UNIFIED DEVELOPMENT ORDINANCE

Town of Troutman, North Carolina

ADOPTED 01/10/2019

AMENDED THROUGH 07/09/2020

Stantec

This document was prepared for the
TOWN OF TROUTMAN, NC - 2019

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1 GENERAL PROVISIONS

1.1 TITLE

This Ordinance is officially titled as Unified Development Ordinance of Troutman, North Carolina and shall be known as the Unified Development Ordinance (UDO). The official map designating the various zoning districts shall be titled, Town of Troutman Zoning Map, and shall be known as the Zoning Map.

1.2 AUTHORITY

The development regulations contained in the Unified Development Ordinance have been adopted pursuant to the specific authority granted to municipalities by the North Carolina General Statutes (NCGS) in Sections 160A-372, 160A-381 and 160A-381. The enumeration of these sections of the general statutes is not intended to exclude any other section of the general statutes which grants or confirms authority to municipalities to promulgate ordinances, rules, or regulations similar or identical to those set forth in the Unified Development Ordinance.

This UDO is designed to promote the public health, safety, and general welfare. To that end, these regulations address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations are made with reasonable consideration, among other things, as to the character of the Town and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Troutman.

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1.3 APPLICABILITY

1.3.1 JURISDICTION

These regulations apply to the development and use of all land and structures within the corporate limits of the Town of Troutman, North Carolina and within the extraterritorial jurisdiction exercised by this UDO and as now or hereafter fixed, said territory being indicated on the Zoning Map as is on file at the Troutman Town Hall. This map and its boundaries shall be incorporated and made part of this UDO.

1.3.2 EXEMPTION

A. Any type of land development application which has been officially filed with the appropriate town official prior to the effective date of the UDO or any amendment thereto, may continue to be processed under the land use rules and regulations in effect at the time the application was submitted.

B. The application approval process for such applications must be completed within 1 year of the filing date. If the application approval process is not completed within the specified time, then the application process may be completed only in strict compliance with the requirements of the UDO.

C. The specified time may be extended at the discretion of the Zoning Administrator due to delays in approvals from agencies external to the Town of Troutman.

1.4 CONFORMANCE WITH ADOPTED PLANS

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights, or building permits previously adopted or issued pursuant to law and currently effective.

1.5 CONFLICTS, INTERPRETATIONS AND SEVERABILITY

1.5.1 CONFLICT RESOLUTION

A. External Conflicts

1. This ordinance is not intended to repeal, modify, amend, or abrogate any other law, ordinance or regulation except any ordinance(s) which these regulations specifically replace. However, wherever the requirements of the UDO are in conflict with other requirements of Federal or State laws, or with other lawfully adopted town rules, regulations, ordinances, and policies, the most restrictive, or that imposing the highest standards, shall govern.
2. This ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, private agreements, deed restrictions, vested rights, or building permits previously adopted or issued pursuant to law and currently effective. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

B. Internal Conflicts

1. In the event of a conflict or inconsistency between any written provisions of the UDO, the most restrictive, or that imposing the highest standards, shall govern.
2. In the event of a conflict or inconsistency between the text of the UDO and any caption, figure, illustration or map contained herein, the text shall control.

1.5.2 INTERPRETATION

A. In the interpretation and application of the UDO, all provisions contained herein shall be considered to be the minimum requirements necessary to meet the purposes and objectives stated in the UDO and shall be liberally construed to meet such purposes and objectives in order to promote the health, safety and general welfare of the community.
B. In the interpretation and application of any numeric standards established in the UDO, normal rounding rules shall apply to calculated totals (i.e., 0.5 and above is rounded to the next highest number; below 0.5 is rounded to the next lowest number).

1.5.3 SEVERABILITY

It is hereby declared to be the intention of the Town Council that all chapters, sections, subsections, paragraphs, sentences, clauses, and phrases of the UDO are severable, and if any like chapters, sections, subsections, paragraphs, sentences, clauses, or phrases are declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, subsections, paragraphs, sentences, clauses and phrases of this UDO.

1.6 ZONING MAP INTERPRETATIONS

The map entitled Town of Troutman Zoning Map, as adopted by the Town of Troutman Town Council and certified by the Town Clerk establishes the official zoning districts and overlay districts.

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Zoning Administrator shall employ the following rules of interpretation.

A. Centerline: Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
B. Edge Line: Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
C. Lot Line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this UDO for the district in which said part is located.
D. Town Limits: Boundaries indicated as approximately following town limits or extraterritorial boundary lines shall be construed as following the town limits or extraterritorial boundary lines.
E. Watercourses: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

F. Extensions: Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
G. Scaling: In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.
H. Where the Zoning Administrator determines that physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall have the authority to interpret Zoning district boundaries.

1.7 EFFECTIVE DATE

The provisions of this UDO were adopted and became effective January 10, 2019.

2 ZONING DISTRICTS

2.1 PURPOSE & APPLICABILITY

In accordance with the requirement of NCGS §160A-382 that zoning regulation be by districts, the jurisdiction of the Town, is hereby divided into districts described below and shown on the Zoning Map accompanying this UDO. The zoning districts shall be governed by all of the uniform use and dimensional requirements of this UDO.

The purposes of establishing zoning districts are:

- To implement the Comprehensive Plan;
- To promote public health, safety, and general welfare;
- To provide for orderly growth and development;
- To provide for the efficient use of resources;
- To facilitate the adequate provision of services In order to implement the purpose and intent of the UDO, the zoning districts established in this section include provisions for the design and use of the built environment that include dimensional standards, building types, height, parking, lighting, signage, landscaping, permitted uses, and other building standards as provided in the UDO.

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2.2 GENERAL LOT AND BUILDING PROVISIONS

2.2.1 STANDARDS NOT EXCLUSIVE

In addition to the lot and building provisions in this chapter, standards for lots and buildings in related building and fire codes may also apply.

2.2.2 LOT OCCUPANCY

No building shall hereafter be erected, altered or moved to occupy a greater percentage of lot area than is permitted within the zoning district in which it is or will be located.

2.2.3 LOT REDUCTION

No lot shall be reduced in size which will not maintain the total lot area, lot width, necessary yards, courts, or other open space, lot area per dwelling unit or other requirements of this chapter.

2.2.4 YARD USE LIMITATIONS

No part of a yard, court, or other open space or off-street parking required in connection with any building for the purpose of complying with the regulations of this chapter shall be included as part or all of the required yard, court, or other open space or off-street parking for another building or structure, except as provided in this chapter.

2.2.5 YARD REDUCTION

No building shall hereafter be erected, altered or moved to create narrower or smaller front yards, side yards, rear yards or other open spaces than required by this chapter for the zoning district in which such building is or will be located, except as provided in this chapter

2.2.6 MEASUREMENT OF RIGHT OF WAY

When the right of way is unknown or undocumented, the right of way shall be measured from the edge of pavement to the back of drainage ditch or back of sidewalk, whichever is greater.

2.3 ESTABLISHMENT OF ZONING DISTRICTS

2.3.1 RP (RURAL PRESERVATION DISTRICT)

The RP district is provided to accommodate very low density residential development and agricultural uses and to protect natural vistas and landscape features that define rural areas.

2.3.2 RS (SUBURBAN RESIDENTIAL DISTRICT)

The RS district is established as a district in which the principal use of land is for low density single-family residences along with their customary accessory uses.

2.3.3 RT (TOWN RESIDENTIAL DISTRICT)

The RT district is established as a district in which the principal use of land is for medium density single-family residences along with their customary accessory uses. It is expected that all dwellings will have access to public or community water and sewer facilities, or have reasonable expectation of such facilities in the near future

2.3.4 RM (MIXED RESIDENTIAL DISTRICT)

The RM district is intended for the location of diverse, higher density housing and along with their customary accessory uses, and limited neighborhood-friendly commercial uses to support a vibrant, walkable community within new neighborhoods. Any RM development shall have access to public or community water and sewer. All new RM districts are permitted subject to a Conditional Zoning District (Section 2.5) only.

2.3.5 RMH (MANUFACTURED HOME PARK DISTRICT)

The RMH district is established in order to provide for the proper location and planning of attractive manufactured home park developments. Development standards and requirements are included. For the purpose of occupancy, all manufactured homes, mobile homes, and trailers, other than in the RP and RS districts shall be located within a manufactured home park within the RMH district.

2.3.6 OI (OFFICE AND INSTITUTIONAL DISTRICT)

The OI district is intended to accommodate a variety of office uses, related low intensity retail uses, and some residential uses. In addition, this district can create areas to serve as transitional buffers between residential districts and commercial districts, the number and type of retail uses permitted is limited. The primary purpose of this district is to accommodate existing and new office and institutional areas.

2.3.7 NC (NEIGHBORHOOD CENTER DISTRICT)

The NC district is intended primarily to encourage walkable commercial and mixed-use areas along key corridors and in walking distance to neighborhoods in various locations around the community. As a result, the list of commercial establishments allowed in this district is more limited than in other districts. All NC districts shall be a minimum of three (3) acres and a maximum of 50 acres.

2.3.8 CB (CENTRAL BUSINESS DISTRICT)

The CB district is the historic and cultural center for Troutman and embodies a scale and proportion that reflects this area's role as the heart of the community. It supports a diverse mix of activities and uses in smaller-scale buildings with pedestrian and bicycle-oriented infrastructure.

2.3.9 HB (HIGHWAY BUSINESS DISTRICT)

The HB district is established to provide a wide array of primarily retail and service uses to a large trading area for persons residing in and/or traveling through the Troutman area. Such uses shall be located and designed in such a manner so as to promote aesthetics, the safe and efficient movement of traffic, and to not unduly burden adjoining thoroughfares. Given the large traffic volumes generated by uses located in such a district, any area so zoned shall have access onto an arterial or collector thoroughfare.

2.3.10 LI (LIGHT INDUSTRIAL DISTRICT)

The I district is designed primarily for certain commercial and general industrial land uses, including manufacturing, processing, and assembling of goods, and a broad variety of specialized commercial and industrial operations that have few external impacts (e.g., noise, odor, or vibration).

2.3.11 HI (HEAVY INDUSTRIAL DISTRICT)

The HI district is designed primarily for certain commercial and general industrial land uses, including manufacturing, processing, and assembling of goods, product distribution facilities, and a broad variety of specialized commercial and industrial operations including those which could potentially have a significant effect on the environment or public utilities, significantly increase truck traffic volumes, or otherwise significantly impact adjoining properties with noise, odor, or vibration. All new HI districts are permitted subject to a Conditional Zoning District (Section 2.5) only.

