



UNIFIED DEVELOPMENT ORDINANCE

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ARTICLE 1 - GENERAL PROVISIONS

1.01 TITLE

This Ordinance is officially titled as the “City of Dunn, North Carolina - Unified Development Ordinance,” and may be referred to as “the Unified Development Ordinance,” “this Ordinance,” or by one or more other abbreviated references (“the UDO,” “this UDO,” or “UDO”).

1.02 AUTHORITY

The development regulations contained in this Ordinance have been adopted pursuant to the authority conferred by the North Carolina General Statutes (G.S.). Specifically, principal authorization comes in G.S. § 160D – Local Planning and Development Regulation. The Unified Development Ordinance of Dunn, North Carolina also uses powers granted in other sections of the G.S. relating to particular types of development or particular development issues.

1.03 JURISDICTION

The Dunn UDO shall be effective throughout the City of Dunn and its extraterritorial planning jurisdiction (ETJ) as identified on the Official Zoning Map of the City of Dunn. Per G.S. 160D-102, this area is hereby referred to as the City of Dunn Planning and Development Regulation Jurisdiction. However, pursuant to G.S. § 160D-903, property that is located in the extraterritorial jurisdiction which is used for bona fide farm purposes is exempt from the regulations of this UDO. The Planning and Development Regulation Jurisdiction of the City may be modified from time to time in accordance with G.S. § 160D. The Official Zoning Map is on file with the City Clerk and with the Administrator of this Ordinance. The Official Zoning Map and its boundaries shall be incorporated and made a part of this Ordinance.

1.04 PURPOSE AND INTENT

In order to protect and promote the health, safety, and general welfare of the City and its ETJ, the Dunn UDO is adopted by the City Council to regulate and restrict by means of zoning and subdivision regulations the height and size of buildings and other structures; the appearance and design of developments; the percentage of lots that may be covered or occupied; the dimensions of setbacks; the size of open spaces; the density of population; the construction and installation of infrastructure; and the location, use and design of landscaping, buildings, structures, and land for trade, industry, residence, and other purposes.

The purpose of the regulations set forth in the Dunn UDO shall be to fulfill the recommendations of the City's adopted comprehensive plans as amended.

1.05 REPEAL OF EXISTING ORDINANCES

The existing Zoning Ordinance [known as Chapter 22 – Zoning of the City's Code of Ordinances]; existing Subdivision Regulations [known as Chapter 22 – Subdivision of Land of the City's Code of Ordinances]; and existing Flood Damage Prevention Ordinance [known as Chapter 9 – Flood Damage Prevention of the City's Code of Ordinances] as subsequently amended are hereby repealed. The adoption of the Dunn UDO,

however, shall not affect nor prevent any pending or future prosecution of, or action to abate an existing violation of said ordinance.

1.06 CONSISTENCY WITH ADOPTED PLANS

In accordance with G.S. § 160D-605, it is the intention of the City Council that the Dunn UDO implements the planning policies adopted for the City and its ETJ, as reflected in the City's comprehensive planning documents adopted by the Dunn City Council.

While the City Council reaffirms its commitment that the Dunn UDO and any amendment to it be in conformity with adopted planning policies, the City Council hereby expresses its intent that neither the Dunn UDO nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document.

A. AMENDMENT OF UDO AND COMPREHENSIVE PLAN

The Unified Development Ordinance of Dunn, North Carolina also uses powers granted in other sections of the G.S. relating to particular types of development or particular development issues. Any amendments to or actions pursuant to this ordinance shall be consistent with the Comprehensive Plan.

The Comprehensive Plan for the City of Dunn may be amended and this Unified Development Ordinance and the incorporated Official Zoning Map shall reflect those changes through appropriate amendments in accordance with this Ordinance.

B. VARIATION FROM ADOPTED PLANS

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained. When adopting or rejecting any petition for a zoning text or map amendment, a brief statement explaining the reasonableness of the proposed rezoning shall be approved by the City Council.

1.07 CONFORMANCE TO UNIFIED DEVELOPMENT ORDINANCE

Except as otherwise specifically provided in the Dunn UDO, no land shall be subdivided; no land or structure shall hereafter be used or occupied; no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development; no infrastructure shall be constructed or installed; and no structure, or part thereof, shall be constructed, erected, altered, or moved, unless in compliance with all of the applicable provisions of the Dunn UDO.

All existing lots of record, platted prior to the adoption of this UDO and upon which no buildings have been erected, shall be grandfathered upon the date of adoption of this UDO and shall not be subject to the new dimensional standards listed in *Article 4 – Zoning Districts*. However, buildings upon such lots shall be subject to standards in this ordinance including all related site improvements.

1.08 OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk. If changes are made in accordance with the provisions of this Ordinance such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council with an entry on the Official Zoning Map. Per G.S. § 160D-105, the Administrator must maintain a paper or digital record of current and prior zoning maps beginning on *April 12, 2023*.

1.09 CONTINUED VIOLATIONS

Any violation of provisions existing on the effective date of the Ordinance shall continue to be a violation under this Ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction or other activity is clearly consistent with the express terms of this Ordinance.

1.10 TRANSITIONAL PROVISIONS

A. PRIOR VIOLATIONS CONTINUE

1. Any violation of the previous ordinances shall continue to be a violation under this UDO, unless the development/property complies with the express terms of this Ordinance or the statute of limitations on enforcement has expired.
2. Any violation of the previous ordinances that is no longer a violation under this Ordinance shall not be considered a violation.
3. Violations of this Ordinance shall be subject to the penalties set forth in *Article 10 - Enforcement*, unless the development/property complies with the express terms of this Ordinance.

B. EXISTING NONCONFORMITIES

If any use, building, structure, lot, sign, or site feature legally existed on *April 12, 2023*, 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 be subject to the requirements in *Article 9 - Nonconformities*.

C. PENDING APPLICATIONS

1. Any UDO related application filed and accepted as complete before *April 12, 2023* 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 in accordance with G.S. § 160D-108.
2. To the extent an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of *Article 9 - Nonconformities*.
3. If the development subject to an application approved under the City's prior development regulations fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.
4. Applications that have been filed prior to *April 12, 2023* but not determined to be complete by the Administrator shall be reviewed and decided in accordance with this Ordinance.

D. APPROVED APPLICATIONS

The following standards apply to applications approved prior to *April 12, 2023*

1. Any development approvals 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 an approved plan shall comply with the provisions of this Ordinance.
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.
5. Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.

1.11 INTERPRETATION AND CONFLICT

A. INTERPRETATION

1. This UDO establishes many, but not all, of the standards and procedures for development. Other portions of the City's Code of Ordinances, as well as other standards, shall apply to development, including, but not limited to, building codes, fire codes, utility, street and drainage design and construction standards.
2. The issuance of any development approval pursuant to this UDO shall not relieve the recipient from the responsibility to comply with all other City, County, State or federal laws, ordinances, rules or regulations.
3. References to other regulations or provisions of the UDO are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure, or use from other regulations.
4. The UDO contains numerous graphics, pictures, illustrations, and drawings to assist the reader in understanding and applying the UDO. However, to the extent that there is any inconsistency between the text of the UDO and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

B. WORD INTERPRETATION

1. For the purpose of this ordinance, certain words shall be interpreted as follows:
 - a. Words in the present tense include the future tense.
 - b. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
 - c. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
 - d. The word "structure" shall include the word "building".
 - e. The word "lot" shall include the words, "plot", "parcel", or "tract".
 - f. The word "shall" is always mandatory and not merely directory.
 - g. The word "will" is always mandatory and not merely directory.

- h. The word “may” indicates an optional action or requirement, however the phrase “may not” is mandatory and equivalent to describing a prohibited action.
- 2. The Administrator is the administrative authority in the interpretation of this Ordinance.

C. CONFLICT

When provisions of the Dunn UDO impose higher standards than are required in any other statute or local ordinance or regulation, provisions of the Dunn UDO shall govern. When the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions of the Dunn UDO, the provisions of that statute or local ordinance or regulation shall govern.

1.12 FEES

Any action on an application listed in this Ordinance shall be subject to payment of the required fee in the amount as established by the City Council. All fees shall be paid to the City of Dunn, North Carolina at the time of submittal of each application to cover the cost of advertising and other administrative expenses involved.

1.13 ADMINISTERING THE UDO

This UDO is intended to be administered in an efficient manner that provides appropriate opportunities for public involvement and an efficient development process. The roles of the City Council, Planning Board, Board of Adjustment, other boards and City staff are established in *Article 2 - Administration* of this ordinance.

1.14 EFFECTIVE DATE

This Unified Development Ordinance shall become effective on *April 12, 2023*

ARTICLE 2 – ADMINISTRATION

2.01 GENERAL MEETING PROCEDURES

A. OPEN MEETINGS

All meetings of elected or appointed bodies under this Ordinance shall be open to the public in accordance with G.S. § 143-318 and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies and approved by the City Council.

B. RULES OF PROCEDURE

All boards shall adopt formal rules of procedure consistent with the level of decision-making vested with that board (e.g., advisory review, quasi-judicial). Any adopted rules of procedure shall be kept on file at City Hall and shall be made available to the public.

C. MINUTES

Accurate minutes of each meeting shall be maintained by each board set out in this Article, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact. Each board set out in this Article shall keep records of its examinations and official actions. All of these minutes and records shall be filed in the office of the Administrator for the public record.

D. MEETINGS

1. All bodies authorized under this Ordinance shall meet at regularly scheduled times and at such other times as determined by the chairperson as provided for in the rules of procedure.
2. Special meetings may be called at any time by request of a majority of members of the board.

2.02 ADMINISTRATOR

A. THE ADMINISTRATOR

The various provisions of this Ordinance shall be administered under the general direction of the City of Dunn Planning Department. For the purposes of this Ordinance, the Planning Director and their subordinate staff are collectively referred to as the Administrator. The Planning Department will serve as the “gatekeeper” for all development applications and will advise applicants on appropriate personnel to contact.

B. POWERS AND DUTIES

The Administrator shall have the following powers and duties, to be carried out in accordance with the terms of this ordinance:

1. Make all final decisions as to the interpretation and definitions of this UDO;
2. Recommend the amount and applicability of administrative Planning fees;

3. Monitor and determine the adequacy of security instruments and escrow deposits and issuance of ministerial development approvals;
4. Serve as staff support and make recommendations for and to the City Council, Planning Board and Board of Adjustment;
5. Review and render interpretations of this UDO and the Official Zoning Map;
6. Accept applications for development approval; certify the completeness of submitted applications with the requirements of these regulations;
7. Accept applications for review, and approve, approve with conditions or deny, applications for all ministerial development approvals;
8. Monitor projects to ensure compliance with conditions of a development approval;
9. Monitor and assist in the enforcement of this UDO;
10. Review development applications to ensure that all necessary permits, licenses, franchises and approvals have been obtained from federal, state, local governmental districts, public and private utilities and other public agencies;
11. Serve as the chair of the Technical Review Committee (TRC);
12. Maintain a record of all permits, appeals, variances, certificates, reviews and such other transactions and correspondence pertaining to the administration of this UDO;
13. Oversee enforcement and responsibilities related to ensuring compliance with the UDO, notification of violations, ordering actions on violations and keeping records of related activities;
14. Issue administrative modifications to this ordinance where appropriate;
15. Serve as Floodplain Administrator;
16. Coordinate erosion and sediment control activities;

C. RESPONSIBILITIES FOR REVIEW AND DECISIONS

The Administrator shall serve as the reviewing entity and be responsible for final actions / decisions per the Review Authority Table in *Article 3 – Development Review Procedures* of this Ordinance.

D. CONFLICTS OF INTEREST

1. It shall be the duty of the Administrator and staff to avoid even the appearance of conflict of interest. Therefore, no administrative staff shall make a final decision on an administrative decision as required by G.S. § 160D if the outcome of his or her decision would have a direct, substantial, readily identifiable financial impact on him or her or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.
2. If the Administrator or their representative has a conflict of interest, the decision shall be assigned to another staff member's supervisor or the supervisor's designee.

2.03 TECHNICAL REVIEW COMMITTEE (TRC)

A. POWERS AND DUTIES

1. The TRC shall serve as a review and recommending body, assisting the Administrator, City Council, or Planning Board where appropriate, with the review of applications for development approval. The TRC shall provide advice and recommendations on environmental, planning, fiscal, design, engineering, transportation, utility, geo-hydrological, water availability, sustainability, environmental and technical issues, and to assess the comments and reports of reviewing City departments, regional, state and federal agencies and officials, owner/applicants and other interested parties with standing.
2. The TRC shall meet at the request of the Administrator. An owner/applicant may be invited to attend meetings of the TRC only at the discretion of the Administrator.

B. MEMBERSHIP

1. The TRC shall be chaired by the Administrator (or their designee) and shall consist of technical staff and representatives of various City departments and possibly other key outside agencies on a project by project basis.
2. Members are appointed by the Administrator and shall include (but not be limited to) representatives from Emergency Services, Parks and Recreation, Planning, Public Utilities and NCDOT. In addition, and as appropriate, the TRC may include, for specific development approval applications, representatives of other service providers.

C. RESPONSIBILITIES FOR REVIEW AND DECISIONS

The Technical Review Committee shall serve as the reviewing body for applications per the Review Authority Table in *Article 3 – Development Review Procedures* of this Ordinance.

2.04 BOARD OF ADJUSTMENT

A. POWERS AND DUTIES

Per G.S. 160D-302, the City of Dunn Board of Adjustment is established and shall have the following powers and duties to be carried out in accordance with the terms of this Ordinance:

1. To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator in the carrying out or enforcement of any provision of this Ordinance.
2. To authorize upon appeal, in specific cases, such variances from the terms of this Ordinance based on the findings of fact listed in *Article 3 – Development Review Procedures*.
3. The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on cases as prescribed by this ordinance and G.S. § 160D. The board shall conduct its meeting in accordance with the quasi-judicial procedures set forth in this ordinance and its rules. Due notice shall be given to all parties in interest. All meetings of the board shall be open to the public. All evidence and testimony shall be presented publicly and all hearings, deliberations and actions of the board shall be conducted openly.

B. MEMBERSHIP AND QUORUM

1. The Board of Adjustment shall consist of the same persons appointed by the City Council to serve on the Planning Board (*See Section 2.06.B – Planning Board*).
2. Officers shall be elected in accordance with the adopted rules of procedure. The City Council may appoint alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.
3. A quorum for the Board of Adjustment shall consist of the number of members equal to 4/5 of the regular board membership (excluding vacant seats). A quorum is necessary for the board to take any official action.
4. The board shall keep minutes of its proceedings, showing the vote of each member upon every question or his/her absence or failure to vote, indicating such fact. The Board of Adjustment shall keep public record of its examinations, discussions, findings, and decisions and any other official actions.
5. All members shall, before entering their duties, qualify by taking an oath of office as required by NCGS §160D.

C. ATTENDANCE

Faithful attendance at the meetings of the Board of Adjustment and conscientious performance of duties required of the members of the Board of Adjustment shall be considered a prerequisite for continued membership on the Board of Adjustment.

D. RESPONSIBILITY FOR DECISIONS AND VOTING

1. The Board of Adjustment shall be responsible for final actions and/or decisions per the Review Authority Table in *Article 3 – Development Review Procedures* of this Ordinance.
2. The Board of Adjustment shall also have any additional powers and duties as may be set forth in other laws and regulations or at the direction of the City Council.
3. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari.
4. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

E. RULES OF CONDUCT

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

1. Faithful attendance at all Board meetings and conscientious performance of the duties required of Board members shall be considered a prerequisite of continuing membership on the Board.
2. Each member of the Board shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the Board as time and circumstances permit.
3. It shall be the duty of the Board of Adjustment to avoid even the appearance of conflict of interest. Therefore, no member shall participate in or vote on any quasi-judicial matter in a manner that would violate the affected persons' constitutional rights to an impartial decision maker as required by G.S. § 160D. Violations include a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
4. In applying this rule the following procedure shall govern:
 - a. A member who has a conflict of interest shall disqualify himself or herself and withdraw from participation in the matter. The member shall not sit with the Board of Adjustment during the consideration and discussion of that matter.
 - b. Any member may seek an opinion from the City Attorney as to the applicability of this section to a particular decision or set of facts. The response to such a request shall be made to the member making the request, and a copy shall be provided to the chairman of the Board of Adjustment. By majority vote, the Board of Adjustment may seek the opinion of the City Attorney as to the applicability of this section to a particular decision or set of facts.
 - c. If an opinion is received from the City Attorney that a member has an impermissible conflict of interest pursuant to a particular decision or set of facts and the member does not disqualify himself or herself, the Board of Adjustment may by majority vote (not considering the vote of the member with the alleged conflict) disqualify that member from all participation in the matter involved.

2.05 CITY COUNCIL

A. POWERS AND DUTIES

The City of Dunn City Council shall have the following powers and duties to be carried out in accordance with the terms of this Ordinance.

1. To conduct any and all business in accordance with their charter and the N.C.G.S.
2. To amend the City of Dunn Comprehensive Plan and other such comprehensive plans as necessary.
3. Appoint members to the Board of Adjustment and Planning Board.
4. Render final decisions regarding the following development permit types (also see Article 3 – Development Review Procedures):
 - a. Text Amendments
 - b. Map Amendments (Rezoning)
 - c. Conditional Zoning
 - d. Annexation & Extraterritorial Jurisdiction (ETJ) Expansion
 - e. Special Use Permits
 - f. Appeals of Major Subdivision Decisions (Over 20 lots)

B. CONFLICTS OF INTEREST

It shall be the duty of the City Council to avoid even the appearance of conflict of interest. Therefore, no member shall participate in or vote on any legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. No member shall vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. In applying this rule, the following procedure shall govern:

1. A member who has a conflict of interest shall disqualify himself or herself and withdraw from participation in the matter. The member shall not sit with the City Council during the consideration and discussion of that matter.
2. Any member may seek an opinion from the City Attorney as to the applicability of this section to a particular decision or set of facts. The response to such a request shall be made to the member making the request, and a copy shall be provided to the Mayor. By majority vote, the Council may seek the opinion of the City Attorney as to the applicability of this section to a particular decision or set of facts.
3. If an opinion is received from the City Attorney that a member has an impermissible conflict of interest pursuant to a particular decision or set of facts and the member does not disqualify himself or herself, the Council may, by majority vote (not considering the vote of the member with the alleged conflict), disqualify that member from all participation in the matter involved.

2.06 PLANNING BOARD

A. POWERS AND DUTIES

The City of Dunn Planning Board is hereby created pursuant to G.S. § 160D-301 and the provisions of this Article. The City of Dunn Planning Board shall have the following powers and duties to be carried out in accordance with the terms of this Ordinance.

1. To prepare, review, maintain, monitor, and periodically update and recommend to the City Council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
2. To facilitate and coordinate citizen engagement and participation in the planning process.
3. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
4. To advise the City Council concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
5. To exercise any functions in the administration and enforcement of various means for carrying out plans that the City Council may direct.
6. Perform any other related duties that the City Council may direct.
7. Serve as the Administrative Approval Agency for Major Subdivisions (Over 20 lots)

B. MEMBERSHIP AND QUORUM

1. The Planning Board shall consist of seven (7) members. All members shall be citizens and residents of the City of Dunn and shall be appointed by the City Council, except extraterritorial members.
2. A minimum of five (5) members shall reside in the corporate limits and a minimum of one (1) member shall reside in the extraterritorial jurisdiction (ETJ), unless the proportional calculation for ETJ representation, which shall be determined based on the population of residents of the extraterritorial area, requires more than one ETJ member. The population estimates for this calculation shall be updated no less frequently than after each decennial census. The city resident members shall be appointed by the City Council and the ETJ resident members shall be appointed by the Harnett County Board of Commissioners after a recommendation of the Dunn City Council. The representatives of the extraterritorial area shall have equal rights, privileges, and duties with the other members of the Planning Board.
3. To achieve staggered terms, as the terms of existing members expire, the first two (2) members re-appointed or their replacements shall be appointed for a term of one (1) year, the second two (2) members shall be re-appointed or their replacements shall be appointed for a term of two (2) years and the final three (3) members shall be re-appointed or their replacement appointed for a term of three (3) years. Their successors shall be appointed to three-year terms. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the un-expired term.

4. The Planning Board shall elect a chairperson and vice-chairperson each January. The term of the chairperson and vice-chairperson shall be one (1) year, with eligibility of re-election.
5. All members shall, before entering their duties, qualify by taking an oath of office as required by NCGS §160D.

C. ATTENDANCE

Faithful attendance at the meetings of the Planning Board and conscientious performance of duties required of the members of the Planning Board shall be considered a prerequisite for continued membership on the Planning Board.

D. RULES OF CONDUCT

1. Members of the Planning Board may be removed for cause by the City Council, including violation of the rules stated below:
 - a. Faithful attendance at all Board meetings and conscientious performance of the duties required of Board members shall be considered a prerequisite of continuing membership on the Board.
 - b. Each member of the Board shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the Board as time and circumstances permit.
2. It shall be the duty of every Board member to avoid even the appearance of conflict of interest. Therefore, no member shall vote on, discuss, debate, advocate, influence, or otherwise participate before the Board in any matter that would substantially affect, directly or indirectly, his or her personal financial interests or the financial interests of a member of his or her household. This prohibition includes formal or informal consideration of the matter by the Board, whether conducted in public or private. This provision does not prohibit participation in advisory decisions that will have a similar effect on all citizens of the planning area or in which the financial interest is so insignificant or remote that it is unlikely to affect the member's official action in any way. In applying this rule, the following procedure shall govern:
 - a. A member who has a conflict of interest shall disqualify himself or herself and withdraw from participation in the matter. The member shall not sit with the Planning Board during the consideration and discussion of that matter.
 - b. Any member may seek an opinion from the City Attorney as to the applicability of this section to a particular decision or set of facts. The response to such a request shall be made to the member making the request, and a copy shall be provided to the chairman of the Board. By majority vote, the Planning Board may seek the opinion of the City Attorney as to the applicability of this section to a particular decision or set of facts.
 - c. If an opinion is received from the City Attorney that a member has an impermissible conflict of interest pursuant to a particular decision or set of facts and the member does not disqualify himself or herself, the Planning Board may, by majority vote (not considering the vote of the member with the alleged conflict), disqualify that member from all participation in the matter involved.

E. RESPONSIBILITIES, RECOMMENDATIONS, AND DECISIONS.

The Planning Board shall be responsible for review and providing recommendations to the City Council regarding the following development permit types (also see *Article 3 – Development Review Procedures*):

1. Text Amendments
2. Map Amendments (Rezoning)
3. Conditional Zoning
4. Comprehensive Plan Amendments

The Planning Board shall serve as the Administrative Approval Agency for Major Subdivisions containing over 20 lots (*also see Article 3 – Development Review Procedures*).

DEVELOPMENT ARTICLE 3 – DEVELOPMENT REVIEW PROCEDURES

3.01 DEVELOPMENT PROCESSES AND PERMITS

A. PURPOSE AND INTENT

In order to establish an orderly process to develop land within the City of Dunn's planning and development regulation jurisdiction consistent with standard development practices and terminology it is the purpose of this Section to provide a clear and comprehensible development process.

B. PROVISIONS AND APPLICABILITY

The provisions of this section shall be applicable to all development activity under the planning and development regulation jurisdiction of the City of Dunn.

1. Permit to Start Construction Required

No land shall be used or occupied, and no structures shall be erected, moved, extended, or enlarged, nor shall any timbering, clearing and grubbing, or filling of any lot for the construction of any building be initiated until the Administrator has issued an appropriate permit which will certify that the proposed work is in conformity with the provisions of this Ordinance.

2. Fees and Inspections

- a. The City of Dunn is authorized to establish fees to be charged by the City for the administration of the regulations in this Ordinance. Based on the City's official fee schedule, fees shall be paid to the City to cover the cost of processing, advertising and other administrative expenses regarding each application and/or development plan as specified in this Ordinance.
- b. Agents and officials of the City are authorized to inspect land development activities to ensure compliance with this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance, and to determine whether the measures required in approved development plans are being appropriately followed. Notice of the right to inspect shall be included in the certificate of approval of each plan.
- c. No person shall willfully resist, delay or obstruct an authorized representative, employee or agent of the City while that person is inspecting or attempting to inspect a land development activity.
- d. The City shall also have the power to require written statements or filing reports under oath, with respect to pertinent questions relating to the land development activity.

3. Review Authority Table

DEVELOPMENT PROCESS	PROCESS TYPE	REVIEW / RECOMMENDATION	FINAL ACTION	APPEAL PROCESS	PUBLIC MEETING NOTICE	PERMIT VALIDITY
ADMINISTRATIVE MODIFICATION OF SETBACKS	Administrative	Administrator	Administrator	Board of Adjustment	N/A	N/A
CERTIFICATE OF COMPLIANCE	Administrative	Administrator	Administrator	Board of Adjustment	N/A	N/A
DEVELOPMENT PERMIT	Administrative	Administrator	Administrator	Board of Adjustment	N/A	1 year
CONSTRUCTION PLANS	Administrative	Administrator / TRC ⁽²⁾	Administrator	Board of Adjustment	N/A	2 years
FLOODPLAIN DEVELOPMENT PERMIT	Administrative	Administrator	Administrator	Board of Adjustment	N/A	1 year
SIGN PERMIT	Administrative	Administrator	Administrator	Board of Adjustment	N/A	1 year
SITE PLANS	Administrative	Administrator / TRC ⁽²⁾	Administrator	Board of Adjustment	N/A	2 years
MINOR SUBDIVISION (3 lots or fewer)	Administrative	Administrator / TRC ⁽²⁾	Administrator	Board of Adjustment	N/A	1 year
MAJOR SUBDIVISION (20 lots or fewer)	Administrative	Administrator / TRC ⁽²⁾	Administrator	Board of Adjustment	N/A	2 years
MAJOR SUBDIVISION (more than 20 lots)	Administrative	Administrator / TRC ⁽²⁾	Planning Board	City Council	1, 4	2 years
TRANSPORTATION IMPACT ANALYSIS	Administrative	Administrator / TRC ⁽²⁾	Per primary development / permit process	Per primary development / permit process	N/A	N/A
FINAL PLAT / DEDICATION	Administrative	Administrator / TRC ⁽²⁾	City Council	Superior Court	N/A	N/A
REZONING (MAP AMENDMENT)	Legislative	Planning Board	City Council	Superior Court	1, 2, 3, 4 ⁽¹⁾	N/A
CONDITIONAL ZONING	Legislative	Planning Board	City Council	Superior Court	1, 2, 3, 4 ⁽¹⁾	N/A
TEXT AMENDMENT	Legislative	Planning Board	City Council	Superior Court	1	N/A
APPEAL OF ADMINISTRATIVE DECISION	Quasi-Judicial	Administrator	Board of Adjustment	Superior Court	1	N/A
SPECIAL USE PERMIT	Quasi-Judicial	Administrator / TRC ⁽²⁾	City Council	Superior Court	1, 2, 3	2 years
VARIANCE	Quasi-Judicial	Board of Adjustment	Board of Adjustment	Superior Court	1, 2, 3	N/A
⁽¹⁾ Neighborhood Meetings shall only be required when the requested zoning change is from a residential district to a higher density residential or a non-residential district.						
⁽²⁾ TRC = Technical Review Committee						

4. Application Completeness

a. Applications to Be Complete

- (1) No application is complete unless all of the information required herein is included and all filing fees have been paid. The Administrator shall consider an application that includes such information deemed complete.
- (2) Additional information may be required by the Administrator to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance. Failure to provide additional requested required information may result in application denial or in a determination of incompleteness. The presumption established by this UDO is that all required application information herein or otherwise requested by the Administrator is necessary.
- (3) Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission constitute a decision as to whether the application complies with the provisions of the UDO. A determination of an incomplete application is an administrative decision and may be appealed to the Board of Adjustment.

b. Evidence of Authority

No application shall be considered complete without written affirmation from the landowner either as applicant or through express written consent.

5. Public Notice

The following procedures have been established for development processes/permits that require notification of the public prior to consideration and/or approval.

a. Level 1 - Published Notice - General

A notice shall be published in a newspaper of general circulation in the City once a week for 2 successive weeks, unless the notice is for an annexation public hearing which requires a single notice. The first publication shall appear no less than 10 days or more than 25 days prior to the date fixed for the legislative or evidentiary public hearing. The notice shall include the time, place and date of the hearing/meeting and include a description of the property and the nature of the proposal.

b. Level 2 - Mailed Notice / Full Community Notice

- (1) The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.
- (2) As an alternative, to the mailed notice requirements in the section above and per G.S. § 160D-602(b), the City may elect to serve notice through a full community notification for pending actions that affect at least fifty properties with at least fifty different property owners. The City shall publish notice of the hearing/meeting in a newspaper of general circulation in the City. Two

advertisements shall be published in separate calendar weeks. Each advertisement shall not be less than ½ of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail.

c. Level 3 - Posted Notice

In addition to providing published or mailed notice, as required above, a sign shall be placed in a prominent location on the subject property(ies) or on an adjacent public street or highway right-of-way with a notice of the pending action and a phone number (designated City contact person or department) to contact for additional information. The notice shall be posted within the same time period specified for mail noted in this section.

d. Level 4 - Neighborhood meeting

Prior to any legislative or evidentiary public hearing, the applicant shall conduct a neighborhood meeting. This meeting will allow the applicant to explain the proposed project and to be informed of the concerns of the neighborhood and surrounding property owners. The neighborhood meeting shall be held at least fourteen (14) days prior to the Planning Board meeting. A meeting notice shall be sent to property owners and Homeowner Associations within 200 feet of the proposed development. The notice shall be sent by first class mail and be postmarked at least 10 but not more than 25 days prior to the date of the neighborhood meeting. A copy of the notice shall also be sent to the City of Dunn. The letter shall contain a summary of the proposed development, the applicant's contact information, the date, time and location of the meeting. The location of the neighborhood meeting should be held within a reasonable distance of the proposed project. The meeting shall be held at a reasonable time giving the nearby property owners an opportunity to attend. A summary of the meeting in the form of meeting notes or minutes along with a list and contact information for all attendees shall be submitted to the Planning Board and City Council for their review at all subsequent legislative or evidentiary hearings.

6. Application Requirements

- a. The following general standards for various applications have been identified as a means to create a hierarchy of submissions for permits/processes.
- b. The City's official application checklists are intended to provide further guidance to applicants as to the necessary level of detail for certain permit/process types. Permits/processes for which checklist requirements are needed are marked with "●" in the table below:

DEVELOPMENT PERMIT/PROCESS	EXISTING CONDITIONS MAP	SKETCH PLAN	MASTER PLAN	CONSTRUCTION PLAN	FINAL PLAT	BUILDING ELEVATIONS	AS-BUILT DRAWINGS
ADMINISTRATIVE MODIFICATION OF SETBACKS	●	●		● ^[1]		● ^[1]	● ^[1]
CERTIFICATE OF COMPLIANCE	● ^[1]				● ^[1]		● ^[1]
CONDITIONAL ZONING ^[2]	●	● ^[1]	●			● ^[1]	
CONSTRUCTION PLAN REVIEW	●			●		● ^[1]	● ^[1]
DEVELOPMENT PERMIT	● ^[1]	●				● ^[1]	
FINAL PLAT REVIEW					●		● ^[1]
FLOOD DEVELOPMENT PERMIT	●			●		● ^[1]	● ^[1]
MAJOR SUBDIVISION ^[2]	●		● ^[1]	●	●		●
MAJOR SITE PLAN REVIEW ^[2]	● ^[1]		● ^[1]	●	● ^[1]	● ^[1]	● ^[1]
MINOR SITE PLAN REVIEW	●	●	●		● ^[1]	● ^[1]	
MINOR SUBDIVISION/FINAL PLAT ^[3]	● ^[1]	● ^[1]			●		● ^[1]
SIGN PERMIT		●				● ^[1]	
SPECIAL USE PERMIT ^[2]	●		●			● ^[1]	
TRANSPORTATION IMPACT ANALYSIS (TIA)	See Section 3.12.						
VARIANCE	● ^[1]	● ^[1]				● ^[1]	● ^[1]
VESTED RIGHT	See G.S. 160D-108 & 160D-108.1						

^[1] As needed by the Administrator.

^[2] May also require a TIA, per Section 3.12, Transportation Impact Analysis.

7. Existing Conditions Map

An existing conditions map is intended to identify existing developed conditions and natural features including, but not limited to, the following:

- a. Rights of way
- b. Existing structures
- c. Cemeteries
- d. Bridges or culverts

- e. Utilities
 - f. Driveways and curb cuts
 - g. Sidewalks, surface parking and loading areas
 - h. Streets with pavement width
 - i. Existing easements
 - j. Natural features such as large stands of trees, water features, special flood hazard area
 - k. Soils type
 - l. Existing topography
 - m. Clear boundary of the property and a vicinity map (a survey may be required if determined to be necessary by the Administrator),
- 8. Sketch Plan**
- a. A sketch plan shall show in simple sketch form the dimensions of the lot on which the proposed building or use is to be constructed or conducted and the following:
 - (1) Proposed layout of existing and proposed streets,
 - (2) Existing or proposed lot(s) layout, building(s) location and size,
 - (3) Nature of land use, parking areas and means of ingress/egress,
 - (4) Environmental conditions (i.e. Special Flood Hazard, wetlands, Impervious Surface Area, etc.)
 - b. Sketch Plans shall be reviewed as binding documents for compliance of Unified Development Ordinance conformance, but shall be nonbinding when used in the review for pre-application conferences for all other development application processes in which a sketch plan is required. All plans shall be submitted at a scale not less than one inch equals fifty feet (for Site Plans) or one inch equals 200 feet (for Subdivisions) unless otherwise authorized by the Administrator.
- 9. Master Plan**
- a. A master plan is intended to provide a detailed two-dimensional drawing that illustrates all of the required site features including:
 - (1) Buildings and parking areas
 - (2) Street locations, street sections, and new and existing rights-of-ways
 - (3) Property lines and setbacks
 - (4) Required or proposed buffers
 - (5) Conceptual landscaping
 - (6) All related development calculations (e.g. density, proposed building areas, number of parking spaces, impervious surface coverage) in sufficient detail to show compliance with this Ordinance.
 - (7) Detailed engineering drawings such as subsurface utilities (e.g., water and sewer) and on-site stormwater facilities are not required for Master Plans, except that horizontal water and sewer locations shall be indicated as required by the utility provider.

10. Construction Plan

- a. Construction Plans shall constitute a full and complete set of engineered drawings necessary for final permitting and construction.
- b. All plans shall be submitted at a scale not less than one inch equals fifty feet unless otherwise authorized by the Administrator.
- c. All streets, utilities, and stormwater, and other infrastructure systems shall be designed and constructed in accordance with the City's adopted standards and specifications and other utility provider requirements where applicable.

11. Final Plat

- a. The final plat shall be prepared by a professional land surveyor, licensed to practice in the State of North Carolina and shall be drawn to a scale no less than one inch equals 100 feet, and shall meet the requirements of G.S. § 47-30.
- b. The final plat shall constitute an accurate survey of the entire phase as shown on the approved plan and shall include all the relevant notes and certifications.

12. Building Elevations

In order to reasonably evaluate the appearance, function, and impact of nonresidential and multifamily buildings, it is necessary to submit scaled drawings of each elevation. These drawings should be in color and shall accurately represent the building heights, floor levels, architectural features, fixtures, and building materials.

13. As-Built Drawings

The "as built" drawings shall show the final design specifications for all public infrastructure. The designer of the infrastructure shall certify, under seal, that the installed infrastructure is in substantial compliance with the approved plans and designs and with the requirements of this Ordinance. A final inspection and approval by the Administrator shall occur before the release of any performance securities.

3.02 REQUIREMENTS FOR HEARINGS AND DECISIONS

A. STANDARDS FOR CONDUCT OF QUASI-JUDICIAL HEARINGS

Per G.S. § 160D-102, a quasi-judicial decision is a process that involves the finding of facts regarding a specific application of development regulation and the exercise of discretion when applying the standards of this Ordinance. Quasi-judicial decisions include decisions involving variances, special use permits, and appeals of administrative decisions. As a result, the following standard procedures are incorporated as appropriate per G.S. § 160D-406.

1. Contact with Decision-Making Board Members

Contact with any members of a decision-making board prior to the public hearing by any individual regarding the matter is prohibited.

2. Conflict of Interest

A member of the decision-making board shall not participate in or vote on a quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

3. Participants to be Sworn

All participants in the public hearing shall be duly sworn in prior to the submission of any testimony.

4. Competent Evidence Required

- a. All decisions shall be based on competent evidence entered in as part of the record.
- b. The term "competent evidence," as used in this subsection, shall not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if:
 - (1) The evidence was admitted without objection, or
 - (2) The evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making board to rely upon it.
- c. The term "competent evidence," as used in this Section, shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
 - (1) The use of property in a particular way would affect the value of other property.
 - (2) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
 - (3) Matters about which only expert testimony would generally be admissible under the rules of evidence.

5. Cross-Examination Permitted

The cross-examination of witnesses submitting testimony shall be permitted upon request.

B. DECISION STANDARDS

Each decision-making board under the provisions of this Ordinance shall ensure that the rights of petitioners have not been prejudiced because of the decision-making body's findings, inferences, or conclusions. In addition, such decision shall not be:

1. In violation of constitutional provisions, including those protecting procedural due process rights.
2. In excess of the statutory authority conferred upon the City or the authority conferred upon the decision-making board by Ordinance.
3. Inconsistent with applicable procedures specified by statute or Ordinance.
4. Affected by other error of law.
5. Unsupported by substantial competent and material evidence in view of the entire record.
6. Arbitrary and capricious.

C. DECISION RECORDS

The following shall become part of the official record of decision:

1. Documents and exhibits submitted to the decision-making board;
2. Meeting minutes;
3. Any party may request, at their expense, a transcript of the proceedings from any recorded audio/video if available.

3.03 ADMINISTRATIVE PERMITS

A. DEVELOPMENT PERMIT

A development permit indicates compliance with the provisions of this Ordinance and shall be required for the construction or development of any new use within the planning and development regulation jurisdiction of the City of Dunn, and any other site improvement as indicated in this Ordinance. In addition to new uses, a development permit shall be required for expansions of existing uses, changes of use, any uses permitted with supplemental conditions (*Article 5 – Individual Use Standards*) and any signage requiring a permit.

1. Application Prior to Building Permit

A development permit application shall be presented to the Administrator prior to applying for a building permit. No building permit shall be issued for any activity within the City's planning and development regulation jurisdiction until such zoning permit is approved.

2. Pre-Application Process

No meeting is required but applicants are encouraged to call or visit the Administrator prior to requesting a development permit to determine what information is required for the application.

3. Determination of Compliance

Once an application containing all needed elements is submitted, the Administrator shall review the application and approve or deny it based on compliance with the standards contained in this Ordinance.

4. Appeals

See *Review Authority Table*.

5. Permit Validity & Extensions

- a. Upon the approval of the Development Permit, the applicant shall have one year to obtain a building permit or otherwise begin the permitted use. Failure to secure building permits for the permitted work within this time shall render the compliance void. Upon issuance of a building permit, the Development Permit shall remain valid as long as a valid building permit exists for the project.
- b. The Administrator shall grant one extension of this time period for six months upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

B. ADMINISTRATIVE MODIFICATION OF SETBACKS

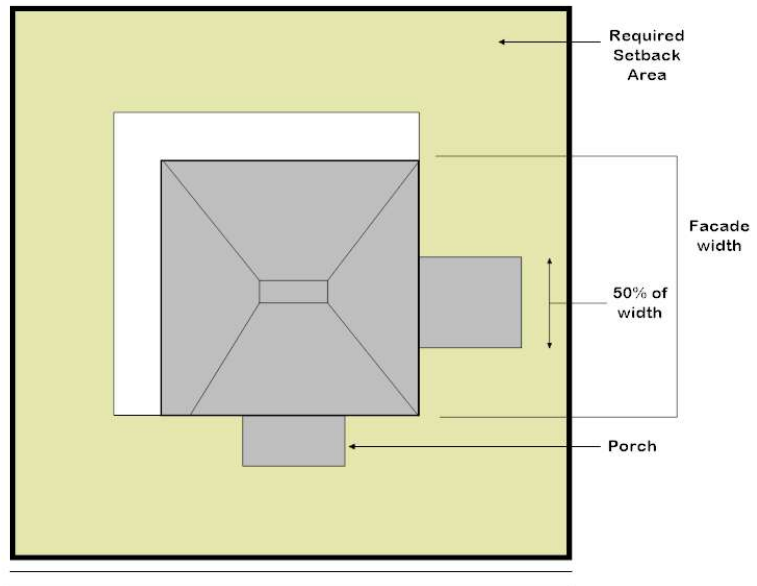
In keeping with the purpose of these regulations to accomplish coordinated, balanced, and harmonious development in a manner which will best promote the health, safety, and general welfare while avoiding undue and unnecessary hardships, on approval by the City Manager, the Administrator is authorized to approve certain requests for deviation from dimensional standards.

1. Conditions for Modification of Setbacks

Requests for deviation from required setbacks set forth in this ordinance by up to ten percent of the required setbacks or 24 inches from a property line, whichever is greater, may be considered upon determination that one or more of the following conditions exists:

- a. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing, legally established wall or walls of a principal structure already within the minimum setback area.

- b. The part of the proposed structure that would encroach into the minimum setback area is less than 50% of the width of the affected building facade(s), provided the part of the structure that would encroach into a front setback shall either be open (such as a porch or screen room) or not subject to occupancy (such as chimney).



- c. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.
- d. The proposed structure will allow the preservation of significant existing vegetation.
- e. A good faith error was made in the location of a building foundation not exceeding 1 foot due to either field construction error or survey oversight.

2. Administrative Authority is Permissive Only

The authority given to the Administrator to grant such modification shall be construed to be permissive and not mandatory and the Administrator may decline to make such modification. In the event this occurs, the applicant shall have the right to submit an application to the Board of Adjustment to grant a variance. Nothing in this section shall be construed as limiting the Administrator's duties and rights under this chapter, or an applicant's right to appeal the decision of the Administrator to the Board of Adjustment.

C. SIGN PERMIT

All sign permits shall be issued as part of a Development Permit as listed in this section.

D. CERTIFICATE OF COMPLIANCE

- a. Issuance of a Certificate of Compliance shall be required prior to the occupancy or use of any new construction and re-occupancy or re-use of any renovation/rehabilitation in the City's planning and development regulation jurisdiction. Certificates of Compliance ensure that a completed development project has complied with all the applicable requirements of this Ordinance and all other applicable federal, state and local regulations. Certificates of Completion must be signed by the Administrator to certify compliance with applicable regulations.
- b. Upon receipt of the request for a Certificate of Completion, the Administrator shall inspect the project site for compliance with the approved plan and the applicable standards of this Ordinance. The applicant shall be notified of any deficiencies that prevents the issuance of the Certificate of Completion or the Certificate shall be issued. All decisions shall be in writing and delivered via electronic mail, personal delivery, or first class mail to the property owner and party seeking determination, if different from the owner.

E. FLOODPLAIN DEVELOPMENT PERMIT

All Floodplain Development Permits are issued by the City of Dunn. *See Article 8 – Environmental Protection* for specific regulations and standards.

3.04 SITE PLAN REVIEW

A. MINOR SITE PLAN REVIEW

The minor site plan review process shall apply to most development applications in the City of Dunn's planning and development regulation jurisdiction. A minor site plan is scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The minor site plan may include, but is not limited to, 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.

1. Pre-Application Process

No meeting is required, but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.

2. Determination of Compliance

Once an application is deemed complete by the Administrator, the Administrator and Technical Review Committee shall review the application and approve, deny, or approve with conditions the Minor Site Plan based on compliance with the standards contained in this Ordinance. All decisions shall be in writing and delivered via electronic mail, personal delivery, or first class mail to the property owner and party seeking determination, if different from the owner.

3. Public Notification

See *Review Authority Table*.

4. Appeals

See *Review Authority Table*.

5. Permit Validity

Approval of a Site Master Plan shall be valid for 2 years from the date of approval. A Site Construction Plan shall be presented for approval prior to the end of this 2 year period.

6. Permit Extension

The Administrator shall grant a single extension of a period of one year upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant. If an extension is denied, or a Construction Plan is not presented for approval within a granted extension period, the applicant may reapply for a Site Plan using the same process as if the application was being considered for the first time.

B. MAJOR SITE PLAN REVIEW

The Major Site Plan review process shall apply to all multi-family dwelling developments and to all development applications which require a Transportation Impact Analysis according to this Article. Applications not meeting this threshold shall proceed directly to the minor site plan or construction plan review process.

1. Pre-Application Process

It is required that every applicant for Major Site Plan meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans for approval.

2. Process Type

See Review Authority Table.

3. Determination of Compliance

Once an application is deemed complete by the Administrator, the Administrator and Technical Review Committee shall review the application and approve, deny, or approve with conditions the Major Site Plan based on compliance with the standards contained in this Ordinance. All decisions shall be in writing and delivered via electronic mail, personal delivery, or first class mail to the property owner and party seeking determination, if different from the owner.

4. Appeals

See Review Authority Table.

5. Permit Validity

Approval of a Major Site Plan shall be valid for 2 years from the date of approval. A Site Construction Plan shall be presented for approval prior to the end of this 2 year period.

6. Extensions

The Administrator shall grant a single extension of a period of one year upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant. If an extension is denied, or a Construction Plan is not presented for approval within a granted extension period, the applicant may reapply for a Site Plan using the same process as if the application was being considered for the first time.

