of parking spaces. The plan also shows points of vehicular ingress and egress, drive aisles, the locations of parking lot landscaping islands, pedestrian circulation features, and off-street loading facilities.
PARKING SPACE	means a location where an automobile or passenger truck is temporarily stored.
PARKING STUDY	means an analysis of the minimum number of off-street parking spaces necessary to serve a proposed use type.
PASSIVE OPEN SPACE SET-ASIDE	Open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains, and similar areas. Such areas may also include undisturbed natural vegetation.
PENALTY	Punishment for violation of a law or rule.
PERENNIAL STREAM	A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the perched or seasonal high-water table for most of the year. Groundwater is the primary source of water for a perennial stream. But it also carries stormwater.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
PERFORMANCE GUARANTEE	means cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or required public site feature prior to issuance of a building permit or other development approval.
PERIMETER BUFFER	See "Buffer, Perimeter."
PERIMETER PARKING LOT LANDSCAPING	means required landscaping located around the perimeter of a parking lot.
PERSON	means an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions including the Town, or other legal entity.
PERSON WITH DISABILITIES	means a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, intellectual disabilities, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in §122C-3(11)(b) of the North Carolina General Statutes.
PERVIOUS	A substance that allows water to pass through it.
PHARMACY	A commercial establishment engaged in the storage, preparation, and sale of drugs and other medications to customers at retail. Pharmacy uses may also offer a wide variety of food, household goods, or other personal products for sale. A pharmacy may also incorporate a medical technician who provides on-site medical assistance and counselling to patrons. Pharmacies that exceed the floor area thresholds for large format retail uses shall be considered as a large format retail use.
PHASE	The discrete portion of a proposed development.
PILASTER	means a rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
PLACE OF WORSHIP	See “Church.”
PLANNED DEVELOPMENT	An area of land under unified ownership or control to be developed and improved as a single entity under a planned development master plan in accordance with this Ordinance.
PLANNING BOARD	means the body appointed by the Town Board of Commissioners to develop and recommend long range development plans and policies, and to advise the Town Council in matters pertaining to current physical development and zoning for the Town's planning jurisdiction.
PLANTING SEASON	means the dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.
PLANTING STRIP	means required landscaping material configured in a linear strip.
PLAT	means a map, generally of a development, showing the location, boundaries, and ownership of individual properties. A plat may simply be the device for officially recording ownership changes or lot divisions.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
PLAY EQUIPMENT	Recreational equipment, whether temporary or permanent, placed for the exercise and enjoyment of persons on the site of a different principal use.
PLOT PLAN	means a simple drawing or sketch depicting compliance with one or more requirements of this Ordinance.
PORCH	A covered projection (can be glazed or screened) from the main wall of a building, with a roof, which is not used for livable space.
PORTABLE STORAGE CONTAINER	A moveable container intended for storage of personal property, waste, or debris, which is brought to a site on a temporary basis.
PORTICO	means a large porch usually with a pediment usually associated with an entrance, supported by columns.
PRELIMINARY PLAT	means a map showing data for a proposed subdivision, developed for the purpose of showing the general layout of lots and roads.
PRE-APPLICATION CONFERENCE	A meeting or conference conducted by a potential applicant for a permit or development approval and Town staff for the purposes of discussing a potential application or Town rules regarding development. A pre-application conference does not constitute an approval or denial of an application.
PRIMARY ENTRANCE	means the place of ingress and egress to a building, parcel, or development used most frequently by the public.
PRIMARY FAÇADE PLANE	means the largest portion of a building wall in terms of area on a single building façade that maintains a uniform distance from the abutting lot line.
PRIMARY STREET	means the street that provides the street or property address for a lot or building.
PRINCIPAL STRUCTURE OR BUILDING	means a structure in which is conducted the principal use(s) of the lot on which it is located.
PRINCIPAL USE	means the primary purpose or function that a lot serves, or is intended to serve, according to its zoning classification.
PRODUCE STAND	A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.
PROFESSIONAL ENGINEER	means a civil, structural, or traffic engineer licensed by the State of North Carolina.
PROJECTION	means habitable space projecting outwards from the main wall of a building.
PROPERTY	means all real property subject to this UDO. The term includes any improvements or structures customarily regarded as part of real property.
PROTOTYPICAL ARCHITECTURE	means exterior building materials and architecture that is standardized for a particular use type or franchise operation.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
PUBLIC CONVENIENCE CENTER/TRANSFER STATION	A publicly owned and operated facility for the purposes of collection of trash and waste for relocation to a sorting facility or permanent long term storage location.
PUBLIC HEARING, LEGISLATIVE	A public hearing held for the purpose of soliciting public comments on a proposed development application. Reasonable time limits on speakers may be imposed and responsible decorum maintained. However, unlike quasi-judicial hearings, there is no requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing.
PUBLIC HEARING, QUASI-JUDICIAL	A public hearing involving the legal rights of specific parties conducted by the Town Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and involve findings of fact and conclusions of law made by the review authority.
PUBLIC MEETING	A gathering of Town officials and interested members of the public to discuss an action of the Town or consider a development application. Unlike a public hearing, no prior public notification is required for a public meeting, and the acceptance of testimony from meeting attendees is at the discretion of the review authority conducting the public meeting.