2.4 DISTRICT STANDARDS

DISTRICT	RP	RS	RT	RM	RMH
	Rural Preservation	*Suburban Residential*	*Town Residential*	*Mixed Residential*	*Manufactured Home Park*
1. DEVELOPMENT				*Conditional Only*	
A. Maximum Residential Density	1 dwelling unit/3 acres	2 dwelling units/acre	4 dwelling units/acre	12 dwelling units/acre	n/a
B. Required Open Space/ Park Space (see also 7.2)	n/a	10%	20%	10%	15%
C. Perimeter Buffer (see also 5.1.5.1)	none	none	none	None unless adjacent to existing RP, RS or RT	none
2. LOT CONFIGURATION					
A. Lot Size	3 acres	.5 acre	.25 acre	n/a	7,000 sq. ft (10,000 sq. ft w/out water/sewer)
B. Maximum Lot Coverage (Note 1)	20%	30%	35%	n/a	n/a
C. Frontage Buildout	n/a	n/a	n/a	n/a	n/a
3. PRIMARY BUILDING PLACEMENT					
A. Front Setback	50 feet	25 feet	20 feet	0 feet min	20 feet
				20 feet max	
B. Side Setback - Corner (Note 2)	50 feet	25 feet	30 feet	0 feet min	20 feet
C. Side Setback - Interior (Note 2)	30 feet	15 feet	10 feet	0 feet or 10 feet min between attached	10 feet
D. Rear Setback	50 feet	25 feet	25 feet	20 feet min	25 feet
E. Rear Setback from Alley	n/a	n/a	n/a	3 feet	n/a
	Garage doors shall be a minimum of 15 feet from alley centerline. Setbacks may be increased to accommodate parking outside of the garage.				
F. Attached Garage Setback (from front facade)	n/a	n/a	n/a	5 ft min behind primary façade (detached homes only - not permitted otherwise)	n/a
	In addition to the setback requirements listed above, garage doors which face a public right-of-way, except for rear alleys, must be set back a minimum of 20 ft from the sidewalk or 30 ft behind the right-of-way if no sidewalk is present.				
4. ACCESSORY BUILDING PLACEMENT (SEE ALSO 3.4.2 & 3.4.3)					
A. Side Setback - Corner	20 feet	20 feet	20 feet	5 ft min	20 feet
B. Side Setback - Interior	15 feet	10 feet	10 feet	5 ft min	10 feet
C. Rear Setback	15 feet	10 feet	10 feet	5 ft min	10 feet
D. Rear Setback from Alley	n/a	n/a	3 ft min	3 ft min	n/a
	Garage doors shall be a minimum of 15 feet from alley centerline. Setbacks may be increased to accommodate parking outside of the garage.				
E. Detached Garage Door Setback (from front facade)	n/a	n/a	30 feet	15 ft from centerline of the alley	n/a
	In addition to the setback requirements listed above, garage doors which face a public right-of-way, except for rear alleys, must be set back a minimum of 20 ft from the sidewalk or 30 ft behind the right-of-way if no sidewalk is present.				
5. BUILDING HEIGHT					
A. Primary Building Height	3 stories	3 stories	2 stories	3 stories max	35 feet
B. Accessory Building Height (Note 3)	35 feet	No taller than the main structure (20 feet max)	No taller than the main structure (20 feet max)	2 stories	25 feet

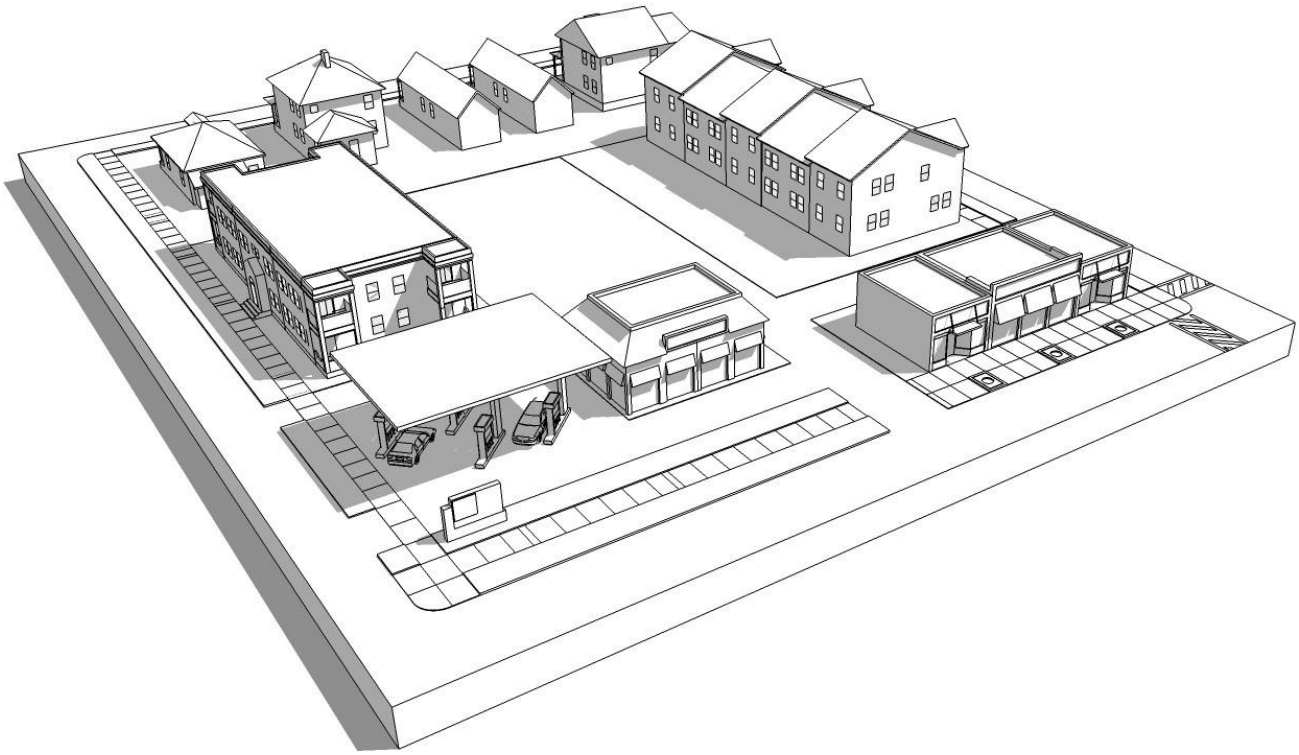
Note 1: Lot coverage may also be subject to Water Management regulations (See Chapter 8).
Note 2: Building and fire codes also apply.
Note 3: The height of the accessory building may not exceed the principal structure except where the principal structure is a single story, a two-story accessory structure is permitted located in the rear yard only.

DISTRICT	OI	NC	CB	HB	LI & HI
	Office and Institutional	Neighborhood Center	Central Business	Highway Business	Industrial
1. DEVELOPMENT					*HI is Conditional Only*
A. Maximum Density	4 dwelling units/acre	no max	no max	no max	n/a
B. Required Open Space/ Park Space	n/a	10%	n/a	n/a	n/a
C. Perimeter Buffer (see also 5.1.5.1)	Buffers required on all sides	None unless adjacent to existing RP, RS or RT	None unless adjacent to existing RP, RS or RT	Buffers required at side and rear of lot	Buffers required at side and rear of lot
2. LOT CONFIGURATION					
A. Lot Size	.25 acre	n/a	n/a	n/a	n/a
B. Maximum Lot Coverage (Note 1)	80%	80%	100%	80%	80%
C. Frontage Buildout	n/a	50% min.	75% min.	n/a	n/a
3. PRIMARY BUILDING PLACEMENT					
A. Front Setback	15 feet	0 feet min	0 feet min	10 feet	30 feet
		15 feet max	5 feet max		
B. Side Setback - Corner (Note 2)	15 feet	0 ft min	0 ft min	10 feet	30 feet
		10 ft max	15 ft max		
C. Side Setback - Interior (Note 2)	15 feet	0 feet or 10 ft min between detached buildings	5 ft max	10 ft (25 adjacent to residential district)	10 ft, (100 ft adjacent to residential district)
D. Rear Setback	25 feet	5 ft min	5 ft min	20 ft	25 ft, (100 ft adjacent to residential district)
E. Rear Setback from Alley	n/a	0 ft	0 ft	n/a	n/a
	Garage doors shall be a minimum of 15 feet from alley centerline. Setbacks may be increased to accommodate parking outside of the garage.				
F. Attached Garage Setback (from front facade)	n/a	attached garages along frontage are prohibited	attached garages along frontage are prohibited	n/a	n/a
	In addition to the setback requirements listed above, garage doors which face a public right-of-way, except for rear alleys, must be set back a minimum of 20 ft from the sidewalk or 30 ft behind the right-of-way if no sidewalk is present.				
4. ACCESSORY BUILDING PLACEMENT ((SEE ALSO 3.4.2 & 3.4.3)					
A. Side Setback - Corner	20 feet	3 ft min	2 ft min	3 ft min	20 feet
B. Side Setback - Interior	10 feet	5 ft min	0 ft min	10 ft min	5 ft (30 adjacent to residential district)
C. Rear Setback	10 feet	5 ft min	3 ft min	10 ft (20 adjacent to residential district)	10 ft (30 adjacent to residential district)
D. Rear Setback from Alley	n/a	3 ft min	3 ft min	n/a	n/a
	Garage doors shall be a minimum of 15 feet from alley centerline. Setbacks may be increased to accommodate parking outside of the garage.				
E. Detached Garage Door Setback (from front facade)	n/a	15 from centerline of the alley	must be located behind primary building and accessed via alley or side street	30 feet	n/a
	In addition to the setback requirements listed above, garage doors which face a public right-of-way, except for rear alleys, must be set back a minimum of 20 ft from the sidewalk or 30 ft behind the right-of-way if no sidewalk is present.				
5. BUILDING HEIGHT					
A. Primary Building Height	3 stories	4 stories	4 stories (min of 2 stories)	4 stories	4 stories
B. Accessory Building Height (Note 6)	25 feet	2 stories	2 stories		

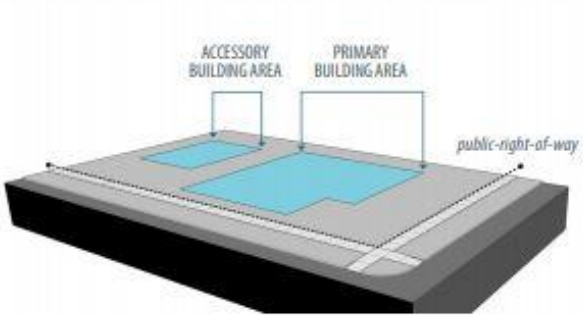
Note 1: Lot coverage may also be subject to Water Management regulations (See Chapter 8).
Note 2: Building and fire codes also apply
Note 3: The height of the accessory building may not exceed the principal structure except where the principal structure is a single story, a two-story accessory structure is permitted located in the rear yard only.

A TYPICAL MIXED-USE BLOCK

A TYPICAL CONVENTIONAL BLOCK

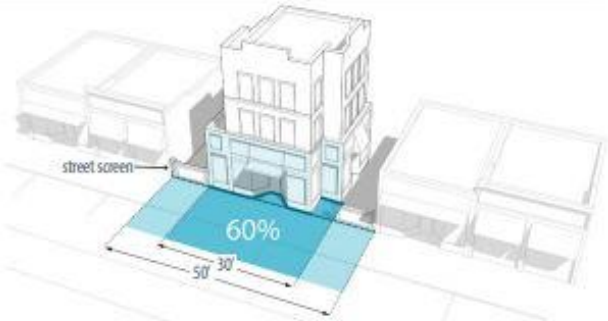


2.B. LOT CONFIGURATION: LOT COVERAGE



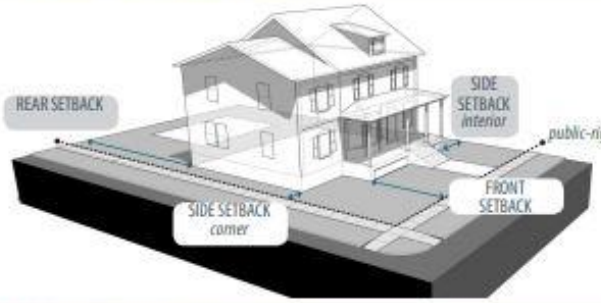
(PRINCIPAL BUILDING AREA + ACCESSORY BUILDING AREA) ÷ TOTAL LOT AREA = **LOT COVERAGE**

2.C. FRONTAGE BUILDOUT

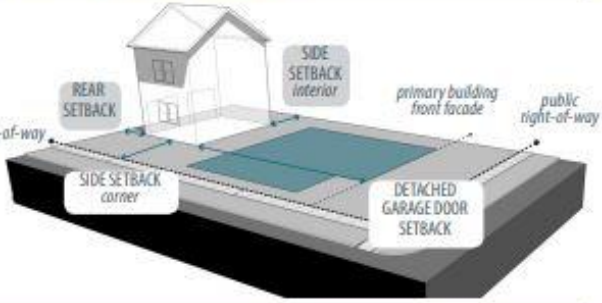


- *Frontage Buildout is the percentage of the lot width where the front elevation of the building is located between the minimum and maximum front setbacks established for the district.*
- *Driveways and pedestrian use areas (such as walkways, plazas and sidewalk cafes) within the minimum and maximum front setbacks shall be exempt from Frontage Buildout requirement. The width of such areas shall be subtracted from the total lot width for the purposes of calculating Frontage Buildout.*