7. Substantial Changes

- a. Any substantial change to a Major Site Plan (as noted below) shall be reviewed and processed according to the standard entitlement process as would be required for a new application. By definition, any modifications that exceed the maximum standards for the zoning district are considered substantial.
- b. The following changes shall be considered substantial and require approval by the process outlined for the original entitlement:

- (1) When there is addition or reduction of a new vehicular access point to an existing street, road or thoroughfare,
 - (2) Modification of special performance criteria, design standards, or other requirements specified in the original entitlement,
 - (3) When there is an increase in the total number of residential dwelling units originally authorized by the original entitlement or where there is a decrease of residential dwelling units by 20% or greater,
 - (4) For nonresidential uses, when the total floor area is increased by 10% or decreased by 20% beyond the total floor area last approved in the original entitlement,
 - (5) Any increase in number of parking spaces of greater than 10%,
 - (6) Any increase or decrease of open space greater than 20%,
- c. All other modifications shall be considered “minor modifications” and shall be reviewed for consistency with other portions of this Ordinance and if those criteria are met, shall be approved by the Administrator. Cumulative modifications from the original approval may trigger a substantial change and shall require review by that process.

C. CONSTRUCTION PLAN REVIEW

1. Pre-Application Process

No meeting is required but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.

2. Process Type

See *Review Authority Table*.

3. Determination of Compliance

The Site Construction Plan shall be reviewed by the Technical Review Committee for compliance with the requirements of this Ordinance and for conformity with the approved Major Site Plan, if applicable. Provided the application is complete, applications shall be reviewed by the committee and plan approval or written review comments will be given to the applicant within 30 days of receipt of the Site Construction Plan.

4. Appeals

See *Review Authority Table*.

5. Permit Validity

Approval of a Site Construction Plan shall be valid for two (2) years from the date of approval.

6. Extensions

The Administrator shall grant one extension of this time period for six months upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

7. Substantial Changes

- a. Any substantial change to a construction plan (as noted below) shall be reviewed and processed according to the standard entitlement process as would be required for a new application. By definition, any modifications that exceed the maximum standards for the zoning district are considered substantial.
- b. The following changes shall be considered substantial and require approval by the process outlined for the original entitlement:
 - (1) When there is addition or reduction of a new vehicular access point to an existing street, road or thoroughfare.
 - (2) Modification of special performance criteria, design standards, or other requirements specified in the original entitlement.
 - (3) When there is an increase in the total number of residential dwelling units originally authorized by the original entitlement or where there is a decrease of residential dwelling units by 20% or greater.
 - (4) For nonresidential uses, when the total floor area is increased by ten percent or decreased by 20% beyond the total floor area last approved in the original entitlement.
 - (5) Any increase in number of parking spaces of greater than 10%.
 - (6) Any increase or decrease of open space greater than 10%.
- c. All other modifications shall be considered "minor modifications" and shall be reviewed for consistency with other portions of this Ordinance and if those criteria are met, shall be approved by the Administrator. Cumulative modifications from the original approval may trigger a substantial change and shall require review by that process.

3.05 SUBDIVISION PLAN REVIEW

A. MINOR SUBDIVISION PLAN REVIEW

1. Applicability

- a. The minor subdivision review process shall proceed according to the process for a final plat.
- b. A final plat must be submitted within two years following minor subdivision plan approval or the plan becomes null and void.
- c. A minor subdivision of land is defined as those divisions of land which contain three or fewer lots all of which front on an existing improved public street and do not:
 - (1) Involve any new public streets, right-of-way dedication or requiring any new street for access to interior property,
 - (2) Will not require any major extension of public water or sewer;
 - (3) Will not create any new or residual parcels which do not satisfy the standards of this Ordinance
 - (4) Will not adversely affect the development of the remainder of the parcel or of adjoining property.

B. MAJOR SUBDIVISION PLAN REVIEW

1. Applicability

The major subdivision plan review process is required for all subdivisions except those classified as minor subdivision or as otherwise identified in G.S. § 160D-802(a) as exempt from local government subdivision regulation.

2. Pre-Application Process

It is required that every applicant for major subdivision preliminary plat meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans for approval. At a minimum, the applicant shall provide a sketch of the proposed plan at the pre-application conference.

3. Process Type

See *Review Authority Table*.

4. Determination of Compliance

- a. **Subdivisions (20 lots or less).** Once an application is deemed complete by the Administrator, the Administrator and Technical Review Committee shall review the application and approve, deny, or approve with conditions the Major Subdivision Plan based on compliance with the standards contained in this Ordinance. All decisions shall be in writing and delivered via electronic mail, personal delivery, or first-class mail to the property owner and party seeking determination, if different from the owner.
- b. **Subdivisions (more than 20 lots).** Once an application is deemed complete by the Administrator, the Administrator and Technical Review Committee shall review the application and provide a recommendation of compliance to the Planning Board. The Planning Board shall approve, deny, or

approve with conditions the Major Subdivision Plan based on compliance with the standards contained in this Ordinance. All decisions shall be in writing and delivered via electronic mail, personal delivery, or first-class mail to the property owner and party seeking determination, if different from the owner.

5. Permit Validity

Approval of a Major Subdivision Plan shall be valid for 2 years from the date of approval. A Subdivision Construction Plan shall be presented for approval prior to the end of this 2 year period.

6. Extensions

The Administrator shall grant one extension of this time period for six months upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

7. Substantial Changes

- a. Any substantial change to a construction plan (as noted below) shall be reviewed and processed according to the standard entitlement process as would be required for a new application. By definition, any modifications that exceed the maximum standards for the zoning district are considered substantial.
- b. The following changes shall be considered substantial and require approval by the process outlined for the original entitlement:
 - (1) When there is addition or reduction of a new vehicular access point to an existing street, road or thoroughfare.
 - (2) Modification of special performance criteria, design standards, or other requirements specified in the original entitlement.
 - (3) When there is an increase in the total number of residential dwelling lots originally authorized by the original entitlement.
 - (4) Any increase or decrease of open space greater than 10%.
- c. All other modifications shall be considered "minor modifications" and shall be reviewed for consistency with other portions of this Ordinance and if those criteria are met, shall be approved by the Administrator. Cumulative modifications from the original approval may trigger a substantial change and shall require review by that process.

C. SUBDIVISION CONSTRUCTION PLAN

1. Pre-Application Process

No meeting is required but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.

2. Process Type

See *Review Authority Table*.

3. Determination of Compliance

The Subdivision Construction Plan shall be reviewed by the Technical Review Committee for compliance with the requirements of this Ordinance and for conformity with the approved Major Subdivision Plan, if applicable. Provided the application is complete, applications shall be reviewed by the committee and plan approval or written review comments will be given to the applicant within 30 days of receipt of the Site Construction Plan.

4. Appeals

See Review Authority Table.

5. Phasing

Construction Plans for phased subdivisions shall be reviewed and recorded individually in accordance with the schedule presented by the applicant during the major subdivision preliminary plat approval.

6. Validity and Extensions

- a. Approval of a Construction Plan shall be valid for two years from the date of approval.
- b. A Final Plat shall be recorded prior to the end of this two-year period.
- c. The Administrator shall grant a single extension of this time period of one year upon submittal by the applicant of sufficient justification for the extension. Sufficient justification includes delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

D. FINAL PLAT

1. Applicability

The final plat review process applies to all proposed subdivisions determined to be major subdivisions or otherwise identified in G.S. § 160D-802(a) as exempt from local government subdivision regulation.

2. Process Type

See Review Authority Table.

3. Required Improvements

All required infrastructure improvements shall be either installed or financially guaranteed in accordance with *Article 7 - Subdivisions and Infrastructure Standards*.

4. As-Builts

Upon completion of a development, and before a Final Plat shall be approved (unless financially guaranteed), the applicant shall certify that the completed development is in substantial accordance with the approved plans and designs, and shall submit actual "as-built" plans for all public infrastructure after final construction is completed.

5. Determination of Compliance

The Final Plat shall be reviewed by the Administrator for compliance with the requirements of this Ordinance and, in the case of major subdivisions, for conformity with the approved Subdivision Construction Plan. Provided the application is complete, applications shall be reviewed and acted upon by the Administrator and notice given to the applicant within 30 days of receipt of the Final Plat. If the Administrator has not completed the review in this time period, the applicant may seek final approval from the City Council at their next meeting. All decisions shall be in writing and delivered via electronic mail, personal delivery, or first class mail to the property owner and party seeking determination, if different from the owner.

6. Appeals

Per Review Authority Table.

7. Effect of Approval

The approval of a Final Plat does not constitute acceptance for maintenance or other purposes of improvements in rights-of-way, such as utility lines, street paving, drainage facilities or sidewalks. Such improvements, when located within the corporate limits of the City of Dunn, may be accepted only by action of the City following inspection and approval. Public land designated on a plat shall be considered to be offered for dedication, but not accepted until the City Council has by express action done so.

8. Phasing

Final plats for phased subdivisions shall be recorded in accordance with the schedule presented by the applicant during the Construction Plan approval.

9. Validity & Extensions

Final plats that have been granted approval must be recorded in the Harnett County Office of the Register of Deeds within 30 days following approval or the approval becomes invalid. No lots in a subdivision shall be sold prior to approval by the City and recording of the Final Plat for the subdivision.

3.06 SPECIAL USE PERMITS (SUP)

For uses requiring a Special Use Permit, the City Council shall hear and decide on applications to permit the proper integration into the community of uses which may be suitable only in specific locations in a district or only if such uses are designed or laid out on the site in a particular manner.

A Special Use Permit may be issued in the classes of cases or situations hereinafter specified in accordance with the standards, principles, conditions, safeguards and procedures hereinafter specified subject to any additional reasonable and appropriate conditions and safeguards imposed on said Special Use Permits.

The procedures for the issuance of Special Use Permits and the uses for which Special Use Permits may be issued are established in this Section. All land and structures under authority of a Special Use Permit shall strictly comply with the conditions and safeguards imposed upon such Special Use Permits.

A. APPLICATION PROCEDURES

1. Pre-Application Process

Every applicant for a Special Use Permit is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

2. Process Type

See *Review Authority Table*.

3. Required Application Information

An application for a Special Use Permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Each application for a Special Use Permit shall contain the following at a minimum:

- a. Clear boundary of the property and a vicinity map (a survey may be required if determined to be necessary by the Administrator),
- b. The property's total acreage, its zoning classification, the general location in relations to all major streets, railroads, and/or waterways, the date, and the north arrow,
- c. All existing easements, reservations, and rights-of-way,
- d. The approximate dimension, including height, of proposed buildings, structures, or appurtenances,
- e. All required setbacks, buffers, screening, and landscaping required by this ordinance or proposed by the petitioner; the landscape plan may be a part of the site plan or shown as a separate drawing.
- f. All existing and proposed points of access on public streets,
- g. Delineation of areas within the floodplain as shown on the official flood boundary maps,
- h. Proposed phasing, if any,
- i. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development,
- j. Approximate location of all existing and proposed infrastructure on the site including water, sewer, roads, pedestrian ways,
- k. Generalized traffic, parking, and circulation plans.

4. Determination of Compliance

The Administrator shall review the plan to ensure that it is complete. The Administrator shall prepare a report and recommendation on the application for City Council review and decision. After review and recommendation on the application by the Administrator, the City Council shall hold a public hearing on the proposal for official action.

5. Review Process and Public Hearing

a. Public Hearing

The City Council shall conduct an evidentiary public hearing on the matter. Upon reviewing all pertinent information, the City Council may approve, deny or approve with conditions the Special Use Permit.

b. Decision and Findings of Fact

The City Council shall approve, deny or approve with conditions the Special Use Permit. No Special Use Permit approval shall be granted unless it complies with the following findings of fact:

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required standards of this Ordinance;
- (3) That the use will not substantially injure the value of adjoining or abutting property;
- (4) Adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided.
- (5) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property;
- (6) The requested use will be in conformity with the City's adopted comprehensive plan(s).

6. Additional Conditions

The City Council may place conditions on the use in conformance with G.S. 160D-705(c).

7. Review Period

The City Council shall take action (approve, deny, or approve with conditions) within 60 days of the public hearing. Should the City Council fail to act on the Special Use Permit within the prescribed period, the application shall be considered approved.

8. Decisions

If the City Council approves the Special Use Permit the applicant will be directed to proceed to the preparation of Construction Plans. If the City Council disapproves or approves conditionally the plan, the reasons for such action shall be stated in writing by the Administrator and entered in the records of the Board, and the applicant may make changes and submit a revised plan for consideration in accordance with the procedures set forth in this section.

9. Appeals

See *Review Authority Table*.

10. Validity and Extensions

- a. Special Uses that have been granted approval must begin site development within two years following approval or the approval becomes invalid.
- b. The City Council may grant a single extension of this time period of up to six months upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.
- c. If an extension is denied, or a Special Use Permit is not presented for approval within a granted extension period, the applicant may reapply using the same process as if the application was being considered for the first time.

11. Substantial Changes

- a. Any substantial change (as noted below) shall be reviewed and processed according to the standard entitlement process as would be required for a new application. By definition, any modifications that exceed the maximum standards for the zoning district are considered substantial.
- b. The following changes shall be considered substantial and require approval by the process outlined for the original entitlement
 - (1) When there is addition or reduction of a new vehicular access point to an existing street, road or thoroughfare,
 - (2) Modification of special performance criteria, design standards, or other requirements specified in the original entitlement,
 - (3) When there is an increase in the total number of residential dwelling units originally authorized by the approved original entitlement or where there is a decrease of residential dwelling units by 20% or greater,
 - (4) For nonresidential uses, when the total floor area is increased by ten percent or decreased by twenty percent beyond the total floor area in the original entitlement
 - (5) Any increase in number of parking spaces of greater than 10%,
 - (6) Any increase or decrease of open space greater than 20%,
- c. All other modifications shall be considered "minor modifications" and shall be reviewed for consistency with other portions of this Ordinance and any conditions of approval of the Special Use Permit, and if those criteria are met, shall be approved by the Administrator. Cumulative modifications from the original approval may trigger a substantial change and shall require review according to that process.

3.07 APPEALS OF ADMINISTRATIVE DECISIONS

A. APPLICABILITY

Parties aggrieved by any order, requirement, decision or determination, made by an administrative officer charged with enforcing the provisions of this Ordinance may be appealed per G.S. §160D-405.

B. PROCEDURES

1. Process Type

See *Review Authority Table*.

2. Filing Process

An appeal of an administrative decision may be taken by any person aggrieved (or by their authorized agent), or by the Administrator, to the Board of Adjustment. Such an appeal shall be made within 30 days of the receipt by such aggrieved party of the written notice of decision from the Administrator with the City Clerk.

3. Proceedings

The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Administrator certifies that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of jurisdiction.

4. Required Application Information

Such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the appeal must be provided. The Administrator shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.

C. REVIEW PROCESS

1. Upon receiving the application, the Board of Adjustment shall conduct a public hearing on the appeal. Any party may appear in person or be represented by an agent at the hearing.
2. After conducting the public hearing, the Board of Adjustment shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision or determination in question. It shall take a simple majority vote of the Board of Adjustment to reverse or modify the contested action.
3. The Board of Adjustment, in making its ruling, shall have all the powers of the Administrator from whom the appeal is taken, and may issue or direct the issuance of a permit.
4. The decision of the Board of Adjustment must be in writing and permanently filed in the minutes of that reviewing body as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Adjustment, which must be delivered to parties of interest by certified mail.

D. APPEALS

Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Harnett County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within 30 days after the decision of the board is filed with the City Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

3.08 VARIANCES

A. APPLICABILITY

1. The variance process per G.S. §160D-705(d) is administered by the Board of Adjustment and is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this Ordinance.
2. It is not intended that variances be granted solely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general or to increase the profitability of a proposed development, although such factors can be taken into consideration.
3. In no event shall the Board of Adjustment grant a variance which would allow the establishment of a use which is not otherwise allowed in a land development district or which would change the land development district classification or the district boundary of the property in question.
4. In no event shall the Board of Adjustment grant a variance which would conflict with any state code unless otherwise authorized by laws and regulations.

B. PROCEDURES

1. Pre-Application

Every applicant for a variance is encouraged to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

2. Process Type

See *Review Authority Table*.

3. Filing Process

An application for a variance may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application.

4. Determination of Compliance

The Administrator shall review the application to ensure that it is complete and shall prepare a report on the application for the Board of Adjustment to consider.

5. Proceedings

The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Administrator certifies that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Harnett County.

6. Required Application Information

Such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the appeal must be provided. The Administrator shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.

C. REVIEW PROCESS

1. Upon receiving the application, the Board of Adjustment shall conduct a public hearing on the variance.
2. After conducting the hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with additional conditions. A concurring vote of 4/5 of the members of the Board of Adjustment shall be necessary to grant a variance.
3. A decision by the Board of Adjustment shall be made within 30 days of the date of the hearing.
4. Any approval or denial of the request shall be accompanied by written findings of fact supporting the conclusion that the variance meets or does not meet each of the standards set forth in this section.
5. The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:
 - a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

D. CONDITIONS

The Board of Adjustment may place conditions on the variance in conformance with G.S.160D-705(c).

E. APPEALS

Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Harnett County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within 30 days after the decision of the Board is filed with the City Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

3.09 TEXT AMENDMENTS AND MAP AMENDMENTS (REZONINGS)

A. APPLICATION PROCEDURES

1. Pre-Application Process

Every applicant for a rezoning or text amendment is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

2. Process Type

See *Review Authority Table*.

3. Required Application Information

A petition for a text amendment or rezoning of a part of the City's official zoning map shall be filed on a form provided by the Administrator. Such petition shall contain all the information required on the form and must be determined to be complete by the Administrator prior to advancing it through the review process.

4. Determination of Compliance

The Administrator shall review the application to ensure that it is complete. The Administrator shall prepare a report and recommendation on the application for Planning Board review and recommendation. After review and recommendation on the application by the Planning Board, the City Council shall hold a public hearing on the proposal for official action.

B. REVIEW PROCESS AND PUBLIC HEARING

1. Planning Board Recommendation

- a. Upon determination of compliance by the Administrator, the Planning Board shall review and provide a recommendation to the City Council on the application at the next available, regularly scheduled meeting.
- b. If the Planning Board is able to reach a recommendation without further deliberation, the Planning Board shall submit a recommendation on the application and refer it to the City Council for their consideration at the next available public hearing.
- c. If the Planning Board determines that further deliberation on the application is required, the Planning Board shall deliver its recommendation to the City Council within 30 days of its first consideration on the matter. If no recommendation is received from the Planning Board within 30 days of consideration on the matter, the City Council shall proceed in its consideration of the matter without a recommendation from the Planning Board.
- d. If the Planning Board makes a formal recommendation, the matter shall proceed to a public hearing before the City Council.

2. Public Hearing

Upon consideration by the Planning Board, the City Council shall hold a legislative public hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.

3. City Council Decision

- a. Following receipt of a recommendation from the Planning Board, or after 30 days from the Planning Board meeting if no recommendation is received, the City Council shall conduct a public hearing on the matter.
- b. Upon reviewing all of the pertinent information, the City Council shall take action to:
 - (1) Adopt the proposed amendment/rezoning request.
 - (2) Adopt the proposed amendment/rezoning request with modifications.
 - (3) Reject the proposed amendment/rezoning request.
 - (4) Refer the proposed amendment back to the Planning Board for further consideration.

4. Comprehensive Plan Consistency

In accordance with G.S. 160D, all such amendments shall be made in accordance with the City's Comprehensive Plan and any other officially adopted applicable plan. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall adopt a statement describing whether its action is consistent with the adopted comprehensive plan and explaining why the City Council considers the action taken to be reasonable and in the public interest.

5. Citizen Comments

- a. If any resident or property owner in the City submits a written statement regarding a proposed amendment, modification, or repeal to this Ordinance to the City Clerk at least two business days prior to the proposed vote on such change, the City Clerk shall deliver such written statement to the City Council.
- b. Any resident or property owner who submits a written statement of citizen concern may withdraw their written statement any time prior to the meeting at which the item will be considered.

6. Appeals

See *Review Authority Table*.

3.10 CONDITIONAL ZONING DISTRICTS

Conditional Zoning Districts (CZ) are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the City Council in accordance with G.S. § 160D-703. Conditional Zoning Districts (CZ) provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Conditional zoning may be requested in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

A. APPLICATION PROCEDURES

1. Process Type

See *Review Authority Table*.

2. Applicant and Property Information

- a. Conditional Zoning District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included in the specific Conditional District request.
- b. A Conditional Zoning District shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. Unified control means that all land to be included within a Conditional Zoning District shall be owned or otherwise under the legal control of the applicant for a Conditional Zoning District.
- c. The applicant shall be legally capable of providing a commitment to the City that the Conditional Zoning District development will comply with all documents, plans, standards and conditions ultimately approved by the City.

3. Required Application Information

- a. A Conditional Zoning District shall consist of the Existing Conditions Map, a Sketch Plan (may be waived by the Administrator as appropriate), and Master Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the City Council.
- b. In addition to those items required for Master Plans, a Conditional Zoning District Master Plan shall, at a minimum, illustrate the following:
 - (1) The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts. Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental standards, allowed in the general zoning district upon which the Conditional Zoning District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional Zoning District
 - (2) General traffic routes (external and internal) to and from the development with major access points identified.

- (3) Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development
- (4) A proposed development schedule if the project is to be phased.

B. EXCEPTION FOR CONDITIONAL ZONING DISTRICTS WITH USE LIMITATIONS ONLY

If an applicant proposes a Conditional Zoning District which meets the following criteria, no Conditional Zoning District Master Plan shall be required in the application

1. The only proposed deviation in use from the underlying zoning is to impose additional limitations on the uses that will be allowed in the Conditional Zoning District.
2. No other deviations from the standards of the underlying zoning are proposed in the Conditional Zoning District.

C. REVIEW PROCESS AND PUBLIC HEARING

The procedure for approval of a Conditional Zoning District shall follow the procedure for review of Text Amendments and Rezoning (Map Amendments) as outlined in this Chapter.

1. Effect of Approval

The applicant may proceed with development only after approval of the Conditional Zoning District - Master Plan by the City Council, followed by approval of any necessary Site or Subdivision Plans/Plats, except that all subsequent approvals shall be completed by the Administrator. The development and use of all land within the Conditional Zoning District shall be in keeping with the approved Master Plan and all applicable provisions therein.

2. Substantial Changes

- a. The following changes to a Conditional Zoning District Master Plan (as noted below) shall be considered substantial and require approval by the process outlined for the original entitlement:
 - (1) Land area being added or removed from the Conditional Zoning District,
 - (2) Modification of special performance criteria, design standards, or other requirements specified by the original approval,
 - (3) A change in land use or development type beyond that permitted by the approved Conditional Zoning District - Master Plan,
 - (4) When there is addition or reduction of a new vehicular access point to an existing street, road or thoroughfare,
 - (5) When there is an increase in the total number of residential dwelling units originally authorized by the approved original entitlement or where there is a decrease of residential dwelling units by twenty percent or greater,
 - (6) For nonresidential uses, when the total floor area is increased by 10% or decreased by 20% beyond the total floor area in the original entitlement,
 - (7) Any increase in number of parking spaces greater than 10%,
 - (8) Any increase or decrease of open space greater than 20%,

- b.** All other modifications shall be considered “minor modifications” and shall be reviewed for consistency with other portions of this Ordinance and any conditions of approval of the Conditional Zoning District, and if those criteria are met, shall be approved by the Administrator. Cumulative modifications from the original approval may trigger a substantial change and shall require review according to that process.

3.11 VESTED RIGHTS & PERMIT CHOICE

A vested right is the right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in or by the North Carolina General Statutes or under common law.

A. Permit Choice

If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

B. Vested Rights

See G.S. 160D-108 & G.S. 160D-108.1.

3.12 TRANSPORTATION IMPACT ANALYSIS

A Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

A. WHEN REQUIRED

A standard Traffic Impact Analysis (TIA) shall be prepared by a qualified professional engineer registered to practice in North Carolina and submitted with the initial application for any development that exceed the following:

RESIDENTIAL	OFFICE	HOTEL	INDUSTRIAL	RETAIL/SHOPPING	OTHER
100 units (cumulative)	50,000 sf	100 rooms	150 employees	100,000 sf	Over 100 peak hour trips

B. MINIMUM CONTENT REQUIREMENTS

The recommendations provided in the TIA shall at a minimum be based on the following:

1. The TIA shall propose geometric and/or traffic control improvements which will be required to prevent the traffic generated by the proposed development from causing any intersection or roadway approach within the study area to fall below an overall Level of Service (LOS) D, as defined by the latest edition of the Highway Capacity Manual (HCM).
2. For intersections projected to operate worse than LOS D for background (future without proposed development) conditions, the TIA shall propose geometric and/or traffic control improvements which will be required to minimize the increase in average overall intersection delay when traffic generated by the proposed development is at least 10% of the projected total a.m. or p.m. peak hour traffic at the intersection.
3. Stop-controlled minor street approaches to intersections may exceed LOS D provided the addition of development traffic at the intersection is not anticipated to warrant a traffic signal upon build-out and the resulting congestion does not block traffic movements at adjacent intersections.
4. At existing or proposed stop-controlled intersections, guidelines provided by the North Carolina Department of Transportation (NCDOT) shall be used in the evaluation of the need for and length of exclusive right and/or left turn lanes to support development traffic.
5. For any and all turning movements in the study area where the development is anticipated to add at least 10% to the existing a.m. or p.m. peak hour traffic volume, and the existing storage available within the turn bay(s) is shown to be exceeded by existing or projected traffic, the TIA shall propose improvements which may be required to mitigate the impact of development traffic.

ARTICLE 4 – ZONING DISTRICTS

4.01 ZONING MAP

The boundaries of each zoning district are shown on a map entitled "City of Dunn Official Zoning Map" which is hereby made a portion of this ordinance. The official zoning map shall bear the adoption date of this ordinance and the signatures of the Mayor and City Clerk.

4.02 INTERPRETATION OF BOUNDARIES

When uncertainty exists with respect to the boundaries or districts as shown on the official zoning map, the following rules shall apply:

- A. District boundary lines are generally intended to be along or parallel to property lines, lot lines, the center line of street, alleys, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.
- B. In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the Official Zoning Map.
- C. Where the Zoning Map shows a district boundary dividing a lot, each part of the lot shall conform to the standards established by this ordinance for the land development or overlay district in which that part is located.
- D. When the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the Planning Board shall interpret the district boundaries of this ordinance.

4.03 ESTABLISHMENT OF ZONING DISTRICTS

The following zoning districts are declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the City's official zoning map. After adoption of this UDO, amendments to the zoning map shall be made by plat, legal description or metes and bounds description, which shall be the best evidence of the boundaries, amended or created, and shall control unless a scrivener's or other error in such plat or description is manifestly contrary to the intent of the amended ordinance.

A. CONVENTIONAL ZONING DISTRICTS

1. The following Conventional Zoning Districts are established:

Conventional Zoning District:	Description:
Residential-Agricultural District (RA-40)	The RA-40 District is intended to accommodate lower-density residential and agricultural uses. Areas within this district may be restricted due to lack of available utilities, unsuitable soil types.
Residential Districts (R-20, R-10, R-7 & R-5)	These districts are established primarily for residential developments and related recreational, religious and educational facilities.

Conventional Zoning District:	Description:
Residential Multi-Family District (R-M)	The R-M district applies in residential areas and contains provisions for single-family and multi-family developments. Buildings that contain three or more dwelling units located one over another shall only be allowed within this district with a special use permit approved by the governing board.
Mixed-Use District (MXU)	The MXU District is established to accommodate a variety of housing types in a neighborhood setting and is intended to provide areas for higher density residential development near commercial areas. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity.
Central Commercial District (C-1)	The C-1 district is the most intensively developed district in the City located in the downtown area. It permits a wide variety of commercial uses, entertainment and civic spaces, and residential in mixed-use buildings.
Shopping Center District (C-2)	The C-2 district is a special floating commercial district that applies to development under one (1) ownership. The permitted uses are those retail uses common to the central commercial district. The district is to be located on an outlying tract along a major highway.
Highway Commercial District (C-3)	The C-3 district permits uses that depend on both a large flow of traffic and convenient access, such as along major, collector, and sub-collector streets as designated by the City's thoroughfare plan.
Neighborhood Business District (C-4)	The C-4 district permits commercial uses that enhance the quality of life of surrounding residential neighborhoods. Though these commercial uses' service areas may extend more broadly than the surrounding neighborhood, the traffic and noise generated will be limited.
Office & Institutional District (O&I)	The O & I district permits medium-intensity office and institutional land use and functions as a buffer between districts which may conflict with one another. Generally, these areas have water and sewer mains that either exist at the site or are to be made available during the development process. Vehicular access must consist of direct ingress and egress to a public road classified as

Conventional Zoning District:	Description:
	either arterial or collector as designated by the City's thoroughfare plan.
Restricted Industrial District (I-10)	The I-10 district permits high-quality industrial, light manufacturing, wholesaling and warehousing operations that meet the performance standards, bulk controls, and other requirements contained in this ordinance.
Industrial District (I-100)	The I-100 permits all the industrial, manufacturing, wholesaling and warehousing operations permitted in I-10 limited industrial district but permits those uses with fewer dimensional constraints.

B. OVERLAY DISTRICTS

- For purposes of managing certain environmentally sensitive or visually important geographic areas, certain overlay districts have been established to impose design, use, or other standards in addition to the requirements of the underlying conventional district.
- The following Overlay Zoning Districts are established:

Overlay Zoning District:	Description:
Interstate Highway Sign User Overlay District	This overlay district is adjacent to Interstate 95 (within seven hundred fifty (750) feet of an Interstate 95 exit ramp's outer intersection with a state road (U.S., N.C., or S.R.)) where businesses which rely principally on interstate travel for their trade may erect a single high-rise sign of extraordinary height.
Gateway Overlay Districts	Several exits from Interstate 95 serve as gateway entrances into the City. Future development in these areas should have attractively developed, dense business areas with signage, landscaping, connectivity, utilities, and expanded economic and social opportunities.
Southern Parkway Corridor Overlay District	This overlay district is intended to highlight the natural scenery that surrounds the City while encouraging transportation enhancements that improve overall mobility around the community.

4.04 CONDITIONAL ZONING DISTRICTS (CZD)

A. PURPOSE

- Conditional Zoning Districts are districts with conditions voluntarily added only in response to a petition by the owner of all the property to be included in such district.

2. In accordance with NCGS §160D-703 specific conditions applicable to these districts may be proposed by the applicant or City but only those conditions mutually approved by the City and the applicant may be incorporated into the Conditional District.
3. Conditional Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, they may establish their own building, street, block, and lot pattern which may be unique from other surrounding blocks or neighborhoods.
4. These districts are not intended to relieve hardships that would otherwise be handled using a variance procedure.
5. In addition to modification of specific conventional district provisions (except use), the various provisions detailed in this Article may be varied if specifically requested by the petitioner as part of a Conditional District application with the exception outlined below:

ARTICLE	TITLE	EXCEPTION TO MODIFICATIONS:
2	Zoning Districts	Uses permitted may not be added unless the use proposed is not currently defined or contemplated by this ordinance. Permitted uses may be removed from the petition.
6	General Development Standards	May vary specific design standard(s) when intent of standard or regulation is met in an alternative way.
7	Subdivisions & Infrastructure Standards	May substitute dedication of public open space for payment-in-lieu per City Council's approval. May vary specific subdivision design standard(s) when intent of standard or regulation is met in an alternative way.

4.05 DIMENSIONAL STANDARDS TABLE

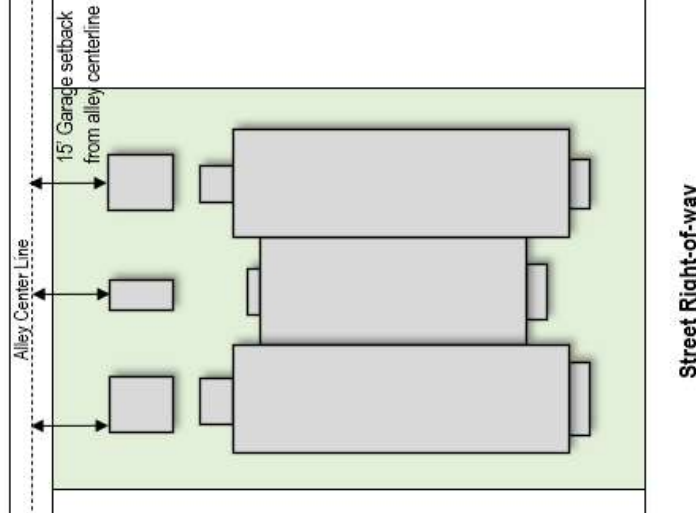
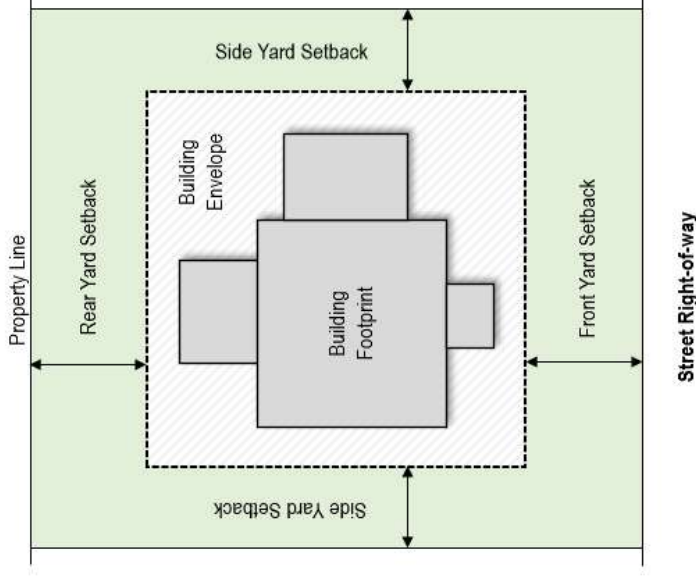
This table and the setback illustration below provides basic design elements for each conventional zoning district. NOTE – these standards may be modified if development type is considered an infill development (See Article 6 – General Development Standards).

Standard	RA-40	R-20	R-10	R-7	RM	MXU [9]	C-1 [9]	C-2	C-3	C-4	O&I	I-10	I-100
A. DEVELOPMENT STANDARDS													
1. Min. District Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3 acres	N/A	N/A	N/A	N/A	N/A
2. Maximum Density [10]	1 unit per acre	2 units per acre	4 units per acre	6 units per acre	6 units per acre	18 units per acre	20 units per acre	N/A	N/A	N/A	N/A	N/A	N/A
3. Lot Coverage (Impervious surface)	30%	30%	35%	40%	40%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	70%
B. LOT STANDARDS													
1. Min. Lot Area (sf)	40,000 [1]	20,000	10,000	7,000	7,000	N/A	N/A	40,000 [9]	20,000	20,000	7,000	10,000	100,000
2. Maximum Building Size	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10,000	N/A	N/A	N/A
3. Lot Width at Front Setback (min)	75 ft	75 ft	75 ft	50 ft	50 ft	N/A	20 ft	100 ft	75 ft	N/A	50 ft	70 ft	300 ft
4. Lot Depth (min.)	120 ft	120 ft	120 ft	100 ft	100 ft	N/A	N/A	100 ft	75 ft	N/A	50 ft	100 ft	300 ft
C. PRINCIPAL BUILDING													
1. Principal Front Setback	30 ft (min.)	30 ft (min.)	25 ft (min.)	25 ft (min.)	25 ft (min.)	10 ft (max.)	10 ft (max.)	40 ft (min.)	20 ft (min.)	20 ft (min.)	20 ft (min.)	20 ft (min.)	50 ft (min.)
2. Street Side/Secondary Front Setback (min.)	30 ft	30 ft	25 ft	25 ft	25 ft	N/A	N/A	30 ft	20 ft	20 ft	20 ft	20 ft	50 ft
3. Side (from adjacent lot) Setback (min.)	15 ft	10 ft	10 ft	10 ft	10 ft	N/A [3]	N/A [3]	20 ft	10 ft	10 ft	10 ft	10 ft	30 ft
4. Rear Setback (min.)	25 ft	25 ft	20 ft	20 ft	20 ft	N/A [3]	N/A [3]	20 ft	20 ft	10 ft	10 ft	20 ft	50 ft
D. ACCESSORY STRUCTURE [2]													
1. Side Setback [6]	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft	30 ft
2. Rear Setback [6]	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	20 ft	50 ft
3. Garage Setback from Alley	15 ft from face of garage to centerline of alley												
4. Other Requirements	N/A	25% max. coverage [7]	50% max. coverage [7]	50% max. coverage [7]	50% max. coverage [7]	50% max. coverage [7]	50% max. coverage [7]	N/A	N/A	N/A	N/A	N/A	N/A
E. BUILDING HEIGHT													
1. Principal Building (max.)	35 ft	35 ft	35 ft	35 ft	35 ft	50 ft	50 ft [4]	35 ft	35 ft	35 ft	35 ft	60 ft	60 ft

Standard	RA-40	R-20	R-10	R-7	RM	MXU ^[9]	C-1 ^[9]	C-2	C-3	C-4	O&I	I-10	I-100
2. Accessory Structure (max.)	24 ft	Shall not exceed height of principle structure.	Shall not exceed height of principle structure.	Shall not exceed height of principle structure.	Shall not exceed height of principle structure.	Shall not exceed height of principle structure.	N/A	N/A	N/A	N/A	N/A	Shall not exceed height of principle structure	30 ft

NOTES TO TABLE:

- ^[1] May be reduced to 20,000 sf if public water is used & is permitted for septic system by Harnett County.
- ^[2] Accessory structures shall only be located in side or rear yard setback areas.
- ^[3] When a buffer is required, adequate setbacks may be required to accommodate buffer yards.
- ^[4] 50 ft maximum building height unless the outer walls of the additional height are constructed with an indentation of one (1) foot for each two (2) feet above fifty (50) feet.
- ^[5] Minimum lot size for out parcels is 40,000 sf.
- ^[6] If larger than 10' x 12' then accessory structure must meet principle structure setback requirements.
- ^[7] Coverage of rear yard.
- ^[8] Must not exceed 50% of principle structure sf.
- ^[9] See Article 6, Section 6.03 – Infill Residential Design Standards & Section 6.09 – Building Design Standards for additional standards regarding building placement & design.
- ^[10] One accessory dwelling unit may be permitted per lot which does not affect the overall density calculations.



The figures above should be used to visually illustrate setbacks and measurements as listed in 4.05 – Dimensional Standards Table.

ARTICLE 5 – INDIVIDUAL USE STANDARDS

5.01 TABLE OF AUTHORIZED USES ESTABLISHED

The following table lists the principal uses allowed by right within zoning districts as well as uses that may be authorized subject to approval of a Special Use Permit. Function codes of the Land Based Classification Standards (LBCS) of the American Planning Association (APA) correspond to the authorized uses and shall be used to define uses. All uses are subject to the standards and regulations within this UDO.

5.02 PERMITTED AND PROHIBITED USES

Uses not listed as permitted (P); permitted with supplemental standards (PS); or requiring a special use permit (SUP) are presumed to be prohibited (-) from the applicable zoning district. Uses requiring a special use permit must also meet the applicable supplemental use standards listed in this Article as well as the findings of fact associated with special use permits as outlined in *Article 3 – Development Review Procedures*.

5.03 USES NOT LISTED

In the event that a particular use is not listed in the Table of Permitted Uses, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing.

5.04 LAND USE CATEGORIES

All uses permitted in the UDO have been divided into seven (7) categories, defined as follows:

- A. RESIDENTIAL
- B. HOTELS/ACCOMMODATION SERVICES
- C. COMMERCIAL
- D. INDUSTRIAL
- E. INSTITUTIONAL & ASSEMBLY
- F. AGRICULTURAL RELATED
- G. TRANSPORTATION & INFRASTRUCTURE

5.05 SIMILAR USES

The Administrator may determine that a use is materially similar if a permitted use is similarly classified by the Land Based Classification Standards (LBCS) of the American Planning Association (APA); North American Industrial Classification System (NAICS) or Institute of Transportation Engineers (ITS) Trip Generation Guide.