PUBLIC OR COMMUNITY SEWER SYSTEM	means the sewer system owned and operated by the Town, unless the sewer source is located on a lot and serves only that lot in accordance with §130A-343 of the North Carolina General Statutes.

PUBLIC UTILITY	As defined in §62-3 (23) of the North Carolina General Statutes, a) a person, whether organized under the laws of this State or under the laws of any other state or country, now or hereafter owning or operating in this State equipment of facilities for: 1. Producing, generating, transmitting, delivering or furnishing electricity, piped gas, steam or any other like agency for the production of light, heat or power to or for the public for compensation; provided, however, that the term "public utility" shall not include persons who construct or operate an electric generating facility, the primary purpose of which facility is either for (i) a person's own use and not for the primary purpose of producing electricity, heat, or steam for sale to or for the public for compensation or (ii) a person who constructs or operates an eligible solar energy facility on the site of a customer's property and leases such facility to that customer, as provided by and subject to the limitations of N. C. Gen. Stat. Chapter 62, Article 6B; 2. Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation, or operating a public sewerage system for compensation; provided, however, that the term "public utility" shall not include any person or company whose sole operation consists of selling water or sewer service to less than 15 residential customers, except that any person or company which constructs a water or sewer system in a subdivision with plans for 15 or more lots and which holds itself out by contracts or other means at the time of said construction to serve an area containing more than 15 residential building lots shall be a public utility at the time of such planning or holding out to serve such 15 or more building lots, without regard to the number of actual customers connected; 3. Transporting persons or household goods by street, suburban or interurban bus for the public for compensation; 4. Transporting persons or household goods by motor vehicles or any other form of transportation for the public for compensation, except motor carriers exempted in N.C. Gen. Stat. § 62-260, carriers by rail, and carriers by air; 5. Transporting or conveying gas, crude oil or other fluid substance by pipeline for the public for compensation; 6. Conveying or transmitting messages or communications by telephone or telegraph, or any other means of transmission, where such service is offered to the public for compensation. b) … c) … d) The term "public utility," except as otherwise expressly provided in this Chapter, shall not include the following: 1. A municipality, county, or a city, town, or village. 2. A special district, public authority, or unit of local government, as those terms are defined in G.S. 159-7(b) and that is subject to the provisions of Chapter 159, Subchapter III, Article 3 of the General Statutes. 3. An electric or telephone membership corporation. 4. Any person not otherwise a public utility who furnishes such service or commodity only to himself, his employees or tenants

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
	when such service or commodity is not resold to or used by others. Sub-sections d.1. through n. omitted. See N.C. Gen. Stat. §62-3.
PUBLIC OR COMMUNITY WATER SUPPLY SYSTEM	means the water system owned and operated by the Town, unless that water source is located on a lot and serves only that lot in accordance with §130A-343 of the North Carolina General Statutes.
PUBLIC SAFETY FACILITY	A facility that serves as the base of operations for a fire company, police precinct / department, sheriff's office, or emergency medical technician operation. Such facilities may also include living quarters for personnel, equipment storage, and vehicular maintenance areas.
Q	
QUASI-JUDICIAL	means a decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board. Quasi means "as if".
QUORUM	The minimum number of Town Council, Planning Board, or Board of Adjustment members that must be present in order to conduct official business or take official action.
R	
REASONABLE ACCOMMODATION	means a change, exception, or adjustment to the standards of the UDO that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. The Town Board of Commissioners may grant reasonable accommodations following a quasi-judicial procedure. The Board of Adjustment may grant a variance to make a reasonable accommodation. See to the U.S. Fair Housing Act, 42 United States Code sections 3601 through 3619.
RECESS	means habitable space that is recessed inwards from the main wall of a building.
RECONSTRUCTION	means rebuilding structures on a site with a pre-existing use that was demolished or removed.
RECREATION AREAS, ACTIVE	include playfields, tot lots, tennis courts, swimming pools and similar active play uses.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
RECREATIONAL VEHICLES AND CAMPER TRAILERS	means a vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use, and including, but not limited to, travel trailers, truck campers, camping trailers, A.N.S.I. park model homes (or recreational park models) and self-propelled motor homes, sail and motor boats. All recreation vehicles must be classified mobile and bear a current license plate; and be able to evacuate in a timely manner in case of emergency. Parking or storage of recreational vehicles shall not be used for living, sleeping, housekeeping, storage or business purposes.
RECYCLING CENTER	A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.
REDEVELOPMENT	means installation of any improvements, new construction, or reconstruction on a lot or site that has pre-existing uses.
REFUSE COLLECTION CONTAINER	means a metal or plastic container used for the collection and temporary storage of refuse or waste for pickup by the Town or a solid waste management contractor.
REGISTER OF DEEDS	means the Stanly County Register of Deeds.
REMEDY	The manner in which a right or law is enforced or satisfied when a violation of the UDO or related law has occurred.
RENTAL MANUFACTURED/MOBILE HOMES	mean manufactured/mobile homes that are available on a rental or lease basis.
REPAIR SERVICE	An establishment primarily engaged in the provision of repair services for electronics, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer. Repair establishments do not include outdoor storage of goods, materials, or equipment. Repair of cars, trucks, or similar heavy equipment is a vehicle-related establishment.