3. PRIMARY BUILDING PLACEMENT

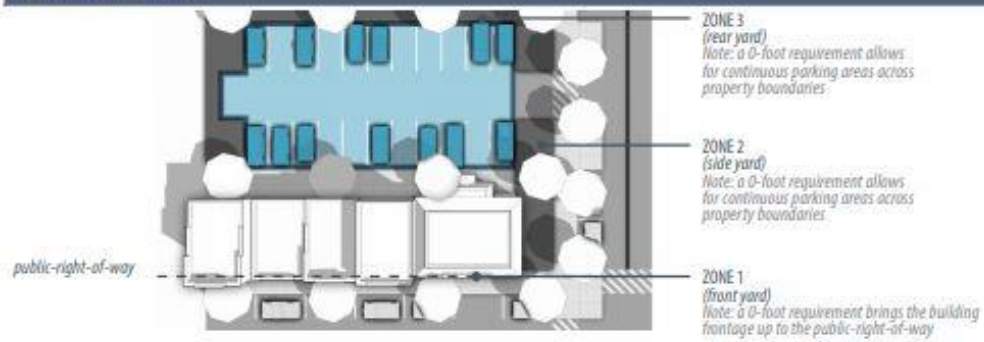


4. ACCESSORY BUILDING PLACEMENT



5. BUILDING HEIGHT

6. PARKING LOCATION



2.5 CONDITIONAL ZONING DISTRICTS

2.5.1 PURPOSE OF CONDITIONAL ZONING (CZ) DISTRICTS

There are certain development proposals which – because of their nature, scale, or location – have particular impacts on their immediate surrounding areas and the community as a whole. In some instances, such development proposals may not be adequately accommodated by the base zoning districts. In accordance with NCGS 160A-382, 384 and 385 the provisions set forth in this section establish a one-step, legislative, conditional rezoning process for property within the town's zoning jurisdiction. Conditional districts are intended to provide flexibility within the town's planning and development process, while at the same time creating additional controls which can establish specific development standards to ensure quality development. Conditional Zoning (CZ) Districts may be established for the following purposes:

A. To allow innovative planning or design ideas for development in any district.
B. To amend or expand the following uses of buildings as noted in the use table

2.5.2 CONDITIONAL DISTRICT PROCEDURE

CZ Districts may be based on any district, but are not intended to relieve hardships that would otherwise be handled using a variance procedure. A CZ District application must be made by the owners of the property or their authorized agents in accordance with the procedures established in Section 9.8.4.

2.5.3 STANDARDS FOR CONDITIONAL DISTRICTS

Within a CZ District, petitioners may request modifications to the specific standards of the underlying base district with the following exceptions:

A. Uses which are prohibited in the underlying base district shall not be permitted in the CZ District. Uses permitted in the underlying base district however, may be prohibited by the CZ District.
B. A decrease in the amount of required park and open space shall not be permitted.
C. Modifications to the environmental protection requirements in Chapter 8 shall not be permitted.
D. The Town Council may also impose additional reasonable safeguards to serve the purpose and intent of this Ordinance.
E. The approved Concept Plan is a condition of the rezoning. It shall be the Town Council's final decision to grant approval or denial of the CZ District in light of the revised development standards presented in accordance with the procedures of Section 9.8.4. If no specific request is made by the petitioner to a change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district and standards in place at the time that the rezoning is granted shall apply.

2.5.4 STANDARDS FOR CONDITIONAL DISTRICTS ADOPTED PRIOR TO THE ADOPTION OF THIS ORDINANCE

See Appendix A for a list of approved conditions

2.6 OVERLAY ZONING DISTRICTS

2.6.1 OVERLAY DISTRICTS ESTABLISHED

An overlay district is a separate set of regulations applied to a specific geographic area for the purpose of managing certain environmentally sensitive, culturally/historically significant and/or visually important community resources. An overlay district may grant additional uses, restrict permitted uses, or impose development requirements differing from those in the underlying base district. Where overlay districts are applied, the underlying base district and the overlay district together will control development. If there is conflict between the requirements of the base district and the requirements of the overlay district, the requirements of the overlay district shall take precedence. There are hereby established 2 Overlay Districts as follows:

• WP-O - Watershed Protection Overlay
• F-O - Floodplain Overlay

2.6.2 WATERSHED PROTECTION OVERLAY (WP-O) STANDARDS

A. Purpose: The Watershed Protection Overlay District is established to preserve water quality in the Troutman's water supply watersheds in order to provide safe drinking water for present and future residents.
B. Applicability: The Watershed Protection Overlay District encompasses those areas within Troutman's zoning jurisdiction which are designated by the North Carolina Environmental Management Commission as Water Supply Watersheds.
C. Standards: The development standards for areas within the Watershed Protection Overlay District watershed are outlined in Chapter 8.

2.6.3 FLOODPLAIN OVERLAY (F-O) STANDARDS

A. Purpose: The Floodplain Overlay District is established to protect public health, safety and general welfare in the areas of Troutman that are prone to periodic flooding and to minimize public and private losses due to such flooding.
B. Applicability: The Floodplain Overlay District encompasses those areas within Troutman's zoning jurisdiction which are designated as Community Special Flood Hazard Areas on the Flood Insurance Rate Maps (FIRM) or any FEMA/locally approved revisions thereto.
C. Standards: The development standards for areas within the Floodplain Overlay District watershed are outlined in Chapter 8.

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3 LAND USE PROVISIONS

3.1 PURPOSE & APPLICABILITY

There are certain uses which, by their nature, have the potential to create adverse impacts on nearby properties. It is the purpose of this chapter to allow such uses to be constructed, continued, and/or expanded without adverse effects by establishing standards that mitigate the impacts of their design and operation. The specified standards are intended to ensure that these uses fit the vision of the zoning districts in which they are permitted, and that these uses are compatible with other development permitted within the districts.

3.2 DIMENSIONAL AND DENSITY REGULATIONS

3.2.1 OTHER REQUIREMENTS

A. See Chapter 3 for use requirements.
B. See Chapter 4 for building design requirements.
C. See Chapter 5 for site requirements.
D. See Chapter 5 for landscaping and buffering requirements.
E. See Chapter 5 for off-street parking and loading requirements. F. See Chapter 6 for sign requirements.
G. See Chapter 7 for subdivision requirements.

SECTIONS

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3.3 PERMITTED AND SPECIAL USES

3.3.1 USE MATRIX AND INTERPRETATION

Each zoning district has uses permitted by right, uses permitted with additional requirements, and special uses. The detailed permitted uses table below contains a listing of uses which may be permitted in one or more of the various zoning districts. Uses are listed in alphabetical order within seven (7) categories as follows: Residential, Civic, Institutional, Office & Service, Retail, Manufacturing, Warehousing, Distribution, and Other. The Technical Review Committee shall review all standards. The following describes the processes of each of the three categories that the uses are subject to:

A. Permitted by Right: Administrative review and approval subject to district provisions and other applicable requirements only. Designated with the letter "P" in the table below.
B. Permitted with Additional Standards (PS): Administrative review and approval subject to district provisions, other applicable requirements, and additional requirements outlined in Section 3.4. Designated under the "PS" column in the table below with corresponding reference.
C. Special Use Permit Required: Some Special Uses may also be subject to additional requirements outlined in Chapter 4. Designated with the "SUP" in the table below.
D. Conditional Zoning Districts: Certain uses, designated as "CZ" are permitted subject to the Conditional Zoning process in Section 9.7 as part of a larger master planned development.
E. Prohibited Uses: An empty cell indicates the listed use is not allowed with the respective zoning district, unless otherwise expressly allowed elsewhere in the Ordinance.
F. Uses Not Specifically Listed: In the case where a use is not specifically listed under any of the district regulations, the Planning Director shall determine the appropriate district or districts where such use shall be allowed based on a comparison of other uses which most closely resemble the unlisted use. Where the Zoning Administrator is unable to determine the appropriate placement, the Town Council shall be called upon for interpretation.

USE	ZONING DISTRICTS (RM & HI are conditional only)											See also...
	RP	RS	RT	RM	RMH	OI	NC	CB	HB	LI	HI	
RESIDENTIAL USES				CZ							CZ	
Accessory dwellings	PS			PS		PS						3.4.2
Boarding Houses				PS								3.4.10
Family Care Homes	PS	PS	PS	PS	PS	PS	PS					3.4.17
Home Occupations	PS	PS	PS	PS	PS	P	P	P	P			3.4.19
Manufactured Homes (on individual lots)	PS	PS			PS							3.4.22
Manufactured Home Parks					PS							3.4.23
Mixed Use Buildings (upper floor residential)				P			P	P	P			
Multi-family Developments				P			P	P	P			
Rural Cluster Development	PS											3.4.32
Single-family, attached				P			CZ	CZ	CZ			
Single-family, detached	P	P	P	P	P	P	P					
Two-family, attached (duplex)				P								
P= Permitted; PS = Permitted with Additional Standards; SUP = Special Use Permit; CZ = Conditional Zoning District Only												

USE	ZONING DISTRICTS (RM & HI are conditional only)											See also...
	RP	RS	RT	RM	RMH	OI	NC	CB	HB	LI	HI	
CIVIC AND RECREATIONAL USES				CZ							CZ	
Cemeteries (accessory use)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.4.11
Cemeteries (principal use)	PS					SUP						3.4.11
Government buildings	SUP	SUP	SUP	P	SUP	P	SUP	P	P	P	P	
Parks (public/private)	P	P	P	P	P	P	P	P	P	P	P	
Recreational Facilities (public/private)	SUP	SUP	SUP	P	SUP	P	P	P	P	P	P	
Religious uses	SUP	SUP	SUP	P		P	P	P	P	P	P	
Schools (public/private)	SUP	SUP	SUP	P	SUP	P	P	P	P	P	P	3.4.33
INSTITUTIONAL USES												
Colleges & Universities				-		P	P	P	P	SUP	P	
Correctional Facilities						SUP						
Daycare Centers				PS		PS	PS	PS	PS	PS	PS	3.4.12
Hospitals						P		P	P	P	P	
Museums						P	P	P	P			
Residential Care Facilities				P		P	P	P	P			
Research Facilities						P		P	P	P	P	
OFFICE, SERVICE, AND LODGING USES												
Animal Services (no outdoor kennels)	SUP					P	P	P	P	P	P	
Animal Services (with outdoor kennels)									SUP	PS	PS	3.4.6
Automotive/Boat Services									SUP	SUP	PS	3.4.7
Bed & Breakfast Homes (Up to 8 rooms)	SUP	SUP	SUP	PS		PS	PS	PS				3.4.9
Bed & Breakfast Inns (9 to 12 rooms)	SUP	SUP	SUP	PS		PS	PS	PS				3.4.9
Heavy Equipment Services									-	PS	PS	3.4.7
Hotel/Inns (up to 24 rooms)				-		PS	PS	PS	PS			3.4.20
Hotels (25 or more rooms)				-		PS		PS	PS			3.4.20
Motels									PS			3.4.20
Manufactured/Modular Home Services									SUP	SUP		3.4.7
Office Uses (less than 5,000 square feet)				P		P	P	P	P	P	P	
Office Uses (5,000-15,000 square feet)				-		P	P	P	P	P	P	
Office Uses (15,000-30,000 square feet)						P	SUP	P	P	P	P	
Office Uses (greater than 30,000 square feet)						P			P	P	P	
Palmistry/Palm Reading/Fortune Tellers/Psychic Services									PS			3.4.29
Service Uses (less than 5,000 square feet)				P		P	P	P	P	P	P	
Service Uses (5,000 to 15,000 square feet)								P	P	P	P	
Service Uses (greater than 15,000 square feet)									P	P	P	