5.06 TABLE OF PERMITTED USES

P = Permitted; PS = Permitted with Supplemental Standards; SUP = Special Use Permit Required													
LAND USE TYPE:	RA-40	R-20	R-10	R-7	RM	*MXU	C-1	C-2	C-3	C-4	O&I	I-10	I-100
A. RESIDENTIAL													
Class A – Manufactured Home	PS	PS	-	-	-	-	-	-	-	-	-	-	-
Dwelling – Multi-Family (3 or more units)	-	-	-	-	SUP	SUP	SUP	-	-	-	-	-	-
Dwelling – Multi-Family Conversion	-	-	SUP	SUP	SUP	PS	PS	-	-	-	-	-	-
Dwelling – Single Family Attached (Townhome)	-	-	-	SUP	SUP	SUP	SUP	-	-	-	-	-	-
Dwelling – Single Family Detached	P	P	P	P	PS	PS	-	-	-	-	-	-	-
Dwelling – Two Family (Duplex)	-	-	SUP	PS	PS	PS	-	-	-	-	-	-	-
Family Care Home (6 or fewer residents – See GS 160D-907)	PS	PS	PS	PS	PS	PS	-	-	-	-	-	-	-
Home Occupation	PS	PS	PS	PS	PS	PS	PS	-	-	-	-	-	-
Caretaker or security living quarters as part of a non-residential use	-	-	-	-	-	-	PS	PS	PS	PS	PS	-	-
Residential Care Facilities (more than 6 residents)	-	-	-	-	SUP	-	-	-	-	-	SUP	-	-
B. HOTELS & ACCOMMODATION SERVICES													
Bed and Breakfast Home	PS	-	SUP	SUP	-	-	PS	-	-	-	PS	-	-
Boarding House	-	-	SUP	SUP	-	-	-	-	-	-	-	-	-
Homestay	-	P	P	-	-	P	P	-	-	-	P	-	-
Hotel/Inn	-	-	-	-	-	-	P	P	P	-	-	-	-
C. COMMERCIAL													
Adult Establishments	-	-	-	-	-	-	-	-	-	-	-	SUP	-
Automobile/Vehicle Sales, Rental, Service & Minor Repair	-	-	-	-	-	-	-	-	P	-	-	-	-

P = Permitted; PS = Permitted with Supplemental Standards; SUP = Special Use Permit Required													
LAND USE TYPE:	RA-40	R-20	R-10	R-7	RM	*MXU	C-1	C-2	C-3	C-4	O&I	I-10	I-100
Banks & Financial Institutions	-	-	-	-	-	PS	PS	P	P	P	PS	-	-
Banquet hall/event space (weddings, parties, etc.)	-	-	-	-	-	-	SUP	SUP	SUP	-	-	-	-
Bar/Tavern/Microbrewery	-	-	-	-	-	PS	P	P	P	P	-	-	-
Bar/Tavern/Microbrewery (< 3,000 w/entertainment	-	-	-	-	-	PS	P	P	P	P	-	-	-
Camps & Camping Establishments	SUP	-	-	-	-	-	-	-	-	-	-	-	-
Drive-Thru/Drive-In Facility (principal or accessory)	-	-	-	-	-	PS	PS	P	P	PS	PS	-	-
Dry Cleaning & Laundry	-	-	-	-	-	PS	P	P	P	P	-	-	-
Electronic Gaming Operations	-	-	-	-	-	-	-	-	-	-	-	-	-
Games Arcade Establishment	-	-	-	-	-	PS	PS	PS	PS	PS	-	-	-
Gas/Fueling Station	-	-	-	-	-	PS	-	-	PS	PS	-	-	-
General Commercial (50,000 sf and under)	-	-	-	-	-	PS	P	P	P	P	-	-	-
General Commercial (greater than 50,000 sf)	-	-	-	-	-	-	-	SUP	SUP	-	-	-	-
Golf Course	P	P	SUP	SUP	SUP	SUP	-	-	-	-	-	-	-
Heavy Equipment /Manufactured Homes Rental/Sales/Service	-	-	-	-	-	-	-	-	P	-	-	P	-
Night Club	-	-	-	-	-	-	SUP	-	SUP	-	-	-	-
Open Air Retail	-	-	-	-	-	-	PS	P	P	PS	-	-	-
Outside Sales	-	-	-	-	-	PS	PS	PS	PS	-	-	-	-
Parking Lot/Structure (Principal Use)	-	-	-	-	-	-	SUP	SUP	SUP	-	-	-	-
Pawnshops	-	-	-	-	-	-	-	-	PS	-	-	-	-
Personal Care Service	-	-	-	-	-	PS	P	P	P	P	P	-	-

P = Permitted; PS = Permitted with Supplemental Standards; SUP = Special Use Permit Required													
LAND USE TYPE:	RA-40	R-20	R-10	R-7	RM	*WXU	C-1	C-2	C-3	C-4	O&I	I-10	I-100
Personal Care Service, Restricted	-	-	-	-	-	-	PS	-	PS	-	-	-	-
Pet Care Service	-	-	-	-	-	-	-	P	P	P	-	-	-
Professional Office/Service	-	-	-	-	-	PS	P	P	P	P	P	-	-
Racetrack	-	-	-	-	-	-	-	-	SUP	-	-	-	-
Restaurant	SUP	-	-	-	-	PS	P	P	P	P	-	-	-
Shooting Range, Indoor	SUP	-	-	-	-	-	-	-	SUP	-	-	P	-
Shooting Range, Outdoor	SUP	-	-	-	-	-	-	-	-	-	-	-	-
Smoke & Tobacco Shop	-	-	-	-	-	-	PS	PS	PS	-	-	-	-
Storage, Self-Service	-	-	-	-	-	-	-	PS	PS	-	-	P	-
Temporary Construction Offices	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Vehicle/Equipment Sales & Rental	-	-	-	-	-	-	-	PS	PS	PS	-	-	-
Vehicle Service (major repair/body shop)	-	-	-	-	-	-	-	-	P	-	-	P	-
Veterinary Service	SUP	-	-	-	-	-	PS	P	P	P	-	-	-
D. INDUSTRIAL													
Asphalt Paving Production and Sales	-	-	-	-	-	-	-	-	-	-	-	-	SUP
Bulk Storage of Flammable Materials, Chemicals, Metals, Etc..	-	-	-	-	-	-	-	-	-	-	-	-	SUP
Chemical Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	SUP
Concrete Plant	-	-	-	-	-	-	-	-	-	-	-	-	SUP
Foods, Textiles and Related Products	-	-	-	-	-	-	-	-	-	P	-	P	P
Hazardous Waste Storage, Treatment, Transportation or Disposal Facilities	-	-	-	-	-	-	-	-	-	-	-	-	SUP
Heavy Industry Uses (not specifically listed)	-	-	-	-	-	-	-	-	-	-	-	-	PS
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	SUP

P = Permitted; PS = Permitted with Supplemental Standards; SUP = Special Use Permit Required

LAND USE TYPE:	RA-40	R-20	R-10	R-7	RM	*MXU	C-1	C-2	C-3	C-4	O&I	I-10	I-100
Light Industry Uses (not specifically listed)	-	-	-	-	-	-	-	-	-	-	-	PS	PS
Materials Recovery & Waste Transfer Facilities	-	-	-	-	-	-	-	-	-	-	-	SUP	SUP
Recycling Collection Stations	-	-	-	-	-	-	-	-	-	-	-	PS	PS
Research & Development Services	-	-	-	-	-	-	-	-	-	-	-	P	P
Sanitary Landfill	-	-	-	-	-	-	-	-	-	-	-	-	SUP
Scrap Metal Storage or Recycling	-	-	-	-	-	-	-	-	-	-	-	-	SUP
Solar Energy System (principal use)	-	-	-	-	-	-	-	-	-	-	-	SUP	SUP
Warehouse & Storage (outdoor)	-	-	-	-	-	-	-	-	-	-	-	PS	PS
Warehouse & Storage (Indoor)	-	-	-	-	-	-	-	-	P	-	-	P	P
Wholesaling and Distribution Establishments	-	-	-	-	-	-	-	-	-	-	-	P	P
E. INSTITUTIONAL & ASSEMBLY													
Business Associations, Non-profits & Civic Clubs	P	-	-	-	-	PS	P	P	P	P	P	-	-
Cemetery	P	-	-	-	-	PS	-	-	-	-	PS	-	-
Child/Adult Day Care (8 or less)	P	P	P	P	P	PS	-	P	P	P	P	-	-
Child/Adult Day Care (more than 8)	SUP	SUP	-	-	SUP	PS	-	PS	PS	PS	PS	-	-
College or University	-	-	-	-	-	PS	SUP	-	-	-	SUP	-	-
Community Support Facility	-	-	-	-	-	-	SUP	-	SUP	SUP	-	-	-
Conference/Convention Center	SUP	-	-	-	-	PS	SUP	PS	PS	PS	PS	-	-
Correctional Institution	-	-	-	-	-	-	-	-	-	-	-	SUP	SUP
Funeral Homes/Crematoria	-	-	-	-	-	PS	-	P	P	P	P	-	-
Medical Clinic	-	-	-	-	-	PS	P	P	P	P	P	-	-
Hospital	-	-	-	-	-	PS	-	P	P	P	P	-	-

P = Permitted; PS = Permitted with Supplemental Standards; SUP = Special Use Permit Required													
LAND USE TYPE:	RA-40	R-20	R-10	R-7	RM	*MXU	C-1	C-2	C-3	C-4	O&I	I-10	I-100
Museum/Library/Cultural Facility	SUP	-	-	-	-	PS	P	P	P	P	P	-	-
Post Office	-	-	-	-	-	PS	P	P	P	P	P	-	-
Public Administration/Civic Meeting Facilities	P	-	-	-	P	PS	P	P	P	P	P	-	-
Public Safety Station	P	-	-	-	-	PS	P	P	P	P	P	P	-
Recreation Facility (Indoor)	P	PS	PS	PS	PS	PS	P	P	P	P	P	P	-
Recreation Facility (Outdoor)	P	PS	PS	PS	PS	PS	P	P	P	P	P	-	-
Religious Institutions	P	P	P	P	P	PS	P	P	P	P	P	-	-
Research & Development Services	-	-	-	-	-	PS	P	-	P	-	-	P	P
School (elementary or secondary)	P	SUP	SUP	SUP	SUP	PS	-	-	-	-	SUP	-	-
School (vocational/technical)	-	-	-	-	-	PS	P	P	P	P	P	P	-
Special Events Center	SUP	-	-	-	-	PS	P	P	-	-	-	-	-
Sports Arena/Stadium	-	-	-	-	-	PS	SUP	SUP	P	-	-	SUP	-
Studio (art, dance, martial arts, music)	P	-	-	-	-	PS	P	P	P	P	P	-	-
Temporary Health Care Structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	-
Temporary Shelter	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	-
Theater, Indoor Movie or Live Performance	-	-	-	-	-	PS	P	P	P	P	-	-	-
Theater, Outdoor	-	-	-	-	-	PS	PS	-	PS	-	-	-	-
Transitional Housing Facility	SUP	-	-	-	-	-	-	-	SUP	-	SUP	-	-
Transitional Housing Dormitory	SUP	-	-	-	-	-	-	-	SUP	-	SUP	-	-
F. AGRICULTURAL RELATED													

P = Permitted; PS = Permitted with Supplemental Standards; SUP = Special Use Permit Required													
LAND USE TYPE:	RA-40	R-20	R-10	R-7	RM	*MXU	C-1	C-2	C-3	C-4	O&I	I-10	I-100
Agricultural Uses (General, excluding Bona fide Farms)	P	-	-	-	-	-	-	-	-	-	-	-	-
Agritourism, ecotourism, winery & associated facilities	P	-	-	-	-	-	-	-	-	-	-	-	-
Community Gardens	PS	PS	PS	PS	PS	PS	PS	-	-	-	PS	-	-
Kennels (indoor)	SUP	-	-	-	-	-	-	P	P	P	P		
Kennels (outdoor)	SUP	-	-	-	-	-	-	-	-	-	-	-	-
Nurseries and Garden Centers	P	-	-	-	-	PS	P	P	P	P	-	-	-
Stables or Corrals	PS	-	-	-	-	-	-	-	-	-	-	-	-
Produce Stands	PS	-	-	-	-	PS	PS	PS	-	PS	-	-	-
G. TRANSPORTATION & INFRASTRUCTURE													
Airstrip	SUP	-	-	-	-	-	-	-	SUP	SUP	SUP	-	-
Rail Station	-	-	-	-	-	SUP	SUP	SUP	SUP	SUP	-	-	-
Truck and Freight Transportation Services	-	-	-	-	-	-	-	-	P	P	-	-	-
Utilities (Class 1)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P
Utilities (Class 2)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P
Utilities (Class 3)	SUP	-	-	-	-	-	-	-	-	-	-	SUP	SUP
Wireless Telecommunications Facility (non-tower)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecommunications Tower	SUP	-	-	-	-	-	-	SUP	SUP	SUP	-	SUP	SUP

5.07 SUPPLEMENTAL STANDARDS – RESIDENTIAL

A. CLASS A MANUFACTURED HOMES

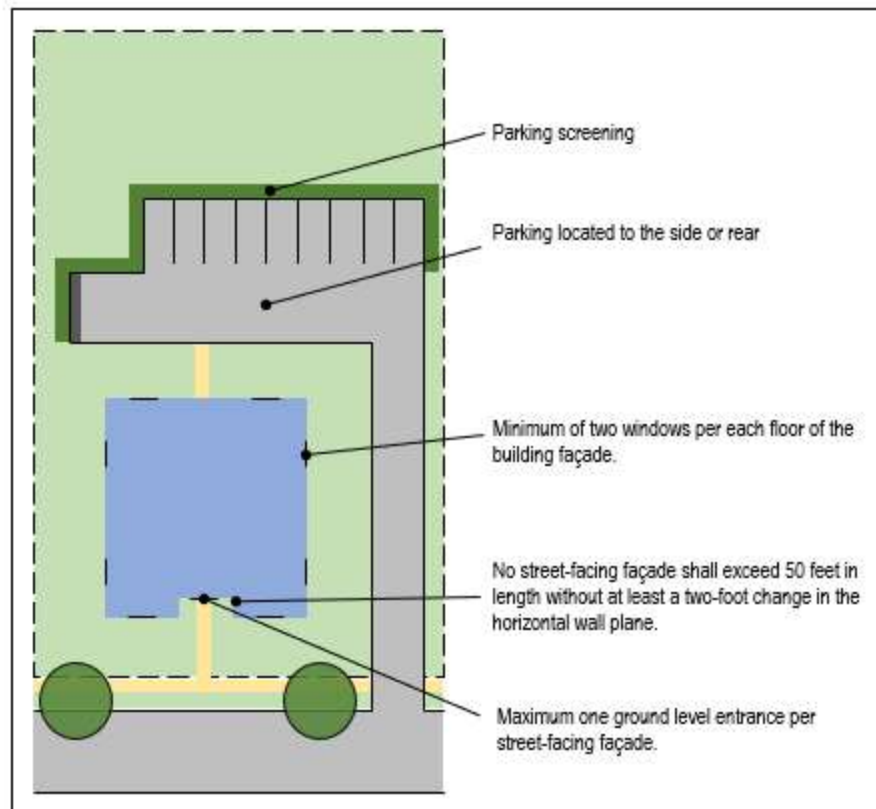
1. The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
2. The manufactured home has a minimum of one thousand two hundred (1,200) square feet of enclosed and heated living area;
3. The pitch of the roof of the manufactured home has a minimum vertical rise of three and two-tenths (3.2) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;
4. The roof eaves and gable overhangs shall be twelve-inch minimum (rain gutters may be included in the minimum dimensions);
5. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
6. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
7. The front entrance to the manufactured home has stairs and a porch, the porch being at least four (4) feet by six (6) feet in size. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code;
8. The moving hitch, wheels and axles, and transporting lights have been removed;
9. Each manufactured home shall be only for single-family occupancy;
10. A manufactured home shall comply with the Federal Housing Administration requirements relative to tie downs;
11. The electrical meters servicing the manufactured home shall be mounted (attached) directly to the manufactured home;
12. A multi-sectional manufactured home is required. A singular sectional manufactured home is prohibited; and
13. All manufactured homes shall otherwise meet all applicable zoning regulations for the zoning district in which the home is located.

14. It is the intent of these criteria to insure that a class A manufactured home, when installed, shall have substantially the appearance of an on-site conventionally built, single-family dwelling, to include landscaping in harmony with surrounding dwellings.

B. MULTI-FAMILY DWELLING

1. In the C-1 Zoning District, the portion of the first or main floor directly adjacent to the street must be non-residential and must provide a “shop-front” appearance (frontage) at the sidewalk level in accordance with *Article 6 – General Development Standards*.
2. Neighborhood-scale multifamily design standards.
 - a. Purpose. Neighborhood-scale multifamily design standards apply to multi-family developments in R-7, MXU, C-1, and O&I zoning districts and are intended to be compatible with the character of residential neighborhoods.
 - b. Applicability. These design standards shall apply to all new multi-family construction and building expansions located in R-7, C-1, and O&I zoning districts resulting in structures with a minimum of three up to a maximum of 12 dwelling units and/or expansion of parking lots.
 - c. Maximum number of units per building. The maximum number of units per multi-family structure in the R-7, MXU, and O&I zoning district shall be 12 units.
 - d. Design standards.
 - (1) There shall be no more than one ground level entrance per street-facing façade. An entrance may be in the form of a recessed foyer and may include multiple doors.
 - (2) A minimum of two windows are required per each floor of the building façade, making up at least 15 percent of the area of any street-facing façade per floor.
 - (3) No street-facing façade shall exceed 50 feet in length without at least a two-foot change in the horizontal wall plane.
 - (4) Street-facing roofs that exceed 50 feet in length shall be subject to the following standards based on the type of roof provided:
 - a. Sloped roofs shall provide one or more of the following:
 - A two-foot horizontal variation in the roofline, or
 - A roof element, that includes one of the following: dormer, cupola, gable, hip detail, or roof projections.
 - b. Flat roofs shall provide a cornice or other decorative band shall be provided to serve as a building cap for the entire roof. In addition, a minimum two-foot vertical variation shall be provided for at least 15 percent of the length of the façade.
 - (5) Parking shall be provided to the side or rear and not closer to the street than the street-facing facade of the structure.

- (6) Parking lots with more than four spaces shall be screened when adjacent to a single-family use. Screening shall include:
- a. A mix of evergreen and deciduous trees and shrubs to result in a vegetative screen that is 75 percent opaque year-round and planted in a minimum five-foot-wide planting strip, or
 - b. A fence or wall with a minimum height of six feet with the finished side of the fence facing the abutting property or street. Fences longer than 25 linear feet shall be landscaped with trees and/or shrubs planted in a minimum five-foot planting area, except around access areas, spaced no farther than eight feet apart in order to screen at least 50 percent of the fence or wall. Placement of such fence shall be on the development side of the required five-foot planting area.
- (7) For structures with more than four units, the side setback shall be at least ten feet.
- (8) The front of the structure shall be oriented to face the primary access street.
- (9) The height shall not exceed three stories or the maximum permitted height of the zoning district, whichever is less.





The images above represent an example of the standards in this section.

C. MULTI-FAMILY CONVERSION

1. A maximum of 3 units is permitted in a converted single-family dwelling and it shall be designed such that a maximum of two main entrances are on the fronting façade (similar to a duplex configuration). Additional building entrances may be provided on the side and rear of the building.
2. Must result from the conversion of a single building containing at least 2,000 square feet of gross floor Area that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a Single-Family residence.

D. HOUSING IN C-1 DISTRICT

1. Purpose: The downtown district permits a variety of commercial uses, office space, civic activities, civic spaces, and entertainment venues, all connected with pedestrian facilities. To accommodate downtown residential use, different kinds of living spaces are permitted in the central district, including individual apartments over or behind commercial spaces.
2. No ground floor residential use is permitted in C-1 in the street facing portion of the building.
3. In the C-1 district, no direct access to the public right-of-way will be permitted from private living space. Access to the right-of-way, whether from the front or rear of a structure in C-1 must be from a hallway or stairway.

D. SINGLE-FAMILY ATTACHED AND TWO-FAMILY (DUPLEXES)

1. Dwellings on lots between 40 to 50 feet in width shall have one driveway no more than 12 feet in width to provide access to garages or private parking areas. Garages or parking areas shall be located in the rear or side setback area only (see illustrations below).
2. Dwellings on lots of 40 feet or less in width shall provide garages or parking areas to be accessed only from an alley. Driveways shall not be permitted to connect to the fronting street. Where topographic or other unique site conditions preclude the use of an alley, as determined by the Administrator, a driveway of no more than 12 feet in width may be used to provide access to garages or parking areas in the rear or side setback area of the lot only (see illustrations below).

Lot Width <40'



3. Any residential development with more than two (2) units must have a community trash dumpster within a coral.
4. All streets shall be designed to accommodate and encourage on-street parking in the development types listed in subsections 1 & 2 above. On-street parking spaces shall be credited towards required guest parking spaces.



Image: Townhome development with on-street parking

E. FAMILY CARE HOMES

1. Family Care Homes shall be certified by the International Building Code, as amended by the NC Building Code.
2. No Family Care Home shall be closer than ½ mile to another such use.

F. HOME OCCUPATION

1. General Standards

- a. The home occupation shall be clearly incidental and secondary to residential occupancy.
- b. The use shall be carried on entirely within an enclosed structure on the premises.
- c. Accessory structures may be used to support the home occupation. The area of the accessory structures used to support the home occupation shall be a maximum of 25% of the gross floor area of the accessory structure.
- d. The home occupation shall be operated by a resident of the dwelling.
- e. A maximum of 25% of the gross floor area of the dwelling unit may be used for the home occupation.
- f. A maximum of 2 full-time equivalent non-residents of the dwelling may be employed on the premises.

2. Exterior Appearance

- a. The use shall not change the residential character of the dwelling.
- b. Storage of goods and materials associated with the home occupation must be completely within an enclosed structure.
- c. Parking must be provided so as not to create hazards or street congestion.
- d. All parking associated with the home shall be accommodated off-street or in spaces directly in front of the residence.
- e. No display of goods, products, services or other advertising shall be visible from outside of the dwelling.
- f. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.

G. CARETAKER OR SECURITY LIVING UNIT AS PART OF A NON-RESIDENTIAL USE

1. One (1) such unit may be permitted as an accessory to a non-residential use.
2. The unit must be attached to the principal structure and located on the side or rear of the property.
3. The maximum size of the unit is one thousand (1,000) square feet.

H. RESIDENTIAL CARE FACILITIES

1. Residential care facilities must be buffered from adjacent residentially zoned property with a 20-foot buffer in accordance with *Article 6 – General Development Standards*.
2. Prior to the submission of an application, an owner/operator of a residential care facility shall have received a license from the State of North Carolina for such a facility.
3. Unless located and having access on an arterial or marginal access street, no residential care facility shall contain more than 16 units.
4. To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
5. The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities, gift shops, snack shops, banks, barber/beauty shops, and similar services for residents.

5.08 HOTEL & ACCOMMODATION SERVICES

A. BED & BREAKFAST HOME

1. No more than eight (8) guest rooms that offers bed and breakfast accommodations may be provided on each private residence for a period of less than one week;

2. Meals shall only be provided to overnight guests of the home.
3. An owner/manager of a bed and breakfast home shall reside on the property.
4. All parking for the use shall be on site;
5. The use shall be limited to overnight guests or private parties and gatherings. Noise levels and outside activities shall be limited according to the Code of Ordinances.

5.09 COMMERCIAL

A. ADULT ESTABLISHMENTS

1. No such business shall be located within two thousand (2,000) feet of any other sexually oriented business, as measured in a straight line from property line to property line.
2. No such business shall be located within one thousand (1,000) feet of a religious institution, school, day care, park, residentially used or residentially zoned property, or any establishment with an on-premise ABC license, as measured on a straight line from property line to property line.
3. There shall be no more than one (1) adult oriented business on the same property or in the same building, structure, or portion thereof.
4. No other principal or accessory use may occupy the same building, structure, property or portion thereof of any adult oriented business.
5. Except for signs as permitted under this ordinance, there shall be no other advertisements, displays, or other promotional materials visible to the public from pedestrian sidewalks, walkways, or vehicular use areas.
6. If a special use permit is granted, the permit is valid for two (2) years from the date of approval. Upon expiration of the permit, the sexually oriented business [shall be] in violation of the locational requirements until the applicant applies for and receives another permit. If the City Council denies such permit, the applicant may not reapply for a permit until at least twelve (12) months have elapsed since the date of the City Council's action for the same property or any part thereof.

B. BANKS & FINANCIAL INSTITUTIONS

1. Teller & ATM traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard.
2. Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district and shall be located in the side or rear yards only.

C. DRIVE-THRU/DRIVE-IN FACILITY

1. Traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard.

2. Use of the drive-through service will not interfere with the use, enjoyment or operations of adjacent properties.
3. Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district.
4. If a speaker box faces a residential use or zoning district, there shall be a 50-foot buffer or sound wall between the speaker box and the residential district.
5. Stacking Lane Requirements
 - a. All uses and facilities providing drive-up or drive-through service shall provide at least the minimum required vehicle stacking spaces established below. The Administrator may modify these standards on a case by case basis

Activity	Minimum Required Stacking Spaces	Measured From
Bank Teller Lane	4	Teller Window
Restaurant, Drive-thru	6	Order Box to Beginning of Drive Through Lane
Car Wash	3	Stall Entrance

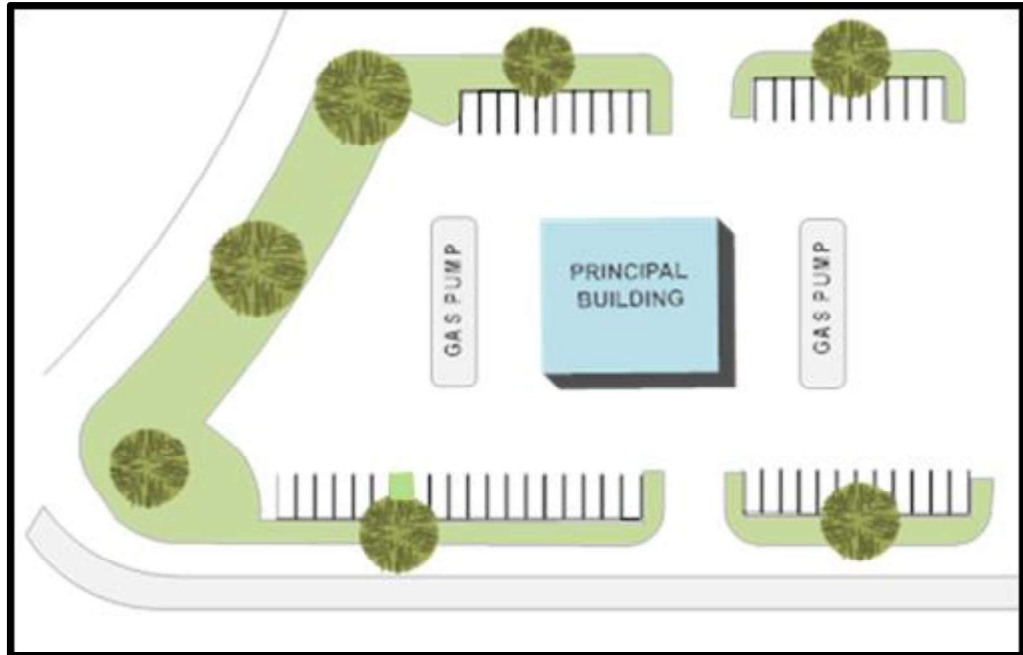
- b. Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.
- c. Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.
- d. A solid faced brick, masonry or wooden wall or fence shall be provided along a property line abutting lots or parcels zoned or use for residential purposes to block lights from vehicles in the stacking lanes or drive through facility.

D. GAMES/ARCADE ESTABLISHMENT

1. Game and arcade establishments shall not have cash prizes.

E. GAS/FUELING STATIONS

1. Canopies/Pumps:
 - a. Must be located to the side or rear yard of the principal building main entrance
 - b. Pump canopies must be located at least 50 feet from any interior side or rear property line that adjoins residentially developed property.
 - c. Must be buffered from adjoining residential uses & zoning with a 20-foot buffer in accordance with *Article 6 – General Development Standards*.



2. Lighting:

- a. All lighting must be shielded to direct light and glare only onto the lot or parcel where the gas/fueling station is located and shall be in accordance with Article 6 – General Development Standards.

F. OPEN AIR RETAIL

1. The use shall be conducted behind the prevailing setback line for the district.
2. Sidewalk Kiosks, Vendor Carts, Concession Stands, etc: Such uses shall be permitted to operate within the right-of-way provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet) and the automobile and bicycle travel way is clear of obstructions.
3. No permanent parking is required but the use must accommodate reasonable vehicular circulation and parking to preclude off-site impacts as determined by the Administrator.

G. PAWNSHOP

1. Pawn shop facilities shall be at least 1,000 feet from a religious institution, day care, school or playground or another pawn shop and shall have a minimum of 500 feet road frontage spacing from residential uses in a residential zoned district.

H. PERSONAL CARE SERVICE, RESTRICTED

1. Such facilities shall be at least 1,000 feet from a religious institution, school or playground or another such facility and shall be a minimum of 500 feet spacing from a residential use or residential zoning district.

2. The facility shall be open to the public only between the hours of 8:00 a.m. and 11:00 p.m.

I. SHOOTING RANGE (OUTDOORS)

1. Outdoor shooting ranges shall be buffered from adjoining properties with a 50-foot landscaped buffer.
2. Outdoor shooting ranges shall be located no closer than 1,000 feet to any religious institution, school or residential dwelling.

J. SMOKE & TOBACCO SHOP

1. Smoke & Tobacco Shops shall be 1,000 feet from any residential land use or zoning district, any educational/institutional land use and 1,000 from any other smoke or tobacco business.

K. STORAGE, SELF-SERVICE

1. Such uses shall not be located on the first floor of a structure and the use shall not be visible from a public or private street.

L. TEMPORARY CONSTRUCTION OFFICES

Temporary construction office units may be permitted on a lot involving a construction project provided they meet the following requirements:

1. The construction office unit is needed for on-site, temporary office space in regard to the construction occurring on the site.
2. The construction office unit shall satisfy all public service corporation, public utility and City requirements for proper connection to water, sewer, electrical and other utility service connections, if applicable.
3. The construction office unit shall be permitted only for the duration of the construction project and shall be removed upon the completion of the construction project.

M. VEHICLE/EQUIPMENT SALES & RENTAL

1. The office and any other structures located on the property must be permanent structures situated on permanent foundations, and that said structures meet all state and local building codes.
2. Any exterior lighting associated with the business may directly illuminate only the said property.
3. Any public address system associated with the business shall be operated only during normal business hours, and turned off after normal hours of operation.
4. All entrances, exits and traffic patterns associated with the business shall meet N. C. Department of Transportation and City standards, and that said entrances, exits and traffic patterns be approved by the Administrator.

N. VEHICLE SERVICES (MAJOR REPAIR/BODY SHOP)

1. No open storage shall be permitted within 500 feet of a religious institution, school, residential zoning district, or property used for residential purposes.
2. No open storage shall be permitted within 200 feet of a City thoroughfare as defined and designated on the City's adopted Transportation Plan.
3. All wrecked or damaged motor vehicles awaiting repair shall be stored at the rear or side of the principal structure and shall be screened so as not to be visible from adjoining property lines and street rights-of-way.
4. Acceptable screening shall include a fence in accordance with the standards below or existing vegetation on the property that provides a complete visual barrier to a height of at least six-feet. The screen shall setback a minimum of ten (10) feet from all lot lines or on established setback lines as set forth above for such storage. No car bodies or other material not normally used for fencing shall be permitted. No advertising shall be permitted on the fence or screen
5. The fence shall be located on the interior side of the required landscape materials. Acceptable fence materials include cedar, masonry, redwood, composite, plastic, treated lumber resistant to rot, or other materials specifically designed for fencing materials. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this subsection. Fence installation shall be consistent with acceptable building practices.
6. No vehicle shall be stored on the premises for more than twenty (20) days.
7. There shall be no exterior storage of items other than vehicles.
8. All services shall be performed within a completely enclosed building.
9. No vehicles or material shall be stored closer than 10 feet from the fence or screen.
10. No oil, grease, tires or gasoline or other similar material shall be burned at any time.

5.10 INDUSTRIAL

A. ASPHALT PAVING PRODUCTIONS AND SALES

1. A 50 foot undisturbed buffer shall be required along streams and waterways and along any adjoining property containing a residential or non-industrial use or zoning.
2. A row of evergreen trees and shrubs creating an opaque buffer (minimum of 20' in width) shall be provided along all public rights-of-ways.

B. HEAVY INDUSTRIAL USES

1. All such uses must be located a minimum distance of 500 feet from the Residential Zoning Districts, MXU, C-1, C-4 or O&I districts and any parallel conditional zoning district to those districts.

2. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
4. In addition to the buffer yard requirements provided in Article 6 – General Development Standards, all outdoor storage areas must be screened with the use of:
 - a. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
 - b. Brick fence, brick/split face block, or decorative block (plantings not required).

C. LIGHT INDUSTRY USES

1. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.
2. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
4. In addition to the buffer yard requirements provided in Article 6 – General Development Standards, all outdoor storage areas must be screened with the use of:
 - a. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
 - b. Brick fence, brick/split face block, or decorative block (plantings not required).

D. RECYCLING COLLECTION STATIONS

1. All outdoor storage, collection loading and processing areas must be located a minimum distance of 500 feet from the Residential Zoning Districts, MXU, C-1, C-4 & O&I districts and any parallel conditional zoning district to those districts.
2. All outdoor storage, collection loading and processing areas must be located a minimum distance of 50 feet from the adjacent property line.
3. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
4. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

E. SOLAR ENERGY SYSTEM (PRINCIPLE USE)

Solar farm; all solar farms shall meet the following requirements:

1. Setbacks: All solar panels, and any related equipment shall meet the principal building setbacks except where abutting residential property which requires a one hundred (100) feet minimum setback.
2. Height: Individual module/panels shall be a maximum of twenty-five (25) feet in height as measured from the grade at the base of the structure to the apex of the structure.
3. Site plan: A site plan, drawn and stamped by a North Carolina licensed surveyor or engineer, shall be submitted showing the following:
 - a. The location and dimensions of all proposed areas for the placement of solar panels, mechanical buildings, screening/fencing and related improvements;
 - b. Distance of all structures from the property line;
 - c. Any preexisting structures on the same lot, and principal structures on other properties that would affect the placement of solar panels;
 - d. Parking and access areas;
 - e. Location of any proposed solar access easements;
 - f. Location where wiring is brought together for inter-connection to system components and/or the local utility power grid, and location of disconnect switch;
 - g. Any proposed new structures; and
 - h. Any other relevant elements as requested by the planning and inspections department.
4. Other requirements:
 - a. Solar farms shall be fully screened from adjoining properties and adjacent roads by an evergreen buffer capable of reaching a height of ten (10) feet within three (3) years of planting, with at least seventy-five (75) percent opacity at the time of planting.
 - b. All outdoor lighting shall be full cut-off features and shall only illuminate onto the system's premises and surrounding fence area and may be of sufficient intensity to ensure security.
 - c. Solar panels shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
 - d. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
 - e. No ground-mounted large solar energy systems shall be affixed to a block wall or fence.
 - f. With the exception of the manufacturer's, or installer's identification, appropriate warning signs, and owner identification sign, all other signs shall be prohibited. Not more than one (1) manufacturer label bonded to or painted upon the solar energy system shall be permitted.

- g.** It is the responsibility of the owner to remove all obsolete or unused systems within twelve (12) months of cessation of operations.
- h.** The Administrator shall be provided copies of any lease agreement, solar access easement, and plan for removal of system/equipment. If the system is to be interconnected to the local utility power grid, a copy of the conditional special approval from the local utility must also be provided.
- i.** The system and components shall meet all requirements of the North Carolina State Building Code.
- j.** The system and components shall comply with the current edition of the National Electrical Code, UL listed, and be designed with an anti-reflective coating.
- k.** The electrical disconnect switch shall be clearly identified and unobstructed, and shall be noted clearly on the site plan.
- l.** The owner or future owner of a property onto which a solar energy system is installed assumes all risk associated with diminished performance of said system caused by any present or future adjacent structure or landscaping that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping is constructed or installed.

5.11 INSTITUTIONAL & ASSEMBLY

A. CEMETERY

1. A minimum of three (3) contiguous acres shall be required to establish a cemetery, columbarium or mausoleum not located on the same tract of land as a religious institution.
2. The minimum yard required for all structures, excluding gatehouse, is 50 feet from any exterior property line. Gatehouses shall be excluded from any minimum yard requirement.
3. The minimum yard required for mausoleums and columbaria adjacent to a street shall be equal to a principal building front yard in the district.
4. The minimum yard required for any grave or burial plot is 50 feet from any exterior property line. This requirement does not apply where the adjacent property contains an existing cemetery.
5. The minimum yard required for any grave or burial plot adjacent to a street shall be equal to a principal building front yard in the district provided that, where graves or burial plots are adjacent to streets and closer than 50 feet, a low planted screen shall be provided between the street and the cemetery. Such screen shall be 8 feet wide planted with evergreen shrubbery placed a maximum of 5 feet on center. All shrubs shall achieve a height of 4 feet within 3 years.
6. In the C-1 District, cemeteries are only permitted as an accessory use.

B. CHILD/ADULT DAY CARE (MORE THAN 8)

1. Outdoor play space for Child Care Homes shall be provided in accordance with the regulations of North Carolina Department of Human Resources.
2. Outdoor play space shall be enclosed on all sides by building and/or walls or fences in accordance with the standards in ordinance. The minimum height for such fences shall be 4 feet.
3. Outdoor play space may not include driveways, parking areas, or land otherwise unsuitable for children's play space.
4. Outdoor play space may not be in the established front yard.
5. Adult Day Care Centers: Adult Day Care Centers shall meet the requirements of the North Carolina Department of Health and Human Service's "Adult Day Care and Day Health Services Standards for Certification."
6. A twenty-foot (20') vegetated buffer yard shall separate the property's side yards from adjacent properties. This buffer may be reduced to ten feet (10') with installation of a blind fence, with vegetated buffer outside the blind fence.

C. COMMUNITY SUPPORT FACILITY

1. No such use may be located within 1000 feet of another such use measured as a straight line on a map unless as part of an accessory use to an existing religious institution.

D. CONFERENCE CENTER/CONVENTION CENTER

1. An independent parking analysis shall be required for such uses.

E. RECREATION FACILITY (INDOOR)

1. An indoor recreation facility shall be:
 - a. less than 10,000 square feet in building size,
 - b. an accessory use to a residential subdivision or development, and
 - c. located on common area within the subdivision or development.

F. RECREATION FACILITY (OUTDOOR)

1. An outdoor recreation facility shall be:
 - a. An accessory use to a residential subdivision or development, and
 - b. Located on common area within the subdivision or development.
2. Setbacks:
 - a. Playgrounds and recreational elements areas shall be subject to the setbacks for the district. This shall not include picnic structures/tables, paths, trails, and/or sidewalks.

G. SCHOOLS – ELEMENTARY & SECONDARY

1. Athletic fields and parking areas must be buffered from adjacent residentially zoned property with a 20-foot buffer as set forth in Article 6 – General Development Standards.
2. Connectivity (vehicular and pedestrian) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided.
3. Student pick-up/drop-off areas shall adhere to NCDOT standards for vehicular circulation and stacking.

H. TEMPORARY HEALTH CARE STRUCTURES

1. The following definitions apply in this section:
 - a. Activities of daily living: bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
 - b. Caregiver: An individual 18 years of age or older who:
 - i. provides care for a mentally or physically impaired person and
 - ii. is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
 - c. First or second degree relative: A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.

- d. Mentally or physically impaired person: A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
 - e. Temporary family health care structure: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that:
 - i. is primarily assembled at a location other than its site of installation,
 - ii. is limited to one occupant who shall be the mentally or physically impaired person,
 - iii. has no more than 300 gross square feet, and
 - iv. complies with applicable provisions of the State Building Code and G.S. § 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
2. The City shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family zoning district on lots zoned for single-family detached dwellings.
3. The City shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.
4. One temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structures under sections (1) and (2) of this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structure, except as otherwise provided in this section. Such temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.
5. Any person proposing to install a temporary family health care structure shall first obtain a permit from the City. The City may not withhold a permit if the applicant provides sufficient proof of compliance with this section. The City may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the City of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification.
6. Any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, as if the temporary family health care structure were permanent real property.

7. No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
8. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.
9. The City may revoke the permit granted pursuant to this subsection if the permit holder violates any provision of this section or G.S. § 160D-915. The City may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. § 160D-915.
10. Temporary family health care structures shall be treated as tangible personal property for purposes of taxation.

I. TEMPORARY SHELTER

Temporary Shelters may be permitted provided that the following requirements are met:

1. Such shelters may only be operated by non-profit agencies.
2. The permit shall be for a maximum of twelve (12) months of continuous operation. A new permit is required once this time period has passed.
3. A shelter of this type must meet all land use and building code regulations of the City of Dunn and the State of North Carolina.
4. All operations of the shelter must be entirely contained within a building.
5. On site supervision and security shall be provided at all times the shelter is open. A plan for security must be presented with the application for a permit.
6. Permitted accessory uses include food preparation, on site food consumption, child care, medical clinic services, and other services to support and encourage self-sufficiency.

J. THEATER (OUTDOOR)

1. Outdoor theaters shall be buffered from adjoining residential uses with a 50-foot landscaped buffer.
2. Primary access to all outdoor theaters shall be to a collector or higher order street.
3. Lights shall be shielded and positioned so as not to shine onto adjacent properties.

5.12 AGRICULTURAL RELATED

A. AGRICULTURAL USES (GENERAL, EXCLUDING BONA FIDE FARMS)

1. No buildings used for growing or storage are within 100 feet of a property line or are shielded by an opaque fence when such buildings exceed 200 square feet in gross area.

B. COMMUNITY GARDENS

1. Storage structures must meet setback requirements.
2. All other gardening activities should be a minimum of 5' from all property lines.

C. KENNELS (OUTDOOR)

1. Any building or pen housing animals shall be located a minimum of 150 feet from any residential use or residentially zoned property.
2. Areas used for exercising or training of animals shall be securely fenced to prevent the animals from straying.
3. All animal refuse and food shall be kept in airtight containers and disposed of on a regular basis.
4. Animal wastes shall not be stored within 150 feet of any property line or surface waters unless located indoors.
5. All such outdoor kennels and similar animal shelters shall be buffered from any adjoining residentially zoned property with a 50-foot landscaped buffer.

D. PRODUCE STANDS

1. Produce stands shall be permitted by the Administrator to operate on an individual parcel for a period of time not to exceed 90 consecutive days and no more than 2 events per calendar year.
2. Hours of operation shall be limited to 7:00 AM – 10:00 PM.

E. STABLES OR CORRALS

1. Such uses shall not be nearer than 200 feet to a lot not in the same zoning district classification (RA-40) or other use not located within the same planned development.

5.13 TRANSPORTATION & INFRASTRUCTURE

A. AIRSTRIP

1. Hangars or open storage shall be screened with a 20-foot buffer from all property lines, except those properties with I-10 and I-100 zoning.
2. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

3. Hours of operation shall be limited from 6 am – 10 pm.

B. WIRELESS TELECOMMUNICATIONS FACILITY (NON-TOWER)

1. Maximum height on any co-located structure shall be 40 feet.

C. WIRELESS TELECOMMUNICATIONS TOWER

Wireless Communication Towers shall be permitted provided the use meets all of the requirements of this ordinance for the district in which such proposed tower is located.

1. District Height Limitations

- a. The requirements set forth in this section shall govern the location of towers, and antennas that are installed at a height in excess of, the height limitations specified for each district.

2. Public Property

- a. Antennas or towers located on property owned, leased or otherwise controlled by the City of Dunn shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the Dunn City Council.

3. Amateur Radio

- a. This section shall not govern any tower, or the installation of any antenna, that complies with the height requirement for the district in which it is located and is owned and operated by a federally licensed amateur radio station operator.

4. Preexisting Towers and Antennas

- a. Any tower or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the requirements of this section except for all Federal Regulations relating to this subject and the North Carolina State Building Code.

5. General Guidelines

- a. Principal or Accessory Use. Antennas and towers may be considered principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a tower or antenna provided that it complies with district regulations, including but not limited to set-back requirements, lot coverage requirements and other such requirements.
- b. Inventory of Existing Sites. Each applicant for an administrative or special use permit shall provide to the Administrator an inventory of its existing towers that are either within the planning and development regulation jurisdiction of the City of Dunn or within one-quarter (1/4) mile of the border thereof, including specific information about the location, height and design of each tower. Applicants are encouraged to submit an inventory of potential future tower sites within the planning and development regulation jurisdiction of the City of Dunn. The Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the planning and

development regulation jurisdiction; provided, however, that the department is not, by sharing such information in any way representing or warranting that such sites are available or suitable.

- c. Aesthetics; Lighting
 - i. The provisions set out in this section shall govern the location of all towers, and the installation of all antennas, governed by this ordinance.
 - ii. Towers shall either maintain a galvanized steel finish or be subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 - iii. At a tower site, the design of the buildings and related structures shall to the extent possible use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
 - iv. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - v. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- 6. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- 7. Building Codes; Safety Standards. To ensure the structural integrity of towers the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If upon inspection by the City of Dunn Planning Department, it is concluded that a tower fails to comply with such codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the City of Dunn shall revoke or not issue a certificate of occupancy and either not permit power to such facility or discontinue power to the facility until such time as the deficiencies are deemed corrected.
- 8. Coverage Need. Need of coverage shall be demonstrated by the wireless provider.
- 9. Land Form Preservation. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. Vegetation that causes

interference with antennas or inhibits access to tower facility may be trimmed or removed. Provided however, no tree may be trimmed or removed on property owned by the City of Dunn without a review by the City of Dunn.

10. Existing Vegetation. Existing vegetation on a tower facility site may be used in lieu of required landscaping where approved by the Administrator.
11. Replacing Existing Tower. An existing tower can be replaced subject to *Article 9 - Nonconformities* of this ordinance.
12. Minimum Site Disturbance. Grading for the new Wireless Communication Facility shall be minimized and limited only to the area necessary for the new facility.
13. Signs. No signs or logos, for which sign permits are required by this ordinance shall be allowed on any tower, antenna or related device.
14. Parking. Wireless Communication Facilities shall have a minimum of two (2) parking spaces.
15. Removal of Abandoned Wireless Communication. Any Wireless Communication Facility that is not operated as a commercial wireless communication site or by a government agency or by an emergency service provider for a continuous period of 12 months shall be considered abandoned and the owner of such facility shall remove same within 60 days of the notice thereof. Applicants to construct any such facility shall provide a performance bond for the cost of the removal of such facility in favor of the City of Dunn. The bond shall be in the amount of 125 percent of the estimated cost of removing the facility. The applicant shall submit an estimate from a qualified demolition firm for the purpose of determining the amount of the performance bond.

D. UTILITIES (ALL CLASSES)

1. Utilities must be enclosed with an opaque fence.

ARTICLE 6 – GENERAL DEVELOPMENT STANDARDS

6.01 GENERALLY

The standards in this Article are intended to be minimum standards for all developments and zoning districts. Higher standards or relief from these standards may be required in *Article 4 – Zoning Districts*, *Article 5 - Individual Use Standards* or *Article 7 – Subdivisions and Infrastructure Standards* of this Ordinance.

6.02 BASIC DEVELOPMENT STANDARDS

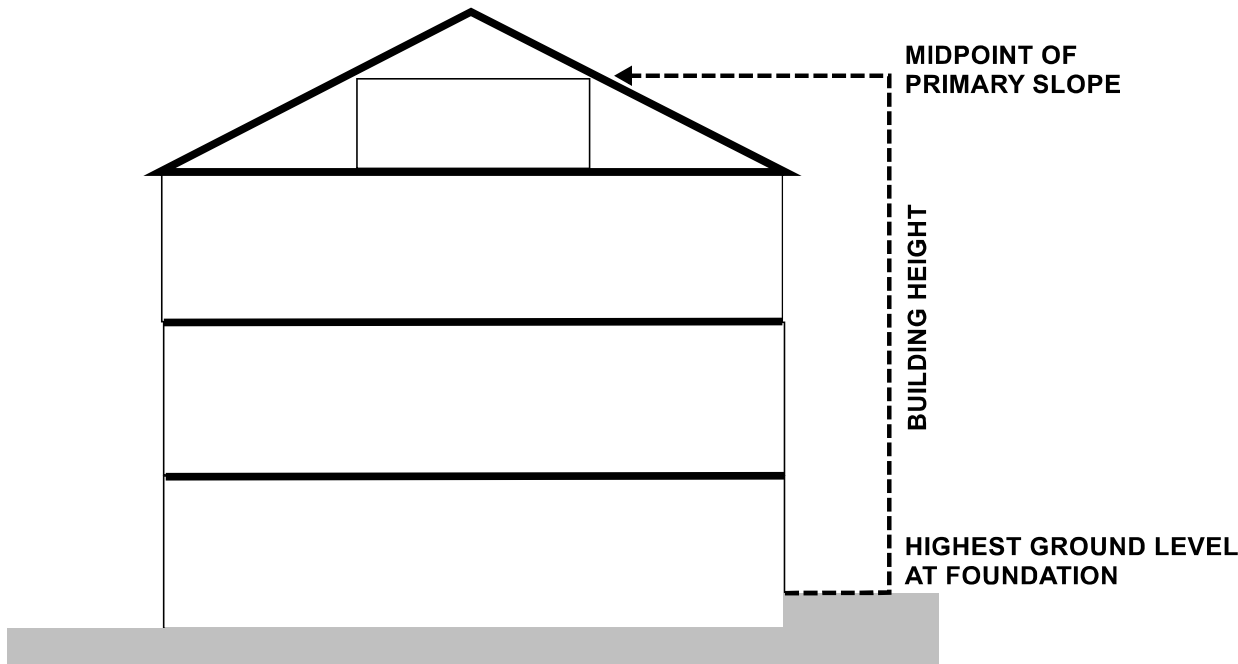
A. LOTS

All lots shall front upon a public street right-of-way. In no case shall a lot have less than 20 feet of frontage on a public street right-of-way.

B. HEIGHT

Other than the provisions listed in this Section, buildings and structures shall not exceed the maximum heights established in *Article 4 – Zoning Districts* of this Ordinance. Building heights are specified in *Article 4 – Zoning Districts*.

In the calculation of height it shall be measured from the highest ground level at the structure foundation to the midpoint of the primary roof slope as illustrated below:



1. The height limitations of this ordinance shall not apply to building features provided they do not exceed the height limitations of the associated zoning district, including, but not limited to:
 - a. Church spires, belfries, cupolas, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns).
 - b. Heating and air conditioning equipment, solar collectors and similar equipment, fixtures, and devices provided that they are set back from the edge of the roof a minimum distance of one (1) foot for every foot the feature extends above the roof surface. Screen or parapet walls shall be constructed to the height of any fixture taller than three (3) feet in height that would be visible from a street or residential property abutting the property.
2. The height requirements for wireless telecommunications towers and facilities are provided in *Article 4 – Zoning Districts* and *Article 5 – Individual Use Standards* of this Ordinance.