REQUIRED LANDSCAPE AREA	means an area required to be planted with trees, shrubs, or ground cover as required by § 650, Landscaping, *et seq*.
RESERVATION	An obligation, shown on a subdivision or site plan, to keep land free from development and available for public acquisition for a stated period of time.
RESIDENTIAL DEVELOPMENT	Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.
RESTAURANT, INDOOR AND/OR OUTDOOR SEATING	An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Seating for patrons consuming products on site are located either indoors or outdoors, and the use does not provide drive-through service. Such uses may include a bar or cocktail lounge as an accessory use.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
RESTAURANT WITH DRIVE-THROUGH/DRIVE-UP SERVICE	An establishment where meals or prepared food, including beverages and confections, are prepared and made available to customers for on-site or off-site consumption. Seating for on-site consumption of products may be located either indoors or outdoors. The use also includes a window intended to serve patrons who do not leave their vehicles to order, receive, and consume order products. Such uses typically do not include a bar or cocktail lounge.
RETAINING WALL	means a structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.
RETAIL USE	An establishment that sells goods directly to the consumer, where such goods are available for immediate purchase and removal by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florist shops, garden supply centers, gift shops, grocery stores, hardware stores, stores that sell household products, jewelry stores, office supply stores, pet and pet supply stores, and similar uses. Accessory uses may include storage of products for sale, offices, concessions, seating areas, areas for testing of products prior to purchase, and provision of product-related service or repair.
RETENTION POND	means a stormwater control measure consisting of a depression in the land that retains stormwater flow for gradual release into the surrounding soil.
REVEGETATION PLAN	means a plan depicting the re-establishment, replanting of required vegetation, or landscaping material on a lot or site where clearing has taken place in violation of this Ordinance or a condition of approval.
REVIEW AUTHORITY	means a Town official, appointed board, or elected body charged with review and decision-making responsibilities for certain types of development applications required by this Ordinance.
REZONING OR ZONING MAP AMENDMENT	means an amendment to this UDO for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of the Town and (ii) the application of an overlay zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the districts(s).
RIDING STABLE	A building or structure devoted to the care and keeping of horses maintained for personal or recreational purposes.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
RIGHT-OF-WAY	Shall mean that property located within and adjoining the streets, roads and highways within the Town, which rights-of-way are owned by the Town or the State or are otherwise maintained by the Town or the State.
ROOF FORM	means the configuration of the top of a building, including its pitch, amount of overhang, shape, surfacing materials, and colors.
ROOF PITCH	means the amount of rise or the vertical increase in elevation over the run or the horizontal distance of a roof.
ROOF PLANES	means portions of a roof constructed at different angles to one another.
ROOF RAKE	means the portion of a gabled roof that extends past the exterior wall of the building.
ROOF SIGN	means a sign erected on or over the roof of a building or a sign that is affixed to a wall or facade where any part of the sign extends above that wall or facade.
ROUTINE MAINTENANCE	Simple, small-scale activities (usually requiring only minimal skills or training) associated with regular (daily, weekly, monthly, etc.), recurring, and preventative upkeep of a building, equipment, or machine against normal wear and tear. For the purposes of the telecommunications use-specific standards, routine maintenance includes cleaning, repair, and replacement of existing antennas, wireless support structures, wireless telecommunications equipment, equipment cabinets, equipment compounds, telecommunications towers, utility poles, or other vertical projections used to deliver wireless telecommunications services. Activities that result in larger, taller, more visible, more impactful, or additional wireless telecommunications equipment are not considered routine maintenance.
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SALES FLOOR AREA	means the gross floor area used for display and sale of merchandise, sales office and other areas available to the public/patron.
SALVAGE OR JUNKYARD	An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slash, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This definition includes automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
SCREENING WALL	means a wall, whether part of habitable space or not, that interrupts off-site views into a site.
SECONDARY ENTRANCE	means an entrance into a building located on a side or rear building façade.
SECTION OR §	The symbol § means section.
SECURITY LIGHTING	Exterior illumination of a building, parking area, or other site feature for the purposes of security.
SELF-SERVICE STORAGE	A storage building or buildings that are divided into sections or compartments for the storage of business or personal items on a temporary or long-term basis where all units typically have individual exterior access. Such uses may also include facilities for outdoor storage.
SETBACK	A required distance from a lot line or development boundary for a principal or accessory building and some required site feature.
SETBACK, INTERIOR	means the horizontal distance between the interior lot line or parcel/lot line and any structure on such lot, measured perpendicular to the lot line.
SETBACK, STREET	means the horizontal distance between the street right-of-way and any structure on such lot, measured perpendicular to the street lot line.
SEVERE PRUNING	means the pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether a product of plant succession or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than one-third of the overall circumference of a tree is exposed by pruning cuts.
SEXUALLY ORIENTED BUSINESS	means any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to, adult arcades, adult bookstores, adult motion picture theaters, adult theaters, and massage parlors. These terms are further defined in this section.
SHADE TREE	See "Tree, Shade."
SHARED USE PATH (MULTI-USE TRAIL OR GREENWAY	a facility designed to meet ADA standards, which may be used by bicyclists, pedestrians, and other non-motorized users. The path is separated from the roadway by an open space or a physical barrier or within an independent right-of-way. A rail trail, built within the right-of-way of a former railroad, is a shared use path.