USE	ZONING DISTRICTS (RM & HI are conditional only)											See also...
	RP	RS	RT	RM	RMH	OI	NC	CB	HB	LI	HI	
Short Term Rental	PS	PS	PS	P	PS	P	P	P	P			3.4.34
Tattoo/Body piercing establishments									P			
ENTERTAINMENT AND RETAIL USES				CZ							CZ	
Adult Establishments									SUP	SUP	P	3.4.4
Automotive Sales/Boat Sales									PS	PS	PS	3.4.7
Bar/Tavern/Microbrewery								PS	PS	PS	PS	3.4.8
Drive-through uses									PS			3.4.13
Entertainment uses, Indoor				PS		PS	PS	PS	P	P	P	3.4.14
Entertainment uses, Outdoor									P	P	P	
Heavy Equipment Sales									SUP	PS	PS	3.4.7
Manufactured/Modular Home Sales									SUP	SUP	PS	3.4.7
Nightclubs								SUP	SUP			3.4.25
Nurseries	PS	PS							PS	PS	PS	3.4.26
Outdoor Sales							PS	PS	PS	PS	PS	3.4.27
Restaurant (part of multi-tenant building)				-		P	P	P	P	P	P	
Restaurant (free-standing)				P		SUP	P	P	P	P	P	
Retail Uses (less than 5,000 square feet)				P		P	P	P	P	P	P	
Retail Uses (5,000-15,000 square feet)				-			P	P	P			
Retail Uses (15,000-30,000 square feet)								CZ	P			
Retail Uses (greater than 30,000 square feet)									SUP			
Shopping Center (less than 30,000 square feet)								CZ	P			
Shopping Center (30,000-60,000 square feet)								-	P			
Shopping Center (greater than 60,0000 square feet)									CZ			
INDUSTRIAL AND INFRASTRUCTURE USES				CZ							CZ	
Distribution Terminal/Logistics											P	
Essential Services Class 1 & 2	P	P	P	P	P	P	P	P	P	P	P	
Essential Services Class 3									SUP	SUP	P	
Hazardous Materials Use/Storage										SUP	P	
Heavy Manufacturing											P	
Landfill, Beneficial	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.4.21
Light Manufacturing Workshops						P	P	P	P	P	P	
Mini Warehousing/Self Storage									SUP	PS	PS	3.4.24
Warehousing (accessory use)									P	P	P	
Warehousing (principal use) (less than 150,000 square feet)										P	P	
Warehousing (principal use) (150,000 square feet or greater)											P	
P= Permitted; PS = Permitted with Additional Standards; SUP = Special Use Permit; CZ = Conditional Zoning District Only												

USE	ZONING DISTRICTS (RM & HI are conditional only)											See also...
	RP	RS	RT	RM	RMH	OI	NC	CB	HB	LI	HI	
Wholesale Trade										P	P	
Wireless Telecommunication Towers/Facilities		SUP	SUP	P	SUP	PS	PS	PS	PS	PS	PS	3.4.37
AGRICULTURAL USES				CZ							CZ	
Agricultural uses (commercial)	SUP											3.4.5
Fairgrounds										PS	PS	3.4.15
Family Campgrounds	SUP											3.4.16
Farmer's Market	PS	PS		PS	PS	PS	PS	PS	PS	PS		3.4.18
Produce Stands (permanent)	PS	PS					PS	PS				3.4.31
Wineries	PS	PS								PS		3.4.36
ACCESSORY AND TEMPORARY USES				CZ							CZ	
Accessory structures (residential)	PS	PS	PS	PS	PS	PS	PS					3.4.3
Accessory structures (non-residential)				-	-	P	P	P	P	P	P	
Outdoor Storage (non-residential)	-								PS	PS	PS	3.4.28
Parking of Commercial & Recreational Vehicles	PS	PS	PS		PS	PS			P	P	P	3.4.30
Parking, Off-Street (principal use)	SUP	SUP	SUP	P	SUP	SUP	SUP	SUP	SUP	SUP	P	
Swimming Pools (private accessory use)	P	P	P	P	P	P	P	P	P			
Temporary Uses (A-D)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.4.35
Temporary Uses (E)						PS	PS	PS	PS			3.4.35
Yard Sales	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.4.38
P= Permitted; PS = Permitted with Additional Standards; SUP = Special Use Permit; CZ = Conditional Zoning District Only												

3.4 ADDITIONAL USE STANDARDS

3.4.1 PURPOSE

The Town of Troutman finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among building types so that different uses may by located in proximity to one another without adverse effects to either. This Chapter specifies those requirements that must be met by all the uses listed in the uses permitted with Additional Requirements section for each District in Chapter 2.

Each use shall be permitted in compliance with all conditions listed for the use in this chapter. Certain uses are also classified as Special Uses and require Board of Adjustment approval.

3.4.2 ACCESSORY DWELLINGS

A. Accessory dwellings must comply with all applicable local, State and Federal housing codes;
B. Only one (1) accessory dwelling shall be permitted as an accessory to a single-family dwelling unit per single deeded lot;
C. An accessory dwelling shall not be included in a deeded lot's density unit calculation;
D. The property owner shall reside on the property either in the principal structure or in the accessory dwelling;
E. Accessory dwellings shall be owned by the same person as the principal dwelling and shall not be sold separately from the property;
F. The accessory dwelling unit shall not have a floor area greater than 50% of the principal structure or exceed 800 heated square feet;
G. The accessory structure may be dwelling only or may combine dwelling with a garage;
H. The accessory dwelling unit shall not be served by a driveway separate from that serving the principal dwelling (except in the RP district) unless the accessory dwelling unit is within an accessory structure and located on a corner lot or lot that abuts an alley, in which case, a separate driveway may be provided from the side street or the alley, whichever applies;
I. Accessory dwellings shall be located in the rear yard only;
J. The accessory dwelling unit shall be located a minimum of 15 feet from any property line unless the unit is located within a garage and the parcel abuts an alley, in which case, the structure may be located a minimum of 5 feet from the rear property line if the garage is accessed from the alley;
K. The accessory dwelling must be located a minimum of ten (10) feet from any other structure;
L. The accessory dwelling must comply with the height limitations for the district in which it is located;
M. The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation;
N. The use of mobile homes, travel trailers, campers, tractor trailers, or similar vehicles shall be prohibited as an accessory dwelling; and
O. Only residential uses (including customary home occupations) are permitted in accessory dwelling units.

3.4.3 ACCESSORY STRUCTURES (RESIDENTIAL)

Accessory structures, except as otherwise permitted in this section, shall be subject to the following regulations. Accessory structure size is addressed in each zoning district section in Chapter 2.

A. Where the accessory structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations applicable to the principal structure.
B. Accessory structures on standard lots shall not be erected in any yard except the rear yard. Detached accessory buildings may be located in the required rear yard, except no such structure shall be located closer than five (5) feet from any other building on the same lot and at least ten (10) feet from any other buildings used for human habitation.
C. Satellite dish antennas, mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and similar structures may be placed in any front, side, or rear yard. Dog houses may be placed in any rear yard. No zoning permit is needed for these structures.
D. Accessory structures on double frontage or corner lots must be placed behind or in line with the prevailing building pattern of the non-primary front (serving as the rear or side yard) of double frontage lots or corner lots. If a building pattern has not been established, the structure placed in the non-primary front must be setback the minimum front setback for that district.
E. Satellite dish antennas, mailboxes, newspaper boxes, birdhouses, flag poles, pump covers, and similar structures may be placed in any front, side, or rear yard. Walls, fences, and dog houses on double frontage or corner lots must be placed behind or in line with the prevailing building pattern of the non-primary front (serving as the rear or side yard) of double frontage lots or corner lots. If a building pattern has not been established, the structure placed in the non-primary front must be setback the minimum front setback for that district. No zoning permit is needed for these structures.
F. Private garages and stand-alone carports designed primarily to store an automobile, may be placed in any side or rear yard. Such structure shall not be located closer than five (5) feet from any building on the same lot and must adhere to the regulations for standard lots or corner/through lots.
G. On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character.
H. An accessory building may not exceed the height of the principal structure.
I. Satellite dish antennas shall be considered an accessory structure and shall be regulated as follows: 1. Satellite dishes shall be no larger than two (2) feet in diameter unless the applicant can demonstrate the need for a larger size. 2. Satellite dishes whose reflective surface is solid shall be painted a subdued or natural color.
J. Under no circumstances may a vehicle or trailer designed to be transported by a vehicle be used as an accessory structure in a residential or Office-Institution (O-I) zoning district.
K. Piers and other waterborne accessory uses must receive approval from Iredell County and Duke Energy Lake Services prior to pier construction. Location, setbacks, and other requirements shall be determined by Duke Energy Lake Services. Piers may be allowed as a principal structure.
L. A permit is required for accessory structures greater than 12 ft in any dimension.

3.4.4 ADULT ESTABLISHMENTS

A. No adult establishment shall be located less than 1,000 ft from a school, church, day care center, civic building, park, lot in residential use, lot with residential districting or other adult establishment.
B. All openings shall have an opaque glazing to discourage visibility of the interior.
C. No exterior signage or building element shall be pornographic in nature or convey any such idea or element.

3.4.5 AGRICULTURAL USES, COMMERCIAL

A. Commercial agricultural uses; such as, but not limited to, livestock operations and horse farms, must be situated on a minimum of 10 acres of land; such operations, shall be kept in a clean and sanitary condition to prevent odors, rodents, and flies. Setbacks shall be determined by the Board of Adjustment.

3.4.6 ANIMAL SERVICES (OUTDOOR KENNELS)

A. No outdoor containment of animals shall be located at least 100 feet from any property located in a residential district and 50 feet from any other abutting lot line.
B. All pens and kennels must be surrounded by a chain link fence not less than six (6) feet in height, and enclosed on top with a roof, or be located in an enclosed structure.
C. Kennels shall be designed to effectively buffer all noise audible to surrounding properties.

3.4.7 AUTOMOTIVE, BOAT, HEAVY EQUIPMENT, MANUFACTURED HOME SALES AND/OR SERVICE

A. Large surface parking lots & display areas should be visually and functionally segmented into several smaller lots. The size of any single surface parking lot or display area shall be limited to three acres, unless divided by a street, principal building, or an opaque screen/buffer.
B. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property

3.4.8 BARS/TAVERNS/NIGHTCLUBS

A. No Bar, Tavern or Nightclub shall be permitted within 300 feet of any single-family detached residential unit, church, or school. Bars, Taverns or Nightclubs within the CB district are exempt from the separation requirements from single family residential and civic buildings.
B. No amplified sound shall be permitted which can be heard beyond the boundaries of the property.

3.4.9 BED AND BREAKFAST HOMES/ INNS

A. Single family homes used as bed and breakfast homes/inns shall have a minimum heated floor area of 1,500 square feet.
B. A bed and breakfast home shall have a maximum of 8 rooms where as a bed and breakfast inn will have 9 to 12 rooms.
C. The bed and breakfast shall be operated by a resident manager.
D. There shall be one parking space per room of lodging.
E. Special events that may be hosted are typically invitation only events such as weddings, social gatherings, etc.
F. Special events requiring off-site parking are subject to permit.
G. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility. Food and drink shall not be served to the general public for pay.
H. The use of such a facility by any one patron shall be less than seven (7) consecutive days.

3.4.10 BOARDING HOUSES

A. The maximum number of guest bedrooms shall be six (6).
B. The boarding house shall be operated by a resident manager.
C. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility.

3.4.11 CEMETERIES

A. Tombstones, crypts, monuments, and mausoleums shall be located a minimum of twenty (20) feet from any side or rear lot line and at least thirty (30) feet from a street right-of-way.
B. Embalming or cremation facilities are only permitted in principal use cemeteries or funeral homes.

3.4.12 DAYCARE CENTERS

A. Daycares and preschools shall be located on lots which provide ample outdoor play area. A fenced area in the rear yard or side yard a minimum of 2,500 square feet shall be provided. Fences shall be a minimum of 4 feet in height.
B. All play equipment shall be located in the fenced area. Front yards shall not be used as playground areas.

3.4.13 DRIVE-THRU

A. Drive-thrus shall not front on the primary public street.
B. Drive-thrus located on the side of a building shall be limited to one lane and screened from public street view.
C. Vehicle storage for drive-thrus shall be located outside of and physically separated from the right of-way of any street. This area shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way.
D. Drive-thru window facilities shall be screened from off-site view from a street right of way by Type B landscaping.