C. SETBACKS

1. **Setbacks Required.** No portion of any building, excluding eaves, decks, patios, steps, and uncovered porches may be located on any lot closer to any lot line or to the street right-of-way line than is authorized in *Article 4 – Zoning Districts* of this Ordinance. All setbacks are expressed in feet and are minimum setbacks, unless otherwise noted. Additional setbacks may be required to meet parking, landscaping, buffering, or other standards specified in this Article and the specific use standards of *Article 5 – Individual Use Standards* of this ordinance.
2. **Allowed Setback Encroachments.** A step, stoop, open porch, awning, or other appurtenance may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than 25% into the minimum setback.
3. **Setback Measurement**
 - a. Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it. Appendages might include awnings, chimneys, HVAC units, or other similar appurtenances.
 - b. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured at a right angle to such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
 - c. All setbacks are subject to compliance with adopted applicable fire and building code provisions.

D. RELATIONSHIP OF BUILDING TO LOT

There shall be no more than one principal building on a lot, except in the case of a designed complex of professional, residential, commercial or mix-use buildings in an appropriate zoning district.

E. STREET ACCESS

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a planned development, a building may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

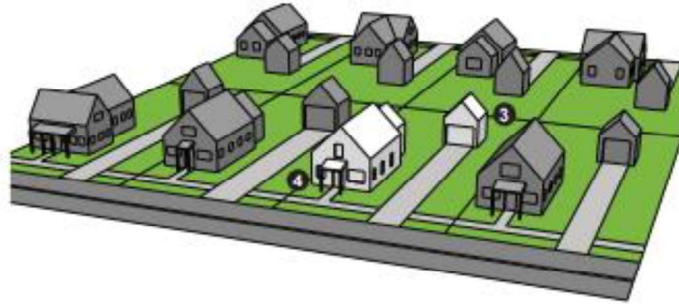
F. IRREGULAR LOT SETBACKS

The location of required front, side and rear yards (or setbacks) on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this Ordinance to achieve appropriate spacing and location of buildings and buildings on individual lots. Where questions of appropriateness arise, the subdivider may be required to provide additional design information.

6.03 INFILL RESIDENTIAL DEVELOPMENT STANDARDS

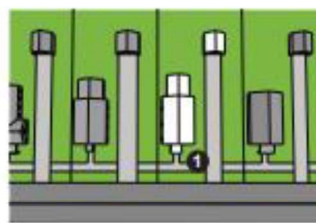
A. APPLICABILITY

Infill development is a term used to define development or redevelopment of land that has been bypassed, remained vacant and/or is underused in comparison to surrounding structures. The image to the right provides examples of where infill residential development standards may apply and desired design features.



B. FRONT SETBACK PATTERN & ENTRANCES

1. The Administrator shall reduce the minimum front setback for any lot where the average established front yard on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required yard.
2. In such cases, the minimum front or street yard shall be the average of the existing front yards on the developed lots within 300 feet of each side, minus any additional required right-of-way dedication. In addition, for new lots created from existing larger lots, the lot width at the frontage line and the side yard setbacks shall be consistent with the average of the immediately adjacent, neighboring parcels on the same side of the street.
3. Efforts should be made to provide the primary entrance with porches and porticos. In addition, new structures should have entrances facing the street on the primary façade of the dwelling consistent with surrounding structures.



DESIRED DESIGN FEATURES

- 1 SETBACK: Front and side setbacks consistent with surrounding structures.
- 2 PRIMARY ENTRANCE: Facing the street on the primary facade of the house.
- 3 PARKING: Detached garage located behind the residence.
- 4 PORCHES AND PORTICOS: Extend uniformly from the front facade in line with surrounding structures.

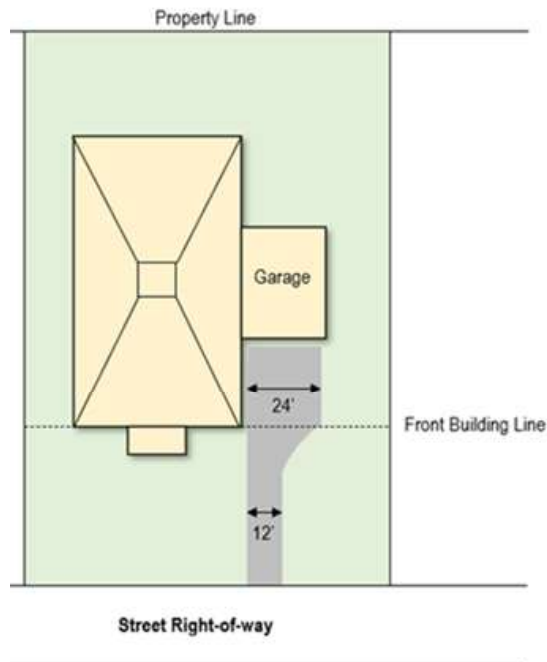


Source: City of Winston-Salem

C. DRIVEWAYS

Driveways shall be limited to 12 feet in width for residential uses, but can expand up to 24 feet wide to accommodate garage access and parking if (see illustration below):

1. It is behind the front building line;
2. Is further than 20 feet from the front property line, and;
3. Does not exceed 400 square feet.
4. Shall be installed a minimum of five (5) feet to a side property line.



D. PARKING

Required spaces can be accommodated on the street, so long as there is enough (23 feet) of unimpeded space.

E. HEIGHT

The height cannot exceed the maximum zoning district height; or more than fourteen (14) feet taller than an adjacent structure.

F. ACCESS, GARAGES & MAIN ENTRANCES.

If there is an alley, all vehicles should access the property via the alley; if a garage faces the street, a single garage entrance cannot be more than 22 feet wide. Structures other than single and two family structures, must have a main entrance that faces the street.

G. LANDSCAPING.

New development should continue the established pattern of street yard trees.

6.04 FENCES AND WALLS

All fences and walls shall comply with the requirements of this Section unless specifically approved as part of a conditional zoning or a variance. The finished side of all fences shall face off site. If support posts are located or visible on one side only, that side shall be deemed the unfinished side. The following shall also apply:

- A.** Razor wire or concertina wire is specifically not permitted on any lot zoned or used for residential, commercial or office purposes, or adjacent to a lot zoned or used for residential, commercial or office purposes.
- B.** No fencing or walls shall be allowed to encroach into a right-of-way or in areas required for vehicular sight distance. When a fence is proposed to be installed within close proximity of a public right-of-way – a survey may be required as part of the permitting process by the Administrator
- C.** Fences in front yards are discouraged, but must be:
 - 1. Located at least two (2) feet from the right-of-way and no closer than two (2) feet from the edge of the sidewalk.
 - 2. Not exceed four (4) feet in height, except that wrought iron, see through picket-style and split rail style fences may be up to five (5) feet tall. No fence shall obstruct any traffic safety visibility zone.
- D.** No fencing shall exceed six (6) feet in height in any side or rear yard, unless topography or other cause would defeat the purpose of the fence and only with the approval of the Administrator.
- E.** Barbed wire is specifically not permitted within the city's corporate limits, except where it is installed on top of a galvanized fence not less than six (6) feet high measured from the highest adjacent grade.

6.05 PARKING, LOADING & DRIVEWAYS

A. PURPOSE AND INTENT

This Section establishes the minimum number of spaces and parking area design in the City of Dunn. This Section allows the Administrator to adjust the number of required spaces and the design of spaces to provide for adequate parking, accommodate unique site conditions, and capitalize on the benefits of parking opportunities on-street or in shared parking areas.

B. APPLICABILITY

The requirements of this Section shall apply to all new developments and changes of use that necessitate parking or additional parking.

C. PARKING SPACE REQUIREMENTS

The following table outlines the permanent off-street parking requirements. Requisite parking shall be provided at the time of erection, alteration, or enlargement of buildings or land uses which require additional off-street parking.

LAND USE TYPE	MINIMUM AUTO SPACES	MINIMUM BICYCLE PARKING
RESIDENTIAL		
<i>Dwellings – Single (attached & detached) and Two-family (duplex)</i>	2 per dwelling unit, with minimum of 1 space outside an enclosed garage	No Requirement
<i>Dwellings – Multi-family</i>	1.8 per unit	2 per 40 auto spaces
<i>Residential Care Facilities</i>	1 per 2 resident rooms	2 per 50 auto spaces
<i>Family Care Homes</i>	1 per 2 resident rooms	2
<i>Private Neighborhood Recreational Facility (i.e. a subdivision amenities center)</i>	1 per 300 sf of clubhouse 1 per 100 sf of surface water in pool 2 per sports amenities	4 or 1 space per 50 units
<i>All Other Residential Uses</i>	1 per dwelling unit	No Requirement
HOTELS AND ACCOMMODATION SERVICES		
<i>All uses</i>	1 per room	2 per 50 auto spaces
OFFICE AND SERVICES		
<i>Child/Adult Day Care Centers (more than 8 persons)</i>	1 per 400 sf	2 per 50 auto spaces
<i>Funeral Home</i>	1 per 5 seats	No Requirement
<i>Medical Clinic</i>	1 per 250 sf	2 per 50 auto spaces

LAND USE TYPE	MINIMUM AUTO SPACES	MINIMUM BICYCLE PARKING
<i>General Office</i>	1 per 300 sf	2 per 50 auto spaces
<i>Veterinary Service/Kennel</i>	1 per 300 sf	2 per 50 auto spaces
<i>All Other Office & Service Uses</i>	1 per 500 sf	2 per 50 auto spaces
COMMERCIAL		
<i>Amusement (Indoor or Outdoor)</i>	1 per 4 persons permitted	2 per 40 auto spaces
<i>Automotive</i>	Office area: 1 per 300 sf Indoor display area: 1 per 500 sf Outside display area: 1 per 2,000 sf Services area: 1 per 500 sf	2 per 50 auto spaces
<i>Restaurants, Bar/Tavern, Nightclub</i>	1 per 200 sf	2 per 50 auto spaces
<i>General Commercial</i>	1 per 400 sf	2 per 40 auto spaces
<i>Recreational Facility</i>	1 per 4 persons permitted	2 per 40 auto spaces
<i>Shooting range, outdoor</i>	1 space per target and 1 space for every 300 sf of office	No Requirement
<i>Theater (Indoor or Outdoor)</i>	1 per 3 seats	4 per 50 auto spaces
<i>All Other Commercial Uses</i>	1 per 500 sf	4 per 50 auto spaces
INDUSTRIAL		
<i>Storage/Warehousing</i>	1 per 2,000 sf	No Requirement
<i>Manufacturing</i>	1 per 500 sf	No Requirement
<i>All Other Industrial Uses</i>	*See note at end of table	No Requirement

LAND USE TYPE	MINIMUM AUTO SPACES	MINIMUM BICYCLE PARKING
INSTITUTIONAL AND ASSEMBLY		
<i>Civic Meeting Facilities</i>	1 per 200 sf	2 per 50 auto spaces
<i>Community or Cultural Facility</i>	1 per 300 sf	2 per 50 auto spaces
<i>Hospitals</i>	1 per 2 beds, plus 1 per employee	2 per 50 auto spaces
<i>Religious Institutions</i>	1 per 4 seats in main assembly hall plus accessory uses according to their use	2 per 100 seats
<i>School – Elementary & Secondary</i>	1 per 4 seats in main assembly hall or gymnasium	2 per 50 students
<i>Studio – Art, dance, martial arts, etc.</i>	1 per 400 sf	2 per 20 auto spaces
<i>All Other Institution or Assembly uses</i>	1 per 500 sf	2 per 50 auto spaces
AGRICULTURAL RELATED		
<i>Agritourism, ecotourism, winery & associated facilities</i>	1 per 8 persons permitted	No Requirement
<i>Nurseries and Garden Centers</i>	1 per 1,000 sf of open air sales	No Requirement
<i>All Other Agricultural Uses</i>	*See note at end of table	No Requirement
<p><i>*Note: Certain uses may have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application, the Administrator shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use, or shall establish minimum off-street parking requirements based on a parking and loading study prepared by the applicant</i></p>		

D. EXEMPTIONS AND ADJUSTMENTS

1. Exemptions. Uses in the C-1 district are exempt from the minimum parking requirements of this Section.
2. Tree Preservation.
 - a. The minimum number of parking spaces required shall be adjusted by the Administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees by establishing a Tree Save Area (with a 12-inch or greater diameter at breast height) from being damaged or removed, and where the site plan provides for the retention of said tree or trees. Up to 25% or five (5) spaces (whichever is greater) of the required parking may be reduced in this fashion.
 - b. Minimum Dimensional Requirements of Tree Save Area: The extent of the Critical Root Zone (CRZ) of the tree or trees at the outer edges of the tree save area shall constitute the limits of construction for the purposes of this sub-section. The CRZ is the circular area of ground surrounding a tree extending from the center of tree to the greater of:
 - 1.5 feet per caliper inch DBH (diameter at breast height) of the tree,
 - The dripline (furthest extent of tree canopy) of the tree, or
 - 3.6 feet.
 - c. **Available Parking Reduction:** The actual demand for parking on a particular site may vary based on the development's context. In these cases, the Administrator may determine that the context is appropriate to reduce parking requirements. Examples of such cases are:
 - A mixed-use development with uses that have peak occupancy at different times such that one parking space can be demonstrated to handle some parking needs of multiple uses.
 - Counting on-street parking spaces directly adjacent to the establishment.
 - Shared parking in a nearby lot that has empty spaces.
 - A commitment to providing valet parking services.
 - Demonstrating a likelihood that all required parking may not be needed and deferring construction on a percentage of the parking spaces until after the development is complete, when it becomes clear whether or not the additional deferred spaces are needed.

The following are the criteria the Administrator must use when determining the applicable parking reductions.

AVAILABLE REDUCTION IN MINIMUM OFF-STREET PARKING REQUIREMENTS	
<i>Type of Reduction</i>	<i>Maximum reduction in off-street parking requirements</i>
Mixed-use development	60 percent
On-street parking	20 spaces
Shared parking	40 percent
Valet or tandem parking	<u>Hotel use</u> : 60 percent <u>Restaurant use</u> : 50 percent <u>Other commercial uses</u> : 35 percent
Deferred parking	25 percent
Areas reserved for pick-up / drop-off & delivery services	10 spaces

E. SATELLITE & COMBINATION PARKING

If the off-street parking spaces required by this Section cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 500 feet. Such measurement shall be taken from the edge of the parking area on the lot to the entryway of the remote parking area.

1. **Shared Satellite Parking:** Upon approval by the Administrator, satellite parking facilities may be shared by two or more uses which do not share normal operating hours.
2. **Parking for Permitted Uses Only.** If satellite parking is utilized to fulfill parking requirements, the owner or authorized agent for the land upon which such remote parking is located shall restrict the use of such parking area for parking only in connection with the use(s) or structure(s) for which such remote parking is provided. Such restriction shall be recorded through an easement plat properly filed with the Harnett County Register of Deeds, which may be released only by written consent of the City. Remote parking for a particular use shall not be established in any district that does not allow that use.

F. SPACE DESIGN STANDARDS

1. Applicability

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall apply:

2. Parking Area General Design Standards

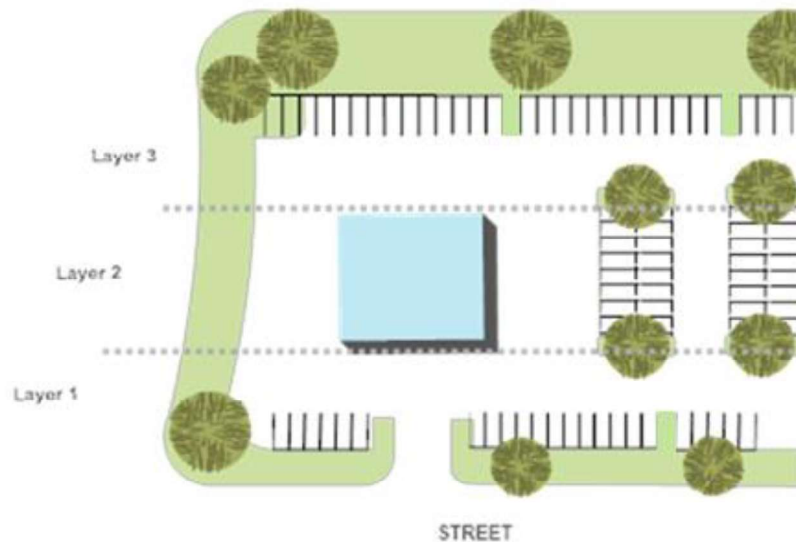
- a. A strip of land eight (8) feet wide adjoining any right-of-way line or any lot zoned for residential use shall be used to screen such parking with evergreen shrubs planted at 3' on center at a minimum height of 1' with the ability to reach 3' in height at maturity.
- b. Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales and material storage, including portable containers.
- c. Parking for service vehicles shall be designated, located and screened to minimize the view from adjacent properties and rights-of-way, generally at the rear of buildings.
- d. Parking areas shall be located and designed to avoid undue interference with the use of public rights-of-way, driveways or pedestrian ways. Parking stalls shall not be located in areas that would require backing into access driveways or streets except where allowed for residences.
- e. Parking design and location shall be in accordance with this Ordinance, City Code, and the following minimum dimensions:

PARKING ANGLE	PARKING SPACE WIDTH	PARKING SPACE DEPTH	MINIMUM AISLE WIDTH (ONE WAY)	MINIMUM AISLE WIDTH (TWO WAY)
0° (parallel)	9'	23'	12'	23', if applicable
30°	9'	18'	11'	20'
45°	9'	18'	13'	22'
60°	9'	18'	18'	24'
75°	9	18'	21'	24'
90°	9'	18'	24'	24'

- f. Parking stalls and vehicular areas shall be located a minimum of 5' from the property line and 10 feet from public rights-of-way and buildings to allow sufficient separation for sidewalks, landscaping, and other site features except along the backs of buildings in areas designed for loading and unloading. A continuous row of evergreen shrubs or other opaque screening (fence, wall, berm) is required to

screen all parking from view from a public right-of-way. The screen shall be maintained at between 2' to 3' of height within 3 years of installation.

- g. For properties zoned MXU or C-1, parking may only be located in the second or third layer of the site as illustrated in the diagram below. The first layer is the area between the front of the building and the street right-of-way. The second layer is the area from the front of the building to the rear of the building. The third layer is the area from the rear of the building to the rear property line.



- h. Parking shall not be located in landscaped, open space, or tree save areas.
- i. Vehicle storage or display areas shall be identified on a site plan distinct from customer and employee parking areas and shall comply with parking access, location and design requirements, except that striping of the display or storage area shall not be required. The placement of vehicle storage or display areas shall not interfere with vehicle or pedestrian access aisles or driveways.
- j. Tractor trailers, cargo trucks, busses, and other large commercial vehicles or heavy equipment parking and storage shall comply with parking access, location and design requirements except for stall size and aisle size which shall be as appropriate for the vehicles to be stored and shall be designated on a site plan.
- k. Well-marked, ADA-compliant pedestrian access must be provided in all parking lots. Access perpendicular to the main entrance from the parking area should be provided, whenever possible. Where a sidewalk is added to a median, additional median width equal to the sidewalk width must be provided.

3. Bicycle Parking Standards

- a. Bicycle racks shall be provided per the parking table in Section C above.

- b. Acceptable rack elements, rack location and access shall conform to the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.
- c. Design shall consist of loop, post, rails, "A" and inverted "U" racks.
- d. Bicycle parking shall be provided on a hard-surface, all-weather pavement of asphalt or concrete with curb ramps installed as appropriate.
- e. Bicycle parking shall be:
 - (1) Separated from automobile parking by a physical barrier or by at least 5 feet where automobile parking is prohibited and shall be located as close to public and employee entrances as possible without interfering with the flow of pedestrian and vehicular traffic.
 - (2) Conveniently located near building entrances.
 - (3) Located so as not to interfere with pedestrian access.

4. Stacking Spaces

- a. Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with this Section. Such uses include but are not limited to restaurants with drive-through, convenience store with fuel sales, and other uses with service bays or drive-throughs.
- b. A vehicle stacking space requirement may be modified or required by the Administrator in the site plan approval process for uses that have not been listed below or where the use can demonstrate a limited need for vehicle stacking space.

LAND USE	MINIMUM STACKING SPACES	MEASURED FROM
Bank Teller/ATM	4	Teller Window/ATM
Restaurant (drive-through)	6	Pick up window
Car Wash	3	Entrance
Fuel Sales Pump Island	2	Pump Island
Pharmacy	4	Pick up window

- c. Required stacking spaces are subject to the following design and layout standards:
 - (1) Stacking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet long.
 - (2) Stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.
 - (3) Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements, whether on-site or off-site.

- (4) Stacking spaces shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

5. Surfacing

Off-street parking areas shall be properly graded, marked, and located on improved lots or within parking structures. The material for surface parking spaces and corresponding access drives required by this Section, except for single-family detached and duplex residences, shall consist of suitable material as set forth below.

- a. **Suitable Materials:** Suitable paving materials for required parking areas include but are not limited to, asphalt, porous asphalt, porous paving blocks, and concrete. Compacted stone (road bond) and gravel may be permitted as paving materials in the rear setback area for loading and service areas zoned I-10 or I-100.
- b. **Accessible Spaces:** All accessible spaces and corresponding access paths shall consist of concrete or asphalt.
- c. **Pervious Surfaces:** Porous paving blocks and pervious paving materials are permitted and encouraged as material for parking lots. The use of reinforced grass as a parking lot surface is permitted for satellite parking areas.
- d. **Parking Space Marking:** The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, grass or other vegetative surfacing.

6. Connectivity

- a. Adjoining parking lots serving (or potentially serving) non-residential or multifamily uses shall be interconnected as follows:
 - (1) The parking lot under development has a minimum of twenty-four (24) parking spaces or equivalent parking area.
 - (2) At least one (1) connection is provided at all lot lines that are coincident for at least sixty (60) feet with another lot zoned for non-residential use.
 - (3) The connection is at least twenty (20) feet wide.
 - (4) If applicable, the connection aligns with a connection that has been previously constructed on an adjacent property.
 - (5) The connection has a slope of no greater than fifteen (15) percent.
 - (6) The connection is not placed where a building on an adjacent property is within fifty (50) feet of the lot line which would hamper traffic movements within the parking lot.

- (7) The connection is placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of six (6) inches or more.
- b. In the event these conditions cannot be met without undue hardship or if such connections would create undesirable traffic flow, the Administrator may waive the connection requirement.
- c. Where a parking lot connection is required an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the Harnett County Register of Deeds in the form of an easement plat.

7. Off-Street Loading Requirements

- a. Off-street loading spaces shall be required for industrial, major institutional, and business uses that can be expected to regularly receive or deliver goods, pursuant to the following schedule (areas within the I-10 and I-100 zoning districts are exempt from this requirement):

BUILDING SQUARE FOOTAGE	REQUIRED NUMBER OF SPACES
0 – 24,999	1
25,000 – 39,999	2
40,000 – 99,000	3
100,000 – 159,000	4
160,000 – 239,000	5
240,000 – 319,999	6
320,000 – 399,999	7
Each 90,000 above 400,000	1

- b. Required loading spaces shall have the following minimum dimensions: 12-foot minimum width, 25-foot minimum length, and 14-foot minimum vertical clearance.
- c. **Locations**
- (1) Required off-street loading spaces shall not be located within a building but shall be on the site of the use served or on an adjoining site.
- (2) Required off-street loading spaces shall be located to the sides and/or rear of the lot to maximize the street exposure of the primary structure.
- (3) A loading area shall not be located in a required setback. In addition, street-side loading docks shall be set back at least seventy (70) feet from the street property line or 110 feet from the street center line, whichever is greater.
- (4) No loading bay may intrude into any portion of a required parking aisle or access dimension.

- (5) Loading areas visible from a street shall be screened on three sides by a solid, decorative fence, wall, or hedge at least six feet in height.

d. Access

- (1) A required loading stall shall be accessible without parking a truck across a street property line unless the Administrator determines that provision of turnaround space is infeasible and approves alternate access.
- (2) An occupied loading space shall not prevent access to a required off-street parking space.

G. DRIVEWAYS

1. Driveways for all residential or mixed use developments shall be located a minimum of thirty (30) feet from the intersection of two (2) public roads. Commercial and Industrial zones and uses shall be a minimum of sixty (60) feet from the intersection of two (2) public roads (see image in subsection 5 below). Driveways for developments in excess of three (3) acres shall be located with the purpose of minimizing traffic hazards, inconvenience, and congestion.
2. **Entrance driveway width.** Every parking facility or driveway access shall be provided with one (1) or more access points and all access points shall follow these dimensional requirements:
 - a. **Residential use driveways:**
 - (1) Shall not exceed eighteen (18) feet in width at the property line.
 - (2) Shall be installed a minimum of five (5) feet to a side property line.
 - (3) Shall be paved between the edge of the existing roadway pavement edge and the front property line.
 - b. **Non-residential driveways:**
 - (1) Shall not exceed fourteen (14) feet in width at the property line for one-way enter/exit.
 - (2) Shall not exceed twenty-six (26) feet in width at the property line for two-way enter/exit. Additional lanes shall be twelve (12) feet for each exit direction, for developments in excess of one (1) acre.
 - (3) Shall be installed a minimum of five (5) feet to a side property line.
 - (4) Entrances for developments in excess of three (3) acres may be required to extend or to construct public roads into the development.
3. **Driveway and ramp slopes.** The maximum slope of any driveway or ramp shall not exceed twenty (20) percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the Administrator.

4. **Number of driveway access points.** Developments should minimize or eliminate curb cuts along arterial streets. Where possible, vehicular access should be shared with the adjacent properties and/or alleys or should be utilized for access. All lots, parcels, or any other division of land adjacent to an arterial roadway may be allowed driveways or street connections in accordance with the following:

PARCEL/LOT FOOTAGE	NUMBER OF DRIVEWAYS ALLOWED
< 350 feet	1
351 – 950 feet	2
> 951	3

Generally, outparcels will not be allowed to have a separate road access; an outparcel in this instance is considered a small lot at the outer edge of a shopping center, usually reserved for later sale to a fast-food outlet or stand-alone retailer.

5. **Location of driveway access points.** Location guidelines for driveway access points along arterials are shown in the illustration below. If the access to a lot, parcel, or any other lawful division of land is physically unobtainable under the provisions illustrated below, driveway access points are to be located the greatest distance possible from one another and from other public and private streets.



6.06 LIGHTING

A. PURPOSE AND INTENT

The standards set forth in this Section are designed to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. It is the intent of this Section to:

- a. Minimize light pollution such as glare and light trespass.
- b. Conserve energy and resources.
- c. Maintain night-time safety and utility.
- d. Improve the night-time visual environment.

B. APPLICABILITY

All applications for development shall include lighting plans showing location, type, height, and lumen output of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this lighting code. The Administrator shall have the authority to request additional information in order to achieve the purposes of this ordinance.

C. PROHIBITIONS AND EXEMPTIONS

1. **Prohibitions.** The following lighting types shall be prohibited:

- a. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited,
- b. The operation of searchlights for advertising purposes is prohibited,
- c. Site lighting that may be confused with warning, emergency, or traffic signals is prohibited,
- d. Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited,
- e. Awnings and canopies used for building accents over doors, windows, etc. shall not be internally lit, i.e., from underneath or behind, so as to visually turn a translucent material into an internally illuminated material. Lighting may be installed under canopies that light the sidewalk, or downlights onto the architectural features of a building.

2. **Exemptions.** The following exemptions shall be granted from the requirements of this Section:

- a. Luminaires used for public-roadway illumination may be installed at a maximum height of 35 feet and may be positioned at that height up to the edge of any bordering property.

- b. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Ordinance.
- c. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this Article, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- d. Lighting associated with holiday, festival or other temporary uses permitted in this Ordinance.
- e. Lighting of public art that has been permitted or otherwise approved by the City.
- f. Other municipal or state lighting installed for the benefit of public health, safety, and welfare.
- g. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
- h. Lighting of United States and North Carolina State Flags provided the flag standard does not exceed the maximum permitted building height for that district.

D. GENERAL DESIGN STANDARDS

- 1. Background spaces such as parking lots and driveways shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property.
- 2. Foreground spaces, such as building entrances and plaza seating areas, shall utilize lighting that defines, highlights, or enhances the space without glare.
- 3. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
- 4. Light poles and fixtures shall be of a matte or low-gloss grey, black, dark earthen, or bronze finish, unless permission is granted by the Administrator for a special color scheme or theme.
- 5. Light sources must be compatible with the light produced by surrounding uses and must produce an unobtrusive degree of brightness in both illumination levels and color temperature.
- 6. Natural areas and natural features shall be protected from light spillage from off-site sources.
- 7. All exterior lighting, on or off a building, shall be either amber or white in color with the exception of low-light output (800 lumens or lower) landscaping or other decorative lighting, signage lighting, or customer entrance or service area lights aiming down and installed under a canopy or similar roof structure.

E. DISTRICT LIGHTING STANDARDS IN FOOT-CANDLES

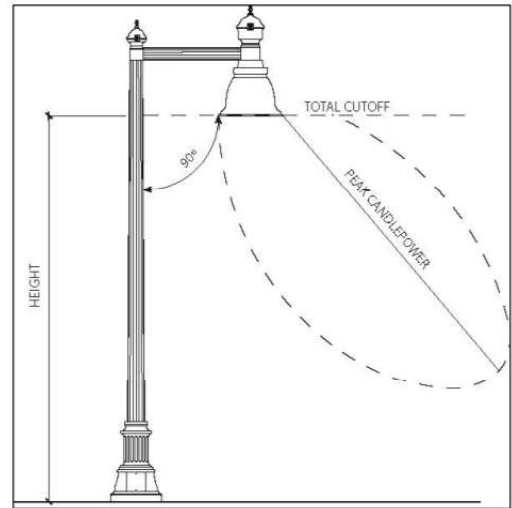
- 1. Maximum lighting levels shall adhere to the standards in the chart below. All numerical values in the chart below represent measurements in foot-candles.

	RA-40, R-20, R-10, R-7.	R-M, MXU	C-1, C-4, O&I	C-2, C-3, I-10, I-100
LIGHT TRESPASS OFF PROPERTY	0.1	0.3	0.8	1
DISPLAY/CANOPY AREA	8	12	20	20
PARKING AREAS	4	4	6	6
ALL OTHER ON-SITE LIGHTING	4	6	10	10

2. The values in the preceding chart for “All Other On-Site Lighting” and “Display/Canopy Areas” shall represent the maximum point of illuminance measured at grade in foot-candles.
 - a. **Exception:** Outdoor display lots for vehicle sales and leasing may exceed 20 foot-candles if outdoor white lighting is cut off, leaving only security lighting that is amber in color (a temperature rating equal to or less than 2,700 Kelvin), after closing or 11:00 p.m., whichever comes earlier.
3. The values of the preceding chart for the “Light Trespass Off Property” shall represent the maximum point of illuminance as measure at the property line in foot-candles.
 - a. **Exception:** In the case of buildings closer than 10 feet to the property line using only wall packs, light trespass may be greater than one foot-candle as long as the wall packs are fully shielded to direct the light downward, have a light output of 1,600 lumens or lower, and the light source (lamp) is not visible from off-site.
4. The values of the preceding chart for “Parking Areas” shall represent the average point of horizontal illuminance measured in foot-candles, provided that in all districts the maximum uniformity ratio shall be 4:1 minimum to average.

F. CONTROL OF GLARE

1. Pole light fixtures shall have a flat lens oriented horizontally or have shields installed on each side of the fixture to hide the lens.
2. Any luminaire shall be a full-cutoff type fixture.
3. Any luminaire shall be mounted at a height equal to or less than thirty (30) feet above finished grade.
4. The maximum mounting height of all outdoor lighting with a ninety (90) degree or less cutoff fixture shall be 30 feet. The maximum mounting height of all outdoor lighting without a full ninety (90) degrees or less cut-off fixture shall be sixteen (16) feet. Poles may be mounted on a concrete pier of no more than three (3) feet in height.



5. Poles shall be matte or low-gloss finish to minimize glare from the light source.
6. Other than floodlights, flood lamps, and spotlights all outdoor lighting fixtures of more than 2,000 lumens shall be full-cutoff type fixtures. Any fixture that is not full-cut off shall be a directional fixture (such as flood lights) and may be used provided they shall be aimed and fully shielded to prevent light spillage.
7. **Exceptions**
 - a. Non-cutoff decorative post-mounted fixtures equipped with a solid top and mounted eighteen (18) feet or less above ground and other non-cutoff dusk to dawn utility type fixtures mounted 25 feet or less may be used. The maximum initial lumens generated by each fixture shall not exceed 9,500 initial lamp lumens.
 - b. All metal halide, mercury vapor, fluorescent, and other white-colored light source lamps used in non-cutoff fixtures (excluding flood lights) shall be coated with an internal white frosting inside the outer lamp envelope.

G. SECURITY LIGHTING

1. Unshielded flood lights and spotlights, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.
2. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. All flood or spot lamps emitting 1,000 or more lumens shall be aimed at least sixty (60) degrees down from vertical or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

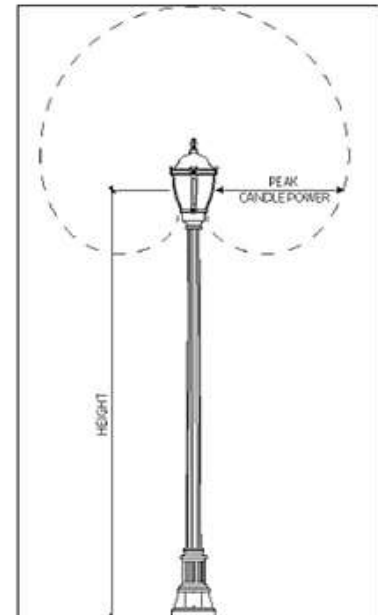
3. Flood lights and display lights shall be positioned such that any such fixture located within fifty (50) feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way.

H. LANDSCAPE LIGHTING

1. Landscape and decorative lighting using incandescent lighting with a light output of 800 lumens or less is permitted, provided that the light is installed and aimed to prevent lighting build up and light trespass and shielded to prevent view from the public right of way.
2. **Outdoor Recreational Lighting**
 - a. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields, basketball courts, tennis courts, outdoor performance areas and similar recreational uses are exempt from the exterior lighting standards provided above. However, these uses shall adhere to the requirements below.
 - b. Outdoor recreational lighting shall not exceed a maximum permitted post height of eighty (80) feet. The Administrator may set a shorter maximum pole height if the specific recreational use does not require the taller pole.
3. Lights shall be shielded and positioned so as not to shine onto adjacent roadways or properties.
4. All fixtures shall be fully shielded or be designed or provided with Manufacturer's Glare Control Package to minimize up-light, spill-light, and glare.
5. Fixtures shall be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted. The maximum permitted illumination at the property or right-of-way line shall not exceed two (2) foot-candles and all lights, except for any amber color (a temperature rating equal to or less than 2,700 Kelvin) security lights, shall be cut off after use.

I. STREET LIGHTING

1. Street lighting shall be placed on all streets to allow for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the standards of City of Dunn or the most recent standards from the Illumination Engineering Society of North America "Lighting Handbook."
2. Pedestrian scaled lighting (no taller than twelve feet) shall be required in the MXU & C-1 districts using decorative fixtures of a similar character to those existing in these districts (see images on right).
3. Pedestrian-scaled lighting (no taller than twelve feet) shall be prioritized over automobile lighting in all districts. Lighting shall be placed in a manner to limit the casting of shadows on sidewalks.
4. All streetlights shall utilize a cutoff fixture. Where buildings are close to the street (less than fifteen feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.
5. Alleys are excluded from the spacing and lighting requirements of this Section.



J. ADDITIONAL LIGHTING USE REGULATIONS FOR SPECIFIC AREAS

1. Building Façade Lighting

- a. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan.
 - b. On-site lighting may be used to accent architectural elements but not used to illuminate entire building(s).
 - c. Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 average maintained foot-candles.
 - d. Building facade and accent lighting will not be approved unless the light fixtures are selected, located, aimed, and shielded so that light is directed only onto the intended target and spillover light is minimized.
 - e. Wall packs on buildings may be used at entrances to a building to light unsafe areas, but must be fully shielded to direct the light downward, must have a light output of 1,600 lumens or lower, and the light source shall not be visible from off-site.
2. **Outdoor Display Areas.** The mounting height of outdoor display area fixtures shall not exceed thirty (30) feet above finished grade.

3. **Lighting for Vehicular Canopies.** Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:
 - a. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the vehicular canopy.
 - b. Surface mounted fixture incorporating a flat lens that provides a cutoff or shielded light distribution.
 - c. Other methods approved by the Administrator.

K. COMPLIANCE

1. Lighting plans required as part of a construction plan shall include, at a minimum, the following information:
 - a. Point-by-point foot candle arrays in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained foot-candles required by this ordinance.
 - b. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).
 - c. After installation of on-site lighting, a certification of compliance statement must be submitted to the Administrator prior to the issuance of a Certificate of Occupancy.
2. Subsequent phases of an entire development shall have a uniform design plan for lighting and fixtures. New phases must meet all requirements in effect at the time of obtaining a permit, but lighting plans must consider preexisting lighting in earlier phases, both in design and intensity of light.

6.07 OPEN SPACE STANDARDS

A. PURPOSE AND INTENT

It is the intent of this Section to require that each new development contribute to the necessary range of parks and open space critical to the quality of life for each resident and visitor. It is expected that all new residential development provide centrally-located, unencumbered land as neighborhood park space for human use and/or unimproved open space in addition to contributing to the construction and expansion of community facilities.

B. APPLICABILITY

All new development shall provide neighborhood parks and undisturbed open space (as applicable). The intent is to ensure that each new home has a range of parks and open spaces within a typical walking or biking distance of $\frac{1}{4}$ to $\frac{1}{2}$ mile.

C. REQUIRED OPEN SPACE TABLE:

ZONING DISTRICT:	USABLE OPEN SPACE REQUIRED (IMPROVED PARK SPACE)	NATURAL OPEN SPACE REQUIRED (UNIMPROVED SPACE)	TOTAL DEDICATED SPACE
R-20, R-10, R-7, R-M	2.5%	5%	7.5%
MXU	5%	5%	10%
C-1	2% for projects greater than 5 acres	Exempt	2% for projects greater than 5 acres
C-2, C-3, C-4, O&I	Exempt	Exempt	Exempt
I-10, I-100	Exempt	Exempt	Exempt

D. EXEMPTIONS TO OPEN SPACE STANDARDS

1. Open space is not required in any residential development with an overall density of one (1) dwelling unit/acre or less.

2. Subdivided residential developments of twenty (20) or fewer dwelling units are exempt from the requirements of this Section unless the City agrees that it will accept an offer of dedication of such open space and in that case the offer of dedication shall be made.
3. Conditional Zoning Districts: Exemptions may be permitted on a case-by-case basis through the use of a Conditional Zoning District but shall have a minimum of fifty (50) percent of the total required open space.

E. USABLE OPEN SPACE (IMPROVED PARK SPACE) REQUIRED

1. For purposes of this Section, usable open space means an area that:
 - a. Is not encumbered with any substantial structure that is not recreation-oriented,
 - b. Is not devoted to use as a roadway, parking area, or sidewalk, provided, however that multi-use trails and any associated required cleared, graded space may be counted towards required open space,
 - c. Reflects the character of the land as of the date development began. Wooded areas shall be left in their natural or undisturbed state except for the cutting of trails for walking, bicycling or jogging. Areas not wooded shall be landscaped for open play fields, picnic areas or similar facilities, or be properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objectives of this Section,
 - d. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation, with particular attention paid to grade,
 - e. Is part of an independent lot shown on the plan as being reserved for open space; and
 - f. Is legally and practicably accessible to the residents of the development from which the required open space subdivided or to the public if the open space is dedicated to the City.

2. Usable Open Space shall include:

- | | |
|--|--|
| <p>a. Greenway Trails & Corridors. A natural preserve available for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. These parks may be linear, following the trajectories of natural corridors (greenways). The minimum size shall be two (2) acres (except multi-use trails where there is no minimum).</p> |  |
|--|--|



<p>b. Greens. An open space available for unstructured recreation. A <i>green</i> may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn areas and trees. A standalone dog parks shall be considered a variation of a <i>green</i> park type. The minimum size shall be 1/4 acre.</p>	
<p>c. Squares. An open space available for unstructured recreation, gathering and civic purposes. A square may be defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at intersections. The minimum size shall be 1/4 acre and the maximum shall be two (2) acres.</p>	
<p>d. Playgrounds. A space designed and equipped for the recreation of children. A playground may include associated uses such as picnic tables and open shelters. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	
<p>e. Community Garden: A grouping of garden plots available for small-scale cultivation, generally to residents of apartments and other dwelling types without private gardens. Community gardens should accommodate individual storage sheds.</p>	

3. Location & Visibility.

- a. Land for usable open space (park space) shall be centrally and internally located as to serve the needs of the residents of the neighborhood.
- b. Usable open space (park space) shall serve as focal points for developments.

- c. All usable open space (park space) shall be conveniently accessible to all residents of the development and shall have at least 20 feet of frontage on at least one public street within the development.
- d. No residential unit within a development shall be further than ¼ mile, as measured along a street or pedestrian path, from usable space (park space) or other publicly accessible park facility.
- e. All usable open space (park space) shall be visible from dwelling units that are adjacent to the park area. This includes dwelling units on properties that share a property boundary with the park space or front the park space from directly across a street.

4. Minimum Amenities in Usable Open Space.

- a. Required usable open space (park space) shall be planned, improved, and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain two (2) or more of the following amenities: landscaping, walls or pathways, fences, walks, lighting and electricity, fountains, ball fields, and/or playground equipment.
- b. Public Seating: Provide seating areas appropriate to the intended use of the park space (e.g., park benches and durable theft/vandalism-resistant chairs and garden wall seats).
- c. Trash Receptacle: At least one (1) garbage receptacle shall be required for each park space.
- d. Bicycle Parking: At least two (2) bicycle parking spaces shall be required for every one-quarter acre of park space and every ½ mile of greenway.
- e. Minimum Amenities - Playground per 4.08.1.C: Playground equipment shall be equivalent to the standards established by the Consumer Products Safety Commission and ASTM for playgrounds.
- f. Minimum Amenities - Greenway per 4.08.1.C: A greenway path is credited toward the minimum park space dedication requirement at a rate equal to the length of the path times 20 feet in width. The minimum width of the paved path shall be 10 feet.

5. Credit for Proximity to Existing Park Space. Developments that are proximate to an existing City-owned, publicly accessible park space may count all such lands in their park space dedication requirement up to 25% of the required total, subject to the provisions below.

- a. The existing park or parks must be within ½ mile of the development, as measured along a road or pedestrian path, to be considered proximate.
- b. Adequate pedestrian access from the development to the existing park space must be provided as determined by the Administrator.

6. Credit for Neighborhood Amenities. Developments that provide neighborhood amenity facilities will receive a credit of 25% of the required total, subject to the provisions below.

- a. The facilities are open to all residents of the neighborhood and are not subject to a private membership separate from any related POA dues.
- b. Such facilities shall, at a minimum, include a clubhouse a minimum of 800 square feet and either tennis courts (minimum of two courts) or a pool (a minimum of 2,000 square feet in water surface area).

7. The following areas shall not count toward common open space set-aside requirements:

- a. Private Lots, yards, balconies and patios dedicated for use by a specific dwelling unit
- b. Electric or gas transmission line rights-of-way
- c. Public right-of-way or private streets and drives
- d. Open parking areas and driveways for dwellings
- e. Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters
- f. Designated outdoor storage areas
- g. Land areas between buildings of less than forty (40) feet
- h. Land areas between buildings and parking lots or driveways of less than forty (40) feet in width
- i. Required setbacks or landscape buffers, unless they are adjacent to an open space area of fifty (50) feet or more in width
- j. Detention/retention facilities except as permitted by the Administrator
- k. Areas that have been graded during development to grades of three-to-one (33% grade) or greater.

8. Ownership and Maintenance of Recreational Areas and Required Open Space

- a. Open space required to be provided by the applicant in accordance with these open space standards shall not be dedicated to the public but shall remain under the ownership and control of the developer (or their successor) or a property owner's association or similar organization. Open space shall be designated as an independent lot on the plat and shall be noted as being reserved for their intended purposes.
- b. The person or entity identified as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.
- c. Open space may be dedicated to a registered land trust, if approved by the City Council.

9. Dedication of Open Space

- a. If any portion of any lot proposed for development lies within an area designated on the officially adopted Comprehensive Plan, the area so designated (not exceeding five percent of the total lot area) shall be included as part of the area set aside to satisfy the requirement of this Section. This area shall be dedicated to public use.
- b. If more than five percent of a lot proposed for development lies within an area designated as provided in paragraph (1) above, the City may attempt to acquire the additional land in the following manner:
 - (1) The applicant may voluntarily dedicate the additional land to the City.
 - (2) The applicant may be encouraged to develop an integrated subdivision, cluster subdivision or some other applicable development pattern and to dedicate the common open space created thereby.
 - (3) The City may purchase or condemn the land.

F. FLEXIBILITY IN ADMINISTRATION AUTHORIZED

1. The requirements set forth in this Article concerning the amount, size, location and open space to be provided in connection with residential developments are established by the City Council as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted City Plans. The City Council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this Article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing authority is authorized to permit minor deviations from these standards whenever it determines that:
 - a. The objectives underlying these standards can be met without strict adherence to them; and
 - b. Because of peculiarities in the applicant's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.
2. Whenever the Permit Issuing Authority approves a deviation from these open space standards, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

G. OPEN SPACE LINKAGES

Where a trail, natural area or public park is dedicated to or acquired by the City, such area may be credited toward the minimum amount of common open space required.