SHIELDING (OR SHIELDED)	A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
SHOPPING CENTER	means an integrated group of commercial establishments that is planned, developed, owned and managed as a unit and provides on-site parking facilities sufficient to serve its own parking demands.
SHRUB	means a woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SIDEWALK	means a paved area running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
SIGHT DISTANCE TRIANGLE	means the triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.
SIGN	Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which any message is made known, including any surface, fabric or other material or structure designed to carry such devices that are used to designate or attract attention to an individual, a firm, an event, an association, a corporation, a profession, a business or a commodity or product that are exposed to public view. The definition of a sign does not include flags, badges, or insignias of any governmental unit.
SIGN, ELECTRONIC MESSAGE BOARD	A wall or ground sign, or portion thereof that displays electronic, non-pictorial, or text information that may or may not change. Sign content is displayed by light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices arranged in a matrix within the display area. Electronic message boards ("EMBs") MAY or MAY NOT display animation or imagery that appears to move. ???
SIGN CABINET	A metal enclosure housing sign face displays and methods of internal illumination, when provided.
SIGN FACE AREA	The portion of sign that contains the message being conveyed.
SIGN HEIGHT	The height to the tallest point of a sign structure.
SIGN SUPPORT STRUCTURE	The framework and structural support for a sign.
SIGN, CHANGEABLE COPY	A sign with a portion of the face area that accommodates the regular or occasional manual modification to the message or copy.
SIGN, FENCE WRAP	A temporary sign affixed to fencing surrounding an active construction site.
SIGN, FLASHING	A sign with a message that is intermittently on and off or supplemented with lights that turn on and off in rapid succession. See electronic message board sign.
SIGN, GOVERNMENT	Any temporary or permanent sign erected and maintained for any government purposes.
SIGN, INFLATABLE	A hollow sign that is intended to expand as air is pumped inside of it. Inflatable signs are tethered to the ground or some other structure.
SIGN, MOVING	A sign that moves or has moving parts, including but not limited to the sign face area, the sign support structure, or some other element of the sign. Flags and banners are not considered moving signs. See electronic message board sign

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
SIGN, MONUMENT (GROUND)	Any sign, other than a pylon sign, which is attached directly to the ground by means of a supporting system comprised of a solid pedestal, or other bracing system where there is no open space between the bottom of the sign face area and the ground. Monument signs are configured so that the base of the sign support structure is at least as wide as the sign face area. Any sign with an opening between the bottom of the sign's face area and ground or where the sign face area is wider than the sign support structure shall be considered as a pylon or "freestanding" sign. Monument signs are not mounted to a building wall, and are not located within a street right-of-way.
SIGN, POLITICAL	Any sign that advocates for a particular political candidate, party, position, or political action that is made available for view by the public before and during the portion of a calendar year when elections are underway as described in §136-32 of the North Carolina General Statutes. Political signs are also referred to as "campaign" signs or "election" signs.
SIGN, PORTABLE	A pedestrian-oriented movable sign that sits on the grade located proximate to the primary entrance of the non-residential or mixed use being advertised. Portable signs are also referred to as "A-frame" signs or "Board" signs. The sign shall be self-supporting and only visible during operating hours. Portable signs are configured with a broader base then a top or are equipped with supports to ensure they remain stable in normal wind conditions.
SIGN, PROJECTING	Any sign that projects outward from a building's exterior wall where the sign face area is not parallel to the building wall upon which is mounted. Projecting signs are also referred to as "marquee" signs. Signs mounted to a building wall with sign face areas that are parallel to the building wall are considered "wall" signs.
SIGN, PYLON (FREESTANDING)	A sign which is placed on or anchored in the ground with one or more supports that are not part of a building or other structure and with open space between the bottom of the sign face area and the grade beneath it.
SIGN, SUBDIVISION	A ground sign located at the entrance to a subdivision consisting of two or more lots. Subdivision signs shall be located outside all street rights-of-way, and shall not be located on a lot with a principal building.
SIGN, TEMPORARY	A sign that be easily moved from one location to another.
SIGN, TRAFFIC WARNING	Signage devoted to warning motorists, pedestrians, or bicyclists of a potential traffic hazard or other danger.
SIGN, WALL	Any sign, other than a projecting sign, which is mounted to or painted on an exterior building wall. Wall signs have only one sign face and are configured to be parallel to the building wall upon which they are located. Signs mounted perpendicular to a wall are "projecting" signs. Signs visible through a window are "window" signs.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
SIGN, WINDOW	A sign affixed to or visible through the surface of a window or glass door that is intended to be visible to the public from outside the building. Signs painted on glass and etched or frosted glass that includes text or symbols shall be considered as a window sign. Signs not visible from off-site areas are exempted from these standards. Signs mounted to a building's exterior wall are "wall" signs.
SIGNIFICANT TREE(S)	overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant."
SINGLE-FAMILY DETACHED DWELLING	A dwelling containing one principal dwelling unit meeting the minimum size requirements in the North Carolina Building Code that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured dwellings, mobile homes, or recreational vehicles. An accessory dwelling unit may be within, attached to, or on the same lot as a single-family detached home.
SITE PLAN	means a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning or other decision.