E. Drive-thru service window menu boards may not be oriented to a public right-of-way (does not apply to the interior roads within a Shopping Center or Commercial Major Subdivision) and main menu board signs shall not exceed forty-two (42) square feet on the sides or fifty-two (52) sq ft in the rear of the building (including any temporary signage affixed to the menu board). Limited to one (1) main menu board sign and one (1) pre-sale menu sign (not to exceed 12 sq ft) per drive-thru lane.
F. Any such drive-in service window menu board containing a loud speaker shall be located at least fifty (50) feet from any pre-existing residential property line located in a residential district.

3.4.14 ENTERTAINMENT USES, INDOOR

Indoor Entertainment uses in the OI, NC, RM and CB districts shall be limited to such uses that are completely enclosed within a building or structure and not audibly discernible from beyond the property line.

3.4.15 FAIRGROUNDS

Fairground uses with an expected participation of 200 or more people must obtain a Special Events Permit.

3.4.16 FAMILY CAMPGROUNDS

A. Minimum campground or RV park size is fifty (50) acres.
B. All spaces for camping and recreational vehicles shall be located at least one-hundred (100) feet from any adjoining lot line.
C. Each recreational vehicle parking area shall be connected to an approved water supply system which provides an accessible, adequate, safe, and potable supply of water.
D. An adequate and safe sewer system shall be provided in all recreational vehicle parking areas.
E. A minimum one-hundred (100) ft Type A (opaque) landscaping buffer shall be provided where the use adjoins residentially zoned property.
F. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided. The service building shall be conveniently located within a radius of three hundred (300) feet to spaces which it serves.
G. The storage, collection, and disposal of trash and refuse shall comply with all applicable city, county and state regulations.
H. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

3.4.17 FAMILY CARE HOMES

In accordance with NC General Statute Chapters 122C, 131D, and 168. This section applies to adult care homes, child or adolescent care homes, family care homes, group homes, mental health care homes, and residential care homes. These uses are deemed residential uses and are permitted in all residential districts subject to the following conditions:

A. No more than six (6) residents other than the homeowner and the homeowner's immediate family are permitted to live in a Family Care Home.
B. A Family Care Home must be licensed with the NC Department of Health and Human Services

Division of Facility Services before operating.

C. No Family Care Home may be located within a one-half (1/2) mile radius of any other residential care home.
D. No exterior signage is permitted.
E. No lockdown, violent, and dangerous residents are permitted.
F. Only incidental and occasional medical care may be provided.

3.4.18 FARMERS MARKETS

A. All farmers' markets and their vendors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the market premises.
B. All farmers' markets and their vendors must receive all required operating and health permits, and these permits (or copies) shall be in the possession of the Farmers' Market Manager or the vendor, as applicable, on the site of the farmers' market during all hours of operation.
C. Must have an established set of operating rules addressing the governance structure of the farmers' market, hours of operation, maintenance and security requirements and responsibilities; and appointment of a Market Manager. The Market Manager must be authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.
D. Must provide for composting, recycling, and waste removal in accordance with all applicable Town codes.

3.4.19 HOME OCCUPATIONS

Customary home occupations may be established in any principal dwelling unit, accessory dwelling, or in an accessory building. The following requirements shall apply in addition to all other applicable requirements of this UDO for the district in which such principal dwelling unit is located:

A. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
B. No outside storage of materials or equipment shall be allowed in connection with the home occupation, unless the equipment or materials are of a type and quality that could reasonably be associated with the principal residential use.
C. Use of the dwelling for the home occupation shall be limited to twenty-five percent (25%) of the heated finished area of the principal residential structure or a maximum of 600 sq ft of a garage or basement may also be devoted to the home occupation.
D. List of Permitted Home Occupations:
    1. accounting, bookkeeping, financial planning, and investment services
    2. appraisals, real estate sales, insurance sales
    3. art studios (creation of individual works only, no mass production), interior decoration commercial food preparation and catering
    4. crafters, upholstery, cabinet and woodworking
    5. drafting, engineering, and architecture services
    6. fire arms dealers (minimum of 1 acre)
    7. florists and landscaping sales
    8. home daycares and home schools
    9. internet or mail order businesses
    10. law offices and other legal services
    11. personal services (hair salons, massage therapists, etc.)
    12. pet grooming

13. tailoring (dressmaking, alterations, etc.)
14. tutoring and musical instruction
15. small engine repairs
16. other related offices, professional services and similar low impact endeavors as determined by the Zoning Administrator.

E. List of Prohibited Home Occupations:
1. animal boarding facilities
2. auto vehicle repair, auto vehicle sales/leasing, restoration or conversion, engineer repair
3. gymnastic facilities, exercise studios
4. machine shops
5. medical/dental offices and other medical procedures
6. mortuaries
7. physical or psycho therapy
8. tattoo and body piercing
9. other similar uses and occupations which may be dangerous or unsafe to the public as determined by the Zoning Administrator.

F. No Home Occupation permit is required for occupations with no client visits to the home (i.e. sculptors not selling their artistic product to the public on the premises).

G. Parking shall be provided on the premises (may not create hazards or cause street congestion).

H. The Residents of the dwelling plus a maximum of one (1) non-resident may be engaged in the customary home occupation or otherwise report to work at the dwelling.

I. No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made or reconditioned on the premises and those which are necessary to the service being provided.

J. No external alterations inconsistent with the residential use of the dwelling shall be permitted.

K. Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.

L. Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling unit or accessory building shall be prohibited.

M. Customary home occupations may be in operation at any time between the hours of 8:00 A.M. and 9:00 P.M. for client visits with an exception allowing home daycares and home schools to begin operations at 6:30 A.M.

N. Must comply with any local, state, or federal requirements.

3.4.20 HOTELS/MOTELS/INNS

A. On-site management required 24 hours a day, 7 days a week.

3.4.21 LANDFILL, BENEFICIAL

A. Beneficial fill sites in residential districts less than one-half (1/2) acre do not require a special use permit, zoning permit, or site approval.

3.4.22 MANUFACTURED HOMES (ON INDIVIDUAL LOTS NOT WITHIN A MOBILE HOME PARK)

A. The Manufactured Home shall be multi-sectional (not single-wide).

B. The Manufactured Home shall be constructed after June 15, 1976 and conform to the construction standards of the United States Department of Housing and Urban Development (HUD) and bear the HUD tag and/or data plate.

C. The manufactured home shall have the towing apparatus, wheels, axles, and transporting lights

removed

D. The mobile home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.
E. A continuous masonry foundation shall be installed under the perimeter, unpierced except for required ventilation and access.
F. A permanent front porch of at least 32 square feet in area shall be constructed within 12 inches of the floor elevation and be fully underpinned to completely conceal area beneath porch and unit. All secondary entrances and exits to the mobile home shall also have concrete steps or similar approved steps.
G. The front of the manufactured home shall be parallel to the front property line, except on corner lots.

3.4.23 MANUFACTURED HOME PARKS

This section sets forth the standards required for all new manufactured home parks and expansions of existing manufactured home parks.

A. Occupancy: There must be at least five (5) improved manufactured home spaces at first occupancy. Any existing manufactured home park containing less than five (5) manufactured home spaces shall not be considered nonconforming if otherwise in conformance with the standards contained in this UDO. No manufactured home space shall be occupied, nor may a certificate of occupancy be issued unless the requirements of this UDO have been met. The requirement of a minimum of five (5) spaces at first occupancy shall apply only to the first five (5) spaces of a new manufactured home park. In all other situations a manufactured home park may increase in size in any increments of spaces.
B. Location on Suitable Land: Each manufactured home space shall be located on ground not located within the one-hundred (100) year flood plain as established by the most recently issued maps published by the Federal Emergency Management Agency. No manufactured home shall be placed on land having excessive slope or other characteristics making the land unsuitable for placement of manufactured homes. Each manufactured home space shall be graded so as to prevent any water from ponding or accumulating on the space.
C. Manufactured Home Standards: All manufactured homes shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act. These homes shall meet the following standards:
    1. The structure shall be set up in accordance with the standards set by the North Carolina Department of Insurance (including tie-down standards).
    2. The structure will have all wheels, axles, transporting lights, and towing apparatus removed. If any of these items is non-removable, then it shall be screened with landscaping if it is still visible after the unit is underpinned.
    3. The structure must be at least 12 feet in width.
D. Stand, Underpinning and Tiedown of Manufactured Homes: The location of each manufactured home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have continuous underpinning from the bottom of the walls to the ground made of brick, pressure-treated wood (see below), or vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes, unpierced except for required ventilation and an access door. Each manufactured home in the park shall conform to North Carolina Department of Insurance Standards for tiedown requirements. If pressure-treated wood skirting is used, it shall consist of lumber and plywood treated in compliance with American Wood Preserver Bureau Standards. All plywood and lumber

used for skirting shall be stamped with trademarks identifying the appropriate grades of lumber and plywood and the treatment identification.

E. Steps: All manufactured homes within the park shall be equipped with two (2) sets of steps.

F. Public Road Frontage: All manufactured home parks shall abut and have at least fifty (50) feet of frontage on a public road. No manufactured home lots shall be directly accessible from the public street.

G. Ingress and Egress: Manufactured home parks with twenty (20) or more manufactured home spaces shall have at least two (2) separately designated areas which contain both an entrance and exit to the manufactured home park. All manufactured home parks containing less than twenty (20) manufactured home spaces shall have at least one area containing both an entrance and an exit to the manufactured home park. Manufactured home parks requiring only one entrance and exit area shall provide at least one permanent turn-around within the park.

H. Interior Streets, Drainage, and Markings: No structure within a manufactured home park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal one-way or two-way streets. All internal streets within a manufactured home park shall be privately owned and maintained. All such streets shall be constructed to minimum NCDOT subdivision road standards except that all such one-way streets shall be paved to a minimum width of twelve (12) feet; all two-way streets shall be paved to a minimum width of eighteen (18) feet. All streets shall be located within a minimum forty (40) foot wide dedicated right-of-way area. Such area shall be used for street maintenance, underground utility and drainage purposes. The developer may be required to increase the width of said area to properly accommodate the slope and natural terrain of the area. If curb and gutter is provided, a right-of-way area of less than forty (40) feet may be approved. Permanent street names shall be assigned to all internal streets. Permanent street name signs shall also be installed at street intersections within the park. All streets shall be named and all street signs shall be in accordance with local requirements. Upon completion of the construction site, these signs will be installed. The developer will be responsible for advising tenants of the property address assignments for respective mobile home spaces and instructing them in the purpose of these addresses. Permanent traffic control signs shall be installed within the park. Such signs shall include, as a minimum the following:

1. Stop sign(s) where park streets access public roads;
2. Stop sign(s) at the intersection of interior streets, (it is recommended that all four-way intersections be controlled by four-way stop signs);
3. “No Parking” signs along interior streets at intervals sufficient to be readable except where streets have been paved to a width of at least thirty (30) feet.
4. One-way streets shall be marked as such at appropriate intervals and “do not enter” signs shall be posted where streets become one way or where streets intersect with one-way streets.

I. Roads in manufactured home parks must be designed and graded in such a manner as to allow for the adequate runoff of storm water from interior streets and other surface areas within the manufactured home park. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street. All dead-end internal streets which provide access to three (3) or more manufactured home spaces shall be provided with a permanent turn-around. All such turn-arounds shall have a minimum paved surface diameter of seventy (70) feet. Streets and roads within the manufactured home park shall intersect as nearly as possible at right angles, with a 20’ radius of intersection and no street shall intersect at an angle of less than seventy (70) degrees. Where streets intersect with a State maintained road, the design standards of NCDOT shall apply. Maintenance of all internal streets, signage, and all drainage facilities shall be the responsibility of the owner of the manufactured home park. Such streets shall be maintained in a manner to be free from pot holes, breaks

in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles. Street jogs ("T" intersections with a street or road, on opposite sides of said road) of less than one-hundred twenty-five (125) feet within and abutting the manufactured home park shall be prohibited.