1. Natural Open Space Design Criteria

- a. All required natural open space shall meet the following design criteria, as applicable:

- (1) Water bodies, retention areas, detention basins and wetlands basins, may constitute up to fifty (50) percent of required natural open space, provided that retention facilities are designed to provide safe access to water. Unless otherwise approved by the Administrator, side slopes to retention facilities shall provide at least six (6) feet of horizontal run for each foot of vertical rise.
- (2) At least thirty (30) percent of required open space must be dry land with a slope of less than ten (10) percent unless otherwise approved the Administrator.
- (3) Unless otherwise approved by the Administrator, open space shall be continuous, contiguous with open space on abutting properties and accessible to the public.

H. CONNECTIVITY REQUIRED

1. To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:
 - a. Dedicated public park or greenway lands
 - b. Dedicated school site
 - c. Other dedicated open spaces
 - d. Common open space located adjacent to the development
 - e. Portions of the regional trail and open space system
2. **Payments in Lieu of Open Space Dedication**
 - a. Any subdivider required to dedicate open space area pursuant to this Ordinance may, with the approval of the City Council, make a payment in lieu of dedication or make a combination of land dedicated and payment. Before approving a payment in lieu of dedication, the City Council shall find that no recreation and/or open space sites have been designated on the adopted Comprehensive Plans for the property in question.
 - b. The payment in lieu of dedication shall be equal to the appraised value of the required acreage of land within the subdivision based on an appraisal prepared by a licensed appraiser and submitted by the developer. If the City disagrees with the submitted appraisal, it may have a second appraisal prepared. If the appraisals are within fifteen (15) percent of each other, the developer's appraisal will be utilized to establish value. If the appraisals differ by more than fifteen (15) percent, the value will be based on the average of the two appraisals.
 - c. Where a combination of land dedication and payments in lieu are approved, the subdivider shall be given a credit equivalent to the appraised value per acre of land dedicated for recreation purposes. The credit amount shall be determined by multiplying the number of acres to be dedicated by the appraised value per acre. If the total payment in lieu as determined above is larger than the credit amount, the subdivider shall pay the difference between the two amounts. If the credit amount is

larger than the total payment in lieu as determined above, no additional payment in lieu is required. However, the subdivider may not transfer the excess credit from one subdivision to another.

- d. Upon approval by the City Council, payment in lieu of dedication shall be made at the time of final subdivision plat approval. All monies received by the City of Dunn pursuant to these requirements shall be used only for the acquisition and development of recreation, park, and open space sites to serve the residents of the development and the residents of the immediate neighborhood within which the development is located. The City Council shall also have the authority to sell land dedicated pursuant to these provisions with the proceeds of any such sale used solely for the acquisition of other recreation, park, or open space sites within the immediate neighborhood within which the development is located.

I. OWNERSHIP & MAINTENANCE

The designated common open space and common facilities are outlined in *Article 7– Subdivisions and Infrastructure Standards* of this Ordinance.

6.08 LANDSCAPING AND BUFFERING

A. PURPOSE AND INTENT

The minimum standards for this provision include the installation and maintenance of landscape plantings which are necessary to preserve and enhance the aesthetic beauty of the city, and to ensure the health, safety, and general welfare of its residents. More specifically, the intent of these regulations is to provide for adequate buffering between incompatible land uses; protect, preserve and enhance the aesthetic appeal and scenic beauty of the city; reduce noise and air pollution; reduce storm water run-off; filter and reduce glare from artificial light sources; and provide shaded areas along streets and in parking lots.

B. APPLICABILITY

The landscaping and buffering standards of this Section shall apply to the following:

1. All new developments (except for infill single-family detached) shall be designed in accordance with the requirements of this Article.
2. Pre-existing development
 - a. Non-conforming preexisting development is subject to these standards as follows:
 - (1) A change in type of occupancy, as set forth in the North Carolina Building Code
 - (2) A change in land use which requires an increase in the number of off-street parking spaces or the provision of a buffer yard
 - (3) Additions or expansions which singularly or collectively exceed 25% of the land area or gross building floor area existing at the effective date of this ordinance.
 - b. The City of Dunn recognizes that designing preexisting development to meet new regulations is more difficult and expensive than applying these standards to undeveloped properties. Therefore, greater flexibility will be afforded preexisting development in meeting the requirements of this Section, in that:
 - (1) A modification of up to 25% percent may be granted by the Administrator for planting area and dimension requirements where compliance presents hardships due to building location, lot size, or vehicular area configuration.
 - (2) A credit for reducing required off-street parking by one (1) space shall be given for the construction of each landscape island.

C. STREET TREES

1. Street yard trees are an essential part of the City streetscape. Street trees or front yard trees are planted in the public right-of-way or on in the front yard of private property, just outside of the right-of-way line.

The City seeks to maintain existing trees where possible and to encourage the planting and continuance of the established street tree patterns. To accomplish this objective, the following shall apply:

- a. All subdivisions and developments subject to approval shall provide street trees along their frontage with adjacent public streets.
 - b. Street trees shall be planted on private property or on the public right-of-way. When planted on private property, they shall be located five (5) to ten (10) feet from back of curb or edge-of-sidewalk, whichever is greater, or as close as possible to those criteria.
 - c. Street trees shall be selected from the list of small or understory trees, or, where power lines are located, small trees included in *Appendix B* of this ordinance.
 - d. Where necessary, planting strips shall be a minimum of five (5) feet wide.
 - e. Planting location shall take into consideration planned roadway widening, public safety, standard drainage requirements, and maintenance of sight distances for traffic safety.
2. Front yard trees, unless subject to overhead power lines, shall be planted at the rate of one (1) two-inch caliper tree per forty (40) feet of property line abutting a public street, excluding driveways and traffic visibility zones. This rate may be varied based upon planned signage areas, existing trees, and the crowns of planted trees.
 3. Trees used to meet buffer and vehicle use area requirements, may be used to meet the street requirements to the extent that the trees are located within twenty-five (25) feet of a street.

D. BUFFER YARD REQUIREMENTS

1. Buffers provide compatible transitions between differing land uses, reduce the visual impacts of development and retain existing plant materials.
2. In situations where a development is adjacent to multiple uses then the most restrictive buffer requirement for a property line shall be required along each side and rear property line abutting the property, otherwise the development shall follow the requirements listed below. Buffer-yards shall be required to meet the minimum screening requirements in the table below. The minimum number of plantings shall be determined by the buffer yard area in square feet which is calculated by multiplying the length of the subject property line and the minimum width of the buffer area as determined by the Table in 6.08(D)(3).

	TYPE A	TYPE B
ADJACENT LAND USES	Residential vs. Non-Residential	Residential vs. Residential and Non-Residential vs. Non-Residential
MINIMUM # OF TREES	3/1000 square feet	2/1000 square feet
MINIMUM # OF SHRUBS	12/ 1000 square feet (3 gal. min. at planting; 6' min at maturity)	8/ 1000 square feet (3 gal. min. at planting; 4' min at maturity)

	TYPE A	TYPE B
MINIMUM % OF EVERGREEN	75%	50%

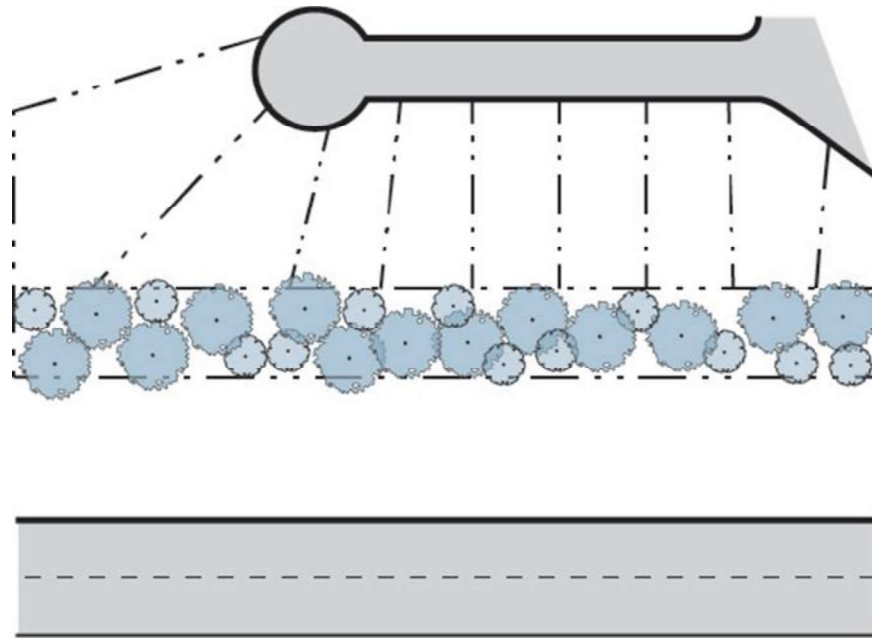
Type C. A five-foot landscaping buffer; typically the areas abutting a right of way and other perimeters not required to have either a type A or type B buffer-yard, typically on the front and corners side property lines or adjacent to similar uses (indicated by a "-" in the land use relationship table below). This type of buffer shall consist of, lawn, low-growing evergreen shrubs or broadleaf evergreens, or other ground cover.

- The following land use relationships shall be used to determine required screening and buffering as provided in Subsection 2 above. Buffer-yards shall range in width from ten (10) to forty (40) feet. The following land use relationship table illustrates the required buffer-yard widths, in feet:

ADJACENT ZONING DISTRICT									
DISTRICT OF PROPOSED DEVELOPMENT	RA-40, R-20, R-10	R-7,	R-M	MXU	C-1	C-2	C-3	C-4, O&I	I-10, I-100
RA-40, R-20, R-10	-	-	20'	-	10'	20'	20'	20'	40'
R-7	-	-	20'	-	10'	20'	20'	20'	40'
R-M	20'	20'	-	-	-	20'	20'	20'	40'
MXU	-	-	-	-	-	20'	20'	-	40'
C-1	10'	10'	-	-	-	-	-	-	20'
C-2	20'	20'	20'	20'	-	-	-	10'	20'
C-3	20'	20'	20'	20'	-	-	-	10'	20'
C-4, O&I	20'	20'	20'	-	-	10'	10'	-	20'
I-10, I-100	40'	40'	40'	40'	20'	20'	20'	20'	-

4. Exceptions to the land use relationships.

- a. All residential developments shall maintain a minimum type A buffer of forty (40) feet parallel to any railroad right-of-way and arterial street right-of-way as illustrated below:



- b. All developments adjacent to a public park with active recreation shall require a minimum type A buffer of twenty (20) feet.
- c. A greenway trail may exist in any required buffer, if a greenway trail is dedicated in a required buffer there shall be a reduction of the required planting equal to one-half of the standard requirement.

E. ADDITIONS TO BUFFERS AND SCREENING

When it is determined that the conflict of land use is so great that the public safety is not served adequately by the minimum buffer and screening requirements, or where there is a need to prevent a high degree of visual, audio, or physical disorders, then the Administrator may require the installation of fencing or earthen berms in addition to the minimum required buffers and screening, according to the standards below.

1. **Fencing or Walls.** Where required as part of a buffer yard, fencing or walls must adhere to the provisions below. Nothing in this Section shall prohibit the owner of a single-family dwelling from constructing a separate fence along the borders of such property, provided that all required buffer plantings are maintained.
- a. In all cases, the finished side of the fence must face the use with the lower intensity.

- b. Permitted fence or wall materials include masonry, stone, architectural block, stucco on masonry, wood or other similar of solid appearance.
 - c. The design of fencing or walls shall be sufficient to meet the extent of physical screening required by this Ordinance.
 - d. The height of the fence shall be six (6) feet.
 - e. A decorative masonry post or other visual embellishment or variation shall be required every sixty (60) feet for fences longer than 130 feet.
2. **Berms.** Earthen berms may be required in combination with plant material and fencing for the purposes of screening. Berms shall be tapered appropriately to allow for practical maintenance.
- a. The slope of all berms shall not exceed a 2:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of six (6) feet above the toe of the berm.
 - b. All berms regardless of size, shall be stabilized with a grass or other approved vegetative ground cover. Top soils brought in for mounds are to be mixed with native soil to avoid interfacing problems.
 - c. Berms shall be constructed as to provide adequate sight distances at intersections and along all roads.
 - d. Berms proposed to satisfy the screening requirements of this Section shall be vegetated as required by this Section. All plantings shall be located either on top of the berm or between the berm and the public right-of-way.
 - e. Use of berms as a substitute for existing healthy vegetation is strongly discouraged.
 - f. Berms shall be designed so as not to obstruct pre-development or post-development water flow across the landscape or cause ponding. Culverts, under drains, or other features may be necessary.

F. VEHICULAR USE AREA SCREENING & LANDSCAPING

- 1. All off-street parking, loading areas, and service areas adjacent to and/or visible from a public right-of-way and adjacent properties shall be screened from view by use of one or more of the following:
 - a. A building or buildings
 - b. A change in topography
 - c. A planting area a minimum of eight (8) feet wide planted with evergreen shrubbery placed a maximum of five (5) feet on center. All shrubs shall achieve a height of four (4) feet within three years
 - d. Fencing, walls, or berms
- 2. This Section shall not apply to the C-1 district. Parking areas in the C-1 district shall have wheel stops or curbing installed so as to not allow the front of a vehicle to protrude into the public right-of-way.

3. If the parking area does not exceed ten thousand (10,000) square feet in area, then such landscape strip shall be a minimum of five (5) feet in width and shall contain a minimum of eight (8) shrubs per forty (40) linear feet of street frontage. Such required shrubs shall be a species with a minimum mature height of three (3) feet.
4. If the parking area exceeds ten thousand (10,000) and does not exceed one hundred thousand (100,000) square feet in area, then such landscape strip shall be a minimum of eight (8) feet in width and shall contain a minimum of one (1) shade tree and eight (8) shrubs per forty (40) linear feet of street frontage. Such required shrubs shall be a species with a minimum mature height of three (3) feet.
5. If the parking area exceeds one hundred thousand (100,000) square feet in area, then such landscape strip shall comply with one (1) or a combination of the following options:
 - a. Such landscape strip shall be a minimum of twenty (20) feet in width and shall contain a berm with a minimum height of two and one-half (2.5) feet above the finished elevation of the parking area. Such berm shall have a maximum slope of one foot of rise to three feet run (1:3) and a minimum crown width of three (3) feet. In addition to the required berm, one (1) shade tree and eight (8) shrubs per forty (40) linear feet of street frontage shall be required.
 - b. Such landscape strip shall be a minimum of twenty-five (25) feet in width and consist of undisturbed vegetation in healthy condition.
6. **Peripheral landscaping requirements.** A landscape border a minimum of five (5) feet in width shall encompass the periphery of parking areas not located adjacent to public rights-of-way. Such landscape border shall be required between any parking area and any property line, yard, required yard, or buildings. Such landscape border may be interrupted for ingress and egress to buildings and adjoining lots. The landscape border shall contain a minimum of one (1) shade tree or one (1) ornamental tree, and eight (8) shrubs per forty (40) linear feet of perimeter.

This Section shall not apply to the C-1 district. Parking areas in the C-1 district shall have wheel stops or curbing installed so as to not allow the front of a vehicle to protrude into adjacent property.

7. In addition to screening requirements, canopy trees shall be installed in planting areas within parking lots to provide shade coverage for all parking spaces within vehicle service areas. Such planting areas shall meet the following requirements:
 - a. **Planting Island Frequency:** A maximum of twelve (12) consecutive parking spaces in a row shall be permitted without a tree landscape island or peninsula.
 - b. **Planting Area Width:** The minimum width for a tree landscape island or peninsula that is parallel to a parking space shall be nine (9) feet, and the minimum length for the same shall be eighteen (18) feet.

- c. **Trees & Groundcover:** Each planting island shall contain a minimum of one (1) shade tree and the balance of the area shall contain mulch, groundcover, or shrubs to protect against soil erosion.
- d. **Barriers or Wheel Stops:** Barriers, such as wheel stops or six (6) inch standard curbs, must be provided between vehicular use areas and landscaped areas or wherever vehicles may obstruct pedestrian or wheel chair access.
- e. **Conflict with Parking Lot Lighting:** Trees shall be located and planted so as not to diminish the effectiveness of required parking lot lighting, and in no instance shall lighting be located closer than fifteen (15) feet to canopy trees and eight (8) feet to understory trees.
- f. No more than four (4) double rows of parking spaces shall exist without a landscape island extending the entire length of one double row of parking. Such tree landscape island shall be a minimum of nine (9) feet in width and shall contain one (1) shade tree per forty (40) linear feet of length and the balance of the area shall contain a permeable ground cover.
- g. The Administrator may require the channelization of ingress and egress points to parking areas in order to facilitate and ensure the safe and efficient movement of vehicular traffic into, from, and through such parking area. Channelization may be accomplished by limiting parking spaces along primary ingress and egress points, and or the use of tree landscape islands, raised concrete islands, or other structures that will guide and delineate traffic flow.

G. SCREENING OF OUTDOOR STORAGE

In addition to the buffer yard requirements provided by this Article, all non-residential outdoor storage yards must be screened with the use of:

- 1. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
- 2. Brick fence, brick/split face block, or decorative block (plantings not required).

H. SCREENING OF BMP FACILITIES

Any Stormwater BMP Facility that is required by this Ordinance and is at least eighteen (18) inches in depth, as measured from the top of bank, shall be enclosed by a fence. The required fence shall be a black or green vinyl coated chain-link fence that is at least four (4) feet in height. (It should be noted that the applicant should consider whether a greater fence height is needed to provide an appropriate level of safety.) The fence shall have one or more gates to allow an appropriate level of access for the purpose of facility maintenance. Upon written request by the applicant, the Administrator may waive or modify the fencing requirement when it finds any one of the following:

- 1. The required fencing is not necessary to provide for the public health and safety because of the Stormwater BMP Facility's design, location or combination thereof.

2. The modified fencing proposal provides adequate protection of the public health and safety.
3. The Stormwater BMP Facility is designed to be an amenity to the development and the provision of a fence would lessen its effectiveness to do so.

I. DUMPSTERS, LOADING AREAS AND MECHANICAL UTILITIES SCREENING

1. All dumpsters, loading docks and utility structures, which are visible from a public street or adjacent property line shall be screened unless already screened by an intervening buffer yard.
2. Screening shall consist of evergreen shrubs, fencing, walls or berms, and shall comply with all other standards of this Section.
3. All screening of utilities shall comply with the requirements of the utility provider.
4. Enclosures for dumpsters shall be constructed with materials that are consistent with the design and materials of the principal building. Screening may be created through the use of:
 - a. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation
 - b. Brick fence, brick/split face block, or decorative block (plantings not required)

J. UNAVOIDABLE DELAY IN INSTALLATION

Installation of landscaping must be completed in accordance with an approved landscape plan. Unusual environmental conditions such as drought or ice may occur or the appropriate planting season may not parallel that of the development's construction. In such cases, a temporary Certificate of Compliance for a specified period may be issued based on a performance guarantee. Performance guarantees shall be accompanied by a description of the factor(s) hindering installation of landscaping and a written estimate of materials and installation from a landscaping contractor. Such guarantee may be in the form of a letter of credit, a bond, a certified check or cash and shall be in the amount of 125% of the total price reflected in the estimate. The amount shall be reviewed and approved by the Administrator. The performance guarantee will be released after landscaping is installed in accordance with the landscaping plan.

K. GENERAL INSTALLATION AND MAINTENANCE STANDARDS

It shall be the responsibility of the property owner(s) or assigned caretakers to ensure that all regulated landscaped areas, buffers, fencing, and tree save areas are installed, preserved, and maintained in good growing conditions, appearance, and usefulness. Damage and disturbances to these areas shall result in vegetation replacement and/or fines and other penalties. Preservation and maintenance shall include:

1. Any dead, unhealthy, or missing vegetation, shall be replaced with vegetation that conforms to the standards of this Section and the approved site and/or subdivision plan.

2. All required buffers, street yards, vehicular use areas, tree save areas and other landscaped areas shall be free of refuse and debris, shall be treated for pest/diseases in accordance with the approved site and/or subdivision plan, and shall be maintained as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.
3. The owner(s) shall take actions to protect all plant material from damage during all facility and site maintenance operations. All plant material must be maintained in a way that does not obstruct sight distances at roadways and intersections, obstruct traffic signs or devices, and interfere with the use of sidewalks or pedestrian trails. Plant material, whether located within buffers, tree save areas, or within planted areas (required by the site and/or subdivision plan) shall not be removed, damaged, cut or severely pruned so that their intended form is impaired. Shrubs within vehicular use areas, street yards, and street fronts may be pruned, but must maintain at least three (3) feet in height.
4. In the event that existing required vegetation located within any buffers, tree save areas, street yards, vehicular use or other landscape areas poses an immediate or imminent threat to improved structures on private property or public property, necessary pruning or removal of the vegetation may be allowable provided authorization is obtained from the Administrator, and the performance standard of the landscape area is maintained consistent with this Section. Replacement vegetation may be required as a condition of the permit.
5. In the event that any vegetation or physical element functioning to meet the standards of this Section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence, the owner may be required to replant if the requirements of the Section are not being met. Replacement vegetation shall conform to the standards of this Section and the approved site and/or subdivision plan.

L. LANDSCAPE PLAN PREPARATION

1. All landscape plans shall be drawn to scale and prepared in a professional manner. The Administrator shall reserve the right to refuse acceptance of landscape plans that have not been prepared in a professional manner. All landscape plans shall comply with the requirements set forth herein. Landscaping shall not be haphazardly placed in order to fill left over space, but rather to accomplish the intent of these regulations as required herein. The landscape plan shall illustrate the following information:
 - a. Location and labels for all proposed plant materials;
 - b. Location and labels of existing vegetation to be saved or remain undisturbed;
 - c. Methods and details for the protection of existing vegetation;
 - d. Location and specifications for proposed fences, walls, or berms;
 - e. Plant list or schedule with the botanical and or common name, quantity, spacing, and size of all proposed materials at the time of installation;

- f. Location of all existing and proposed structures, paved areas, landscape islands, and sidewalks.
- 2. If an irrigation system is proposed that is equipped with automatic timers and is connected to the city public water system, then such system shall be equipped with automatic rain and soil moisture sensors that are activated to prevent the operation of those irrigation systems while rain is falling and/or when soil moisture is adequate. Any irrigation system connected to the city public water system shall require the installation of a double backflow protection device.

M. ALTERNATE LANDSCAPING PLANS

The Administrator shall allow deviations to this Section when in the opinion of a licensed landscape architect alternative plantings are necessary due to proximity to utilities or that an alternative landscape design will provide preferable results. At their discretion, the Administrator may consult with a third-party landscape architect for a second opinion, and any costs incurred shall be charged to the applicant.

N. RECOMMENDED PLANT LIST

See *Appendix B* for the official planting list. It contains some plant species that are native or are known to be suitable for the climate of the area. Applicants seeking landscape approval shall not be required to select materials from the following list but shall be required to select plant species that are known to be suitable for the climate of the area.

6.09 BUILDING DESIGN STANDARDS

A. PURPOSE AND INTENT

The purpose of establishing building design requirements for development is to ensure that the physical characteristics of proposed development are compatible with the context of the surrounding areas and to preserve the unique visual character and streetscapes of Dunn. These requirements strike a balance between creativity and innovation on one hand while avoiding obtrusive, incongruous structures on the other. Dunn strongly encourages architectural styles that build upon and promote the existing historic character of the City and supports the view that inspiring, well-maintained, and harmonious development is in the best economic development interests of all residents and businesses.

B. APPLICABILITY OF STANDARDS

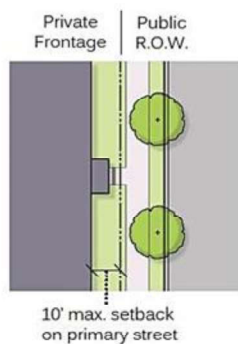
The provisions in this Section shall apply to all new multi-family and non-residential structures and expansions to existing structures with the zoning designation of C-1 & MXU. Only Subsections F, I, and J apply to residential structures unless provided as an agreed upon condition through the Conditional Zoning process.

C. MODIFICATION OF STANDARDS/DESIGN EXEMPTIONS

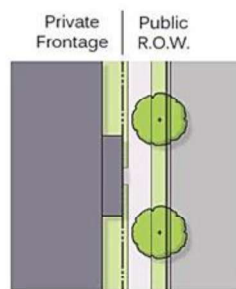
The Administrator may make modifications to the standards in this Section upon the written request of the applicant if the standard(s) in question conflicts with other requirements by law, as long as the proposal is in compliance with the Purpose and Intent above. If the applicant and Administrator cannot come to an agreement the proposal shall be submitted to the City Council for review at their next available meeting.

- D. FRONTAGE REQUIREMENTS:** There shall be a minimum of sixty (60) percent primary street lot frontage build out on properties. One of the following frontage types shall be provided along the private frontage for buildings in these areas:

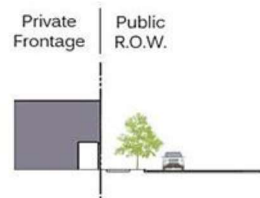
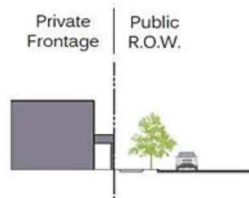
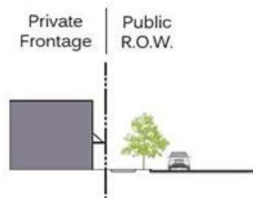
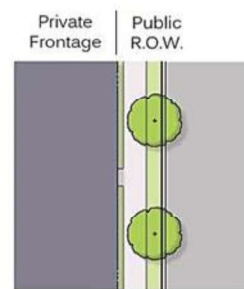
1. Shop-front & Awning



2. Gallery



3. Arcade



- 1. Shopfront & Awning:** The façade is aligned close to the property line with building entrance at sidewalk grade. Substantial glazing on sidewalk level is provided and an awning that may overlap the sidewalk to the maximum extent possible.
- 2. Gallery:** The façade is aligned close to the property line with an attached cantilevered roof or lightweight colonnade overlapping the sidewalk.
- 3. Arcade:** A colonnade supporting habitable space aligned close to the property line, while the façade at sidewalk level is set back to create a sheltered pedestrian area.

- E. PARKING.** Parking shall only be permitted in the second or third layer of the primary street front yard. (See *Section 5.05: Parking, Loading & Driveways.*)
- F. PEDESTRIAN CONNECTIONS.** A clear and direct pedestrian connection shall be made to public sidewalks from the main entrances of buildings.
- G. BUILDING MATERIALS.** All exterior building materials visible from a public right-of-way shall be of higher quality such as brick, stone, marble, woods, fiber cement products, such as hardi-board, or other materials similar in appearance and durability. Metal should be used only as an accent or roofing material, not as a primary façade treatment.
- H. ARCHITECTURE.** Architectural style shall be in similar context with those of existing buildings within 300 feet of the subject site.
- I. DRIVEWAYS.** Driveways shall be limited to 12 feet in width for one way and a maximum of 24 feet wide for two way.
- J. SETBACKS & PLACEMENT.** A maximum setback of ten (10) feet shall be required on all primary street yards, established front yard setback patterns those of existing buildings within 300 feet of the subject site should be continued where practical.

6.10 TRADITIONAL NEIGHBORHOOD STANDARDS

A. PURPOSE & INTENT

The traditional neighborhood (TN) design standards are designed to permit the development of land in a manner consistent with the historic and timeless principles of Dunn's existing neighborhoods. This design feature combines a variety of housing types with commercial and civic uses in a compact, walkable neighborhood setting. Features include a highly interconnected street network and setbacks appropriate to create a public realm built on a human scale. The street network should recognize a site's topography and other natural features.

B. APPLICABILITY OF STANDARDS

The provisions in this Section shall apply to all new developments utilizing the MXU zoning designation or through the Conditional Zoning process.

C. LOCATION & SIZE

1. A TN may be located adjacent to, but shall not be bisected by, an arterial street.
2. The internal streets providing access to the TN shall be aligned perpendicular to the collector or higher order street; and
3. The buildings or structures that take access from the internal streets shall face the internal streets and not the collector or higher-order streets.

D. SUBAREAS

It is encouraged and permitted for traditional neighborhoods to contain a variety of land uses. Where possible, the TN should be divided into the following subareas:

1. A center consisting of civic, retail, service, and multifamily uses.
2. A neighborhood or series of neighborhoods consisting of multifamily and single-family uses, small-scale retail and service uses, and public outdoor gathering places. All areas within a neighborhood should be within a 5-minute walking distance from edge to edge.
3. Parks and open space, including a plaza. The plaza provides a community focal point and public gathering place and open space for community residents, and natural areas for stormwater management.

E. VISTAS

When a TN contains non-residential uses, prominent sites within the development should be reserved for the following building types:

1. Civic buildings, including government offices, libraries, museums, schools, or churches;

2. Hotels; or
3. Office buildings.

Non-residential buildings located on a prominent site shall be at least two stories in height, and shall conform to the building standards in *Section 6.09 – Building Design Standards*. A “prominent site” may include a location along a main street, or the termination of a vista running from a main street, boulevard, or avenue and its intersection with an equal or lower-order street.

F. LOCATION OF USES

STREET TYPE	CIVIC USES	COMMERCIAL OR SERVICES	MULTI-FAMILY	SINGLE FAMILY
ARTERIAL	✓	✓	✓	-
COLLECTOR	✓	✓	✓	-
SUB-COLLECTOR	✓	✓	✓	-
MINOR	-	-	✓	✓
ALLEY	-	-	-	✓

✓ = the use or building type is permitted. A dash (“—”) means that the use or building type is not permitted.

G. LOT ARRANGEMENT

1. All lots shall include frontage abutting a street or common courtyard, green, square or plaza. For a proposed TN not exceeding 80 acres in size, at least 90 percent of the dwelling units shall be located within a 5-minute walk (1,320 feet) from the perimeter of a courtyard, green, square or plaza. For a proposed TN that is at least 80 acres in size, at least 50 percent of the dwelling units shall be located within a 5-minute walk (1,320 feet) from the perimeter of a courtyard, green, square or plaza.
2. Blocks shall have an average length not exceeding 400 feet with no block exceeding 800 feet in length.

H. BUILDING ORIENTATION

All principal buildings shall be oriented to parks and open space or to a street. Loading areas shall not be oriented to a street. Buildings that abut both a street and parks or open space shall be oriented to both features.

I. TRAFFIC CALMING

The design of streets in a TN development should create corridors with distinct edges defined by regularly spaced street trees, safe and convenient crossing opportunities, distinctly surfaced crosswalks, parking areas, bump-outs, and other visual and physical cues to calm traffic.

J. LANDSCAPING

TN developments should establish a consistent pattern of street trees throughout the development.

6.11 SIGNS

A. PURPOSE AND INTENT

1. This Article is adopted for the purpose of regulating and controlling signs and their placement throughout the planning and development regulation jurisdiction of the City, enhancing the health, safety, visual communication, and environment of the residences within this area, and establishing procedures through which these purposes can be fulfilled.
2. The regulations are based in part on aesthetic considerations. Specifically, with regard to the aesthetic, the diminution in value of the individual's property is balanced against the corresponding gain to the public from such regulation. The regulations do not result in confiscation of the most substantial part of the value of the property or deprive the property owners of the property's reasonable use. In addition, the aesthetic regulations are intended to provide corollary benefits to the general community such as protection of property values, promotion of tourism, indirect protection of health and safety, and the preservation of the character and integrity of the community.

B. SIGN MEASUREMENTS & CALCULATIONS

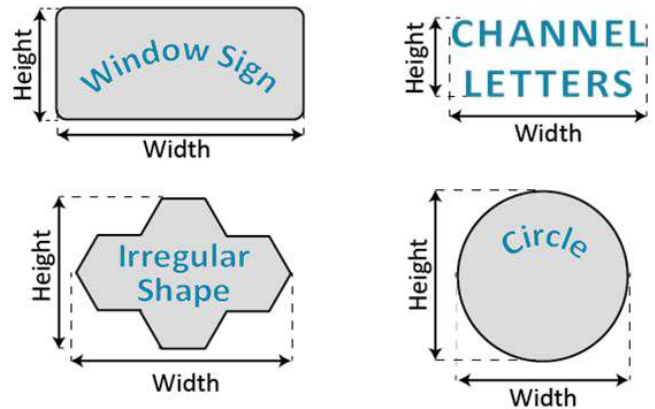
The following principles shall control the computation of sign area.

1. Computation Area of Single-faced Signs

The area of a sign face shall be computed by means of the smallest square or rectangle, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning article regulations and is clearly incidental to the display itself.

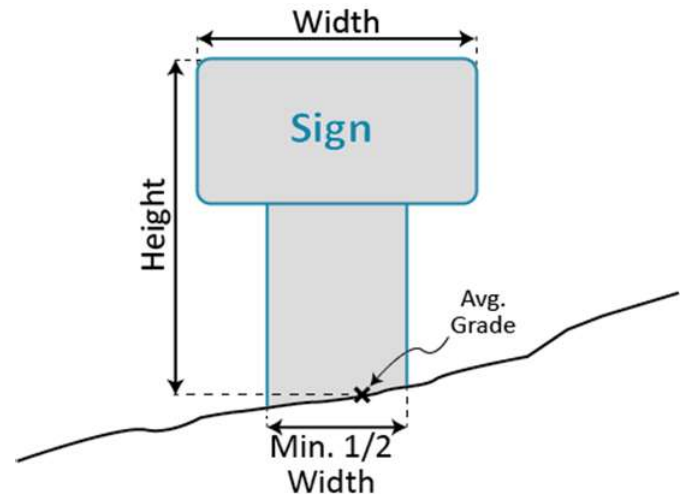
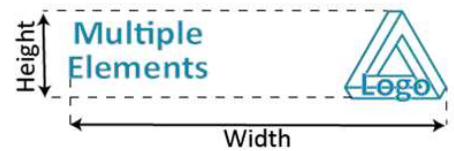
2. Computation Area of Multi-faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, only one side is counted.



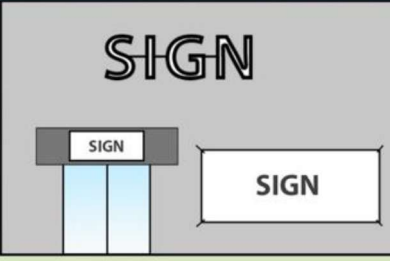
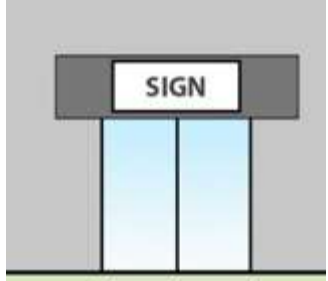
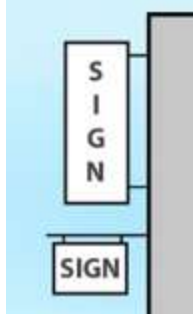
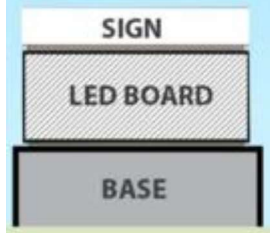
3. Computation of Sign Height

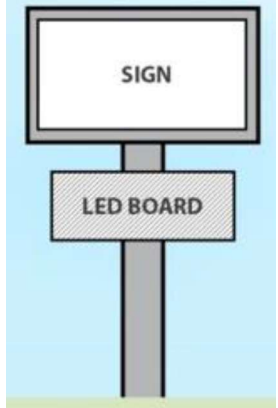
- The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- Normal grade shall be construed to be either of existing grade prior to construction or newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot or parcel, whichever is lower.



C. SIGN TYPES

As specified further in this Section, the following illustrations provided examples of the various sign types provided in this Article:

<p>Wall Signs: A sign attached to a wall and not projecting away from the wall more than 6 inches.</p>	
<p>Projecting Signs: Signs integrated into traditional storefront awnings or canopies that may project over a sidewalk from the building façade, or that are affixed to the window or door, or visible through a window or door and have the effect of conveying signage to the right-of-way.</p>	
<p>Projecting Signs: A sign attached to a wall and projecting away from that wall.</p>	
<p>Ground Signs (low profile): A freestanding sign where the base of the sign is on the ground and is supported by solid structural features other than support poles.</p>	

<p>Free Standing Signs: A freestanding sign that is affixed, attached or erected on a pole or column.</p>	
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D. MAINTENANCE

1. All signs shall be maintained in a state of good repair and operation, to include illumination of the sign if applicable. Whenever it shall appear to the Administrator that any sign has been constructed, is being maintained in violation of the terms of this Section, or is unsafe or insecure, such sign shall either be made to conform with all applicable sign regulations or shall be removed at the expense of the owner, within ten (10) days after written notification thereof by the Administrator.
2. Any sign or sign structure which the Administrator with the concurrence of the chief building official reasonably deems to be in danger of falling or otherwise creating the apprehension of an immediate safety hazard shall be removed immediately by the city, the land owner, or owner of the sign. The removal shall be at the expense of the owner.
3. It shall be the duty of the Administrator to inspect every freestanding sign, ground sign, wall sign, or projecting sign in order to determine that the sign meets the requirements set forth in this Section and to require property owners to either fix deficient signs or remove them within a set amount of time.

E. TRAFFIC PRECAUTIONS

1. The following practices in relation to signs are prohibited, notwithstanding any other provisions of this article, in order to preserve the safety of pedestrian, bicycle, and vehicular movement:
 - a. No sign, or part thereof, shall violate Chapter 12 of the Code of Ordinance.
 - b. No sign shall use such words as "stop," "slow," "caution," "danger," or similar warnings or admonitions which may be confused with traffic directional or warning signs erected by state or local governmental agencies.
2. **For All Zoning Districts:**
 - a. No sign or sign structure shall be erected, constructed, or maintained in any right-of-way.

- b. No freestanding sign exceeding forty-two (42) inches in height shall be located within twelve (12) feet of any right-of-way. No sign shall obstruct the driveway sight distance area at the intersection of any driveway and street. The driveway sight distance area shall mean the horizontal area and vertical area defined as follows:
 - (1) *Horizontal area* means the triangular area formed by connecting the point of intersection of the right-of-way with the driveway edge, a point along the driveway edge a distance of ten (10) feet from the intersection point, and a point along the right-of-way a minimum distance of ten (10) feet.
 - (2) *Vertical area* means the area between three (3) feet six (6) inches and ten (10) feet above the horizontal area measured from the level of the point of intersection of the right-of-way and the edge of the driveway.
 - (3) The owner or person in possession of any land on which a sign exists in violation of this Section shall remove the sign within thirty (30) days after written notification by the Administrator. If the owner or person in possession shall fail to remove the sign, the Administrator shall forward all legal documents, correspondence, and other evidence to the city attorney for legal action to remove the sign. The violator shall be notified by letter that the city attorney is in the process of investigating the violation.

F. ILLUMINATION

- 1. **Light source restrictions.** No strobe lights, rotary beacons, or zip lights shall be permitted. No sign within three hundred (300) feet of a residential zone, other than permitted signs associated with twenty-four-hour a day business operations, shall be illuminated between the hours of 12:00 midnight and 6:00 a.m.
- 2. **Criteria for illuminated signs:**
 - a. Illuminated signs may have either an interior or exterior source of illumination, or a combination of both.
 - b. Interior illumination, which exists where the source of illumination is from within the sign itself, shall be such that the illumination emanating from the sign is diffused.
 - c. Exterior illumination, which exists where the source of illumination is provided by such devices including but not limited to floodlights or spotlights, shall be so placed and so shielded as to prevent the direct rays of illumination from being cast upon neighboring lots or vehicles approaching on a public way from any direction.
 - d. Where illuminated signs are required to be non-flashing, the illumination for the sign shall not, either totally or in part, flash on and off.

- e. Wiring of electric signs. All electric signs with internal wiring or lighting equipment and all external lighting equipment used to direct light on signs must bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing and requires proper installation in accordance with the National Electrical Code. All wiring to electric signs or to lighting equipment directed to freestanding signs or ground signs must be underground.
- f. If a permitted illuminated sign is illuminated by more than one source, including, but not limited to multiple interior light bulbs within a sign, all light bulbs must be functional and operational.

G. SETBACKS AND HEIGHT

1. All freestanding and ground signs in the C-1, C-2, C-3, C-4, O&I, I-10 & I-100 districts shall be a minimum of twelve (12) feet from any right-of-way and a minimum of ten (10) feet from any side lot line.
2. If the lot on which a ground sign is to be located is zoned other than residential, but is immediately adjacent to a lot zoned or used for residential purposes, then a distance of at least fifty (50) feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential zoning district, provided that all outdoor advertising signs shall conform to the requirements of this Section.

H. LOCATION RESTRICTIONS

1. No sign shall be permitted on any public right-of-way except as specifically authorized in this article.
2. No sign shall be attached to or painted on any telephone pole, telegraph pole, power pole, or other manmade object not intended to support a sign, nor attached to or painted on any tree, rock, or other natural object, not authorized in this Section.
3. Signs shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, ventilation, air ingress or egress for any building, structure, or lot.

I. PROHIBITED SIGNS

Unless otherwise permitted, the following signs are expressly prohibited within all zoning districts:

1. Portable signs except as permitted in this Article;
2. Roof signs;
3. Flashing signs;
4. Rotating signs;
5. Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except as permitted in this Article;

6. No flag of the United States or the State of North Carolina shall be displayed as part of a commercial promotion. When displayed, the flags shall be allowed to hang free and never draped or tied back;
7. Signs advertising an activity, product, or service no longer conducted on the premise upon which the sign is located;
8. Any sign which is a copy or imitation of an official sign, or which purports to have official status.

J. SIGNS NOT REQUIRING PERMIT

1. The signs listed in this Section are exempt from permit requirements but shall conform to all other applicable provisions of this article. In addition, all signs using electrical wiring and connection shall require an electrical permit.
2. Signs which do not require a permit from the Administrator shall be set back at least twelve (12) feet from any public right-of-way line or property line and shall be set back at least twenty-five (25) feet from any road intersection.
3. The following signs are permitted in all zoning districts:
 - a. Signs or plates on residential structures or premises giving the name or address of the occupant, mailboxes, paper tubes, and similar uses customarily associated with residential structures.
 - b. All single-family residential structures shall have address numbers which are a minimum of three (3) inches in height and must be conspicuously located so as to provide clear visibility from the road which the structure fronts.
 - c. All multifamily and nonresidential structures shall have address numbers which are a minimum of six (6) inches in height and must be conspicuously located so as to provide clear visibility from the road which the structure fronts.
4. Signs posted upon property relating to private parking, warning the public against trespassing, or against danger from animals. Such signs shall contain no more than two (2) square feet in surface area per side.
5. City, county, state, and federal traffic signs.
6. Historical markers, monuments, or signs erected by public authority.
7. Official notices or advertisements posted or displayed by or under the direction of any court official in the performance of his or her official or directed duties, or by trustees under deeds of trust or other similar instruments. Such signs shall be temporary in nature.
8. Signs denoting the location of underground utilities.
9. Signs posted in association with municipal, county, state, or federal authorities for crime prevention and public safety and health. The city council shall approve all such signs prior to the installation of such signs.

10. Municipal, school, recreational, and civic club-sponsored ground signs. Schedule of events, rules and regulations signs at a maximum height of six (6) feet with a maximum surface area of sixteen (16) square feet per side, or a total aggregate of thirty-two (32) square feet. All schedule of events and rules and regulation signs shall be located a minimum of fifteen (15) feet from any right-of-way.
11. Holiday decorations in season.
12. Quasi-public signs not to exceed four (4) square feet in size which are displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, parking areas, entrances or exits, freight entrances, or the like. Such signs which are other than official government signs shall conform to the illumination restrictions of the district in which they are located.
13. Any flag, badge, or insignia customarily displayed by any government or governmental agency or by any charitable, civic, fraternal, patriotic, religious, or similar organization, provided that such sign is not prohibited by law or otherwise contrary to the provisions of the Constitution of the United States, the Constitution of North Carolina, or contrary to case law interpreting such constitutional provisions.
14. Political signs shall not be located on any trees, utility poles, publicly-owned property or within a public street right-of-way, except within NCDOT right-of-way according to the standards of G.S. § 136-32.
 - a. Such signs shall not be illuminated.
 - b. Such signs may not exceed four square feet in area and four feet in height, if freestanding.
 - c. Political signs may be displayed during a period beginning with the established filing date for an election and concluding 15 days after the election. In the event of a runoff election, political signs for the candidates involved may remain on display until 15 days after the runoff election.

K. RESIDENTIAL DISTRICT SIGN REQUIREMENTS

1. In general, no sign shall be erected or displayed in any residential or mixed use district except as allowed in this Article or as provided in this Section.
2. **Allowed signs.** The following signs shall be allowed in a residential or mixed-use zoning district:
 - a. One (1) real estate sign limited to a maximum total surface area of five (5) square feet per side, not to exceed ten (10) square feet in total aggregate. Such sign shall be a maximum height of forty-two (42) inches. The sign shall be removed when the premises are rented or when the property is sold.
 - b. Temporary signs, lighting, and displays which are part of customary holiday decorations and annual civic events, not placed in any right-of-way.
 - c. Political signs may be located in the vicinity of a polling place for a period not to exceed twenty-four (24) hours preceding the opening of polls. The signs shall contain a maximum of four (4) square feet per side of sign area and be located at a height not to exceed forty-two (42) inches. Only one (1) political sign per parcel or tract of land per candidate is allowed. A temporary permit is required.