SITE PLAN REVIEW	means the process whereby the Town review agents review plans, of a development proposal which is a permitted use, to ensure that it complies with applicable development regulations. Review agents may include Stanly County building inspections, Stanly County Environmental Health, the Fire Chief, Stanly County Emergency Management Services, NC Department of Transportation, the Town Planner and, Town and / or County public utilities.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
SITE SPECIFIC VESTING PLAN	may be in the form of, but not be limited to, any of the following approved: a planned development master plan, a major subdivision final plat, a preliminary or general development plan, or a special use permit. Unless otherwise expressly provided by this Ordinance such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, bicycle facilities and pedestrian walkways.
SLATS, FENCE	means thin strips of wood, plastic, or other material woven between the components of a chain link-style fence or gate.
SMALL WIRELESS FACILITY	A wireless telecommunications facility consisting of an antenna and associated wireless telecommunications equipment installed on a utility pole, public utility pole, building, or other vertical projection not specifically intended for the accommodation of wireless telecommunications facilities (e.g., a traffic signal mast arm, a light standard, sign pole, etc.) that does not exceed the maximum size requirements for such facilities as listed in §160D-931 (18) of the North Carolina General Statutes.
SMALL-TOWN CHARACTER	means the sum or combined effect of the attributes and assets that make the Town unique and that establish the Town's "sense of place." Attributes include the resident population, local institutions, visual characteristics, natural features, and shared history.
SMOOTH-FACED CONCRETE BLOCK	means concrete blocks that do not include adornment or any surface relief.
SOFFIT	means the exterior material mounted to the underside of the roof rafters that project past the edge of an exterior building wall.
SOLAR COLLECTOR	means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The device may be roof-mounted or ground-mounted as an accessory use in all zoning districts and in order to qualify as an accessory use the solar collector(s) shall be designed to produce no more than 150 percent of the on-site use's energy consumption per billing period.
SOLAR ENERGY CONVERSION, MAJOR	A solar collection system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to more than one property or consumer as a commercial venture. Solar farms shall consist of a minimum of three individual photovoltaic modules (solar panels), which are an assembly of solar cells to generate electricity. Solar facilities constructed only for the production of electricity dedicated to another facility collocated at the same site, or a solar facility which is clearly a subordinate accessory land use, shall not be subject to the special use permit requirements.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
SOLAR ENERGY SYSTEM (SMALL SCALE)	A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As an accessory use, a solar energy system is designed to primarily meet on-site demands (but may include transfer of excess electricity to an electric utility grid) and components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.
SOLID WASTE	means any debris or refuse, including, but not limited to, metals, plastics, appliances, construction debris, paper, household trash, tires, land clearing debris, inert debris, junk and inoperable vehicles, and other waste.
SPA, DAY OR MEDICAL	A business establishment which people visit for professionally administered personal care treatments, including, but not limited to, massages, facials, waxing, skin exfoliations, manicures, pedicures, and other body treatments. Such uses may include a retail cosmetic medical operation that operates under the supervision of a licensed health care professional and offers nonsurgical cosmetic "medical" treatments.
SPECIAL EVENT	Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, closeout sales, grand openings, fundraising or membership drives, carnivals, fairs, circuses, and tent revivals.
SPECIAL USE	means a use of land, buildings, or structures that is identified in this Ordinance as a use that because of its inherent nature, extent, and external effects, requires special care in the control of its location, design, and methods of operation in order to ensure protection of the community wide public health, safety, and welfare.
SPECIAL USE PERMIT	means a permit issued by the Town Council following notice and a quasi-judicial hearing authorizing the development of a parcel/lot for a special use.
SPECIFIED ANATOMICAL AREAS	means less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
SPECIFIED SEXUAL ACTIVITIES	means: (1) Human genitals in a state of sexual stimulation or arousal; (2) Acts of human masturbation, sexual intercourse, sodomy; or (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
STABLE, RIDING	See “Riding Stable.”
STATE	means the State of North Carolina.
STOP WORK ORDER	An order issued by the Town to a landowner or developer to cease and desist all land-disturbing or development activity on a site pending resolution of a problem or conflict.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
STORAGE OF UNLICENSED OR INOPERABLE VEHICLES OR TRAILERS	The retention of one or more automobiles, trucks, trailers, or other motor vehicle that does not include a lawful license plate or that is no longer capable of locomotion on its own.
STORMWATER CONTROL MEASURE	means a physical device, site feature, or construction technique intended to eliminate or reduce contact or exposure of pollutants to stormwater or remove pollutants from stormwater prior to discharge from the measure.