J. Parking: At least two (2) off-street parking spaces with not less than four (4) inches of crushed stone or other suitable material (such as asphalt paving or bituminous surface treatment (BST) paving) on a well compacted sub-base shall be provided for each manufactured home space. Required parking spaces may be located in the required front or side yards of the manufactured home space. Parking spaces shall be located outside the roadway, shoulder, or drainage ditches. One or more separate common visitor parking areas may be designated within any manufactured home park. Parking spaces shall be located outside the roadway, shoulder, or drainage ditches. Such areas shall be separate from any manufactured home space, roadway, drainage facility, or buffer.

K. Trash Facilities: At least one (1) fly tight, water-tight and rodent proof garbage or trash container with a twenty-four (24) gallon minimum container and forty (40) gallon maximum container capacity, shall be provided for each occupied manufactured home space. Containers shall be placed on racks and such racks shall be located within the manufactured home park at a point which is readily accessible for collection. All refuse must be placed in refuse containers and it shall be the responsibility of the park operator to provide sufficient container capacity to meet the needs of the manufactured home park. In lieu of cans and racks, covered roll out trash/garbage containers may be provided. In lieu of requiring individual garbage and trash containers for each manufactured home, trash dumpsters may be installed in convenient locations, but not on any individual manufactured home space. If dumpsters are provided, each dumpster shall be fly-tight, water-tight and rodent-proof and located at least fifty (50) feet from any property line or public street right-of-way and at least forty (40) feet from any manufactured home. All such dumpsters shall be materially screened from any adjacent manufactured home in the park according to Section 4.2.1.C of this UDO. It shall be the responsibility of the manufactured home park owner or operator to pick up trash from said containers or dumpsters at least once per week. The owner or operator shall also be responsible for hauling and disposing of said trash in accordance with all County and State regulations. The burning of refuse within the manufactured home park is not permitted. Where suitable collection service is not available from municipal or private agencies, the manufacture home park operator shall provide this service.

L. Lighting: Manufactured home parks which contain over twenty (20) manufactured home spaces or contain more than one internal street shall contain street lights throughout the manufactured home park. Such lights shall be located at all internal street intersections, at the intersection of any internal street, and a public street and elsewhere in the park at a maximum of three hundred (300) feet intervals.

M. Electric, Telephone, and Cable Television Utilities: Each manufactured home space shall have individual electric and telephone service connections provided. All electric, telephone, and cable televisions, and other utility lines shall be placed underground unless unsuitable underground conditions (e.g., rock, swamp, etc.) exist. In such cases, above-ground utility lines may be provided. Each manufactured home must have an individual metered connection to an electric supply and must have an approved fuse disconnect box at the metered location. All wires from the meter to the manufactured home must be buried underground cable in conformance with the North Carolina Electrical Code. Each meter box shall be properly and distinctly identified with either paint or indelible ink.

N. Mailboxes: Mailbox spaces within the manufactured home park shall be provided in accordance

with United States Postal Services Standards. At least one (1) mailbox per manufactured home space shall be provided. Where twenty (20) or more mailboxes are provided in one centralized location, the owner of the manufactured home park shall provide at least two (2) parking spaces in the vicinity of the mailboxes specifically designated for persons using the mailbox area.

O. Administrative Office: One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home which is used as a residence by the resident manager. An administrative office is not required.

P. Water Service: An accessible, adequate, safe, and potable supply of water shall be provided in each manufactured home park. Where connection to a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When municipal water supply is not available, adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina and the Iredell County Health Department. Any water supply must be capable of providing three hundred (300) gallons of water per day per manufactured home space. Each space shall be provided a minimum three-fourth (3/4) inch size copper or PVC water service line.

Q. Sewage Facilities: Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Health and Environment and the County Health Department shall be provided. Individual septic tank systems are permissible in accordance with the requirement of Iredell County's Health Department regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank, unless permitted by the Iredell County Health Department.

R. Screening: All manufactured home parks shall provide screening in the form of an opaque screen/ buffer along all adjoining properties on the side and rear property lines. Such screening shall be located within the manufactured home park and shall materially screen all structures within the manufactured home park from all adjacent properties. All manufactured home setbacks shall be measured from the edge of the screened area nearest the manufactured home. When such a screen is used, the width of said screen may be included within the required setback area. Required screening shall be installed and maintained in conformance with the standards set forth in this UDO.

S. Maintenance: The grounds of a manufactured home park shall be kept free of trash, litter, debris, noxious weeds, open sewage, or other unhealthy matter. Any septic tanks which fail shall be immediately repaired or replaced by the manufactured home park owner. Grounds, buildings, and storage areas shall be properly maintained. The manufactured home park or operator shall take all necessary steps to prevent infestation by rodents, vermin, and insects. All grounds shall have proper drainage to prevent the accumulation of water. It shall be the responsibility of the manufactured home park owner or operator to maintain the manufactured home park in accordance with these standards at all times.

3.4.24 MINI WAREHOUSING/SELF STORAGE

A. No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the project's design.
B. Mini warehousing sites in the Highway Business district must be a minimum of 1 mile from any other mini warehouse facility regardless of district.
C. The only commercial uses permitted in the storage units or storage area shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail. Additional commercial uses are permitted on-site in separate tenant spaces consistent with mixed use and/or multi-tenant buildings.

3.4.25 NIGHTCLUBS

A. No Nightclub shall be permitted within 300 feet of any single-family detached residential unit, church, or school. Nightclubs within the CB district are exempt from the separation requirements from single family residential and civic buildings.
B. No amplified sound shall be permitted which can be heard beyond the boundaries of the property.

3.4.26 NURSERIES

A. The minimum parcel size shall be 3 acres.
B. The regular operation of heavy equipment shall not be conducted within 200 feet of any adjacent residence.
C. No entrance to a nursery shall be from a neighborhood street. Any such street shall be designated as a minor thoroughfare or higher on the Town's community transportation plan.

3.4.27 OUTDOOR SALES

A. The outdoor display of items for sale at permanent retail establishments shall not extend beyond the sidewalk or concrete apron entrance of the building. Such displays shall not block public sidewalks or be located in fire lanes.
B. This does not include Automotive, Boat, Heavy Equipment, or Manufactured Home sales.
C. Tractor trailers shall not be considered outdoor sales. These shall be classified as Outdoor Storage.

3.4.28 OUTDOOR STORAGE (NON-RESIDENTIAL)

A. All outdoor storage shall be located in the side or rear yard only.
B. All outdoor storage shall be screened from view with an opaque screen.

3.4.29 PALMISTRY/ PALM READING/ FORTUNE TELLERS/ PSYCHIC SERVICES

A. All palmistry/ palm reading/ fortune tellers/ psychic services shall take place in an area of the establishment that cannot be viewed by other customers or by the general public from any public or private street-right-of-way or any area commonly accessed by the public (e.g., parking lots, mall corridors, promenades, sidewalks) whether on the same or a nearby property.
B. All palmistry/ palm reading/ fortune tellers/ psychic services shall be located a minimum of 250' from a school, church, daycare, library, park, or public playground.
C. All palmistry/ palm reading/ fortune tellers/ psychic services shall not have frontage on major thoroughfares as defined in the CTP.

3.4.30 PARKING OF RECREATIONAL AND COMMERCIAL VEHICLES

A. For purposes of this UDO, a recreational vehicle shall not be deemed a dwelling unit and the usage of a recreation vehicle for living, sleeping or housekeeping purposes and the connection of such vehicle to utility services (other than for periodic maintenance and/or repair purposes) shall be prohibited unless the vehicle is located in a camping and recreational vehicle park so designed to accommodate recreation vehicles.
B. Where restrictive covenants will be imposed that prevent the open storage (storage buildings shall conform to the requirements of the UDO) of large recreational equipment and/or vehicles on individual residential lots an area shall be dedicated for this purpose as described below:
   1. Shall contain a minimum of 100 square feet per dwelling unit.
   2. Storage area shall be completely enclosed with Type A Landscaping (buffer with opaque screen).
   3. Shall have sufficient ingress/egress and access to a public street.
   4. Shall be paved or surfaced with materials that prevent erosion.
C. On any lot of less of than one (1) acre in size which is located in a residential subdivision of more than ten (10) lots, commercial vehicles which may be parked on an overnight basis shall be limited to school buses, vans, and pick-up trucks (if no greater than 5,000 pounds). This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any residential district for a period of up to twenty-four (24) hours nor shall this restrict the overnight parking of freight truck tractors without trailers on any such lot.
D. No residentially-developed lot may be used as the base of operation for any freight hauling truck.

3.4.31 PRODUCE STANDS (PERMANENT)

A. A permanent produce stand shall be allowed as an accessory use to an agricultural use only. All produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located. All other produce stands shall be considered temporary uses and shall follow the additional requirements for temporary uses in the section below.
B. A produce stand shall not be located in a street right-of-way.
C. A produce stand shall not be located closer than ten (10) feet to any side lot line unless a greater setback is required for the zoning district in which it is located.
D. Signs for a produce stand shall not be illuminated, nor have flashing lights, nor shall they exceed four (4) square feet in area. Off-premises signs are not permitted.
E. During the times of the year in which the produce stand is not in operation, the stand shall be properly closed up and maintained.

3.4.32 RURAL CLUSTER DEVELOPMENTS

Rural cluster developments with a minimum of 10 home sites may be developed in accordance with the following conditions:

A. The overall density may not exceed one dwelling unit per three acres (total development acreage).
B. Rural Preservation zoning district dimensional requirements may be reduced by 50 percent internally, but must remain the same against adjoining properties.
C. The project shall generally maintain a rural appearance from the exterior public road(s).
D. Home sites shall be located so as to preserve the following:
    1. Groves of mature trees
    2. Pastures
    3. Hedgerows
    4. Woodlands
    5. Cultivated fields
    6. Rolling hills
    7. Rock outcroppings
    8. Streams & wetlands
E. Required open space shall be irrevocable. Open space shall be held in individual common ownership and deed restricted or shall be dedicated to a home owner's association, a non-profit land conservancy, or trust.

3.4.33 SCHOOLS (PUBLIC/PRIVATE)

The expansion of existing schools is exempt from a special use permit process.

3.4.34 SHORT TERM RENTAL

A. Determination of Short-Term Rental Offering: Any online advertisement posted by the owner or Permanent Resident is sufficient to determine that a unit is being offered as a short-term rental.
B. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem.

3.4.35 TEMPORARY USES (REVISES 4.23)

Temporary structures and uses, when in compliance with all applicable provisions of this UDO, and all other ordinances of the Town of Troutman, shall be allowed. The following temporary structures and uses shall be permitted:

A. Construction trailers used in conjunction with construction projects provided that the following conditions are met:
    1. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed.
    2. All construction trailers shall be located at least ten (10) feet off any street right-of-way and not be placed in any required rear or side yard setback.
    3. In addition to construction trailers, at any construction site for a construction project valued at one million dollars or more, one or more security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers are met.

B. Structures, whether temporary or permanent, located in a subdivision containing twenty-five (25) or more lots, and used as sales offices for the subdivision development are permitted. Any temporary structure used as a sales office shall be located on a lot which is in compliance with the regulations of this UDO and shall meet all yard requirements for the applicable zoning district. At least five (5) off-street parking spaces shall be provided on the lot to accommodate persons using the sales office. A manufactured home may be used as a temporary sales office, provided that the following conditions are met:
   1. The manufactured home shall be provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for mobile homes.
   2. Landscaping shall be provided to create an aesthetically pleasing appearance.
   3. At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Zoning Enforcement Officer determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the subdivision. In such case, one or more extensions (each not to exceed one year in duration) may be so authorized by the Zoning Enforcement Officer. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated. Immediately after the structure is removed, the lot shall be returned to a natural state. Any paved or graveled driveway and/or parking area associated with the sales office shall also be removed. All bare soil areas on the lot shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area.
   4. If a permanent residential structure is used as the sales office, future use of said structure shall be for residential purposes.

C. Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied, single-family dwelling being destroyed (i.e., it receives damage greater than sixty (60) percent of its tax value as indicated on the most current tax listings). In this instance a manufactured home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. If a manufactured home is used for such an occurrence, it is subject to the following conditions:
   1. Such manufactured home shall not be placed in the front yard and shall be located no closer than fifteen (15) feet to another principal residential structure on another lot and no closer than ten (10) feet to any lot line. 2. The Zoning Administrator shall be given the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of up to nine (9) months. Such permit may be renewed on a one-time only basis [for a period of no greater than nine (9) months] by the Board of Adjustment if it is determined that:
   2. Construction of a new dwelling unit is proceeding in a diligent manner; and,
   3. The granting of such permit will not materially endanger the public, health, welfare, or safety; and,
   4. The location of the manufactured home on the site does not have a negative effect on abutting properties.

D. School Manufactured Units
   1. Public or private schools may install temporary manufactured classroom units with the issuance of a zoning permit. Unit must be in use as a classroom.

E. Upon completion and submittal of a Temporary Use Permit application, the Zoning

Administrator may grant a zoning permit for the following temporary uses:

1. Christmas Trees sales & similar temporary seasonal sales
2. Produce Stands (temporary)
3. Revivals
4. Special events and other amusement enterprises (profit and non-profit)
5. Mobile Food Vendors
6. Similar and compatible temporary uses not specified

F. Temporary Uses are subject to the following conditions:

1. Truck trailers and flat beds are not permitted except for short-term delivery services.
2. Temporary uses shall be permitted for a maximum of forty-five (45) days and held no more than three (3) times per year at any particular location. An extension may be granted for an additional seven (7) days upon application.
3. Produce Stands may be permitted for a maximum of six (6) months but may be re-permitted upon submission of a new application.
4. Temporary uses shall require the presentation of proof of property owner approval prior to the issuance of a permit.
5. The proposed use will not materially endanger the public, health, welfare, and safety.
6. The proposed use will not have a substantial negative effect on adjoining properties.
7. Special events and other amusement enterprises with expected participation over 200 people must obtain a Special Events Permit.

G. The following temporary uses shall be exempt from the provisions of this section:

1. Mobile food vendors that are removed from the premises each day
2. On-site events for places of worship or public schools
3. Activities conducted by and/or on property owned by the Town of Troutman
4. Shows for Civic and Youth Organizations (i.e., 4-H Shows)
5. Special events and other amusement enterprises with an expected participation of 200 or fewer people

3.4.36 WINERIES

A. The facility may be operated in association with an existing vineyard (bona fide farm) located on the same property, or multiple adjoining properties under the same ownership; or a facility serving as a Winery may be permitted without the presence of an on-site vineyard, if, in the Town Council's estimation, the facility will benefit, cater to, and serve the independent vineyards of surrounding areas.

B. Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal. All buildings shall be a minimum of one-hundred (100) feet from any existing residential structure.

C. Outdoor lighting shall be designed to minimize light from directly impacting adjacent property.

D. Associated small-scale processing, catering, or lodging facilities (such as, but not limited to cheese making and restaurants), that are incidental to the winery, but may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Town Council. Associated uses are subject to the requirements of this section as well.

E. Parking ratios for wineries and incidental facilities related to vineyard tourism shall be determined using the most compatible Parking Ratio minimum. Gravel driveways are allowed and gravel parking is permitted for parking lots not seen from a public road.

3.4.37 WIRELESS TELECOMMUNICATION FACILITIES (WTF)

A. Purpose and Legislative Intent: The Town of Troutman finds that Wireless Telecommunications Facilities (WTF) may pose significant concerns to the health, safety, public welfare, character and environment of the town and its inhabitants. The town also recognizes that facilitating the development of wireless service technology can be an economic development asset to the town and of significant benefit to the town and its residents. In order to ensure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the town's land use policies, the town is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this section is to minimize the impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the Town of Troutman.

B. Applicability

1. Permit Required: No person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of a WTF as of the effective date of this section without having first obtained a Special Use Permit (see Sections 9.7) and/or a Site Plan (see Section 9.4.7) for a WTF, whichever is applicable. Each modification or co-location of a carrier's or other user's equipment shall require the submission of a WTF application and Development Permit application.
2. Responsibility for Compliance: At all times the owner of the property on which a WTF is located, and the owner of the WTF, shall each be responsible for assuring that the WTF is in compliance with this section and shall be held accountable for any violation of this section.
3. Existing Facilities: All legally permitted WTFs that existed on or before the effective date of this section shall be allowed to continue as they existed as of the effective date, provided however, that they were constructed and are operating as originally permitted. Any modification of an existing WTF (including co-locations) not previously permitted under this section will require the complete facility and any new installation to comply with this section, as will anything changing the structural load.
4. Repair and Maintenance: Any repair and/or maintenance of a WTF that does not increase the height of the structure, alter the profile, increase the footprint or otherwise exceed the conditions of the Special Use Permit does not require an application for a Special Use Permit, but may require a Site Plan or other permits as required.
5. Exclusions: The following shall be exempt from this section:
   a. Any facilities expressly exempt from the town's siting, building and permitting authority.
   b. Any reception or transmission devises expressly exempted under the Telecommunications Act of 1996.
   c. When placing wireless facilities on government-owned property or facilities, only non-commercial wireless facilities are exempt from the permitting requirements of this section.
   d. Facilities used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications with a tower less than 60 feet in height.
   e. Facilities used exclusively for providing unlicensed spread spectrum technologies, such as IEEE 802.11a, b, g services (e.g., Bluetooth) where i) the facility does not require a new tower or increase the height, silhouette or profile of the structure being attached to ii) where the service is not to be used for commercial purposes; iii) where there is no fee or charge for the use of the service; and iv) where the service is intended to be usable for less than 200 feet.

C. Application Procedures

1. Pre-Application Meeting Required: There shall be a pre-application meeting to address issues that will help to expedite the review and permitting process and certain issues or concerns the town may have. A pre-application meeting shall also include a site visit, if there has not been a prior site visit for the requested facility.
2. Retention of Expert Assistance Cost to be Borne by Applicant: The town may hire any consultant and/or expert necessary to assist the town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any site inspections. The cost of such shall be the responsibility of the applicant in accordance with the town's adopted fee schedule. The payment of the initial expert assistance cost and the application fee to the town shall precede the pre-application meeting or any work being done as regards processing an application. The town will maintain an accounting for the hours expended in the review of the application. The town's consultant/expert shall invoice the town for all time expended in its services.
3. Carrier Required for Application: Neither a Special Use Permit nor a Site Plan shall be issued for construction of an WTF until there is a specific carrier that documents the technical need for the facility to serve the town and that co-location on an existing structure within the applicant's search ring is not reasonably feasible. Co-location on an existing structure is not reasonably feasible if co-location is technically or commercially impracticable or the owner of the support structure is unwilling to enter into a contract for such use at fair market value. Sufficient documentation to support such claims shall be submitted with an application for the first carrier to determine whether co-location on existing structures is reasonably feasible, as well as to determine the technically needed height of the proposed facility.
4. Revocation: Special Use Permits for Wireless Telecommunications Facilities shall automatically be revoked if the physical construction of activity authorized by said permit has not commenced within 120 days of the date of issuance of the applicable permit. Failure to complete construction of a WTF within 90 days subsequent to issuance of a Site Plan shall result in revocation of the Site Plan unless prohibited from completion of such construction by an act of force majeure.

D. General Standards

1. Screening Required: All ground facilities shall be screened by a Type A Buffer in accordance with Section 5.1.5.1.
2. Maximize the use of building materials, colors and textures designed to be in harmony with the natural surroundings and blend with the structure to which it may be affixed. This shall include the utilization of stealth, camouflage or concealment techniques as may be required by the town.
3. Stealth or Camouflage Techniques Required: All new Wireless Telecommunications Facilities, including but not limited to towers, shall utilize stealth or camouflage techniques, unless such can be shown to be either commercially or technologically impractical.
4. Wireless Telecommunications Facilities Finish/Color: Structures shall be galvanized and/ or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this section.
5. Underground Utilities Required: All utilities shall be underground.
6. Security: All Wireless Telecommunications Facilities shall be located, fenced or otherwise secured in a manner that prevents unauthorized access.

7. Lighting: Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by federal regulations.
    a. If lighting is required by the FAA, the Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.
    b. For any WTF for which lighting is required under the FAA's regulations, or that for any reason has lights attached, all such lighting shall be affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it is not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least 1 mile in a level terrain situation. A physical shield may be used, as long as the light is able to be seen from the air as intended by the FAA. In the event a WTF that is lighted is modified, at the time of the modification the town may require that the tower be retrofitted with the ground-scatter preventing techniques as referenced above.
8. Flush Mounting Required: All new or replacement sectorized directional antennas, shall be flush-mounted or as close to flush-mounted as is technologically possible on any structure attached to it, so long as such does not have the effect of prohibiting the provision of service to the intended service area, alone or in combination with another site(s), unless the applicant can prove that it is technologically impracticable.
9. Placement on Building: If attached to a building, all antennas shall be flush-mounted on the facade of the building and camouflaged so as to match the color and, if possible, texture of the building, or in a manner so as to make the antennas as visually innocuous and undetectable as is possible given the facts and circumstances involved.
10. Required Signs
    a. Notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area.
    b. Name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet.
    c. On tower sites, an FCC registration number, as applicable, is also to be present.
    d. The signs shall not be lighted, unless required for security purposes.
    e. No other signage, including advertising, shall be permitted. f. No sign shall exceed 4 square feet in size

E. Compliance with FCC Standards governing RF Radiation
1. Compliance Required: All Wireless Telecommunications Facilities shall be in compliance with the most recent Federal Communications Commission's regulations governing exposure to RF Radiation (i.e., NIER or Non-Ion Emitting Radiation) for the general public as determined on a cumulative basis reflecting the emissions from all equipment associated with the WTF.
2. Notice to be Posted: All WTFs shall be posted with a sign denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC's permitted standards and any portion(s) of the structure or the surrounding area that would be exposed to RF radiation in excess of the FCC's permitted standards. In such an instance the RF Radiation from all wireless facilities at that location shall be included in the calculations to show the cumulative effect on any area of the building or structure or area around the WTF deemed accessible by the public or workers.

3. Post Construction Survey may be Required: In certain instances, the town may deem it appropriate to have an RF survey of the facility performed after the construction or modification and activation of the facility, such to be done under the direction of the town or its designee, and an un-redacted copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance.
4. Barricading of Non-Compliant Structures Required: If any section or portion of the structure to be attached to or the area around it is not in compliance with the FCC's regulations regarding RF radiation, that section or portion must be barricaded with a suitable barrier and marked off to discourage approaching into the area in excess of the FCC's regulations, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger.

F. Location Standards
1. Prohibited Locations: Telecommunications towers shall be prohibited in Residential Districts, Historic Districts or Renaissance Districts except when no alternative can provide necessary wireless service in that district.
2. New Towers Not Preferred: New Telecommunications towers or increasing the height of an existing tower shall always be a last resort.
3. Priority Locations: Applicants for Telecommunications towers shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, in the order listed:
   a. On existing Wireless Telecommunications Facilities without increasing the height or profile of the tower or structure.
   b. On town-owned properties or facilities or related public utilities (e.g., water towers and power line transmission towers).
   c. On properties in areas zoned for business use, excluding the CBD.
   d. On properties in areas zoned for primarily residential use.
4. Justification Required for Non-Preferred Location: If the proposed site is not proposed for the highest priority listed above, then a detailed explanation and justification must be provided as to why a site of each and all higher priority designations was not selected. The applicant must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted as proposed. The test for cost-based arguments shall be commercial impracticality.
5. Reasons for Denial: Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the town may disapprove an Application for any of the following reasons:
   a. Conflict with safety and safety-related codes and requirements;
   b. Conflict with the historic nature or character of a neighborhood or district;
   c. The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
   d. The need for a zoning variance;
   e. The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the town, or employees of the service provider or other service providers;
   f. The placement and location of a WTF would result in a conflict with, or compromise in or change the nature or character of the surrounding area;
   g. Conflicts with the provisions of this section;

h. Failure to submit a complete application as required under this section after having been provided an opportunity to make complete or otherwise remedy an incomplete application.