- d. A sign advertising the sale of produce, grown on the premises where the produce is being sold shall be permitted with no more than four (4) square feet per side and shall not exceed a height of forty-two (42) inches.

e. Residential subdivision signs:

- (1) A uniform sign plan is required for all residential subdivisions, prior to final subdivision approval. The uniform sign plan shall consist of three (3) elements: color, style, and location. Any owner or developer of a subdivision may submit a master sign plan for city council approval. If the master sign plan does not conform to the regulations of this Section, the city council shall have the authority to vary or modify the requirements of this article so that the spirit of the sign ordinance shall be observed. The master sign plan shall be approved prior to final subdivision approval.
- (2) Subdivisions and multifamily developments are permitted to have ground signs. Each sign shall be located at a major entrance into the subdivision or multifamily development, provided that the name of the subdivision or multifamily development does not exceed sixteen (16) square feet per side, a maximum of thirty-two (32) square feet of total surface area for each sign, and can be illuminated by white light only. A permanent permit is required.
- (3) A ground sign with the name of a subdivision or multifamily development may be located within the right-of-way if the major entrance to the subdivision is divided by a median a minimum of fifty (50) feet long and ten (10) feet wide. The sign shall be located a minimum of ten (10) feet from the end of the right-of-way radius. A permanent permit is required.

f. Signs allowed for non-residential uses in a residential zone:

- (1) Free standing signs. One freestanding sign per street frontage is allowed. For lots with less than one hundred fifty (150) foot street frontage, the sign shall not exceed six (6) feet in height and twelve (12) square feet in area. For lots with frontage of one hundred fifty (150) feet or more, the sign shall not exceed six (6) feet in height and twenty-five (25) square feet in area. Public and non-profit organizations shall be allowed to have free standing signs up to thirty-two (32) square feet in area, however, those signs in excess of twenty-five (25) feet in area shall be limited to four (4) feet in height. (Ground signs)
- (2) Temporary signs. Temporary signs shall be allowed for in residential districts for special events, subject to the following requirements:
 - i. The sign shall not be displayed for more than thirty (30) consecutive days.
 - ii. The sign shall not exceed thirty-two (32) square feet in area.
 - iii. The sign shall be for a special event, not a routine activity.
 - iv. Only one (1) sign shall be allowed per institution or facility per special event.

- v. Each institution or facility may be issued only two (2) permits for a temporary sign within a 12-month period. Each 12-month period shall begin with the issuance of the first permit and shall expire twelve (12) months from that date.

L. NON-RESIDENTIAL DISTRICT SIGN REQUIREMENTS

1. No sign shall be erected or displayed in any commercial district except as allowed under this Article or as provided in this Section. Where there is a single building or a cluster of buildings connected or freestanding on a single land parcel, not considered a shopping center, the total aggregate of all signs, excluding freestanding signs, shall not exceed two (2) square feet in surface area for each linear foot of combined building frontage of all related buildings. The land parcel or tract is allowed signage as follows:

2. C-1 Central Commercial District.

a. **Attached signs.** The following regulations shall apply:

- (1) The sign area of an attached sign is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words, copy, or message.
- (2) No sign on a building side shall exceed ten (10) percent of the first floor wall area. The first floor wall shall be the side used to determine building frontage.
- (3) Signs may project up to thirty-six (36) inches from the building wall provided the method used to secure the sign to the building wall is engineered to withstand wind speeds up to 120 miles per hour. Signs are allowed to extend down no more than eighteen (18) inches from under the eaves of a roof or overhang of a porch or breezeway to the top of the sign, provided there shall be a clearance of eight (8) feet from the bottom of the sign to a walking surface for pedestrian movement.
- (4) A mansard roof with an angle of sixty (60) degrees or more from horizontal shall be considered a wall space for sign purposes. No sign shall project more than thirty-six 36 inches from the building wall, at the base of the sign.
- (5) No sign shall extend above the height of the building roof line. In case of a flat roof, no sign shall extend above the roof line.

Exception: The Administrator may approve the installation of a wall sign on the parapet wall portion of the business frontage where a parapet wall is constructed on three (3) or more sides of the building for the purpose of concealing mechanical equipment, provided the sign or portion of the sign does not extend above the parapet wall. The height of that portion of the parapet wall over the main entrance to the building may be extended by fifty (50) percent of

the parapet wall height, where the extended portion of the parapet wall meets all building code requirements.

- (6) All freestanding signs must be secured to the ground or affixed so as not to create a public safety hazard. Also, no freestanding sign exceeding forty-two (42) inches in height shall be located within twelve (12) feet of any right-of-way. No sign shall obstruct the driveway sight distance area at an intersection of a driveway and street.

b. Ground Signs.

- (1) Each lot within this district is allowed one ground sign, provided the sign shall be approved by the Administrator and complies with the following regulations:
 - i. The surface area shall not exceed sixteen (16) square feet per side, three (3) feet in height, five (5) feet in length, and a maximum of thirty-two (32) square feet of total aggregate when the lot frontage is less than one hundred (100) feet.
 - ii. The surface area shall not exceed thirty-two (32) square feet per side and a maximum of sixty-four (64) square feet total aggregate, provided the lot has a minimum of one hundred (100) feet of road frontage.
 - iii. No sign shall obstruct the driveway sight distance area at an intersection of a driveway and street.
 - iv. The ground sign may be illuminated provided that only the sign area shall be lit.

c. Freestanding signs.

- (1) If a ground sign is not utilized, each lot within this district is allowed one freestanding sign, provided the sign shall be approved by the Administrator and comply with the following regulations:
 - i. The surface area shall not exceed sixteen (16) square feet per side, and a maximum of thirty-two (32) square feet of total aggregate when the lot frontage is less than one hundred (100) feet.
 - ii. The surface area shall not exceed thirty-two (32) square feet per side and a maximum of sixty-four (64) square feet total aggregate, provided the lot has a minimum of one hundred (100) feet of road frontage.
 - iii. No sign shall obstruct the driveway sight distance area at an intersection of a driveway and street.
 - iv. The freestanding sign may be illuminated, provided that only the sign area shall be lit.

- d. Off-premise signs.** Off-premise wall signs shall direct vehicular and pedestrian traffic to a specific location and complies with the following regulations:

- (1) The proposed sign tenant shall have written permission from the property owner to install an off-premise wall sign.
- (2) The sign shall meet all of the requirements as previously set forth in this ordinance.
- (3) Combined sign square footage of the off-premise sign and property owner sign shall not exceed ten (percent) of the first floor wall square footage.
 - i. The sign area of an attached sign is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words, copy, or message.
- (4) The permit fee for off-premise wall signs shall be the same as the wall sign fee in the adopted fee schedule.
- (5) All off-premise signs shall be in accordance with all other standards and regulations as set forth in this Article.

3. C-2 Shopping Center District

- a. **Master sign plan.** A master sign plan is a set of specifications for all signage to be used in conjunction with a development, including all outparcels. The specifications shall consist of location, number, size, type, letter size and color. A master sign plan shall be submitted and approved prior to the issuance of any development or building permits for a shopping center or outparcel.
- b. Specifications may be more restrictive, but may not be less restrictive than the regulations within the underlying zoning classification, except; any owner or developer of a shopping center may submit a master sign plan for approval by the Administrator. If the master sign plan does not conform to the regulations of this Section, the Administrator shall have the authority to vary or modify the requirements of this article so that the spirit of this article shall be observed.
- c. Signs allowed in shopping center districts include attached and ground or freestanding signs.
 - (1) The total aggregate area of all signs in a strip shopping center, excluding ground or freestanding signs, shall not exceed two (2) square feet in surface area for each linear foot of combined business frontage.
 - (2) The total aggregate area of all signs in a shopping center mall, including ground or freestanding signs, shall not exceed one (1) square foot of surface area for each linear foot of combined business frontage.
 - (3) No sign on a building side shall exceed ten (10) percent of the first floor wall area. The first floor wall shall be the side used to determine building frontage.
 - (4) Ground or freestanding signs shall not exceed one hundred (100) square feet per side in surface area, two hundred (200) square feet total aggregate, and shall denote only the name

of the shopping center. Each ground or freestanding sign shall be located at an entrance onto a major thoroughfare. Only one (1) ground or freestanding sign, per adjoining thoroughfare, shall be allowed.

- (5) Where a hotel or motel is located within the boundaries of a site plan approved as a shopping center, in which case one (1) additional ground or freestanding sign shall be permitted, denoting the name of the hotel or motel, provided the sign meets all the requirements of this Section.
- (6) The ground or freestanding sign may be located in a median provided that the dimensions of the median are fifty (50) feet long and ten (10) feet wide. The sign shall be located a minimum of ten (10) feet from the end of the right-of-way radius.
- d. Any outparcel not associated with the site at the time of the sign site plan approval shall be permitted signage not to exceed two (2) square feet, excluding a freestanding sign, in surface area for each linear foot of combined business frontage.
- e. **Attached signs.** The following regulations shall apply:
 - (1) The sign area of an attached sign is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words, copy, or message.
 - (2) No sign on a building side shall exceed ten (10) percent of the first-floor wall area. The first-floor wall shall be the side used to determine building frontage.
 - (3) No sign shall project more than thirty-six (36) inches from the building wall. Signs are allowed to extend down no more than eighteen (18) inches from under the eaves of a roof or overhang of a porch or breezeway to the top of the sign, provided there shall be a clearance of seven (7) feet from the bottom of the sign to a walking surface for pedestrian movement.
 - (4) A mansard roof with an angle sixty (60) degrees or more from horizontal shall be considered a wall space for sign purposes. No sign shall project more than twelve (12) inches from the building wall, at the base of the sign.
 - (5) No sign shall extend above the height of the building roof line. In case of a flat roof, no sign shall extend above the roof line.
 - (6) Exception: The Administrator may approve the installation of a wall sign on the parapet wall portion of the business frontage where a parapet wall is constructed on three (3) or more sides of the building for the purpose of concealing mechanical equipment, provided the sign or portion of the sign does not extend above the parapet wall. The height of that portion of the parapet wall over the main entrance to the building may be extended by fifty (50) percent of the parapet wall height, where the extended portion of the parapet wall meets all building code requirements.

- f. Ground signs.** Each lot within this district is allowed one ground sign, provided the sign shall comply with the following regulations:
- (1) The surface area shall not exceed thirty-two (32) square feet per side and a maximum of sixty-four (64) square feet total aggregate.
 - (2) No sign shall obstruct the driveway sight distance area at an intersection of a driveway and street.
 - (3) The ground sign may be illuminated, provided that only the sign area shall be lit.
 - (4) If a ground sign is not utilized, each lot within this district is allowed one (1) freestanding sign, provided the sign shall comply with the following regulations:
 - i. The surface area shall not exceed one hundred (100) square feet per side and a maximum of two hundred (200) square feet.
 - ii. No sign shall obstruct the driveway sight distance area at an intersection of a driveway and street.
 - iii. The freestanding sign may be illuminated, provided that only the sign area shall be lit.
- 4. C-3 Highway Commercial District**

Signage within this district shall consist of attached signs and freestanding or ground signs as specified:

- a. Attached signs.** The following regulations shall apply:
- (1) The sign area of an attached sign is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words, copy, or message.
 - (2) No sign on a building side shall exceed ten (10) percent of the first-floor wall area. The first-floor wall shall be the side used to determine building frontage.
 - (3) No sign shall project more than thirty-six (36) inches from the building wall. Signs are allowed to extend down no more than eighteen (18) inches from under the eaves of a roof or overhang of a porch or breezeway to the top of the sign, provided there shall be a clearance of eight (8) feet from the bottom of the sign to a walking surface for pedestrian movement.
 - (4) A mansard roof with an angle sixty (60) degrees or more from horizontal shall be considered a wall space for sign purposes. No sign shall project more than twelve (12) inches from the building wall, at the base of the sign.
 - (5) No sign shall extend above the height of the building roof line. In case of a flat roof, no sign shall extend above the roof line.
 - (6) Exception: The Administrator may approve the installation of a wall sign on the parapet wall portion of the business frontage where a parapet wall is constructed on three (3) or more sides

of the building for the purpose of concealing mechanical equipment, provided the sign or portion of the sign does not extend above the parapet wall. The height of that portion of the parapet wall over the main entrance to the building may be extended by fifty (50) percent of the parapet wall height, where the extended portion of the parapet wall meets all building code requirements.

- b. **Ground signs.** Each lot within this district is allowed one ground sign, provided the sign shall comply with the following regulations:
 - (1) The surface area shall not exceed thirty-two (32) square feet per side and a maximum of sixty-four (64) square feet total aggregate.
 - (2) No sign shall obstruct the driveway sight distance area at an intersection of a driveway and street.
 - (3) The ground sign may be illuminated, provided that only the sign area shall be lit.
- c. **Freestanding signs.** If a ground sign is not utilized, each lot within this district is allowed one freestanding sign, provided the sign shall comply with the following regulations:
 - (1) The surface area shall not exceed one hundred (100) square feet per side and a maximum of two hundred (200) square feet.
 - (2) Notwithstanding Subsection (1) of this Section, cluster shopping strips within this district shall be permitted an additional amount of freestanding signage not exceeding twenty-four (24) square feet per business.
 - (3) No sign shall obstruct the driveway sight distance area at an intersection of a driveway and street.
 - (4) The freestanding sign may be illuminated, provided that only the sign area shall be lit.

5. C-4 Neighborhood Business District

There are three (3) types of signs allowed in this district: attached, ground, or freestanding signs. Where there is a single building or building clusters, connected or freestanding on a single land parcel, the total aggregate of all signs, excluding ground or freestanding signs, shall not exceed two (2) square feet in surface area for each linear foot of combined building frontage of all related buildings. The land parcel or tract is allowed signage as follows:

- a. **Attached signs.** The sign area of an attached sign is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words, copy, or message. No sign on a building side shall exceed ten (10) percent of the first-floor wall area. The first-floor wall shall be the side used to determine building frontage.

- (1) No sign shall extend above the height of the building roof line. On case of a flat roof, no sign shall extend above the roof line.
 - (2) Exception: The Administrator may approve the installation of a wall sign on the parapet wall portion of the business frontage where a parapet wall is constructed on three (3) or more sides of the building for the purpose of concealing mechanical equipment, provided the sign or portion of the sign does not extend above the parapet wall. The height of that portion of the parapet wall over the main entrance to the building may be extended by fifty (50) percent of the parapet wall height, where the extended portion of the parapet wall meets all building code requirements.
- b. Ground signs or freestanding signs.** Each tract or parcel of land in this district is allowed one ground or freestanding sign, provided the parcel contains no more than five (5) acres. If the tract or parcel of land contains five (5) acres or more, two (2) ground or freestanding signs shall be allowed, provided the tract or parcel has a minimum of three hundred (300) feet of road frontage and each sign is located at a major entrance onto a major thoroughfare. (Example: If the tract or parcel has direct access only onto one thoroughfare, then only one ground or freestanding sign shall be allowed. If the tract or parcel has direct access onto more than one thoroughfare, a maximum of only two (2) ground or freestanding signs shall be permitted with one at each entrance.) The entrances shall be a minimum of two hundred (200) feet apart.
- (1) Lots with a frontage of less than one hundred (100) feet, shall be allowed a sign surface area not to exceed sixteen (16) square feet per side, and a maximum of thirty-two (32) square feet of total sign aggregate.
 - (2) Lots with a frontage of one hundred (100) feet or more shall be allowed a surface area not to exceed thirty-two (32) square feet per side with a maximum of sixty-four (64) square feet total.
 - (3) A ground or freestanding sign may be located in a median, provided that the dimensions of the median are fifty (50) feet long and ten (10) feet wide.
 - (4) No sign shall obstruct the driveway sight distance area at an intersection of a driveway and street.
 - (5) The ground or freestanding signs can be illuminated, but only the sign area shall be lit.

6. Industrial District Sign Requirements

No sign shall be erected or displayed in any industrial district except as allowed under this Article or as provided in this Section. There are three (3) types of signs allowed in these districts: attached, ground, or freestanding signs. Where there is a single building or building clusters, connected or freestanding on a single land parcel, the total aggregate of all signs, excluding ground or freestanding signs, shall not exceed two (2) square feet in surface area for each linear foot of combined building frontage of all related buildings. The land parcel or tract is allowed signage as follows:

- a. **Attached signs.** The sign area of an attached sign is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words, copy, or message. No sign on a building side shall exceed ten (10) percent of the first-floor wall area. The first-floor wall shall be the side used to determine building frontage.
- b. **Ground or freestanding signs.** Each tract or parcel of land in this district is allowed one ground or freestanding sign, provided the parcel contains no more than five (5) acres. If the tract or parcel of land contains five (5) acres or more, two (2) ground or freestanding signs shall be allowed, provided the tract or parcel has a minimum of three hundred (300) feet of road frontage and each sign is located at a major entrance onto a major thoroughfare. (Example: If the tract or parcel has direct access only onto one thoroughfare, then only one ground or freestanding sign shall be allowed. If the tract or parcel has direct access onto more than one thoroughfare, a maximum of only two (2) ground or freestanding signs shall be permitted with one at each entrance.) The entrances shall be a minimum of two hundred (200) feet apart.
 - (1) Lots with a frontage of less than one hundred (100) feet, shall be allowed a sign surface area not to exceed thirty-two (32) square feet per side, and a maximum of sixty-four (64) square feet of total sign aggregate.
 - (2) Lots with a frontage of one hundred (100) feet or more shall be allowed a surface area not to exceed one hundred (100) square feet per side with a maximum of two hundred (200) square feet total.
- c. Outdoor advertising shall be allowed as provided in Subsection P.

7. Office & Institutional District

No sign shall be erected or displayed in any institutional and office district except as allowed under division 2 of this article or as provided in this Section. There are three (3) types of signs allowed in this district: attached, ground, or freestanding signs. Where there is a single building or building clusters, connected or freestanding on a single land parcel, the total aggregate of all signs, excluding ground or freestanding signs, shall not exceed two (2) square feet in surface area for each linear foot of combined building frontage of all related buildings. The land parcel or tract is allowed signage as follows:

- a. **Attached signs.** The sign area of an attached sign is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words, copy, or message. No sign on a building side shall exceed ten (10) percent of the first-floor wall area. The first-floor wall shall be the side used to determine building frontage.
- b. **Ground or freestanding signs.** Each tract or parcel of land in this district is allowed one (1) ground or freestanding sign, provided the parcel contains no more than five (5) acres. If the tract or parcel of land contains five (5) acres or more, two (2) ground or freestanding signs shall be allowed, provided the tract or parcel has a minimum of three hundred (300) feet of road frontage and each sign is located at a major entrance onto a major thoroughfare. (Example: If the tract or

parcel has direct access only onto one thoroughfare, then only one ground or freestanding sign shall be allowed. If the tract or parcel has direct access onto more than one thoroughfare, a maximum of only two (2) ground or freestanding signs shall be permitted with one at each entrance.) The entrances shall be a minimum of two hundred (200) feet apart.

- (1) Lots with a frontage of less than one hundred (100) feet shall be allowed a sign surface area not to exceed thirty-two (32) square feet per side, and a maximum of sixty-four (64) square feet of total sign aggregate.
- (2) Lots with a frontage of one hundred (100) feet or more shall be allowed a surface area not to exceed one hundred (100) square feet per side with a maximum of two hundred (200) square feet total.
- (3) A ground or freestanding sign may be located in a median, provided that the dimensions of the median are fifty (50) feet long and ten (10) feet wide.
- (4) No sign shall obstruct the driveway sight distance area at an intersection of a driveway and street.
- (5) The ground or freestanding signs can be illuminated, but only the sign area shall be lit.

M. INTERSTATE HIGHWAY USER'S SIGN

It is the intention of the city council to create an overlay of existing zoning districts adjacent to Interstate 95 (within seven hundred fifty (750) feet of an Interstate 95 exit ramp's outer intersection with a state road (U.S., N.C., or S.R.)) where businesses which rely principally on interstate travel for their trade may erect a single high-rise sign of extraordinary height according to the following standards:

1. A single high-rise sign may be permitted as follows:
 - a. The use requesting the sign must principally offer travel services, which are defined as gasoline, food, lodging, or camping and must occupy a lot of at least one (1) acre.
 - b. The height of the sign is limited to sixty (60) feet and a maximum area of three hundred (300) feet.
 - c. The Administrator may allow a greater height, up to a maximum of eighty (80) feet in order to permit four (4) seconds of visibility of the sign prior to the beginning of the exit ramp for traffic traveling at the legal speed limit. If the Administrator allows additional height, the maximum sign size may be increased five (5) square feet for each additional foot of allowed height above sixty (60) feet.
 - d. All such signs shall observe a minimum twenty-foot setback from all lot lines.
 - e. Where a high-rise sign is installed, all other signs on that lot shall be either attached signs or miscellaneous temporary signs as described in this Section. Notwithstanding the foregoing, an additional freestanding sign may be installed, if it is separated from the limited access highway

high-rise sign by more than three hundred fifty (350) feet. The area of the high-rise sign shall cause calculations of permitted sign area to be reduced to one-half for other signs.

- f. Where a high-rise sign is installed, the applicant may not utilize outdoor advertising (billboards) on Interstate 95 within the city extraterritorial planning jurisdiction that advertises the use upon which the high-rise sign is located.
- g. High-rise signs erected under the version of the provisions in effect as of September 6, 1990, (i.e. the date of the ordinance from which this Section was derived) are not subject to the amortization provisions of this Section. However, if within any twelve-month period, an existing high-rise sign requires alterations and repairs in excess of fifty (50) percent of the then physical value of the existing sign, such high-rise sign shall be made to conform to the requirements of this Section.

N. TEMPORARY SIGNS

The following signs are permitted, provided that they conform to the regulations of the zones in which they are to be located as to size, location, and type of construction, unless specified otherwise in this Section:

1. General provisions.

- a. A permit shall be obtained prior to the placement of any temporary sign. A sketch showing the location for each sign, except political signs, and a drawing showing the dimension and height of each sign shall accompany all applications. All permit applications shall be signed by the business owner and the property owner.
- b. A permit fee shall be paid according to the current fee schedule adopted by the city council.
- c. No signs shall be placed in the public right-of-way or within twenty-five (25) feet of an intersection.
- d. No signs shall be attached in any way to street lights or other utility poles or equipment.
- e. All temporary signs shall meet all applicable setback requirements and shall not include flashing or colored lights.
- f. All temporary signs shall meet all additional requirements imposed in this article.

2. Temporary signs permitted.

- a. Political signs. Signs of political candidates' parties or groups supporting the candidacy of any individual for office or waging public support of, or opposition to, any public issues to be voted upon. Permits for such signs are allowed with the following conditions:
 - (1) **Size:** No sign shall exceed sixteen (16) square feet per side, thirty-two (32) square feet in total aggregate. Signs shall not exceed forty-eight (48) inches in height. All signs not attached to building structures shall be self-supporting.
 - (2) **Time Limit:**

- i. Primary: Political signs shall be placed no more than forty-five (45) days before one-stop early voting begins and shall be removed within five (5) business days after the primary.
- ii. General election: Political signs shall be placed no more than forty-five (45) days before one-stop early voting begins and shall be removed within five (5) business days after the general election.

(3) Fee: The fee shall be according to the adopted Fee Schedule.

O. SPECIAL PROVISIONS

1. Service stations are allowed additional signs listed below:
 - a. Gasoline price and self-service signs located at and secured to each pump island and not exceeding nine (9) square feet per side. One additional, gasoline price, self-service ground sign may be located at another place other than the pump island but must be permanently located on the business site.
 - b. Each gasoline pump shall be allowed to display only the brand name or emblem of the gasoline and shall not exceed the limits on the face of the pump.
 - c. A state inspection sign shall be permitted on the business site, provided the sign does not exceed four (4) square feet per side.
 - d. No signage is allowed on canopies.
2. Signs on interior window glass are permitted, provided that they denote only special events or special sales. Such signs shall not exceed a maximum coverage of twenty-five (25) percent of the gross glass area on any one side of the building.
3. **Changeable copy signs.**
 - a. Shall be allowed on either ground signs, freestanding signs, or wall signs.
 - b. Shall be allowed in C-2, Shopping Center District; C-3, Highway Commercial District; I-10, Restricted Industrial District; and I-100, Industrial District.
 - c. Shall be a physically part of the primary sign.
 - d. The message shall not scroll, flash, rotate, or contain animation or live action.
 - e. The message shall not change in increments of less than two (2) minutes.
 - f. Only one changeable copy sign shall be permitted per property, sign may contain two (2) back to back faces on a freestanding or ground sign.
 - (1) Electronic portion shall not exceed fifty (50) percent of the primary sign area.
 - (2) Electronic signs for theaters shall not exceed eighty (80) percent of the primary sign area.

- (3) Does not include gas price signs.
- (4) Does not include drive through restaurants with digital menu boards:
- (5) Electronic portion of menu boards shall not exceed more than twenty-five (25) percent of the menu board sign area.
- (6) Electronic portion of all combined menu boards shall not exceed an area of thirty (30) square feet per property.
- g. No sign shall be permitted to operate between the hours of 12:00 a.m. and 6:00 a.m. when within one hundred (100) feet of an existing residential single-family zoning district, including public rights-of-way in the measurement.

P. OUTDOOR ADVERTISING

1. Outdoor advertising signs shall be permitted only in the I-100 industrial district, except as specified in Subsection (2) of this Section.
2. Outdoor advertising signs may be permitted in I-10 zoning districts outside the corporate limits, but within the extraterritorial jurisdiction, provided that a minimum of the standards in this division have been met. The permit may be renewed for another three-year period or cancelled.
3. Outdoor advertising signs shall be allowed in C-3 zoning districts immediately adjacent to Interstate 95 located as provided in this Section.
4. **Setbacks:** Outdoor advertising signs shall in no case be located any closer than thirty (30) feet to any property line. No advertising structure shall be located closer than one hundred fifty (150) feet to a lot zoned for residential purposes.
5. **Area, Height & Width:** No outdoor advertising sign shall be more than four hundred (400) square feet in size, except that on interstate highways signs shall not be greater than six hundred seventy-two (672) square feet. The maximum height shall be no more than fifty (50) feet above the freeway grade, and the maximum width shall be no more than forty-eight (48) feet.
6. **Illumination:** Outdoor advertising signs may be illuminated, provided that such illumination is in accordance with this Section. Outdoor advertising signs shall be non-flashing and shall be in accordance with the NC Department of Transportation outdoor advertising manual.
7. **Location Restrictions:**
 - a. No two (2) outdoor advertising signs shall be spaced less than three hundred (300) feet apart, except that on interstate highways signs shall be spaced no less than five hundred (500) feet apart.
 - b. No part of the sign shall be located more than two hundred (200) feet from the edge of the interstate right-of-way, measured perpendicular to the right-of-way.

8. **Additional Regulations:** The structural support methods for each sign shall meet the wind loading design requirements as stated in the state building code. Outdoor advertising signs more than four hundred (400) square feet in size shall be supported on a steel single pole structure. If at any time the state department of transportation standards for outdoor advertising are more stringent or restrictive than this article, it is the responsibility of the sign owner to ensure compliance with state outdoor advertising central regulations.

ARTICLE 7 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

7.01 PURPOSE AND INTENT

This Article is designed and enacted to provide for the orderly development of the City of Dunn and its environs through the regulation of development and the subdivision of real property. The regulations contained herein are intended to promote the orderly growth of the City; to coordinate proposed development with existing development and with officially adopted plans for the future development of the City; to insure the provision of adequate facilities for transportation, water, sewerage, appropriate building sites, and other public facilities to subdivisions and new development; to insure proper legal description, monumentation, and recording of subdivided land; and to create conditions essential to public health, safety, and general welfare.

7.02 AUTHORITY AND APPLICABILITY

A. AUTHORITY

According to the provisions of G.S. §160D-801, the City of Dunn has the authority to regulate the subdivision of land within its jurisdiction.

B. JURISDICTION

The regulations contained herein shall govern each and every subdivision of land within the corporate limits of the City of Dunn, North Carolina, as now or hereafter established, and within the extraterritorial area as established by the City Council.

C. REGISTRATION

In accordance with G.S. §160D-803 the City of Dunn shall file a copy of this ordinance with the Register of Deeds of Harnett County. The Register of Deeds shall not thereafter file or record a plat of any subdivision located within the territorial jurisdiction of the City of Dunn without the approval of the legislative body as required in this ordinance. The filing or recording of a plat of a subdivision without approval of the municipal legislative body shall be null and void. The Clerk of Superior Court of Harnett County shall not order or direct the recording of a plat where such recording would be in conflict with this section.

D. SUBDIVISION DEFINED

For the purpose of this ordinance “subdivision” shall be as defined in G.S. §160D-802, and subject to the restrictions therein. For subdivision types see *Article 3 – Development Review Procedures*. Any subdivisions expressly exempted from all or a portion of the standards of this Ordinance shall still be required to meet the standards of G.S. §160D Article 8, including the filing of a Final Plat with the City.

E. CONFORMITY REQUIRED

From and after the adoption of this ordinance, no real property lying within the planning and development jurisdiction of the City of Dunn shall be developed or subdivided except in conformance with all applicable provisions of this Ordinance. In addition, after the effective date of this Ordinance, no plat for subdivision of land

within the planning and development regulation jurisdiction of the City of Dunn shall be certified for recording by the Administrator until it has been submitted and approved in accordance with the provisions of this Article.

F. NO SERVICES OR PERMITS UNTIL PLAT APPROVED

No street shall be accepted and maintained by the City nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land nor shall any permit be issued by an administrative agent or department of the City of Dunn for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat or subdivision plat is required to be approved, unless and until the requirements set forth in this Article are met.

G. COMPLIANCE WITH OFFICIAL PLANS

1. Where a proposed subdivision or development includes any part of a thoroughfare which has been designated as such on an officially adopted Comprehensive Plan, as provided for by NCGS, such part of such thoroughfare shall be reserved, platted, dedicated, and constructed in the location shown on the plan and at the width specified in the applicable Comprehensive Plan.
2. Where a proposed subdivision or development includes a new street, which is not included in an adopted Comprehensive Plan, the developer shall plat, dedicate and construct the street in accordance with one of the preferred street sections outlined in this Article. The street classification chosen shall be approved by the Administrator and shall reflect the expected intensity of land uses fronting the proposed street and the needs of the surrounding street network. In special instances, as approved by the Administrator, required roadways may only need to be reserved or dedicated, not constructed.

H. NAME OF SUBDIVISION

The name of a subdivision shall not duplicate or closely approximate the name of an existing subdivision within the City.

I. PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS.

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the City of Dunn, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Harnett County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The City of Dunn shall 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 Ordinance.

7.03 IMPROVEMENTS REQUIRED

All development which does not qualify as a minor subdivision according to the criteria in *Article 3 - Development Review Procedures* shall be required to install or construct the improvements specified in the table below. The developer shall be responsible for the installation and construction of required improvements according to the

provisions of this ordinance and other applicable City, County or State specifications, except as may otherwise be specifically provided herein or by policy or agreement. The following shall be considered minimum standards of design for subdivisions within the City's planning and development regulation jurisdiction.

Required Improvement	RA-40	RA-20	R-10	R-7	RM	MXU	C-1	C-2	C-3	C-4	O&I	I-10	I-100
Underground Drainage*		•	•	•	•	•	•	•	•	•	•	•	•
Curb & Gutter*		•	•	•	•	•	•	•	•	•	•	•	•
Public Water & Hydrants		•	•	•	•	•	•	•	•	•	•	•	•
Public Sewer		•	•	•	•	•	•	•	•	•	•	•	•
Street Lights		•	•	•	•	•	•	•	•	•	•	•	•
Paved Streets	•	•	•	•	•	•	•	•	•	•	•	•	•
Street Trees		•	•	•	•	•	•	•	•	•	•	•	•
Street Signs	•	•	•	•	•	•	•	•	•	•	•	•	•
Underground Wiring	•	•	•	•	•	•	•	•	•	•	•		
Park/Open Space	•	•	•	•	•	•							
Sidewalks		See Section 7.04											
*The Administrator may waive or alter requirements for underground drainage and curb and gutter according to the stormwater management exemptions granted in this ordinance. In certain situations, such waiver or alteration may be dependent upon the use of approved Low Impact Development Infrastructure.													

A. GENERAL PROVISIONS

1. Prior to approval of a final plat for the subdivision of land within the corporate limits of the City of Dunn, the subdivider shall have installed improvements specified in this Article or guaranteed their installation as provided.
2. No municipal services or utilities shall be extended or furnished to any subdivision either within or outside the City until the subdivider shall have installed the improvements specified in this Article or guaranteed their installation as provided.
3. If requesting City services for development outside of the corporate limits a petition for annexation shall be required.

B. GUARANTEES OF IMPROVEMENT

1. **Performance Guarantee:** In lieu of prior construction of the improvements required by this Article, the City of Dunn may, for the purpose of approving a final plat, accept a guarantee from the subdivider that such improvements will be carried out at his expense. Such guarantee may be in the form of a surety bond or certified check drawn in favor of the City, or cash deposited with the City, or by an irrevocable letter of credit issued by a banking institution authorized to do business in the State of North Carolina. Such guarantee

shall be in an amount of one hundred & twenty five (125%) percent of the estimated cost of the construction of the required improvements. The amount shall be determined by the Administrator.

a. No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this Article or in the proceeds of any such performance guarantee other than the following:

- (1) The City.
 - (2) The developer at whose request or for whose benefit such performance guarantee is given.
 - (3) The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.
2. **Defects Guarantee:** The City shall require a bond guaranteeing utility taps, curbs, gutters, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. This bond shall be in the amount determined by the Administrator and shall be in cash or be made by a Surety Company authorized to do business in North Carolina.
3. **Maintenance Guarantee:** The Administrator shall secure from all subdividers a letter in which said subdivider shall agree to maintain any improvements located thereon and therein and any ditch which has been dug in connection with the installation of such improvements. Such letter shall be binding on the subdivider for a period of one (1) year after the acceptance of such improvements by the City of Dunn.

C. PERMANENT REFERENCE POINTS

1. **General:** Prior to the approval of the final plat the following survey reference markers shall be installed.
2. **Monuments and Control Corners:** Permanent monuments shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary to insure that no point within the subdivision shall lie more than 500 feet from a monument. Two (2) or more of the monuments shall be designated as control corners. Such monuments may be of concrete or iron pipe. Where concrete monuments are employed, they shall be four (4) inches in diameter and three (3) feet long, and further, have an indented cross metal pin or plate at the top to properly identify the point. Iron pipe monuments shall be not less than three-fourths (3/4) inches in diameter, three (3) feet long, and driven so as to be within one (1) inch of finished grade. All monuments and control corners shall be shown on the final plat.
3. **Markers:** All lot corners, all points where the street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and 30 inches long, driven so as to be within one (1) inch of finished grade.
4. **Property Corner Tie:** At least one (1) corner of the property surveyed shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U. S. Coast and Geodetic Station or N. C. Grid System coordinated monument, then this corner shall be marked with a monument so designated and shall be accurately tied to the Station or Monument by computed x and y coordinates which shall appear on the map with a statement identifying the Station or Monument and to an accuracy of 1:5000. When such Monument or Station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object, or structure.

5. Subdivision Survey Accuracy:

- a. Angular error of closure shall not exceed 25 seconds times the square root of the number of angles turned.
- b. Linear error of closure shall not exceed one (1) foot per 10,000 feet of perimeter of the lot of land (1:10,000).

D. REQUIRED IMPROVEMENTS

1. Street Improvements:

- a. **Grading:** The subdivider shall bear the costs of grading all streets within the subdivision to their full right-of-way width except on Arterial Streets where the subdivider shall bear the costs of grading to a width of 60 feet. Finished grade, cross-section, and profile shall be approved by the Administrator.
- b. **Base Material and Paving:** The subdivider shall bear the costs of the installation of base material and paving for all streets within the subdivision in accordance with the specifications and standards of the City of Dunn. For Arterial Streets, the subdivider shall be responsible only for the cost of base materials and paving equal to that required to construct a Collector Street.
- c. **Curb and Gutter:** Curb and gutter shall conform current Engineering Design Standards unless otherwise approved by the Administrator. Rolled curb and gutter may be submitted for review and approval with the concurrence of the Public Works Director and the Administrator.

2. Utilities:

Storm sewers, sanitary sewers, and water systems shall be designed by a professional engineer and shall be approved by the Administrator. Storm sewers, sanitary sewers, water mains, and service lines to each lot and the extension of service lines to the curb or property line shall be installed in accordance with City specifications and standards. Should private water sewer systems be provided, they shall meet the requirements of the appropriate state and local authorities.

Except as listed below, all utilities constructed within the municipal boundaries and extraterritorial area (planning and development regulation jurisdiction) shall be dedicated to the public without charge to the City:

- a. All oversize pipe, water or sewer, above the requirements of a particular subdivision, shall be paid for by the City.
- b. All tees, valves, or manholes that are installed in any extended water or sewer system over the requirements of that particular subdivision, which installation is at the city's request, shall be paid for by the city.
- c. The meter boxes and meter setters shall be paid for by the subdivider with the city providing the water meter at its current costs plus ten (10) percent.
- d. If the subdivision is to have underground power, then the water and sewer services shall be run to the property line. The developer shall pay for the extra length of pipe from the curb to the property line.

- e. **Ownership:** All water, sanitary sewerage, and storm drainage facilities installed under the requirements of this ordinance shall be the sole property of the City of Dunn upon City acceptance. A deed to the City for such facilities, including easements pertaining to right-of-entrance for maintenance, shall be executed prior to connections to the respective municipal services.
- f. **Oversized Improvements and Reimbursement:** Where the City Council deems it necessary, in the interest of the health, safety, and general welfare of the residents of Dunn's jurisdiction, the subdivider shall make certain improvements at sizes in excess of those which would normally be required to serve only this subdivision. Where oversized improvements are required, the City shall reimburse the subdivider for the cost of materials incurred over and above those required to serve their subdivision. Such reimbursement shall be made in 12 equal payments during a period of two (2) years. Improvements subject to reimbursement are the following:
 - (1) The cost of materials for water mains over six (6) inches in diameter including the extra cost of lines over six (6) inches in diameter incurred to reach the particular subdivision.
 - (2) The cost of materials for sanitary sewer over eight (8) inches in diameter including extra cost of lines over eight (8) inches in diameter incurred to reach the particular subdivision.
 - (3) Storm drainage facilities shall be determined at the time of plan review.

3. **Street Signs:**

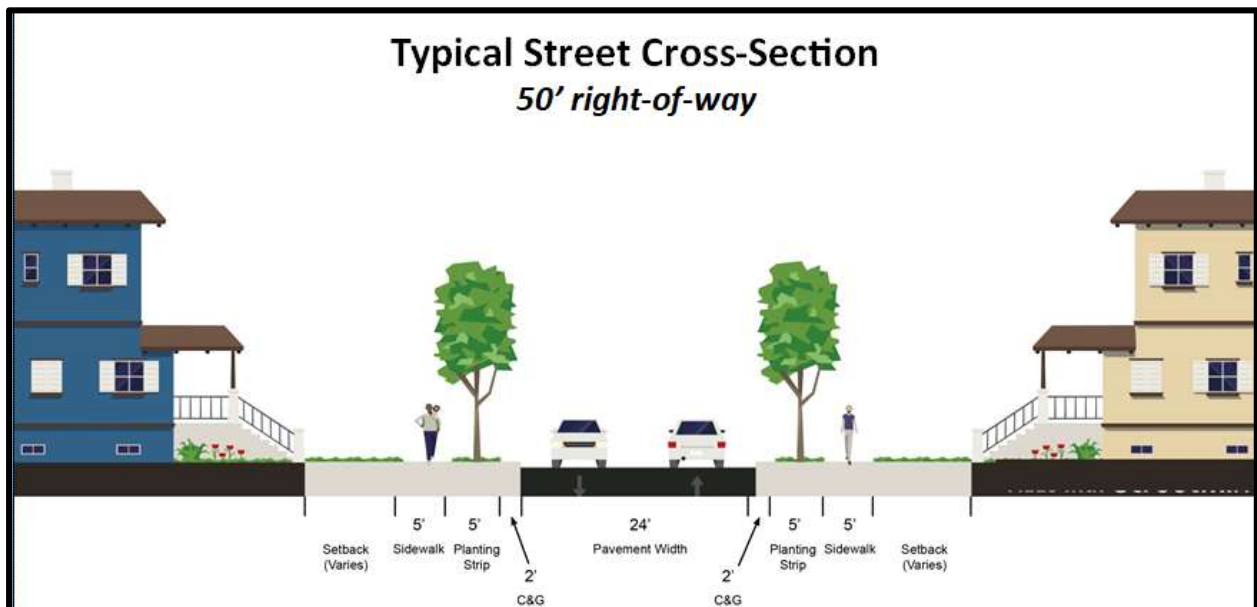
- a. Appropriate name signs which meet City specifications shall be placed at all street intersections. The developer shall bear the expense.
- b. Proposed street names shall be submitted and subject to the approval of Harnett County. New names shall not duplicate or be similar to existing street names. Existing street names, however, shall be extended where appropriate.
- c. All streets that are publicly maintained by either the City or the North Carolina Department of Transportation will be designated by the posting of a street name sign meeting City standards.
- d. Those streets that are open and that are privately maintained shall be designated by the posting of a street name sign meeting City standards.
- e. There shall be no exceptions in the color or combination of colors of street name signs posted by the City unless the City Council shall pass a special ordinance exempting a specific street name sign from the requirements of this section.

4. **Street Trees:**

- a. The planting of trees is considered a duty of the subdivider as well as good business practice. Street trees are protection against excessive heat and glare and enhance the attractiveness and value of the property. Trees should be placed inside the property lines where they are less subject to injury, decrease the chance of motor accidents, and enjoy more favorable conditions for growth.
- b. Street tree species and planting location shall be preliminarily reviewed by the Technical Review Committee as part of their review of any subdivision plat. Understory and mid-sized canopy trees are

recommended. Trees should be chosen by a professional based on their growth habits and located so that they are not reasonably expected to interfere with infrastructure.

- c. A street tree easement shall be recorded recognizing that these trees contribute to the public streetscape and are required when trees are not planted within the public right-of-way.
- d. For all developments with a R-7 or MXU zoning district, street trees shall be located in a planting strip a minimum of 4' in width between the back of curb and sidewalk as illustrated below. Other developments may utilize this standard where appropriate. See the image below for an example of a 50' right-of-way that includes 5' sidewalks, 4' planting strips and a 28' street (back of curb to back of curb) cross-section:



Source: Stewart via Streetmix

7.04 APPLICABLE DESIGN STANDARDS

In addition to the standards of this section, requirements of other Articles of this Ordinance shall also be met.

A. STREETS

1. General:

- a. In every new subdivision, the street system shall conform to the adopted Comprehensive Plan(s).
- b. In areas where a Comprehensive Plan does not apply, streets shall be designed and located in proper relation to existing natural features as streams and tree growth, to public safety and convenience, and to the proposed use of land to be served by such streets. All proposed streets shall provide for the appropriate projection of principal streets in surrounding areas and provide reasonable access for surrounding acreage tracts.

- c. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
- d. The proposed street system shall be designed to provide vehicular interconnections in order to facilitate internal and external traffic movements in the area, improve access/egress for city neighborhoods, provide faster response time for emergency vehicles, facilitate efficient service delivery (mail, garbage pickup, etc.), and improve the connections between neighborhoods.
- e. Street arrangements and stub-outs shall facilitate the efficient and effective future development of adjacent properties and shall fit into the overall character of the neighborhood.

B. INTERNAL STREET NETWORK CONNECTIVITY

1. An interconnected street system is necessary in order to protect the public health, safety and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance non-vehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.

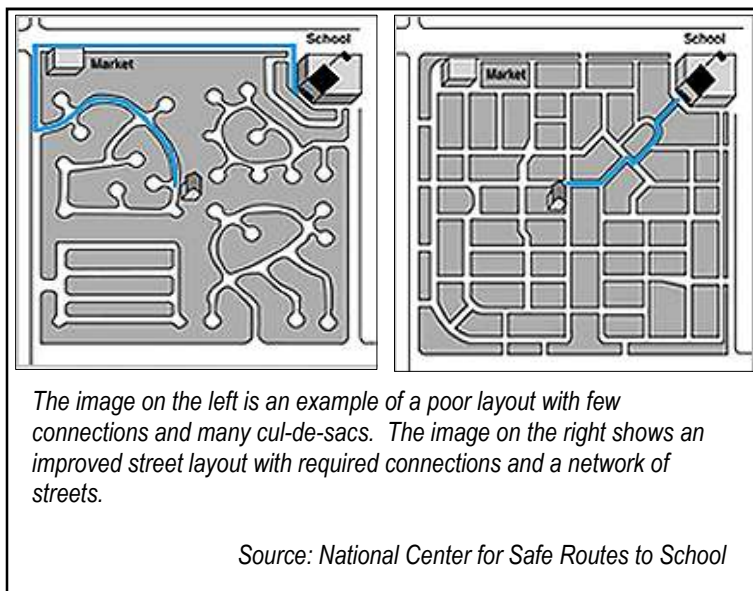
All proposed streets shall be continuous and connect to existing streets without offset

with the exception of cul-de-sacs as permitted and except as provided herein. Whenever possible, existing streets, stub-outs, and utilities shall be extended or continued into adjoining areas.

Streets in residential subdivisions shall be designed so as to minimize the length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.

Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development at regular intervals consistent with maximum allowable block lengths.

The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.