STREET	The term "street" has the following classifications: (1) Alley means a public vehicular way providing service access along rear or side property lines of lots which are also served by one of the other listed street types. (2) Clear zone means the unobstructed, relatively flat area bordering the edge of payment that allows a driver to stop safely or regain control of a vehicle that leaves the roadway. The clear zone may consist of a shoulder, recoverable slope, or a clear run-out area. The desired minimum width of a clear zone is dependent upon traffic volumes and speeds and on the roadside geometry. (3) Collector means a street whose principal function is to carry traffic between residential streets, cul-de-sacs and major and minor thoroughfares, but that may also provide direct access to abutting properties. It is designed to carry more than 3,500 but less than 6,000 trips per day. Typically, a collector is able to serve, directly or indirectly, between 350 and 600 dwelling units. (4) Cul-de-sac means a short street having one end open to traffic and the other permanently terminated by a vehicular turnaround. (5) Frontage means a street that is parallel and adjacent to a major or minor thoroughfare, which provides access to abutting properties, protection from through traffic, and control of access to the major or minor thoroughfare. (6) Local means a street whose principal function is provide access to adjacent properties. They are intended to accommodate land parcel ingress and egress. Through-traffic movement is difficult and discouraged by traffic controls and street design. Examples of local roads include streets internal to subdivisions and sparsely developed rural areas. (7) Private means a street or road that is not dedicated as a public right-of-way, which is privately maintained by a homeowners' association or a road maintenance agreement and is not taken over for maintenance by NCDOT and requires a Subdivision Streets Disclosure Statement in accordance with § 136-102.6 of the North Carolina General Statutes. (8) Public means a street or road that is dedicated as a public right-of-way, which is accepted and taken over for maintenance by NCDOT or the Town. (9) Thoroughfare, major, means a street serving the principal network for high volumes of traffic or high speed traffic. This street type consists of at least two travel lanes in each direction. A major thoroughfare shall be designated where the anticipated average daily volume exceeds 10,000 vehicles. Residences shall not have access to a major thoroughfare. (10) Thoroughfare, minor, means a street designed primarily to collect and distribute traffic between the local street network and major thoroughfares. This street type generally consists of more than one travel lane in each direction. A minor thoroughfare shall be designated where the anticipated average daily volume ranges exceeding 6.000 vehicles but is less than 10,000 vehicles. Residences should not have access to a minor thoroughfare.
STREET CLASSIFICATIONS	The five street classifications for the Town are: (1) Arterial: Arterial streets function primarily to serve through-traffic movement. Limited land-access service may be accommodated.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
	Traffic controls and street design are intended to provide efficient through-traffic movement. All U.S. and some North Carolina numbered highways are examples of arterial streets. (2) Collector: Collector streets penetrate areas, neighborhoods, public service areas, and districts. They are intended to provide both through-traffic and land-access services in relatively equal proportions, often linking the local street system to the arterial street system. Examples of a collector street include some N.C. and S.R. numbered streets. (3) Local: Local streets primarily serve land-access functions. They are intended to accommodate land parcel ingress and egress. Through-traffic movement is difficult and discouraged by traffic controls and street design. Examples of a local street include streets internal to subdivisions and rural areas. (4) Public: A street owned by the North Carolina Department of Transportation or the Town. (5) Private: A street owned by a non-governmental person, including, but not limited to, corporations, partnerships, individuals, and homeowner's associations.
STREET INTERSECTION APPROACH	means the portion of a street proximate to an intersection.
STREET TO A COLLECTOR STREET	means a street intersection that is not restricted to emergency vehicles only and allows full turning movements.
STREETSCAPE BUFFER	means landscaping provided on individual lots abutting arterial and collector streets but located outside the street right-of-way.
STRUCTURAL ALTERATION	means any change, except for regular repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams, or girders.
STRUCTURAL SOIL	means a planting medium that can be compacted to pavement design and installation requirements while permitting root growth.
STRUCTURE	anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.
STRUCTURE, PRINCIPAL	means a structure, or where the context so indicates, a group of structures in or which is conducted the principal use of the lot on which such structure is located.
SUBDIVIDER	means any person who subdivides or develops any land deemed to be a subdivision as defined in this section.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
SUBDIVISION	means any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future. It includes any division of land involving the dedication of a new street or change in existing streets. The following divisions of land are not included in this definition and are not subject to this Ordinance: (1) The combination or recombination of portions of previously subdivided and recorded lots, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this Ordinance, and the minimum gross lot size, minimum lot width and minimum street frontage standards of this Ordinance; (2) The division of land into parcels greater than ten acres in area, where no public street right-of-way dedication or opening of streets is involved; (3) The public acquisition, by purchase, of strips of land for the purpose of widening or opening of streets; or (4) The division of a tract in single ownership whose entire land 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 set forth in this Ordinance. (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes. In subsection (1) of this definition, the phrase "previously subdivided and recorded" means under a recorded plat or other instrument of transfer containing a metes and bounds description if lots were created prior to the existence of applicable subdivision regulations, or under a validly approved and recorded plat if such lots were created after the existence of applicable subdivision regulations. In subsection (2) of this definition, the phrase "where no street right-of-way dedication is involved" means that adequate access to such lot is provided by an approved existing street (public or private).
SUBDIVISION, COMMERCIAL	means the subdivision of an existing development on a parcel/lot or recorded parcel that consists of institutional, industrial, commercial and/or office uses. Such a subdivision would create two or more individual lots plus land developed and designated for the common use and benefit of the occupants/owners of the individual commercial subdivision lots provided: (1) That an entity is designated to be legally responsible for maintenance and control of the common land areas; (2) That the property has an approved site plan, valid for the development, prior to application for commercial subdivision; (3) That all parking areas, drive aisles, and open space if applicable, shall be the common land area; and (4) The individual lots within a commercial subdivision shall meet the lot design standards of this Ordinance.
SUBDIVISION, MAJOR	means any subdivision creating five or more lots.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
SUBDIVISION, MINOR	means a subdivision of a parent parcel, creating three lots or less, that: (1) Does not involve any new dedication of public right-of-way to give access to interior lots or parcels; (2) Does not involve the extension of public water or sanitary sewage lines; (3) Will not adversely affect the development of the remainder of the parcel or of adjoining property; and (4) Will not create any new or residual parcels which do not satisfy the requirements of this Ordinance or other applicable local and State controls.
SUBSTANTIAL MODIFICATION	The collocation of antenna and related wireless telecommunications equipment on an existing telecommunications tower that necessitates replacement of the existing tower, structural additions to the existing tower that increase its height or the length of protrusions from the tower, or increases in the size of the equipment compound by an amount specified in §160D-931 of the North Carolina General Statutes. Collocations requiring structural modifications are reviewed and decided in accordance with the procedures for a major collocation. Collocations involving changes to an existing telecommunications tower or equipment compound beyond those identified as "substantial modifications" in §160D-931 in the North Carolina General Statutes are reviewed and decided in accordance with the procedures for a major telecommunications tower.
SWIMMING POOL/HOT TUB	An above- or below-ground structure that is filled with water and used for swimming or relaxing.
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TATTOO AND PIERCING ESTABLISHMENT	An establishment whose principle business activity, either in terms of operation or as held out to the public, 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; or 2. Performance of body modification including puncturing or cutting a part of the human body so as to create an opening in which jewelry may be worn.
TELECOMMUNICATIONS TOWER	See Wireless Support Structure.
TELECOMMUNICATIONS TOWER, CONCEALED	A telecommunications tower and associated wireless telecommunications equipment that is integrated as an architectural feature into an existing structure (such as a steeple, bell tower, clock tower, silo, etc.), or that is designed to conceal the presence of the tower, antennas, and related wireless telecommunications equipment in a manner so that the purpose of the tower is obscured. Sometimes called a stealth tower

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
TELECOMMUNICATIONS TOWER, MAJOR	The construction or installation of a new telecommunications tower with a height of 30 feet or more above the adjacent pre-construction grade and associated equipment, including the equipment compound, access, electrical service, and other related facilities. This definition does not include construction of a small wireless facility as defined in §160D-931 (19) in the N.C. General Statutes.
TELECOMMUNICATIONS TOWER, MINOR	The construction or installation of a new telecommunications tower with a height of less than 30 feet above the adjacent pre-construction grade or that meets the definition of a concealed telecommunications tower.
TEMPORARY DWELLING	An emergency shelter or other structure established to serve as a temporary domicile while an existing principal residence is constructed, repaired, or located.
TEMPORARY REAL ESTATE OFFICE	A temporary commercial establishment, typically associated with a residential subdivision or building that serves as a base of operations for persons selling real estate or for potential buyers to inspect model dwelling units.
TEMPORARY WIRELESS FACILITY	A portable, self-contained wireless facility that provides wireless telecommunications services on a temporary or emergency basis. A temporary wireless facility may include a generator to provide power to the facility.
TEN (10) YEAR STORM OR TEN-YEAR STORM INTENSITY	The maximum rate of rainfall of a duration equivalent to the time of concentration expected, on the average, once in every ten years. Ten-year storm intensities are estimated by the National Oceanic and Atmospheric Administration Precipitation Frequency Data Server (PFDS), which is incorporated herein by reference, including subsequent amendments and additions. It may be accessed at no cost at http://hdsc.nws.noaa.gov/hdsc/pfds/ .
THEATRE	A building, or part thereof, which contains an assembly hall with or without stage which may be equipped with curtains and permanent stage scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures, performances, spectacles, and similar forms of entertainment. Theatres that also serve meals at tables prior to or during a performance are specialty eating establishments.
THOROUGHFARE STREET	means a street designated as a thoroughfare street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
TOOL/STORAGE SHED	An accessory structure with or without electricity used for the keeping of tools and equipment or general storage purposes.
TOWN	means the Town of Red Cross, North Carolina.
TOWNHOUSE	A dwelling unit that is physically attached to one or more other dwelling units, each on its own lot. Individual lots may or may not be surrounded by a larger tract that incorporates shared parking, recreation features, or access. The larger tract may or may not be owned in common by the landowners of individual lots.
TOWN PLANNER	means the employee designated by the Town Administrator in charge of the Town's planning, zoning, and subdivision functions.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
TOWN RIGHT-OF-WAY	A right-of-way owned, leased or operated by the Town, including any public street or alley that is not part of the State highway system.
TOWN UTILITY POLE	A pole owned by the Town that provides lighting, traffic control, utilities or a similar function.
TOXIC SUBSTANCE	Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.
TRANSFER STATION	See "Public Convenience Center/Transfer Station."
TRAVEL TRAILER	means any vehicle, house car, camp car, or any portable or moveable vehicle on wheels, skids, rollers, or blocks either self-propelled or propelled by any other means which is used or designed to be used for residential living, sleeping, commercial, or utility purposes, but not including those vehicles primarily designed for the transportation of goods.
TREE CANOPY	means the layer of vegetation formed by the crowns of mature trees.
TREE PROTECTION AREA	means the portion of a lot or site with existing trees located inside tree protection fencing.
TREE PROTECTION FENCING	means fencing or other barrier provided to protect trees to be retained from damage or encroachment during the development process.