C. RIGHT-OF-WAY WIDTHS:

1. Right-of-way for public streets or public transportation infrastructure shall be dedicated to the City pursuant to G.S. §136 and other applicable NC State laws. When dedication cannot be required, any future street right-of-way indicated on an adopted Comprehensive Plan shall be shown on the final plat.
2. Minimum street right of way widths shall be in accordance with the adopted Comprehensive Plan and shall not be less than the following:

Street type	Description	Sub-classification	Average Daily Traffic Range	Right-of-way Width (feet)	Pavement Width (feet)
Arterial Street	A high-volume street connects communities and activity centers, and connects communities to major state and interstate highways.	Highway Major street Parkway Expressway Major thoroughfare	Over 3,000	80-100	60-80
Collector Street	As the principal traffic artery within residential or commercial areas, the collector carries relatively high traffic volumes and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic.	Boulevard Minor thoroughfare Main street	1,000-3,000	60-80	40-60
Sub-collector Street	The subcollector provides passage to access streets and conveys traffic to collectors. Like access streets, the subcollector provides frontage and access to residential lots but also carries some through traffic to lower-order (access) streets. The subcollector is a relatively low-volume street.	Avenue Main street	250-1,000	55-60	34-40
Minor Street	As the lowest-order street, minor streets usually carries no through traffic. With properly designed minor streets without through traffic, travel distances from residences to collector streets are short, traffic speeds are low, lane capacity and design speed are not controlling design factors, and minor delays are inconsequential considerations. Drivers and residents expect and accept both brief delays and the need to decrease speed.	Local streets Residential street Rural streets Cul-de-sacs	0-250	50-60	25-30
Alley	Primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street. When alleys are used the property line radius at alley intersection shall be 15'. The minimum centerline radius when deflection angle of more than ten (10) degrees occurs shall be 35'. The minimum turnaround diameter of dead-end alley (right-of-way width) shall be 80'	N/A	N/A	20	10

¹⁾ Right of way width may vary in a mixed-use or conditional zoning districts. Such variation shall be approved by the Administrator.

NOTE: Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum widths specified above. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half (1/2) the required right-of-way measured from the center line of the existing street shall be provided where a new subdivision is located only on one side of the existing street.

D. PAVEMENT REQUIREMENTS:

1. All streets (excluding alleys) shall be paved to approved Engineering & Design Standards. The centerline of the pavement shall be the centerline of the street right-of-way, and the pavement shall consist of six (6) inches of ABC stone, two inches of binder and one and one-half (1.5) inches of topping. The pavement surface shall have one-fourth (1/4) inch per foot slope from the centerline of the street right-of-way.
2. Additional pavement standards for cul-de-sac and other such street termination designs are required per the City's Design and Construction Manual.

E. GRADES AND CURVATURE:

1. Unless necessitated by exceptional topography and subject to a variance from the Board of Adjustment, street grades shall not be more than 10 percent nor less than one-half (1/2) of one (1) percent on any street.
 - a. Grades approaching intersections shall not exceed five (5) percent for a distance of not less than 100 feet from the right-of-way lines of said intersection.
 - b. Street grades shall be established wherever practicable in such a manner as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and generally leveling of the topography.
 - c. All changes in street grade shall be connected by vertical curves of at least 100 feet or the equivalent of 15 times the algebraic difference in the rate of grade, whichever is greater.
 - d. Where a street stubs to an adjacent, undeveloped property, the stub shall occur at the existing (pre-development) grade, or else through obtaining a variance from the Board of Adjustment. If a street stubs into a stream crossing, wetland, extreme topography, or other physical barrier, the subdivider shall pay fee-in-lieu for their portion of the crossing.
 - e. **Radii of Curvature:** Where a street centerline deflection of more than ten (10) degrees occurs, a curve shall be introduced, having a radius of curvature on said centerline of not less than the following:

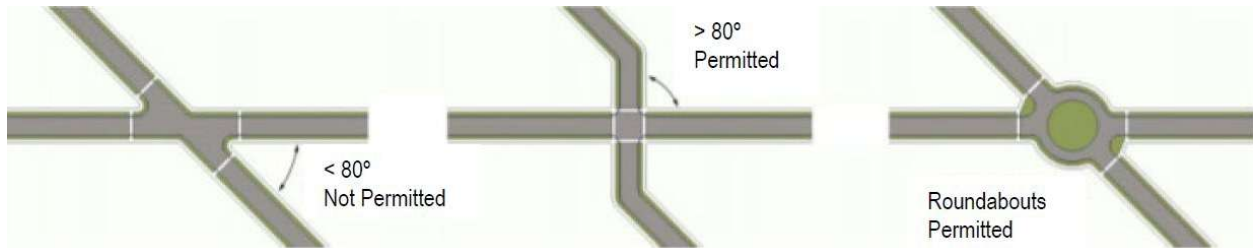
Street type	Radius of curvature (feet)
Major Thoroughfare	300
Minor Thoroughfare	200
Minor Street	100

- f. **Tangents:** A tangent of not less than 100 feet shall be provided between reverse curves on all streets.

F. INTERSECTIONS:

1. Street intersections shall be laid out in the following manner:
 - a. No more than two (2) streets shall intersect at a point.

- b. Streets shall intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than 80 degrees:



- c. Intersections with major thoroughfares shall be at least 800 feet apart, measured from centerline to centerline.
- d. Street jogs with centerline offsets of less than 125 feet are prohibited, including where this condition may occur with an adjacent, existing street on the exterior boundary of the subdivision.
- e. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection less than 75 degrees, a greater radius may be required by the Administrator.
- f. No on-street parking is permitted within twenty-five feet (25') of any intersection.
- g. **Visibility:**
- (1) No planting, fence or other obstruction to visibility of vehicles shall be erected, planted, maintained or allowed to exist in any district within the range of 30 inches to ten feet above the centerline grades of the intersecting streets in the triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along these street lines 2 feet from the point of intersection.
 - (2) The provisions of subsection 1. (above) shall not apply to:
 - i. Permanent buildings.
 - ii. Existing grades which by reason of natural topography exceed 30 inches above the level of the center of the adjacent intersection, provided that no obstruction to cross visibility not specifically excepted by this division shall be installed, set out or maintained on any existing grade which is more than 30 inches but less than 72 inches above the level of the center of the adjacent intersection.
 - iii. Trees having limbs and foliage trimmed in such manner that no limbs or foliage extend into the area between 30 inches and ten feet above the level of the center of the adjacent intersection.
 - iv. Fire hydrants, public utility poles, street markers and traffic-control devices.

G. CUL-DE-SAC:

1. Permanent dead-end streets or cul-de-sac shall be no longer than 800 feet. In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed

street system in the surrounding area clearly indicate that a through street is not essential in the location of the cul-de-sac. Stub-out streets to adjacent, undeveloped properties are an exception.

2. Where a cul-de-sac is proposed to terminate within 400 feet of another roadway, pedestrian facility, or pedestrian destination (religious institutions, school, commercial areas, etc.), a 30-foot wide pedestrian access dedicated to the public shall be installed, centered on a minimum 6' wide sidewalk. Fences, hedges, or visual barriers along such pedestrian accessways shall not exceed 4 feet in height.

H. MINIMUM NUMBER OF ACCESS POINTS TO EXTERNAL STREET NETWORK

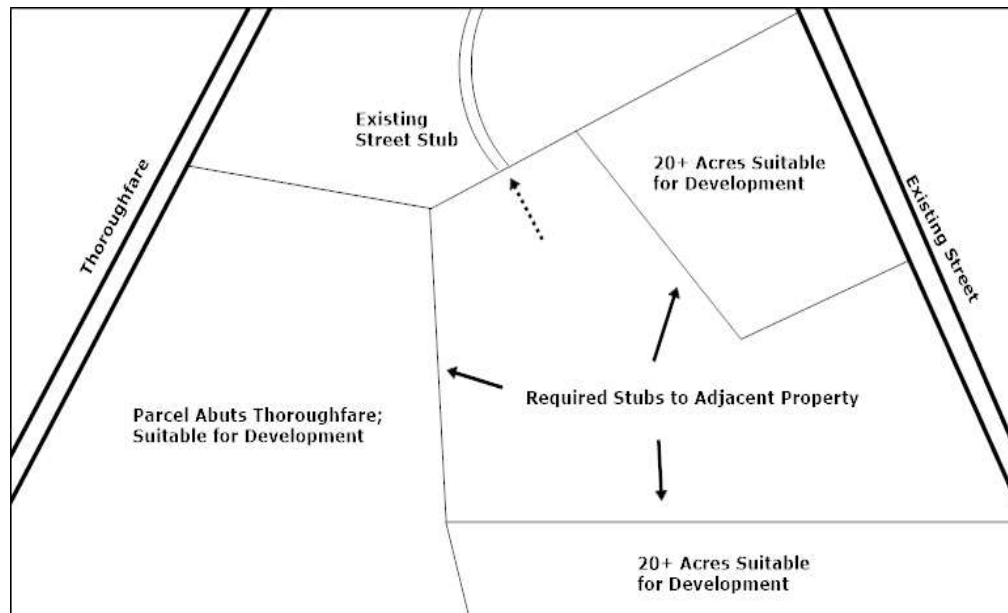
1. The minimum number of points of external street access shall be based on the number of dwelling units in the proposed development as set forth below. In instances where more than one criteria below applies, the one that provides the greater number of access external points shall apply. Nothing in this subsection shall preclude the extension of stub-out rights-of-way based on maximum block length requirements.
 - a. Residential developments with fifty (50) or more lots or dwelling units shall have at least two (2) separate, constructed and usable points of public road access.
 - b. An additional external access shall be required at one-hundred (100) dwelling units and for every fifty (50) dwelling units thereafter.

I. STREET STUBS

1. New developments shall connect to any existing street stubs from adjacent properties.
2. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" as indicated on the illustration to the right to inform property owners.
3. All stub streets shall include a turnaround facility in accordance with Appendix D of the North Carolina State Building Code – Fire Prevention Code.
4. New development shall stub to all adjacent properties at the rate determined by road network of the subdivision created using maximum block lengths (per this section) and extending streets outward from that network. In no instance shall a stub-out be omitted based on the need to preserve lot count of the new subdivision. Where a neighboring parcel is a residential subdivision of five (5) dwellings per acre or greater or a nonresidential development, such properties shall be considered "developed" and a connection shall not be required.
5. The location of new required street stubs shall be prioritized as follows (see illustration below as well):
 - a. Adjacent parcels 20 acres or greater.
 - b. Adjacent parcels that abut or are traversed by existing or proposed arterial streets.



- c. Where any adopted comprehensive plan recommends a street connection.



- d. Where a required street stub necessitates the crossing of a stream or designated drainageway at the property line to make the required connection to an adjacent parcel, the owner or applicant shall provide a payment in lieu of constructing the stream crossing equal to half the total cost of the construction based on a professional engineer's certified estimate. Such payment shall be set aside to offset the cost of constructing the stream crossing for future development.

J. RESERVE STRIPS

1. Reserve strips, or "spite strips", adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted under any condition.

K. TURN LANES

1. Any subdivision on US, NC highways, state roadways, and other collector streets that in subsequent phases will have over 50 lots shall be required to provide turning lanes into the subdivision. The turning lanes must meet minimum N.C. Department of Transportation Standards.

L. DRIVEWAYS

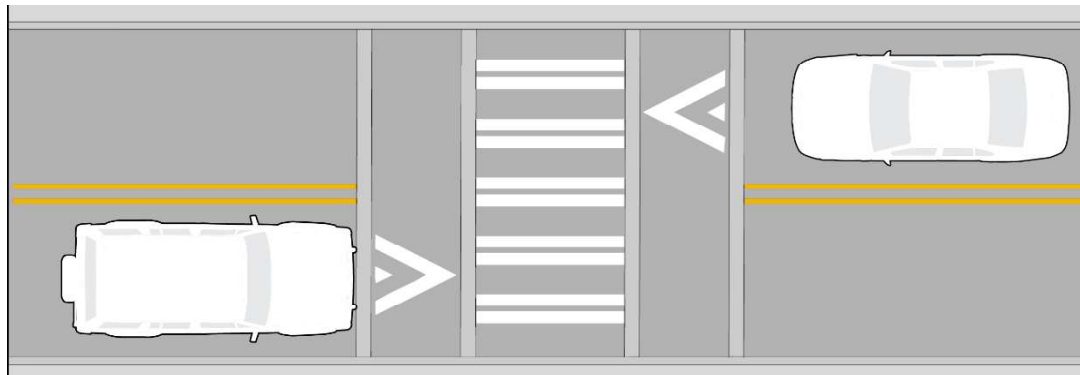
1. See *Section 6.05 – Parking, Loading & Driveways*.

M. BLOCKS

1. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.

2. Maximum Block Length:

- a. In urban areas, for these purposes defined as areas with residential densities of five (5) or more dwelling units per acre or any street block with lot widths less than 50 feet, blocks shall not exceed 800 feet or two blocks (whichever is greater).
 - b. In all other areas, blocks shall not exceed 1,200 feet in length. Larger-scale commercial or industrial developments may exceed this requirement with a variance issued by the Board of Adjustment.
 - c. No block shall be less than 400 feet.
- 3. Width:** Blocks shall have sufficient width to provide two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.
- 4. Mid-block Crosswalks:** A pedestrian crosswalk not less than 10 feet in width, may be required near the center and entirely across any block 900 feet or more in length where deemed essential, by the Administrator, to provide the adequate access to schools, shopping centers, churches, or transportation facilities.



N. LOTS AND SETBACKS

1. **Size:** See Dimensional Standards Table in *Article 4 – Zoning Districts*.
2. **Setbacks:** See Dimensional Standards Table in *Article 4 – Zoning Districts*.
3. **Access:** Every lot shall abut a public street which has a minimum right-of-way of at least 50 feet.
4. **Flag Lots:** Flag lots are discouraged, but if proposed they shall meet the following requirements:
 - a. A flag lot shall contain only one (1) single family dwelling and its uninhabited accessory structures.
 - b. The maximum lot depth (length) of the flagpole portion shall be three hundred (300) feet.
 - c. The minimum width of the flagpole portion shall be twenty-five (25) feet.
 - d. The flagpole portion of the lot shall not be used to calculate area, width, depth, coverage, and setbacks of the lot.
 - e. Where public water is available, any building on the flag lot must be within five hundred (500) feet of a fire hydrant. The distance shall be measured along the street, then a straight line to the building location.

- f. Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line or the sewer pump requirement shall be noted on the plat.
 - g. The use of a single driveway to serve adjoining lots or to serve a flag lot and an adjoining conventional lot is permitted and encouraged.
 - h. The plats recorded for flag lots shall contain a notation that the City of Dunn will provide sanitation services only on the dedicated right-of-way. City service vehicles except in emergencies will not travel on the flagpole portion of the lot. Driveways shall be maintained in a manner that will accommodate an emergency service vehicle.
- 1. **Double Frontage lots:** Double frontage lots shall be avoided wherever possible. Where double frontage lots cannot be avoided, they shall provide a 20' wide evergreen landscaped buffer strip along the secondary frontage.
- 2. **Orientation:**
 - a. Side lot lines shall be perpendicular or radial to street right-of-way lines except where a variation will provide a better street and lot layout.
 - b. Lot boundaries shall coincide with natural and pre-existing manmade drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.
 - c. Major subdivisions shall not be approved that permit individual residential lots to directly access on to Arterial Streets.
 - d. Corner Lots for residential use shall have additional width sufficient to provide equal setbacks from front and side streets – i.e. each street frontage is considered a front yard with an associated minimum lot width and front setback.

O. STREET LIGHTING

Street lights shall be required to be installed along all public streets within the City's corporate limits in accordance with the City's current policy and in accordance with the following:

- 1. The owner, developer or subdivider shall be required to install street lighting via underground distribution along all proposed streets and along all adjoining existing streets and thoroughfares in accordance with this section. The developer shall be responsible for all installation costs and any utility pole fees.
- 2. Through the subdivision plan approval process, the Administrator may approve street lighting which exceeds the standard City requirements for residential streets.
- 3. All underground electrical distribution systems for street lighting within the corporate limits of the City and its extraterritorial planning jurisdiction shall be installed according to the following standards:
 - a. Underground service for light fixtures shall be installed by the developer in conformance with City standards at the developer's expense.
 - b. The placement of street lighting fixtures in residential areas shall be at 300-foot intervals unless:

- (1) The roadway length is less than 300 feet but more than 200 feet in which case a street light will be provided at the end of the street;
 - (2) Where the roadway length is less than 100 feet and a street light is placed at the intersection and no natural features create a problem, no street light will be placed at the end of the roadway; or
 - (3) The vertical and horizontal street alignment or natural features necessitate shorter spacing intervals.
4. The placement of street lighting along arterial streets, collector streets and in nonresidential developments shall be in accordance with the latest revision of the Illuminating Engineering Society's American National Standards for Roadway Lighting or NCDOT Roadway standards for streets maintained by NCDOT..
5. Street light fixtures shall conform to the following:
 - a. All fixtures in residential areas shall be either LED 50 or 75 watt enclosed fixtures on standard poles 25 feet in height. The 50 watt fixture shall be placed only at the "neck" of the cul-de-sac.
 - b. All fixtures along thoroughfares shall be 75-150 watt enclosed LED fixtures on standard fiberglass poles 30 - 35 feet in height.
6. Authorization for street light installations shall occur at such time as:
 - a. A developer, through the City, requests the installation of streetlights prior to the issuance of any certificates of occupancy. The developer shall incur a monthly rental expense billed equal to the monthly rental expense incurred by the City, for each street light installed. The developer will be billed for the period beginning with installation of the street light and ending with notification to the City, by the developer, of issuance of a certificate of occupancy in the immediate area of each street light locations;
 - b. A certificate of occupancy is issued in the immediate area of the proposed street light locations; or
 - c. An arterial/major street, marginal access street or collector street is constructed or widened as a part of development. Arterial/major streets, marginal access streets and collector streets that are constructed or widened by the City shall be lighted immediately after construction, dependent on availability of funds.
7. Street lighting facilities and street lights shall be installed by the developer on any roadway, portion of roadway or widening prior to the City's acceptance of that roadway for routine maintenance unless otherwise approved by the Administrator.
8. Residents along a street may request the relocation of a street light provided that the proposed street light location meets City standards and the relocation is approved by the Administrator. Also, the relocation or replacement costs must be paid in full in advance by the resident(s) requesting the relocation or replacement.
9. A developer may request to use decorative or "private" street lighting within a development provided:

- a. Street light fixture types and locations must meet the minimum criteria set forth in this policy and must be approved by the Administrator;
- b. The developer and/or property owner's association shall be responsible for all installation costs and monthly operating costs associated with the private street lights;
- c. The developer and/or property owner's association shall be responsible for any costs associated with deletion of the private street lights and any costs associated with installing the City's standard street lights prior to the expiration of contract between the developer and/or property owner's association and the utility; and
- d. The developer shall include all responsibilities of the homeowner's association pertaining to the street lighting in the development covenants. The developer shall inform all purchasers of the property in the development of these same responsibilities.

P. FIRE PROTECTION EQUIPMENT

1. Fire protection equipment shall be installed at locations determined by the Technical Review Committee or other fire service agency which will have primary response responsibility within the proposed development.

Q. ENVIRONMENTAL BUFFERS AND FEATURES

1. Environmental buffer areas (such as stream buffers, drainageways, special flood hazard areas, wetlands, etc.) may be included within residential lots only when all of the following conditions are met:
 - a. The subdivision is limited in size and has no property owners' association; and
 - b. There is no reason for the formation of a property owner's association other than to retain ownership and maintenance responsibilities for the buffer area; and
 - c. The buffer is placed within a permanent conservation easement that is recorded with the plat.
2. Any required environmental buffer yard, including those required as a zoning condition, for a residential development shall not be credited toward meeting the minimum lot size requirements.

R. EASEMENTS

1. All easements as depicted on a final plat shall be so delineated on the final plat as to the type of easement and shall contain a metes and bounds description.
2. **Utility easements.** The subdivider shall convey easements to the city for both underground and overhead utility installation where necessary. Easements shall be at least twenty (20) feet wide and shall be centered along rear or side lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the minimum twenty (20) - foot-wide easement.
3. **Drainage easements.** Where a subdivision is traversed by a stream or a drainageway, an easement shall be provided conforming with the lines of such stream. In all cases where the subdivision is traversed by

such a stream, the drainage easement provided shall contain minimum dimensions of thirty (30) feet measured from the center line of the stream. The easements shall include the stream bed.

4. **Pedestrian easements or walkways.** Pedestrian rights-of-way shall be dedicated through the interior of blocks where the city determines that rights-of-way are needed. Pedestrian rights-of-way shall be at least ten (10) feet wide.
5. **Recorded ingress and egress easement maintenance agreement.** Where easements provide required access, they shall meet all applicable standards. Ingress and egress easements shall provide a continued maintenance agreement and shall be approved by the planning director or designee and recorded with the county register of deeds in a legally valid and binding instrument that describes the method of maintenance, who will be responsible for maintenance, and the properties which the easement access way serves.
6. **Widths.** To provide for electric telecommunications, television/internet, gas service conduits, greenways and water and sewer lines within a subdivision, adequately sized utility easements shall be a minimum of thirty (30) feet in width. The location of such easements shall be reviewed and approved by the approving body, with advice from utility providers, before final plat approval. The Administrator or utility provider may require wider easements and shall be determined on a case-by-case basis.
7. **Restrictions or Improvements.** Utility easements shall be kept free and clear of any building or other improvements that would interfere with the proper maintenance or replacement of utilities. The City shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

S. SIDEWALKS:

1. Sidewalks shall be constructed within the street right-of-way and installed in accordance with the current Design and Construction Standards manual. The standard width of sidewalk shall be five (5') feet.
2. **Required locations.** Sidewalks shall be installed along both sides of all streets located within the proposed subdivision and along all existing streets located within the proposed subdivision adjacent to entries.
3. **Alternative Compliance.** Alternative provisions for pedestrian movement meeting the intent of this ordinance may be used where unreasonable or impractical situations would result from application of these requirements. Such situations may result from significant street trees, impending road widening, topography, utility easements, lot configuration or other unusual site conditions. In such instances, the Administrator may approve an alternative plan that proposes different pedestrian amenities provided that the intent of this section is fulfilled.
4. **Payment in Lieu.** In lieu of alternative compliance in (3) above, the Administrator may approve a payment in lieu (in accordance with an adopted annual fee schedule) where any one or combination of factors render compliance impractical:
 - a. Steep slopes;

- b. Absence of existing sidewalks along the corridor and in the general neighborhood;
 - c. Where sidewalks are not approved by the NCDOT.
- 5. **Construction Standards.** All sidewalks, whether required by this ordinance or installed voluntarily, shall be constructed to the current Design and Construction Standards manual or NCDOT standards for state maintained roads.
- 6. **Sidewalks are not required:**
 - a. Along alleys.
 - b. Along service roads used exclusively for materials loading and unloading.
 - c. Along roads without curb and gutter as approved by the Administrator.

T. PUBLIC FACILITIES

1. In the event that a proposed park, school, or other public facility site shown on any part of an officially adopted Comprehensive Plan(s) for City of Dunn is located in whole or in part within a proposed subdivision, the City Council shall require that the subdivider grant an option to purchase such land for such public use. Purchase options so granted shall be executed for a period of two (2) years from the date of final plat approval. Options so granted must be fully exercised and consummated within two (2) years of the date of final plat approval, otherwise they shall become null and void.
2. **Cluster Mailbox Units**
 - a. Where required, cluster mailbox units, or CBUs, shall be provided in accordance with the United States Postal Service regulations. Units may not encroach into the public right-of-way and if placed on private property, must be accompanied by an easement for maintenance.
 - b. Design standards for these areas are outlined in *Article 6 – General Development Standards*.
3. **Waste Management**
 - a. The developer shall provide for adequate waste collection and disposal facilities.
 - b. Any multi-family, mixed use, or attached housing with greater than 2 dwelling units per building or site shall provide a consolidated dumpster court area.
 - c. Garbage storage or collection areas shall be screened by an opaque visual barrier (fencing, wall, or evergreen shrubs).

7.05 PROPERTY OWNERS' ASSOCIATION

A. CREATION

A Property Owners' Association shall be established to fulfill requirements of the NC Condominium Act, NC Planned Community Act, or to accept conveyance and maintenance of all common elements (common areas) within a development. The Property Owners' Association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

B. CONVEYANCE

Where developments have common elements serving more than one residence, these areas shall be conveyed to the Property Owners' Association, in which all owners of lots in the development shall be members. All areas other than public street rights-of-way, other areas dedicated to the City, and lots shall be designated as common elements. In a condominium development the common elements shall be platted in accordance with the NC Condominium Act. In other developments, the fee-simple title shall be conveyed by the subdivider or developer to the Owners' Association prior to the sale of the first lot.

C. SUBDIVISION OR CONVEYANCE OF COMMON ELEMENTS

Common elements shall not subsequently be subdivided or conveyed by the Property Owners' Association unless a revised Final Plat showing such subdivision or conveyance have been submitted and approved.

D. MINIMIZE NUMBER OF ASSOCIATIONS

Developments, whether including different land uses, different types of housing, or simply different sections, shall hold the number of Owners' Associations to a minimum. An association may establish different categories of membership, different budgets for the categories, and different rates of assessment when different kinds of services are provided to different categories. Smaller associations under an umbrella (master) association are permitted.

E. EXEMPTION FROM PROPERTY OWNERS' ASSOCIATION REQUIREMENT

A development involving only two units attached by a party wall (or two separate walls back-to-back) shall not be required to have common elements or an Property Owners' Association. Such developments without a Property Owners' Association shall establish a binding agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance.

7.06 OWNERSHIP & MAINTENANCE OF COMMON AREAS

All developments containing land, amenities or other facilities under private common ownership shall provide for the ownership & maintenance of such areas. Multi-family developments that are subject to fee-simple lot/unit ownership shall convey all such common areas to a non-profit corporate property owner's association with a membership of 100% of the lots/units in the development. The developer shall file with the Harnett County Register of Deeds a "dedication of covenants" and must meet the following criteria:

- The property owners' association must be established before the units are sold;
- The property owners' association is established as the responsible entity for the liability insurance, pertinent local taxes, and maintenance of all recreation and other facilities;
- Sums levied by the property owners' association that remain unpaid shall become a lien on the delinquent property;
- For condominium development, documents must meet the requirements of NCGS 47A Unit Ownership;

- All easements over common areas for access, ingress, egress and parking shall be shown and recorded on a final plat with the Harnett County Register of Deeds.
- See *Article 6 – General Development Standards* for ownership & maintenance requirements specific to open space.

7.07 RESUBDIVISION PROCEDURES

For any replotting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision. Per G.S. §160D-403 however, lot sizes may be varied on an approved plan after recording, provided that:

- No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plan or according to other requirements of this Ordinance, as appropriate;
- Drainage, easements or rights-of-way shall not be changed;
- Street alignment and block sizes shall not be changed;
- The property line between the back of the lots shall not be changed;
- The rear portion of lots shall not be subdivided from the front part;
- No increase in density or new lots formed.

7.08 CERTIFICATIONS FOR FINAL PLATS

The following certifications shall appear on all subdivision final plats:

A. CERTIFICATE OF OWNERSHIP & DEDICATION

I (We) hereby certify that I am (we are) the owner of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Further, I (we) certify the land as shown hereon is within the planning and development regulation jurisdiction of the City of Dunn, North Carolina.

DATE _____

B. CERTIFICATION OF APPROVAL FOR PRIVATE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

"I hereby certify that the water supply and sewage disposal system installed or proposed for installation in the subdivision entitled _____ fully meet the requirements of the North Carolina State Health Department and are hereby approved as shown.

DATE _____

C. CERTIFICATE OF SURVEY & 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 shown as broken lines plotted from information found in Book _____, Page _____; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D. 20____." (within thirty days or it becomes void)

Surveyor

"I, _____, Professional Land Surveyor, certify to one or more of the following as indicated:

- ___ 1. 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;
- ___ 2. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- ___ 3. That the survey is of an existing parcel or parcels of land;

___4. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, and other exception to the definition of a subdivision;

___5. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in 1-4 above.

{Seal or Stamp} _____

Registration Number: _____

The certificate of the Notary shall read as follows:

"North Carolina, _____ County

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ___ day of _____, 20__.

Notary Public

{Seal or Stamp}

My Commission expires _____."

D. CERTIFICATE OF REVIEW BY THE STATE DIVISION OF ARCHIVES AND HISTORY.

"I do hereby certify that I have had the opportunity to review and comment upon the proposed improvements and ground disturbing activities; called for in the plat for the _____ subdivision; as they may affect cultural (architectural, historical, or archeological) resources which appear to meet the criteria for listing in the national register of historic places.

STATE HISTORIC PRESERVATION OFFICER DATE

The state division of archives and history shall have thirty (30) days within which to complete this certificate. Failure to complete it within that time shall be deemed to mean that the division has approved the proposed subdivision.

E. CERTIFICATE OF APPROVAL FOR RECORDING

I, _____, hereby certify that the subdivision plat shown hereon has been found to comply with the Unified Development Ordinance for Dunn, North Carolina, with the exception of such variances, if any as are noted and that this plat has been approved by the Dunn City Council for recording in the office of the Register of Deeds of Harnett County.

ADMINISTRATOR/REVIEW OFFICER

DATE

F. CERTIFICATE OF APPROVAL OF INSTALLATION AND CONSTRUCTION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS.

I do hereby certify (1) that streets, utilities, and other required improvements have been installed in an acceptable manner and according to city specifications and standards in the subdivision entitled _____, or, (2) that a guarantee of the installations of the required improvements in an amount or manner satisfactory to the City of Dunn has been received.

ADMINISTRATOR

DATE

G. CERTIFICATE OF APPROVAL OF STREETS AND STREET DRAINAGE PLANS AND IMPROVEMENTS.

"I do hereby certify that all streets and street drainage improvements called for in the final plat for the _____ subdivision have been examined and found to comply with the specifications of the North Carolina State Highway Commission.

DISTRICT ENGINEER

NC DEPARTMENT OF TRANSPORTATION

H. CERTIFICATE OF APPROVAL AND ACCEPTANCE OF DEDICATION

"I, _____, City Clerk of the City of Dunn, North Carolina, do certify that on the ____ day of _____, 20____, the City Council of the City of Dunn approved this plat for recording and accepted the dedication of the streets, easements, rights-of-way, and public parks and other sites for public purposes as shown hereon, but assumed no responsibility to open or maintain same until, in the opinion of the governing body of the City of Dunn, it is in the public interest to do so.

CITY CLERK

DATE

ARTICLE 8 – ENVIRONMENTAL PROTECTION

8.01 FLOOD DAMAGE PREVENTION

Commentary: The section numbering and formatting hierarchy of this section is intentionally different from the remainder of this Article/Ordinance and has been kept consistent with the model ordinance from the state in order to ensure easy reference for users and compatibility with the formatting style and referencing used statewide in the model ordinance.

Article 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

Section A. STATUTORY AUTHORIZATION.

Municipal: The Legislature of the State of North Carolina has in Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Dunn, North Carolina, does ordain as follows:

Section B. FINDINGS OF FACT.

- (1) The flood prone areas within the planning jurisdiction of the City of Dunn are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

Section C. STATEMENT OF PURPOSE.

It is the purpose of this Section to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. OBJECTIVES.

The objectives of this Section are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business losses and interruptions;
- (5) to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

Article 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Alteration of a watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of Shallow Flooding" means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)".

"Area of Future-Conditions Flood Hazard" means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology (OPTIONAL).

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure".

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Design Flood" See "Regulatory Flood Protection Elevation."

"Development" means any human change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Development Activity" means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

"Digital Flood Insurance Rate Map (DFIRM)" means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"Flood-resistant material" means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

"Floodway" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floodway encroachment analysis" means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

"Freeboard" means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Management Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

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

"Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

"Light Duty Truck" means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Map Repository" means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC

FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"Non-Conversion Agreement" means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property.

"Non-Encroachment Area (NEA)" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Reference Level" is the bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all Special Flood Hazard Areas.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade. *(Two (2) feet is a State-recommended minimum, greater than two (2) feet is OPTIONAL)*

"Remedy a Violation" means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Section or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

"Solid Waste Disposal Facility" means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

"Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this Section.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value

of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area. (OPTIONAL)

“Variance” is a grant of relief from the requirements of this Section.

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

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

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Article 3. GENERAL PROVISIONS.

Section A. LANDS TO WHICH THIS SECTION APPLIES.

This Section shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable of the City of Dunn and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

Section B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM) for Harnett County dated July 3, 2007 which are adopted by reference and declared to be a part of this Section

In addition, upon annexation into the City of Dunn or inclusion in the Extra-Territorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the Unincorporated Areas of Harnett County, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this Section.

Section C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

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

Section D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Section and other applicable regulations.

Section E. ABROGATION AND GREATER RESTRICTIONS.

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

Section F. INTERPRETATION.

In the interpretation and application of this Section, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

Section G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Dunn or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

Section H. PENALTIES FOR VIOLATION.

Violation of the provisions of this Section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered as a separate offense. Nothing herein contained shall prevent the City of Dunn from taking such other lawful action as is necessary to prevent or remedy any violation as per the City of Dunn UDO and the Dunn City Code.

Article 4. ADMINISTRATION.

Section A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Planning Director of the City of Dunn, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this Section.

Section B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT, AND CERTIFICATION REQUIREMENTS.

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:
- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

- ii. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii. flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - iv. the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - v. the Base Flood Elevation (BFE) where provided as set forth in Section 3, Subsection B; Section 4, Subsection C(11 & 12); or Section 5, Subsection D;
 - vi. the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- i. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - ii. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - iii. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- (c) If floodproofing, a Floodproofing Certificate (*FEMA Form 81-65*) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale,, which shall include details of the proposed foundation system to ensure all provisions of this Section are met. These details include but are not limited to:
- i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - ii. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 5, Subsection B(4)(d), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
- (e) Usage details of any enclosed areas below the regulatory flood protection elevation.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 5, Subsections B (6 & 7) of this Section are met.

- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A description of the development to be permitted under the floodplain development permit.
- (b) The Special Flood Hazard Area determination for the proposed development per available data specified in Section 3, Subsection B.
- (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (d) The regulatory flood protection elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(3) **Certification Requirements.**

(a) Elevation Certificates

- i. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- ii. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- iii. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to

Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

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

Section C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1)** Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Section have been satisfied.
- (2)** Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.

- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 5, Subsection E are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 4, Subsection B(3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Section 4, Subsection B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Section 4, Subsection B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 4, Subsection B(3) and Section 5, Subsection B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Section 3, Subsection B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 5, Subsection D(2)(b), in order to administer the provisions of this Section.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 3, Subsection B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this Section.
- (13) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this Section and make these records available for public inspection.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the

work is being done according to the provisions of the local Section and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Section, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Section 4, Subsection D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 3, Subsection B of this Section, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

Section D. CORRECTIVE PROCEDURES.

- (1) Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the Flood Damage Prevention Section;

- (b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - (c) that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Section, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred-eighty (180) calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to City Council giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

Section E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by the City of Dunn, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this Section.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (b) functionally dependent facilities if determined to meet the definition as stated in Section 2 of this Section, provided provisions of Section 4, Subsection E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (c) any other type of development, provided it meets the requirements stated in this section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;

- (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Section 2 of this Section as a functionally dependent facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this Section, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or Sections.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Sections.
- (10) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) The City of Dunn has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

Article 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

Section A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Section, shall meet the requirements of "new construction" as contained in this Section.
- (9) Nothing in this Section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Section and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Section.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 4, Subsection E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 4, Subsection B(3) of this Section.
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Section B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 3, Subsection B, or Section 4, Subsection C(11 & 12), the following provisions, in addition to Section 5, Subsection A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 2 of this Section.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the

regulatory flood protection elevation, as defined in Section 2 of this Section. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 5, Subsection H(3). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 4, Subsection B(3), along with the operational and maintenance plans.

(3) Manufactured Homes.

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

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

- (a)** shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b)** shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- (c)** shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;
 - i.** A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii.** The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii.** If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv.** The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - v.** Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

- vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(6) Recreational Vehicles. Recreational vehicles shall either:

- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- (b) meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;

- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
- (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;

- (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with Section 5, Subsection A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with Section 5, Subsection A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 5, Subsection B(4)(c).

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

Section C. RESERVED.

Section D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

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

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (2) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
- (a) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Section and shall be elevated or floodproofed in accordance with standards in Section 4, Subsection C(11 & 12).
 - (b) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 3, Subsection B to be utilized in implementing this Section.
 - (c) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Section 2.

Section E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards outlined in Section 5, Subsections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Section F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 3, Subsection B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
 - (a) the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

- (2) If Section 5, Subsection F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Section.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Section 5, Subsection B(3); and
 - (b) the no encroachment standard of Section 5, Subsection F(1).

Section G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Section 3, Subsection B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. All new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade plus a freeboard of two (2) feet if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 5, Subsection H(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Section 4, Subsection B(3) and Section 5, Subsection B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION 6. LEGAL STATUS PROVISIONS.

Section A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION SECTION.

This Section in part comes forward by re-enactment of some of the provisions of the flood damage prevention Section enacted March 1, 1990 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Section shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention Section enacted on March 1, 1990, as amended, which are not reenacted herein are repealed.

Section B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain

administrator or his or her authorized agents before the time of passage of this Section; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Section.

Section C. EFFECTIVE DATE.

This Section shall become effective upon adoption.

8.02 STORMWATER MANAGEMENT

A. PURPOSE AND APPLICABILITY

Development activities tend to increase the volume of stormwater runoff due to the elimination of pervious surfaces through paving and the construction of buildings and other structures. Stormwater runoff impacts the public health, safety, and welfare by flooding private and public property, by discharging pollutants, such as oils and greases, into receiving water bodies, and by making public streets and roads unsafe. Therefore, applicants for development authorization in which the total impervious surface will exceed 20,000 square feet, shall not be entitled to a development permit until such time as the applicant has submitted a stormwater management plan demonstrating compliance with this section.

A. PLAN PROTECTION

The stormwater management plan shall be prepared, signed, and sealed by a registered or licensed North Carolina professional with qualifications appropriate for the type of system required and to the degree they are permitted to do so under the law.

B. CONCEPTUAL STORMWATER MANAGEMENT PLAN

1. Purpose

The purpose of a conceptual stormwater management plan is to demonstrate the likelihood that a development undergoing site plan or subdivision review will meet the standards for stormwater management contained in this section.

1. Contents of a conceptual stormwater management plan

When a conceptual stormwater management plan is required, the following requirements shall apply:

- a. The plan shall show the location of proposed improvements, shall only include stormwater related features, and shall not be shown on any other plan such as a site plan, an erosion control plan, or a landscape plan.
- b. Calculations, including all assumptions of the pre- and post-development stormwater runoff rate in cubic feet per second generated by the peak runoff from a ten-year storm.
- c. Identification of drainage areas.
- d. A general layout of stormwater drainage features within the development.
- e. If applicable, a statement describing the feature or features proposed to limit the post development stormwater runoff rate to the pre-development stormwater runoff rate, and the proposed location and size of feature(s).
- f. Location of the point(s) of discharge of the stormwater system.
- g. Location of connection(s) to the City stormwater system, if applicable.

If in the opinion of the Administrator, the conceptual stormwater management plan does not adequately address the requirements of the stormwater resolution, additional information may be required.

C. CONTENTS OF FINAL STORMWATER MANAGEMENT PLAN

Final stormwater management plans shall contain the following elements:

1. A plan showing all pre- and post-development features with (1) a table listing and describing each feature and whether or not it is impervious, (2) each feature's area in square feet or acres and the percent each feature represents of the total area, and (3) identification and delineation of all drainage areas and point(s) of discharge of the stormwater system. This plan shall be drawn in a suitable easy to read scale and shall be a separate document and not part of any other plan.
2. Topographic contours or spot elevations for all pre- and post-development areas. Topographic contours or spot elevations shall clearly show pre- and post-development drainage patterns.
3. Calculations showing the pre- and post-development rate of stormwater runoff in cubic-feet-per second generated by the peak runoff rate from a ten-year storm.
4. Details of proposed stormwater drainage structures, infiltration areas, retention ponds or detention ponds including as appropriate pertinent elevations, sections, outlet details, area capacity curves, identifying labels, and other information as required by the Administrator.
5. Details and logical calculations and tables showing all design assumptions, methods of analysis, the pre- and post-development runoff qualities, capacities of proposed structures, slopes, sizes, identifying labels, and other information as required by the Administrator.

D. STANDARDS FOR REVIEW

Unless the applicant has been approved to discharge stormwater runoff into an existing City stormwater facility with sufficient capacity to accommodate increased flows attributable to the proposed development as provided below, the stormwater management plan shall be designed so that the post-development rate of stormwater runoff, shall not exceed the pre-development rate of stormwater runoff. The stormwater management plan may propose retention either on-site or off-site or by means of a combination of on-site and off-site. If any or all of the stormwater from a design storm is proposed to be retained off-site, such shall be done only under express terms of a recorded easement.

E. DISCHARGE INTO CITY STORMWATER FACILITY

An applicant may request authorization to discharge stormwater runoff from a proposed development into an existing City stormwater facility. Upon determination that there is sufficient capacity in the City stormwater facility to accommodate the runoff associated with the proposed development, as well as existing and other anticipated runoff, the Administrator, or his designee, may authorize the applicant to discharge into the City facility. All costs associated with such discharge, including installation of necessary storm sewers, shall be borne by the applicant.

F. INSTALLATION OF STORMWATER SYSTEM

The stormwater system shall be installed in substantial conformity with the plans. If there are significant deviations from the design, a revised plan showing the deviations shall be submitted in time to permit the review and approval of the plans before any construction work affected by such deviations is begun. Upon completion of construction, a registered professional appropriate for the type of stormwater system designed must certify in writing to the Administrator that the system was inspected during construction and was constructed in substantial conformity with the approved plans, and shall submit a suitable plan clearly marked "As-Built" showing the system as constructed. No Certificate of Occupancy shall be issued until these requirements are met and the as-built plan has been approved. If a development has been approved for construction in phases, a temporary certificate of occupancy may be requested for each phase as long as all other requirements are met. The as-built plan described above will be required at the completion of all phases.

G. MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

1. The owner of a stormwater management facility shall be responsible for maintenance of that facility unless the City accepts maintenance as provided below. This responsibility shall be noted on the final plat and deeds for any affected lots.
2. Any detention or retention facilities approved under this Section shall be subject to inspection by the Administrator at least annually and the owner shall pay an annual inspection fee the amount of which shall be determined by resolution of City Council. The owner shall correct any deficiencies within 30 calendar days of written notification thereof. Failure to correct deficiencies or to pay the annual inspection fee shall constitute a violation of this Section.
3. Whenever an existing or future private stormwater management facility is proposed to serve a development undergoing site plan or special use review, the following shall be provided the Administrator prior to issuance of a certificate of occupancy.
4. A written inspection and maintenance agreement in a form acceptable to the City and executed by the applicant and the owners of the facility, which shall bind the parties thereto and all subsequent owners, successors and assigns, and provide for the following:
 - a. If a party other than the applicant assumes primary responsibility for the maintenance of the facility, the applicant shall guarantee the maintenance of the facility and assume ultimate responsibility thereof.
 - b. Access to the facility at reasonable times for inspection by the City and/or its agents or representatives.
 - c. That if an order directing the correction, repair, replacement, or maintenance of the facility or of any portion thereof is not satisfactorily complied with within a reasonable period of time, as deemed appropriate by the Administrator, the City may, after notice to the owner, enter the land and perform all necessary work to place the facility in proper working condition, and may assess the owners of the subject property with the cost of said work, which cost shall be a lien on such property and may be collected as provided in G.S. § 160A-193. Notice shall be provided five (5) calendar days prior to

entry and performance of necessary work by the City. Notice shall be in writing and shall be delivered to the owner by hand-delivery, by certified mail, return receipt requested, or by any other means allowed by Rule 4 of the North Carolina Rules of Civil Procedure. The owners of all property served by the facility shall be jointly and severally responsible to the City for the maintenance of the facility and liable for any costs incurred by the City pursuant to said agreement, and all such properties are jointly and severally subject to the imposition of liens for said costs.

- d. The Inspection and Maintenance Agreement shall be recorded in the Register of Deeds Office for Harnett County at the expense of the applicant.
 - e. Any other provision as may be reasonable required by the City to achieve the purposes of this section.
5. When deemed necessary by the City, an easement in a form approved by the City, granting the City and its agents and representatives adequate and perpetual access to the facility and sufficient area for inspection and maintenance, if necessary, by the City, its agents and representatives. Said easements shall be filed in the Office of the Register of Deeds for Harnett County at the expense of the applicant, and shall bind all subsequent owners and assigns of the facility and of the property on which the easement is located.

H. EMERGENCY AUTHORITY

If the Administrator determines that the condition of any stormwater management facility presents an immediate danger to the public health and safety because of an unsafe condition or improper maintenance, the Administrator shall take such actions as may be necessary to protect the public and make the facility safe. Any costs incurred by the City as a result of the Administrator's action shall be assessed against any or all of the owners of property served by said facility who shall be jointly and severally liable for all said costs and whose property shall jointly and severally be subject to a lien for said costs which may be collected as provided in G.S. § 160A-193.

ARTICLE 9 – NONCONFORMITIES

9.01 PURPOSE & APPLICABILITY

After the effective date of this Ordinance, pre-existing land or structures, or uses of land or structures which would be prohibited under the regulations for the district in which it is located, shall be considered as nonconforming. It is the intent of this UDO to transition these nonconformities into conformity with the provisions of this UDO, to discourage the continued existence of uses and structures that are incompatible with the current UDO, and to define the circumstances under which existing nonconformities may continue.

9.02 NONCONFORMING USES AND STRUCTURES

A. MAINTENANCE AND REPAIR

Normal maintenance or repair of nonconforming structures, or structures where nonconforming uses are located, may be performed to an extent not exceeding 50% of the current assessed value of the structure per year. Such maintenance and repair shall not be allowed to increase the usable space of the nonconforming structure or use, except pursuant to this section.

B. ABANDONMENT AND DISCONTINUANCE

1. A nonconforming use or structure shall be presumed to be discontinued and abandoned, shall lose its nonconforming status, and shall not be reestablished or resumed and thereafter be used only for conforming purposes under any of the following circumstances:
 - a. The owner has indicated intent to abandon the use or structure, delivered in writing to the Administrator.
 - b. A nonconforming use is discontinued for a consecutive one-hundred & eighty (180) day period or for a total of one-hundred & eighty (180) calendar days in a twelve (12) month period.
2. When a use of land or structure made nonconforming by the adoption of this UDO is vacant or discontinued at the effective date of this UDO, the defined time periods begin at that date.
3. All of the buildings and activities on the lot shall be considered as a whole in determining whether a right to continue a nonconforming situation is lost pursuant to this section.

C. NONCONFORMING USES

1. A nonconforming use may be changed, modified, or expanded to any permitted uses in the subject district. The affected property may not then revert to a nonconforming use.
2. A nonconforming use may be extended through any portion of a completed building that, when the use was made nonconforming, was designed or arranged to accommodate such use. A nonconforming use may not be extended to additional buildings or land.

D. NONCONFORMING STRUCTURES

1. A nonconforming structure damaged by fire, flood, or other circumstance such as a natural disaster, may be repaired, reconstructed, and used as before if the damage does not exceed fifty percent (50%) of its replacement value. Repairs and reconstruction should be done within twelve months from date of damage. If the replacement value exceeds 60%, the owner may apply for a variance from this section. All applicable application fees shall be waived.
2. If the value of damage of a nonresidential structure exceeds fifty (50%) percent of the replacement value, the building or structure may only be reconstructed in a conforming manner.
3. If the value of damage of a residential structure exceeds fifty (50%) percent of the replacement value, the building or structure may be repaired, reconstructed, and used as before, providing construction is completed within twelve months of date of damage.

9.03 NONCONFORMING LOTS AND SITES

This section applies to undeveloped nonconforming lots of record, which are defined as lots that have no substantial structures on it.

A. GOVERNMENT ACQUISITION OF LAND

Government acquisition of land, such as right-of-way or other government use, shall not render a lot nonconforming.

B. USES

When a nonconforming lot can be used in conformity with all regulations applicable to a conforming use, except that the lot is smaller than the minimum specified for that use, then the lot may be used as if it were conforming.

C. CONTIGUOUS NONCONFORMING LOTS

If, on the effective date of this UDO, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then the provisions of this section cannot be taken advantage of and the undeveloped lots shall be considered as one lot and be recombined. This shall not apply if a majority of the developed lots on either side of the street and within five-hundred (500) feet of the undeveloped lot are also nonconforming.

D. SETBACKS

When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements located in *Article 4 – Zoning Districts* cannot reasonably be complied with, then a permit may be issued by the Administrator for the proposed to allow deviations from the setback requirements if the Administrator finds that:

1. The property cannot reasonably be developed for the use proposed without such deviations;
2. These deviations are necessitated by the size or shape of the nonconforming lot; and

3. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

9.04 NONCONFORMING SITE ELEMENTS

A. SITE ELEMENTS APPLICABILITY TABLE

The following table summarizes the requirements that shall be met when there are changes to existing developments and/or to nonconforming structures or uses. A “✓” indicates that compliance with all applicable standards is required.

	Dimensional Standards	Building Design Standards	Buffers, Screening, & Landscaping	Parking Lot Landscaping	Outdoor Lighting	Signage [d]	Sidewalks
Existing Development:							
Change of Use (from residential to nonresidential or mixed use)		✓	✓	✓	✓	✓	✓
Parking Area Expansion:							
Less than 15 Parking Spaces or <40% of Paved Area				✓[a]	✓[a]		
Expansion of ≥ 40% of Paved Area or 15 Parking Spaces or more			✓	✓	✓	✓	✓
Structure or Building Expansion/Reconstruction:							
< 50% of Existing Floor Area	✓[a,b]	✓[a]			✓[a]	✓	
≥ 50% of Existing Floor Area	✓[a,b,c]	✓[c]	✓	✓	✓	✓	✓

(a) – For expanded/reconstruction portion only.

(b) – Exception: Maximum front setbacks should be met to the extent practical as determined by the Administrator.

(c) – For expansions, reconstruction areas, and all other walls facing public streets.

(d) – See also Section 9.05, Nonconforming Signs, below.

9.05 NONCONFORMING SIGNS

It is the intent of this section to provide a reasonable time for the elimination of nonconforming signs. The provisions of this section shall apply to nonconforming signs. Nonconforming signs may remain in use, subject to the regulations of this section and all other applicable requirements.

A. NORMAL MAINTENANCE AND REPAIR

1. Nonconforming signs may be repaired or renovated as long as the cost of such work does not exceed, within a twelve-month period, fifty (50) percent of the value of such sign. A development permit or building permit for such renovation or repair may also be required. Proof of value is required at the time of permit.
2. The message or face of a nonconforming sign may be changed, so long as a change in use has not occurred. If a change in use occurs, the sign must be brought into full conformity with this UDO.

B. ENLARGEMENT OR ALTERATION

1. No nonconforming sign shall be enlarged or altered in any manner that results in a greater degree of nonconformity.
2. No modification of the structure of any nonconforming sign shall be permitted, except to bring the sign into conformity.

C. DISCONTINUATION

1. If a nonconforming sign or its supporting frame, pole or other such equipment advertises a business, service, commodity, accommodation, attraction or other enterprise or activity no longer operating or being offered or conducted, that sign and its supporting equipment shall be considered abandoned and shall be removed within 90 days after such abandonment by the sign owner, property owner or other person having control of the property.
2. A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards, or demountable material on nonconforming signs shall be permitted through the period prescribed by this section.
3. Owners of nonconforming, off-premises signs shall not be eligible to receive a development permit to erect a new off-premises sign until all nonconforming off-premises signs in their ownership and subject to this ordinance comply fully with the provisions of this ordinance.

9.06 NONCONFORMING PLANS OR DEVELOPMENT APPROVALS

A. SITE-SPECIFIC PLANS

Any site-specific plan for the development of property and/or construction of a building which has received final approval by the City of Dunn for development and/or construction, but does not conform to this Ordinance, may be developed and/or constructed in accordance with the Ordinance, rules, and regulations in effect at the time that it was approved, including any conditions imposed upon approval.

B. AMENDMENTS AND MODIFICATIONS

Any amendment or modification to an approved site-specific plan, which would have required approval pursuant to the Ordinance, rule or regulation by which the plan was originally approved, shall be reviewed and considered in accordance with the terms and provisions of this Ordinance as if it were an amendment or modification to a plan originally approved under this Ordinance.

ARTICLE 10 – ENFORCEMENT

10.01 COMPLAINTS REGARDING VIOLATIONS

A. PROCESS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file complaint with the Administrator. Such complaint shall include a detailed description of the cause and basis for the alleged violation and shall be documented with the Administrator who shall establish a record of such complaint, investigate each complaint in a timely manner, and take appropriate action as provided by this Ordinance.

10.02 ENFORCEMENT AUTHORITY

A. ROLE OF ADMINISTRATOR

1. Unless specifically set forth otherwise in this Ordinance, or prohibited by law, the Administrator is hereby authorized to enforce the provisions of this Ordinance.
2. Pursuant to G.S. § 160D-403(e), the Administrator may enter any building, structure or premises as provided by law, to perform any duty imposed upon them by this Ordinance.

B. RELATIONSHIP TO STATE STATUTES

1. This Ordinance shall be enforceable in accordance with the provisions of G.S. § 160D-404 and G.S. § 160A-175.

10.03 PERSONS LIABLE

Pursuant to G.S. § 160A-175, any person who erects, constructs, reconstructs, alters, repairs, converts, or maintains any building, structure, sign or sign structure or develops, grades or otherwise alters property in violation of this Ordinance, and any person who uses any building, structure, sign or sign structure or land in violation of this Ordinance shall be subject to civil and/or criminal penalties. For the purposes of this Article, responsible persons(s) shall include but not be limited to:

A. PERSON(S) MAINTAINING CONDITION RESULTING IN OR CONSTITUTING VIOLATION.

An architect, engineer, builder, contractor, developer, agency or any other person who participates in, assists, directs, creates, causes or maintains a condition that constitutes a violation of this Ordinance, or fails to take appropriate action, so that a violation of this Ordinance results or persists.

B. PERSON(S) RESPONSIBLE FOR LAND OR USE OF LAND.

The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person who has control over, or responsibility for, the use, development or redevelopment of the property.

10.04 CIVIL REMEDIES

The City shall issue civil citation and penalties for any violation of this Ordinance which shall require the payment of a civil penalty according to the following procedures:

A. NOTICE OF VIOLATION AND OPPORTUNITY TO CURE

1. Whenever the Administrator has reasonable cause to believe that a person is violating any of the provisions of this Ordinance or any plan, order, or condition issued pursuant to this Article, that official shall immediately notify that person of the violation.
2. Such notice of violation shall be in writing and shall be served in any manner permitted by G.S. § 160D-404(a). This notification shall also include possible penalties and/or legal actions, deadlines for correction or appeal, and method of appeal.
3. Violations shall be corrected within ten (10) days of the issuance of a warning citation. If the violation is not corrected within the specified time period, a citation subject to a civil penalty shall be issued. The City may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72) hours after being cited for a violation. In addition, failure to pay the civil penalty within seventy-two (72) hours shall subject the violator to a twenty-five dollar (\$25.00) per day late charge. The following civil penalties are established for violations under this section:

Warning Citation	Correct violation within 10 days
First citation	\$25.00, correct violation within 10 days
Second citation for same offense	\$100.00, correct violation within 10 days
Third citation for same offense	\$250.00, correct violation within 10 days
Fourth and subsequent citations for the same offense	\$500.00 per day that violation continues to exist

4. Subsequent citations for the same violation may be issued by the Administrator once the initial warning citation has expired. Each day which the violation continues upon the issuance of the fourth citation may subject the violator to additional citations. The violator may seek an appeal to the actions of the zoning enforcement officer through the board of adjustment within thirty (30) days of the initial notice of violation, which shall be the warning citation.
5. If the Administrator notifies a party of a violation and that violation is remedied but subsequently reestablished within a period of one hundred eighty (180) days thereafter, a warning citation shall not be reissued. Rather, this shall be considered a continuation of the violation and the zoning administrator shall have the ability to immediately issue citations with monetary penalties as if the cessation had never occurred.

B. NOTICE OF STOP WORK / OPERATION / ACTIVITY.

1. If, in the opinion of the Administrator, work or activity is in progress in violation of this Ordinance and can be reasonably halted until a notice of violation may be delivered in accordance with this Article, a notice may be posted on-site or hand delivered to the apparent responsible party on-site. Such notice shall stay all further work or activity on the site in violation of this Ordinance.
2. If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure, or land is occupied or used in violation of the General Statutes of North Carolina, this Ordinance, or other regulation made under authority conferred thereby, the City of Dunn may apply to any court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
3. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the City may execute the order of abatement. The City shall have a lien on the property for the cost of executing an order of abatement.

10.05 EQUITABLE RELIEF

In addition to the civil penalties set out above, any provision of this ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The Administrator may apply to a judicial court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. It is not a defense to the Administrator's application for equitable relief that there are other remedies provided under general law or this Ordinance.

10.06 COMBINATION OF REMEDIES

The City may choose to enforce this Article by one, all, or combination of the above procedures.

A. PERMIT REVOCATION

1. The Administrator may revoke any permit by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a permit has been mistakenly issued in violation of this Ordinance.
2. Before a permit is revoked, the Administrator shall give the permit recipient ten (10) days' notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

3. No person may continue to make use of land or buildings in the manner authorized by any permit after such permit has been revoked in accordance with this Article.

10.07 SPECIFIC TYPES OF VIOLATIONS

A. FLOOD DAMAGE PREVENTION

1. Violation of the City of Dunn flood damage provisions in this Ordinance or failure to comply with any of the requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor. Any person who violates the flood damage provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Dunn from taking such other lawful action as is necessary to prevent or remedy any violation.
2. See *Article 8 – Environmental Protection* for specific procedures.

B. SIGNS

1. Pursuant to G.S. § 160A-193, the Administrator shall have the authority to summarily remove, abate, or remedy a sign or sign structure which has been determined to be dangerous or prejudicial to the public health or safety.
2. The expense of the action shall be paid by the sign owner or if the sign owner cannot be ascertained, by the property owner, and if not paid, there shall be a lien placed upon the land or premises where the violation arose, and it shall be collected as a money judgment.
3. The Administrator shall have the authority to remove summarily any signs or sign structures prohibited under *Article 6 – General Development Standards*.

ARTICLE 11 – DEFINITIONS

11.01 INTERPRETATIONS & CONFLICTS

See Article 1 – General Provision.

11.02 ABBREVIATIONS

ADA - Americans with Disabilities Act

BUA - Built-upon Area

DBH - Diameter at breast height, which is the diameter of a tree measured four feet above grade

FAA - Federal Aviation Administration.

FCC - Federal Communications Commission.

FTA - Federal Telecommunications Act of 1996.

G.S. - North Carolina General Statutes

IESNA - Illuminating Engineering Society of North America

NCDEQ - North Carolina Department of Environmental Quality

NCDOT - North Carolina Department of Transportation

TIA - Traffic Impact Analysis

TRC - Technical Review Committee

UDO - Unified Development Ordinance

11.03 DEFINITIONS

As used in the UDO, the following terms shall have the meanings assigned to them in this section. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

ABUTTING - Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

ACCESS - A way of approaching or entering a property. Access also includes ingress, the right to enter and egress, the right to leave.

ACCESSORY STRUCTURE - A subordinate structure detached from but located on the same lot as the principal structure which houses an accessory use.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

ACTIVE CONSTRUCTION - Activities that contribute directly to the building of facilities including land-disturbing activities for roads, parking lots, footings, etc.

ADMINISTRATIVE DECISION - Decisions made in the implementation, administration or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this ordinance.

ADMINISTRATOR - The person designated to carry out the responsibilities established in this UDO or their designee.

ADULT ESTABLISHMENT - An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, or a massage business as defined by G.S. § 14-202.10.

AGRITOURISM - Agricultural uses, such as farms, ranches, and vineyards, that, through promotion and advertising, facilities, and activities, seeks to attract visitors, guests, and vacationers.

AIRSTRIP - A surface used for take-off and landing of aircraft.

ALLEY - A public or private vehicular way providing service access along rear or side property lines of lots which are also serviced by a street.

APARTMENT - See Dwelling, Multi-Family.

APPLICANT - A person, including any governmental entity, seeking development approval.

AUTOMOBILE - A device or contrivance normally used for carrying or conveying passengers, goods, or equipment by land and utilizing wheels, it is the intent of this definition to include devices or contrivances which meet the above requirement and which are normally permitted to travel upon public roads and highways either self-propelled or towed.

BAR/TAVERN/MICROBREWERY - A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities.

BED AND BREAKFAST HOME - A private home that offers bed and breakfast accommodations, and that:

- 1) No more than eight (8) guest rooms that offers bed and breakfast accommodations may be provided on each private residence for a period of less than one week;
- 2) Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home;
- 3) An owner/manager of a bed and breakfast facility shall reside on the property; and
- 4) Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.

BLOCK - A piece of land bounded on one (1) or more sides by streets or roads.

BOARDING HOUSE - A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

BONA FIDE FARM PURPOSES - Agricultural activities as set forth in G.S. 160D-9-3.

BUFFER - A system or method for dividing land, buildings, and/or structures or a combination of land, buildings, and/or structures and installed, placed, or planted for the purpose of controlling sight, sound, and trash.

BUILDING - Any structure used or intended for supporting or sheltering any use or occupancy; from Section 202 of the 2018 NC State Building Code.

BUILDING, ACCESSORY - A subordinate building, the use of which is incidental to that of a principal building on the same plat.

BUILDING, PRINCIPAL - A building in which is conducted the principal use of the plot on which it is situated.

BUILDING SETBACK - The minimum allowable distance between the nearest portion of any building excluding steps, gutters, and similar fixtures and the property line when measured perpendicularly thereto.

BUILDING HEIGHT - The vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge or a gable, hip or gambrel roof.

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

CEMETERY - A property used for interment of the dead and intended for non-commercial use.

CLUSTER DEVELOPMENT - The grouping of buildings to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

COLLEGE/UNIVERSITY - Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

COMMUNITY SUPPORT FACILITY - A permanent, stand-alone support facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services. This definition does not include emergency/hazard shelters or clothing/food collection centers as accessory uses.

COMPOSTING FACILITY - A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing or landscaping operations is deposited.

COMPREHENSIVE PLAN. - A comprehensive plan that has been officially adopted by the City Council pursuant to G.S. 160D-501.

CONDITIONAL ZONING - A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONDOMINIUM - See Dwelling, Two-family Dwelling, Multi-Family and Group Housing Development.

CONFERENCE/CONVENTION CENTER - See Special Events Center.

CONSERVATION EASEMENT - The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall either remain in its natural, scenic, open or wooded state; or be used for agricultural purposes authorized specifically authorized by the easement.

CORNER LOT - A lot which abuts the right-of-way to two (2) streets at their intersection.

CROSSWALK - A public or private right-of-way which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

DEDICATION - A gift by the owner of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

DETERMINATION – A written, final and binding order, requirement or determination regarding administrative decisions.

DEVELOPMENT – Per G.S. § 160D-102, development shall include:

1. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
2. excavation, grading, filling, clearing, or other alteration of land;
3. the subdivision of land as defined in G.S. 160D-802; or
4. the initiation or substantial change in the use of land or the intensity of use of land.

DEVELOPMENT APPROVAL - An administrative or quasi-judicial approval made pursuant to G.S. § 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal.

DEVELOPMENT REGULATION - A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. § 160D, or a local act or charter that regulates land use or development.

DRIVE-THRU/DRIVE-IN FACILITY - A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

DRY CLEANING & LAUNDRY SERVICES - Coin operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

DWELLING - Any building, structure, or manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of G.S. § 160D Article 12 it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.

DWELLING UNIT - A unit designed and intended to house a person or family that includes bathroom, cooking and sleeping facilities.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOME) - A building containing two or more dwelling units that are attached horizontally through common walls. Each dwelling unit occupies space from the ground to the roof of the building and is located on a separate lot.

DWELLING, SINGLE-FAMILY DETACHED - A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code.

DWELLING, TWO-FAMILY (DUPLEX) - A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance.

DWELLING, MULTI-FAMILY - A building including three (3) or more dwelling Units.

DWELLING, MULTI-FAMILY CONVERSION - A multi-family dwelling containing not more than four dwelling units and results from the conversion of a single building containing at least 2,000 square feet of Gross Floor Area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

EASEMENT - A grant of one or more of the property rights by the property owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures except when authorized by the town.

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

EMERGENCY/HAZARD SHELTERS. A shelter intended to protect occupants from temporary emergencies and hazards.

EROSION - The wearing away of land surface by the action of the wind, water, gravity, or any combination thereof.

EXISTING DEVELOPMENT - Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance.

EVIDENTIARY HEARING - A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. § 160D.

FAMILY CARE HOME - A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than 6 resident handicapped persons and is certified by the State of North Carolina. (NCGS 168-21)

FLOODPLAIN – For all floodplain related definitions, see *Article 7 – Environmental Regulations*.

FUNERAL HOMES/CREMATORIALS - Establishments for preparing the dead for burial or interment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

GAS/FUELING STATION - Any building or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station.

GENERAL COMMERCIAL - A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser.

HAZARDOUS WASTE - A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous waste facility means a facility for the storage, collection, processing, treatment, recycling, recovery, or disposal of hazardous waste

HOME OCCUPATION - Any occupation or profession carried on entirely within a dwelling or an approved accessory structure by one or more occupants thereof, provided that such use is clearly incidental and secondary to the primary dwelling purposes.

HOMESTAY – A residential use for short-term rentals that occurs within a private, residential occupied dwelling unit, and where up to two guest rooms are provided to transients for compensation for periods less than 30 days and where the use is subordinate and incidental to the main residential use of the building. A homestay may or may not have a separate kitchen, bathroom and/or entrance. A homestay must conform to the requirements of a “customary home occupation,” as defined in this UDO.

HOSPITAL - A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for profit or not-for-profit basis; but not including group homes.

HOTEL/MOTEL/INN - Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category.

INDUSTRIAL, HEAVY - A non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge; or that involves the use or storage of any hazardous materials or substances; or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity; or that involves the mining or extraction of any minerals, ore, fossil fuels, or other materials from beneath the surface of the earth. Typically, the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated 24 hours a day, 7 days a week).

INDUSTRIAL, LIGHT - A non-residential use that involves the manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. This includes medical and testing laboratories. This definition also includes facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

INFILL DEVELOPMENT - The term defining new development on land that has been previously developed or vacant land where development has occurred around the vacant land.

JUNKYARD - Any area or lot, or portion thereof, used for the storage, keeping, accumulation or abandonment of scrap or waste materials, including but not limited to, scrap metals, wastepaper, rags, buildings, used appliances, machinery or other scrap materials. A recycling processing center or recycling plant is not considered a junkyard.

KENNELS, OUTDOORS - A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

LEGISLATIVE DECISION - The adoption, amendment, or repeal of a regulation under G.S. § 160D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with G.S. § 160D Article 10.

LEGISLATIVE HEARING - A hearing to solicit public comment on a proposed legislative decision.

LIVESTOCK - Includes, but not be limited to, equine animals, bovine animals, sheep, goats and swine.

LOT – A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, for development, or both. The word "lot" includes the words "plot" and "parcel." The creation of a lot shall be regularly shaped and meet or exceed the minimum lot area and lot width standards in this ordinance.

LOT DEPTH - The average horizontal distance between front and rear lot lines.

LOT WIDTH - The horizontal distance between the side lot lines measured along the building front.

MANUFACTURED HOME - See G.S. § 143-145(7).

MANUFACTURED HOME, CLASS A - A manufactured home that meet or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (1) The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- (2) The manufactured home has a minimum of one thousand two hundred (1,200) square feet of enclosed and heated living area;
- (3) The pitch of the roof of the manufactured home has a minimum vertical rise of three and two-tenths (3.2) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;
- (4) The roof eaves and gable overhangs shall be twelve-inch minimum (rain gutters may be included in the minimum dimensions);
- (5) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (6) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (7) The front entrance to the manufactured home has stairs and a porch, the porch being at least four (4) feet by six (6) feet in size. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code;
- (8) The moving hitch, wheels and axles, and transporting lights have been removed;
- (9) Each manufactured home shall be only for single-family occupancy;
- (10) A manufactured home shall comply with the Federal Housing Administration requirements relative to tie downs;

(11) The electrical meters servicing the manufactured home shall be mounted (attached) directly to the manufactured home;

(12) A multi-sectional manufactured home is required. A singular sectional manufactured home is prohibited; and

(13) All manufactured homes shall otherwise meet all applicable zoning regulations for the zoning district in which the home is located.

It is the intent of these criteria to insure that a class A manufactured home, when installed, shall have substantially the appearance of an on-site conventionally built, single-family dwelling, to include landscaping in harmony with surrounding dwellings.

MANUFACTURED HOME SPACE - Any parcel or ground within a manufactured home court, designed for the exclusive use of one manufactured home.

MATERIALS RECOVERY & WASTE TRANSFER FACILITIES - This industry comprises establishments primarily engaged in a) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or b) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

MECHANICAL UTILITY/EQUIPMENT - Any piece of machinery or equipment with moving parts, generates noise, or causes any kind of environmental disturbance or creates emission of any kind, including air movement. Said machinery or equipment is generally functional or utilitarian in nature.

MEDICAL CLINIC - Medical service facilities that provide outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers; dialysis centers; outpatient family planning services; community health centers and clinics; blood and organ banks; and medical services such as physician's and dentist's offices.

MINI-STORAGE (SELF-STORAGE FACILITY) - A facility which leases individual storage units with controlled access, such as rooms, lockers, or other similar compartments, to tenants, usually on a short-term, often month-to-month basis, for storage of personal items. Typically, such facilities have units which are accessed individually from the exterior but may also include units which are accessed from an area inside the facility. Use of a vacant building for storage is not considered a self-storage facility and may only be allowed in districts where "storage" or "storage buildings" are listed as a permitted use.

MODULAR HOME - A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

MOTOR VEHICLE - All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

NONCONFORMING USE - The use of a building, including manufactured homes which does not conform to the use or dimensional regulations of this ordinance for the district in which it is located, either at the effective date of the ordinance or as a result of subsequent amendments which may be incorporated.

NURSERY AND GARDEN CENTER - Any establishment that provides activities related to growing crops mainly for commercial food and fiber. Establishments, such as farms, orchards, groves, greenhouses, and nurseries, which are primarily engaged in the commercial production of crops, plants, vines, or trees and their seeds should be included in this category.

OFFICIAL GOVERNMENTAL FLAG - For the purposes of this section, an 'official governmental flag' shall mean any of the following:

The flag of the United States of America.

The flag of nations recognized by the United States of America.

The flag of the State of North Carolina.

The flag of any state or territory of the United States.

The flag of a political subdivision of any state or territory of the United States.

OUTSIDE STORAGE - Unenclosed depository of materials other than sample merchandise displayed for sale.

PARKING LOT/STRUCTURE, PRINCIPAL USE - A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

PARKING SPACE - The storage space for one automobile plus the necessary access space.

PAWNSHOP - Premises operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, Chapter 91A)

PERSONAL CARE SERVICES - Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services.

PERSONAL CARE SERVICES (RESTRICTED) - A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

PLANNING AND DEVELOPMENT JURISDICTION – The geographic area defined in G.S. 160D within which a City may undertake planning and apply the development regulations authorized in this ordinance.

PLAT - A map or plan of a parcel of land which is to be, or which has been, subdivided.

PROFESSIONAL SERVICES - Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

PRODUCE STAND - A temporary open air stand or place for the seasonal selling of agricultural produce by an individual.

PROPERTY - All real property subject to land-use regulation by a local government and includes any improvements or structures customarily regarded as part of real property.

PUBLIC ADMINISTRATION/CIVIC MEETING FACILITY - Not-for-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members. The uses often include meeting and storage facilities.

PUBLIC SAFETY STATION - Facilities for federal, state and local law enforcement and fire protection agencies, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

QUASI-JUDICIAL DECISION - A decision involving the findings of fact regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation.

RACETRACK - An outdoor course prepared for horse, dog, automobile, or other vehicle racing.

RECREATION FACILITIES, INDOOR - Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

RECREATION FACILITIES, OUTDOOR - Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, and tennis

courts and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters.

RECYCLING COLLECTION STATION - An incidental use that serves as a drop-off point for temporary storage of recoverable resources. No processing of such items is conducted.

RECYCLING PLANT - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, cardboard and other paper products, metal cans, plastics, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may be used again for production.

RELIGIOUS INSTITUTION - Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

RESIDENTIAL CARE FACILITY - A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS §131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes family care homes and halfway houses.

RESTAURANT - A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30% of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

SANITARY LANDFILL - A facility for disposal of any form of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under G.S. § 130A.

SHELTER, TEMPORARY - A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residence as a result of sudden natural or man-made catastrophe including, but not limited to earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substances(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state or federal official or an emergency agency such as the American Red Cross or the Emergency Management Assistance. Such temporary shelter may also be permitted for the housing of those made homeless due to other circumstances and under the auspices of a non-profit agency.

SHOOTING RANGE, OUTDOOR - A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range exclude any area for the exclusive use of archery or air guns or enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

SIGN - Any object, device, fixture, placard or structure, or part thereof, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The following words, terms and phrases, when used to describe signs, shall have the meanings ascribed to them as listed below, except where the context clearly indicates a different meaning:

Attached Sign:

(1) Projecting: A sign attached to and supported by a building and extending beyond the building to which it is attached at a right angle; or

(2) Wall: A sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted.

Building Wall:

An exterior bearing or nonbearing vertical structure which encompasses the area between the final grade elevation and the eaves of the building and is used as an enclosed wall for a building. A porch, balcony, or stoop is part of the building structure and may be considered as building wall space.

Business frontage:

The distance, measured along a wall of a building side on which at least one (1) main entrance is located. If the building has a main entrance on more than one (1) side, the longest side shall be used to compute overall signage square footage, and no other sides shall be included in such calculations.

Changeable copy sign:

Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message. This shall include electronic message boards, LED type signs, and electronic price signs. This shall not include or be interpreted to permit electronic or changeable copy on outdoor advertising signs.

Controlled access roadway:

A roadway with four (4) or more lanes divided by a median with speed limits that would exceed fifty (50) miles per hour, where access to and from the road is by interchange only.

Freestanding sign:

Any sign that is not attached to a building structure, is over forty-two (42) inches in height, and does not exceed a maximum height of twenty-five (25) feet measured from the ground line. Such signs shall be permanently mounted to the ground.

Ground sign (low profile sign):

Any sign that is not attached to any building structure, is under forty-two (42) inches in height and up to twelve (12) feet in length. Such signs shall be permanently secured to the ground.

Illuminated sign shall mean a sign that is illuminated by an electric or other device, mainly for clear visibility at night.

Major entrance:

A street entrance or entrances leading from collector streets, major thoroughfares or highways to subdivisions, multi-family uses, planned unit developments, industrial, commercial, or office and institutional subdivisions, as determined by the Administrator.

Major thoroughfare, for purposes of signage:

A major thoroughfare constituting all streets public or private that have a minimum right-of-way width of sixty (60) feet.

Master sign plan:

A set of specifications for all signage to be used in conjunction with a development, including all outparcels. The specifications shall include location, number, size, type, letter size and color. Such specifications may be more restrictive, but may not be less restrictive than the regulations within the underlying zoning classification.

Off-premise signs:

Signs that draw attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located. All off-premise signs shall be attached wall signs.

Outdoor advertising:

Any sign which advertises an establishment, service, commodity, goods, or entertainment sold or offered on premises other than that sold or offered on property where the sign is located.

Owner:

Any person, firm, corporation, lessee, receiver, trustee, guardian, or personal representative, holding legal title or legal right to occupy or carry on business in a structure or any facility and shall include each and every person who:

- (1) Shall have title to or benefit of a sign; or
- (2) For whose benefit any type of sign is erected or maintained.

Where there is more than one (1) owner, their duties and obligations under this article are joint, and several, and shall include the responsibility for such sign.

Parapet wall:

That portion of the building support wall that is constructed in conjunction with the building structure, extends above the level of the roof line, and is a part of the original construction or a part of substantial structural changes made subsequent to the original construction.

Political sign:

A sign which advertises, informs, or attracts attention to political candidates or political issues.

Portable sign:

Any sign, which is manifestly designed to be transported from one (1) place to another, whether on its own trailer, wheels, or otherwise even though the wheels of such sign may be removed, and the remaining chassis or support constructed without wheels is converted to an A- or T-frame sign and

typically has space provided for advertising messages that may be changed at will by the replacement of lettering or symbols.

Real estate sign:

A sign advertising the premises (on which the sign is located) for sale, rent or lease.

Right-of-way:

An area owned or maintained by the city, the state, any railway system or private concern for the placement, use, or maintenance of roads, utilities, or railroads.

Roof line:

The edge of the roof around the building structure where a wall intersects with the eaves of the roof.

Secured:

Placement in a concrete footing, holes with compacted earth or gravel, or other approved support, so as to be solidly affixed to the ground as a permanent structure.

Shopping center:

A building or a group of buildings, either connected or freestanding, under one (1) ownership or multiple ownerships of land parcels that is designed and has been approved by the city council of the city as a shopping center with common parking, pedestrian movement, ingress and egress, and used or intended to be used for the retail sale of goods and services to the public.

Special event:

Any activity or circumstance of a business or organization which is not part of its daily or regularly scheduled activities. Such activities may include without limitation grand openings, closeout sales (pursuant to G.S. 66-76 et seq.), and fundraising membership drives or events of civic, philanthropic, educational, or religious organizations or charities.

Strip shopping center:

A building or a group of buildings, either connected or freestanding, under one (1) ownership or multiple ownership of land parcels that is designed and has been approved by the city as a strip shopping center with common parking, exterior ingress and egress, and used or intended to be used for the retail sale of goods and services to the public.

Surface area:

The entire surface area of a sign or billboard measured by the dimensions of the square, rectangle, semicircle, or parallelogram thereof, and comprising the entire sign inclusive of any border or trim and all the elements of the matter displayed, but excluding the base or apron, supports, and other structural members. In the case of three-dimensional letters or letters directly painted on the wall surface, the surface area shall mean that area encompassing the individual letters themselves, including any trim or border and excluding the background that supports the three-dimensional letters.

Temporary sign:

A sign that can be used only for a designated period of time.

Traffic sign:

A sign indicating federal, state, county, or city speed limits, warnings, instructions, or regulations for vehicular, bicycle, and pedestrian movement.

Windblown signs:

Any banner, pennant, spinner, streamer, moored blimp, or gas balloon that is designed to advertise, inform, or attract the attention of persons not on the premises on which the sign is located.

SITE PLAN - A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structure on the lot. The site plan may include, but is not limited to, 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 site plan review.

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

SMOKE & TOBACCO SHOP - Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, usage or marketing of tobacco, tobacco products, or tobacco paraphernalia.

SPECIAL EVENTS CENTER - A venue to allow for various gatherings such as weddings, receptions, arts and crafts shows, corporate meetings, etc. on a smaller scale and which can be indoor or outdoor or a combination thereof.

SPECIAL USE PERMIT - A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgement and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as "conditional use permits" or "special exceptions."

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

STREET - A dedicated and accepted public right-of-way for vehicular traffic.

Highway: means a street whose principal function is moving volumes of traffic or high speed traffic, or both.

Major street: means a street whose principal function is for the circulation of traffic into, out, or around the city and carries a high volume of traffic.

Collector street: means a street whose principal function is to carry traffic between residential streets and the major street system, but that may also provide direct access to abutting properties. It is designed to collect traffic from between three hundred fifty (350) and six hundred (600) dwellings.

Subcollector street: means a street whose principal function is to carry traffic between residential streets and collector streets, and to serve abutting properties. It is designed to collect traffic from between one hundred fifty (150) and three hundred forty-nine (349) dwelling units. A loop street in excess of two thousand five hundred (2,500) feet in length shall be considered a subcollector street.

Residential street: means a street whose principal function is to serve abutting properties. It is designed to collect traffic from less than one hundred fifty (150) dwelling units. A loop street less than two thousand five hundred (2,500) feet in length shall be considered a residential street.

Minor street: means a street whose principal function is to serve abutting properties, and which shall be no longer than two (2) blocks. A cul-de-sac shall be considered a minor street.

Loop street: means a street that has its beginning and ending points on the same route.

Cul-de-sac: means a dead-end street which terminates in a paved turning circle or other turnaround approved by the city and which shall not exceed eight hundred (800) feet in length. Also, a cul-de-sac shall have a paved turnaround radius of not less than forty (40) feet and right-of-way radius of not less than fifty (50) feet.

STRUCTURE - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having more or less permanent location on the ground.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

SUBDIVIDER - Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION – The division of land for the purpose of sale or development. See G.S. § 160D-802.

THEATER, INDOOR - A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

THEATER, OUTDOOR - An establishment for the performing arts with open-air seating for audiences.

TRANSITIONAL HOUSING DORMITORY - A facility operated and funded by a non-profit, charitable, religious, or governmental organization that provides temporary housing, which may also include meals, to not more than thirty (30) persons. The term "temporary" as used in this definition shall mean a facility that has rules limiting stay to ninety (90) days or a progressing (stepped) program toward client independence that does not exceed eighteen (18) months. Any such facility must provide support services, including but not limited to counseling on an ongoing basis to residents to comprehensively assist the residents with their needs such as homelessness, employment, health and behavioral matters, and life skills. A transitional housing

dormitory shall be prohibited from being located within a one-half-mile radius of another group care facility and/or a transitional housing facility.

TRANSITIONAL HOUSING FACILITY - A facility operated and funded by a non-profit, charitable, religious, or governmental organization that provides temporary housing, which may also include meals, to not more than twelve (12) persons. The term "temporary" as used in this definition shall mean a facility that has rules limiting stay to ninety (90) days or a progressing (stepped) program toward client independence that does not exceed eighteen (18) months. Any such facility must provide support services, including but not limited to counseling on an ongoing basis to residents to comprehensively assist the residents with their needs such as homelessness, employment, health and behavioral matters, and life skills. A transitional housing facility shall be prohibited from being located within a one-half-mile radius of another group care facility and/or a transitional housing facility.

TRAVEL TRAILER - A structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and is designed for temporary use as a sleeping quarters, but that does not satisfy one (1) or more of the definitional criteria of a manufactured home.

UTILITIES - Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection, treatment and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities less than 180 feet in height for use by ham radio operators or two way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities. Utilities are divided into 3 classes:

Class 1: Transmission and collection lines (above and below ground) including electrical, natural, gas, waste water collection/transmission, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).

Class 2: Elevated water storage tanks; water and wastewater package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3: Generation, production, or treatment facilities such as power plants, water and sewage plants, etc.

VEHICLE SERVICES - An establishment that provides for the repair, removal and temporary storage of vehicles, but does not include disposal, permanent disassembly, salvage or accessory storage of junk, wrecked, or inoperable motor vehicles. Such vehicles stored inside a completely enclosed building shall not be counted toward the maximum number of vehicles permitted to be stored. Temporary storage shall be defined as less than one year.

VESTED RIGHT - The right to undertake and complete the development and use of property under the terms and conditions of an approval secured under G.S. § 160D-108 or under common law.

VETERINARY SERVICES - Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

VEHICLE RENTAL/LEASING/SALES - Establishments which may have showrooms or open lots for selling, renting or leasing automobiles, light trucks, motorcycles, and ATVs.

VEHICLE SERVICES – MAJOR REPAIR/BODY WORK - The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR - The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

WAREHOUSE - A building where wares, or goods, are stored before distribution to retailers, or are kept in reserve, in bond, etc.

WIRELESS TELECOMMUNICATION FACILITY - Any facility for the transmission and/or reception of wireless communication services usually consisting of antenna array, connection cables, and equipment facility and a support structure to achieve the necessary elevation.

Alternative Tower Structure - Man-made tress, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna Array - Any exterior apparatus designed for telephonic, radio or television communication through the sending and/or receiving of electromagnetic waves. The antenna array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.

Wireless Telecommunications Tower - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television towers, microwave tower structures and the like.

Fall zone - The radius around the base of the tower equal to the height of the tower.

Preexisting towers and antennas - Any tower or antenna for which a permit has been properly issued prior to the effective date of this section.

Height - When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

YARD - An open space on the same lot with a principal building or use, unoccupied and unobstructed from the ground upward, except as provided in this ordinance.

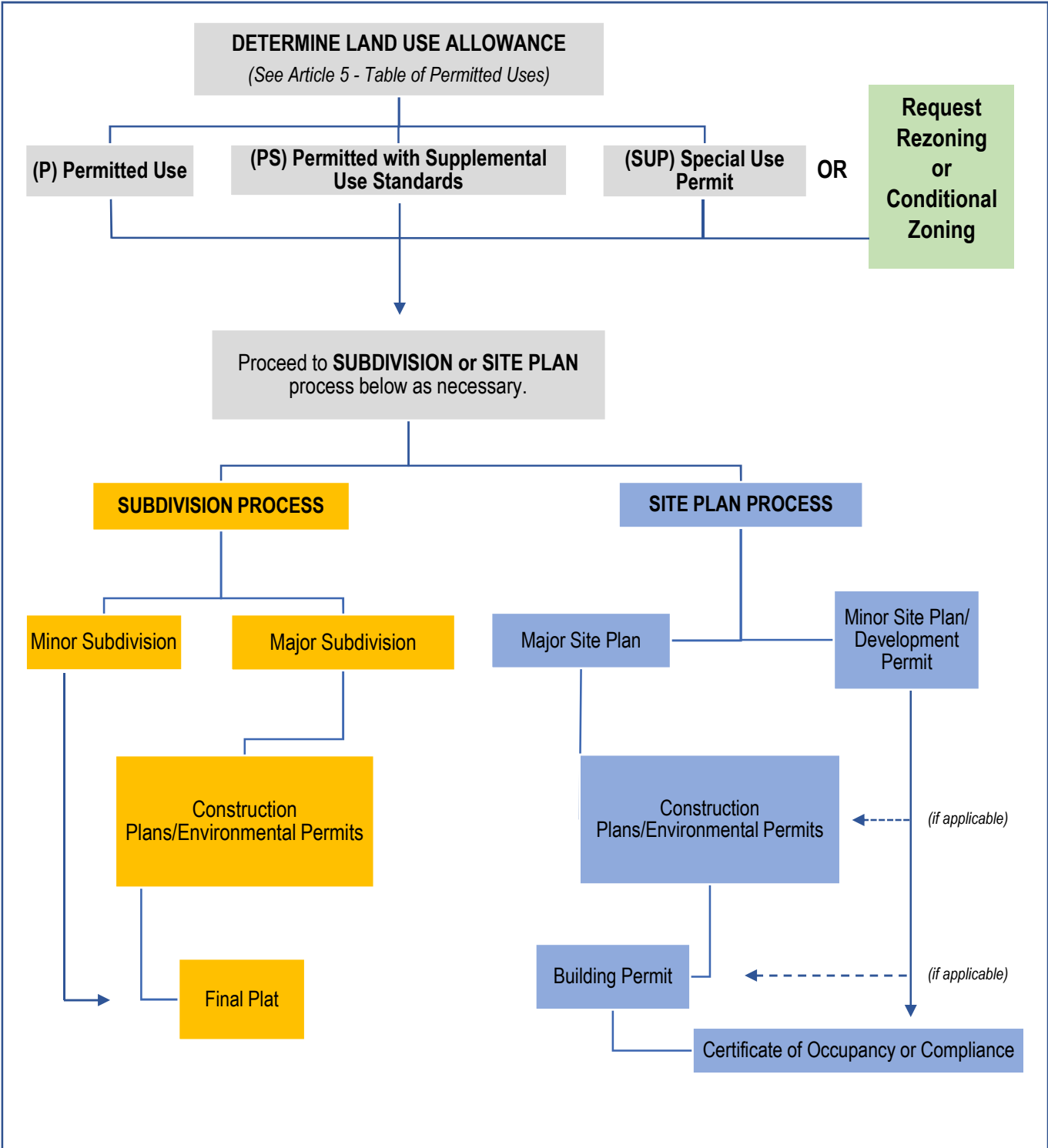
YARD, FRONT - An open space between the front line of the principal building or use and the front property or street right-of-way line, extending the full width of the lot.

YARD, REAR - An open space between the rear line of the principal building or use and the rear line of the lot, extending the full width of the lot.

YARD, SIDE - An open space between the side line of the principal building or use and the side line of the lot, extending from the front building setback line to the rear building setback line.

Appendix A – Typical Development Process Chart

The chart below illustrates the typical development review process that most projects in the City of Dunn will follow. It is not intended to be inclusive of all the application/approval processes that may be required in every instance. For specific information regarding what application/approval processes are required, contact the City of Dunn Planning Department.



Appendix B – Planting List

B.01 RECOMMENDED PLANTING LIST

The following list contains plant species that are native to the Dunn region or are known to be suitable for the area's climate. Alternative species may be substituted to satisfy the requirements of this Ordinance. If an alternative species is chosen, the applicant shall provide proof that the selected plant species are suitable for the region.

A. SHADE TREES

1. American Beech
2. Bald Cypress
3. Black Gum
4. Elm
5. Hickory
6. Japanese Zelkova
7. Laurel Oak
8. Live Oak
9. Pecan
10. Pin Oak
11. Poplar
12. Red Maple
13. Red Oak
14. River Birch
15. Southern Magnolia
16. Southern Sugar Maple
17. Sycamore
18. Water Oak
19. White Oak
20. Willow Oak

B. ORNAMENTAL TREES

1. American Holly
2. Carolina Silver Bell
3. Crabapple
4. Crape Myrtle
5. Eastern Redbud
6. Flowering Apricot
7. Flowering Dogwood
8. Japanese Maple
9. Red Cedar
10. Saucer Magnolia
11. Southern Magnolia
12. Star Magnolia
13. Wax Myrtle

14. Yaupon Holly

C. EVERGREEN TREES

1. Carolina Cherry Laurel
2. Canadian Hemlock
3. Eastern Red Cedar
4. Douglas Fir
5. Leyland Cypress
6. White Cedar

D. SHRUBS & HEDGES

1. Abelia
2. Azalea
3. Barberry
4. Boxwood
5. Camelia
6. Dwarf Yaupon Holly
7. Gardenia
8. Hydrangea
9. Indian Hawthorn
10. Juniper
11. Nandina
12. Rosemary
13. Wax Myrtle
14. Red tips
15. Privet

E. GROUND COVER

1. Carolina Jasmine
2. Centipede Grass
3. Common Periwinkle
4. Confederate Jasmine
5. Creeping Fig
6. Creeping Gardenia
7. Creeping Juniper
8. Daylily
9. English Ivy
10. Fescue Grass
11. Honeysuckle
12. Lantana
13. Liriope
14. Verbena
15. Winter Creeper
16. Zoysia Grass

Appendix C – Ordinance Amendment History

C.01 ORDINANCE AMENDMENT HISTORY

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