TREE TOPPING	means the removal of the central leader and primary upper branches of a tree.
TREE, CANOPY	means a species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
TREE, EVERGREEN	means a woody plant with one or more stems that does not lose the majority of its leaves during winter or dormancy.
TREE, HARDWOOD	means a deciduous tree with broad leaves that produces fruit or a nut and goes dormant during winter months.
TREE, PROTECTED	means a tree that is present prior to the commencement of development or land disturbance that is required or intended to remain after completion of development or land disturbing activities.
TREE, SHADE	means a tree with a crown that provides shade to the surface area within a parking lot and associated parking spaces.
TREE, UNDERSTORY	means a species of tree which normally grows to a mature height of 15 to 35 feet.
TRELLIS	means a framework of light wooden or metal bars, chiefly used as a support for fruit trees or climbing plants.
TRUCK OR FREIGHT TERMINAL	A use where trucks, trailers, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
U	
UDO	The Town of Red Cross Unified Development Ordinance
UNDERGROUND STORAGE TANK	A container used for the storage of gas, liquid, powder, or other substance that is all or partially below grade. Pipes, pumping equipment, and ventilation features are considered part of an underground storage tank.
UNDERSTORY TREE	See "Tree, Understory."
UNDEVELOPED LAND	means a parcel/lot on which no residential, commercial, office or industrial activity is taking place.
URBAN HEAT ISLAND	means a portion of an urban or metropolitan area that is significantly warmer than its surroundings due to additional paving, building mass, and lack of shade. The temperature difference usually is larger at night than during the day and is most apparent when winds are weak.
USE	means the specific activity or function for which land, a building, or a structure is designated, arranged, intended, occupied, or maintained.
USABLE OPEN SPACE	A parcel or parcels of land or an area of water as a combination of both land and water and designed for the recreational use and enjoyment of residents of the proposed development, not including streets or off-street parking areas. Not more than one half of the required usable open space may be areas covered by water. Usable open space shall be substantially free of structures but may contain such improvements as are appropriate for the benefit of residents. A maximum of five percent of the area designated as usable open space may be covered by structures clearly ancillary to the recreational use of the space. Except for such structures, all usable open space shall be unobstructed except for plants, lawn furniture, swimming pools, terraces, walkways, play equipment, etc., so arranged to provide for the free movement of the people within the space. No portion of any such usable open space shall be located in any required yard area adjacent to a public street. Parking areas, vehicle drives, and storage areas shall not be included in the calculation of usable open space.
USE, SPECIAL	means a use permitted on a parcel/lot only after a special use permit has been issued by Town Board of Commissioners following notice and a quasi-judicial hearing.
UTILITY, MAJOR	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas facilities, and solid waste facilities.
UTILITY, MINOR	Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, electrical substations, and surface transportation stops such as bus stops and park-and-ride facilities.

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
UTILITY POLE	A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.
UTILITY, PUBLIC	See Public Utility
V	
VARIANCE	means a relaxation of the strict terms of a specific provision of this Ordinance authorized by the Board of Adjustment following notice and a quasi-judicial hearing..
VEGETATIVE COVER	means the presence of vegetation (whether tree, shrubs, or ground cover) in a particular location.
VEHICULAR USE AREA	means an off-street parking space or parking lot along with associated drive aisles and means on ingress or egress.
VERTICAL FAÇADE MODULATION	means the organization of an individual building façade into a base, middle, and cap configuration where there are discernable differences in exterior materials, building wall planes, or architectural detailing along the façade from the grade to the top of the building.
VETERINARY CLINIC	A facility for the care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.
VIOLATION	A breach, infringement, or transgression of a law or requirement in this Ordinance or a permit or other development approval.
VISUALLY TRANSPARENT	means glass or glazing that does not obstruct the view into a structure.
W	
WALL OFFSET	means a projection or recess located in or along a building wall.
WALL PACK	An exterior lighting device that is flush mounted on a vertical wall surface.
WALL PLANE	means the exterior surface of a building wall relative to the lot line it abuts.
WALL PLANE, PRIMARY	means the largest portion of a building wall in terms of area on a single building façade that maintains a uniform distance from the abutting lot line.
WALL, BUILDING	means the entire surface area, including windows and doors, of an exterior wall of a building.
WALL, PARAPET	A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
WAREHOUSE	An industrial use engaged in distribution of manufactured products, supplies, and equipment. May also include a use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.
WATERSHED	the entire land area contributing surface drainage to a specific point (e.g., the water supply intake.)

TABLE OF DEFINED TERMS	
TERM	**DEFINITION(S)**
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.
WHOLESALE SALES	Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office, or retail sales uses.
WIRELESS SERVICES	Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities
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. Utility poles are not wireless support structures.
WIRELESS TELECOMMUNICATIONS FACILITY	Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include any of the following: a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated. b. Wireline backhaul facilities. c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
X	
Y	
YARD	An open space on the same lot with a building or group of buildings which open space lies between the building or group of buildings and the nearest lot line and is occupied and unobstructed from the ground upward by buildings or structures except by permitted accessory buildings or uses.
Z	
ZONING COMPLIANCE PERMIT	means a permit issued by the Town authorizing the recipient to make use of property in accordance with the requirements of this Ordinance.