6. Notwithstanding anything to the contrary in this section, for good cause shown if it could result in a less intrusive facility or facilities, singly or in combination, and still accomplish the primary service objective, the town may require the relocation of a proposed site, including allowing for the fact that relocating the site chosen by the applicant may require the use of more than one site to provide substantially the same service.

G. Standards for Towers

1. Town Policy: As the town has made the policy decision that more towers of a shorter height are in the public interest, as opposed to fewer taller towers, spacing or the distance between towers shall be such that the service may be provided without exceeding the maximum permitted height.
2. Monopole Required: All new towers shall be of the monopole type.
3. Maximum Height: The maximum permitted total height of a new WTF shall be 90 feet above pre-construction ground level. The maximum permitted height is not an as-of-right height, but rather the maximum permitted height under any circumstances, absent proof of the technological need for a greater height.
4. Clear Evidence Required: The applicant shall submit clear and convincing technical documentation justifying the technical need for the total height of any WTF or Antenna requested and the technical need by a specific carrier or user of the WTF for such if the antenna is the first antenna to be attached to a WTF. Documentation in the form of propagation studies must include all modeling data used to produce the studies at the requested height and a minimum of 10 feet lower height to enable verification of the need for the requested height.
5. Height Exceptions: Relief from the maximum permitted height of new WTF shall only be considered where clear and convincing technical evidence substantiates a taller height is technically necessary for a specific carrier or user of the WTF for the provision of wireless service substantially within the town, to the exclusion of any alternative option that is not technologically or commercially impractical, and where denial of a taller height would have the effect of prohibiting the provision of wireless service to the community by a specific carrier or user of the WTF.
   a. If the requested height exceeds the 90-foot maximum permitted height, the required documentation shall be provided prior to the consideration of a Special Use Permit request.
   b. In determining the necessary height for a WTF, or the height or placement of a co-location on a WTF, the signal strengths analyzed shall be the threshold or lowest signal strength at which the customer equipment is designed to function, which may be required to be determined by the manufacturer's specifications for the customer equipment.
6. Balloon Test Required for New or Expanded Towers: In order to better inform the public in the case of a new telecommunication tower or an increase in height of an existing tower, the applicant shall hold a "balloon test" prior to the initial public hearing on the application. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a 10 foot in length brightly colored balloon at the maximum height of the proposed new tower.

a. Sign Required: At least 14 days prior to the conduct of the balloon test, a sign containing the times and date(s) of the balloon test and contact information shall be erected so as to be clearly visible from the road nearest the proposed site and shall be removed no later than 14 days after the conduct of the balloon test. The sign shall be at least 4 feet by 8 feet in size.
b. Published Notification: The dates, (including a second date, in case of poor visibility or wind in excess of 15 mph on the initial date) times and location of this balloon test shall be advertised by the applicant 7 and 14 days in advance of the first test date in a newspaper with a general circulation in the town. The applicant shall inform the town in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least 4 consecutive hours between 10:00 am and 2:00 p.m. on the dates chosen. The primary date shall be on a week-end, but the second date, in case of poor visibility on the initial date, may be on a week day. A report with pictures from various locations of the balloon shall be provided with the application.
c. Notification to adjacent property owners: The applicant shall notify all property owners by first-class mail located within 1,500 feet of the nearest property line of the proposed site and of the date(s) and time(s) of the balloon test. Such notice shall be provided at least 14 days prior to the conduct of the balloon test.

7. Tower Setbacks: All proposed Telecommunications Towers and any other unattached proposed WTF support structures shall be set back from abutting parcels, recorded rights-of way and road and street lines by the greater of the following distances:
   a. A distance equal to the height of the proposed tower or other support structure plus 10% of the height of the structure, otherwise known as the Fall Zone or the existing setback requirement of the underlying zoning district, whichever is greater.
   b. Any accessory structure shall be located within the footprint as approved in the Special Use Permit and so as to comply with the applicable minimum setback requirements for the property on which it is situated.
   c. The Fall Zone shall be measured from the nearest portion of the right-of-way of any public road or thoroughfare or property line and any occupied building or domicile. Further, the nearest portion of any access road leading to a wireless Telecommunications facility shall be no less than 15 feet from the nearest property line, other than at the point of access from another road, thoroughfare or driveway.
   d. There shall be no development of habitable buildings within the Fall Zone.
8. Structural Engineer Certification Required: All towers shall be certified as being structurally adequate by a licensed structural engineer to be in accordance with all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI guidelines (e.g., ANSI-EIA/TIA 222) and any such certification shall be accompanied by a detailed structural report, including all calculations. No WTF shall have equipment attached to it that exceeds a literal 100% of the loading and stress capability the WTF is designed to support.
9. Removal and Performance Security: The applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its sole cost and expense, be jointly required to execute and file with the town a bond, or other form of security acceptable to the town as to type of security and the form and manner of execution, in an amount of at least $75,000 for a tower and with such sureties as are deemed sufficient by the town to assure the faithful performance of the terms and conditions of this section and any conditions of any Special Use Permit issued pursuant to this section. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or in the case of abandonment until any necessary site restoration is completed

to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit.

H. Tower-Sharing/Co-Location

1. Tower Sharing/Co-Location Required: The WTF shall be structurally designed to accommodate at least six antenna arrays as regards the load and stress created on the structure, with each array to be sited in such a manner as to provide for flush attachments to the greatest extent possible with the minimum separation required to achieve the co-locations in the minimum height possible without causing interference.
2. Special Use Permit Not Required for Co-Location: There shall be no Special Use Permit required for an application to modify or to co-locate an antenna array or other equipment on an existing and properly permitted and erected WTF so long as the co-location or modification does not exceed the parameters of the conditions of the approved Special Use Permit.
3. Variations to Standards: As a means of minimizing the height necessary, a claim of interference because of a need to have greater than 6 feet of vertical clearance between facilities, measured from the vertical centerline of one array to the vertical centerline of another, must be proven by technical data showing that there is no technological alternative that would enable the service to be provided that would require less vertical space. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage beyond 6 users of the WTF is not reasonably feasible.
4. Feasibility for Co-Location: The applicant shall provide information necessary to determine whether co-location is feasible based upon the kind of WTF site and structure proposed and the available space on existing structures and approved Wireless Telecommunications Facilities. The owner of a proposed new WTF, and his/her successors in interest, shall:
   a. Respond within 60 days to a request for information from a potential shared-use Applicant;
   b. Negotiate in good faith concerning future requests for shared use of the new WTF by other telecommunications providers;
   c. Allow shared use of the new WTF if another telecommunications provider agrees in writing to pay reasonable charges;
   d. Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit.
5. Flush Mounting Required: Unless it can be proven that such would be technologically impracticable, all antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as is possible without prohibiting or having the effect of prohibiting the provision of service, or provide clear and convincing technical evidence using hard data and a detailed narrative, that flush mounting cannot be used and would serve to prohibit or have the effect of prohibiting the provision of service.
6. Structural Engineer Certification Required: The application co-locations on all towers shall be structurally certified by a licensed structural engineer to be in accordance with all local, state and federal structural requirements for loads and stresses, including wind and ice loads and stresses and including, but not limited to all applicable ANSI guidelines (e.g., ANSIEIA/TIA 222) and any such certification shall be accompanied by a detailed structural report, including all calculations.

I. Removal of Wireless Telecommunications Structures and Facilities

1. Notice Required: The owner of any WTF or wireless facility shall be required to provide a minimum of 30 days written notice to the Administrator prior to abandoning any WTF or wireless facility.

2. Conditions for Removal: Under the following circumstances, the town may determine that the health, safety, and welfare interests of the town warrant and require the removal of Wireless Telecommunications Facilities:
    a. Abandonment (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding 90 consecutive days or a total of 180 days in any 365-day period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within 90 days of abandonment;
    b. Disrepair such that it creates a health or safety hazard;
    c. Illegally located, constructed, or modified without first obtaining, or in a manner not authorized.
3. Notice of Removal Required: Notice of non-compliance shall be given to the property owner and the holder of the Special Use Permit for the Wireless Telecommunications Facilities within 48 hours that said Wireless Telecommunications Facilities are to be removed. Notwithstanding the preceding, the town may approve an interim temporary use agreement/ permit, such as to enable the sale of the WTF.
4. Compliance with Removal Order: The Wireless Telecommunications Facilities, and all associated structures and facilities, shall be dismantled and removed from the site and the site shall be restored to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticality, within 90 days of receipt of written notice from the town. Failure to comply the removal order may result in the removal of said facilities by the town at the sole expense of the property owner or Special Use Permit holder. If the town removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within 10 days, then the town may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.
5. Temporary Use Permit Agreement: Notwithstanding anything in this section to the contrary, the town may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than 90 days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Use Permit, subject to the approval of the town, and an agreement to such plan shall be executed by the holder of the Special Use Permit and the town. If such a plan is not developed, approved and executed within the 90-day time period, then the town may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this section and utilize the performance bond.

J. Application Requirements
1. Items Specific to the WTF Application (i.e. a new Facility)
    a. A detailed narrative description and explanation of the specific objective(s) for the new facility, or the modification of an existing wireless facility, expressly including and explaining the purpose and technical need of a specific, identified wireless carrier, such as coverage and/or capacity needs or requirements, and the specific geographic area of intended coverage;
    b. Technical documentation (and related modeling information) that proves the technical need for the WTF to provide service primarily and essentially within the town to the exclusion of all other alternatives. Such documentation shall include a propagation

study of the proposed site and all adjoining planned, proposed or existing sites at all frequencies to be used by the carrier that demonstrates either a significant gap in coverage and/or, if a capacity issue is involved, to include an analysis of the current and projected usage (traffic and data studies) using generally accepted industry methods and standards so as to conclusively prove the need for what is proposed. A desire to change, upgrade, or improve the technology or the service shall not be deemed a need in the context of this ordinance;

c. A copy of the applicable FCC license for the carrier(s), as well as a copy of the 5- and 10-year build-out plan required by and filed with the FCC and specifically noting the status of compliance in terms of percentages served;
d. The frequency, modulation and class of service of radio or other transmitting equipment for each frequency band or type of service that the applicant will provide from the facility;
e. The maximum transmission power capability of all radios, as designed, if the applicant is a cellular or functional equivalent carrier, or the maximum transmission power capability, as designed, of all transmission facilities if the Applicant is not a cellular or functional equivalent carrier;
f. The actual intended transmission power stated as the maximum effective radiated power (ERP), both in dBm's and watts;
g. A copy of the FCC license applicable for the intended frequency bands and uses of the Wireless Telecommunications Facilities;
h. Written acknowledgment that any new telecommunications tower shall be designed to accommodate a minimum of six antenna arrays and shall be managed so as not to restrict, prevent or prohibit competition among carriers;
i. The written disclosure of any condition in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new Telecommunication Tower that it constructs;
j. If increasing the height, profile or footprint of, or the number of attachments to, an existing WTF:
    i. The age of the tower in years, including the date of the grant of the original permit;
    ii. A description of the type of tower, e.g. guyed, self-supporting lattice or monopole
    iii. The make, model, type and manufacturer of the facility and the structural design calculations, certified by a Professional Engineer licensed in the State, proving the facility's capability to safely accommodate the facilities of the applicant without change or modification or if any change or modification of the facility is needed, a detailed narrative explaining what changes are needed, why they are needed and who will be responsible to assure that the changes are made;
k. Application for New WTF versus Co-location: The applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Wireless Telecommunications Facilities or the use of structures within the town that are at or above the surrounding tree height or the tallest obstruction and are within one mile of the proposed tower. Copies of written requests and responses for shared use shall be provided to the town in the application, along with any letters of rejection stating the reason for rejection.
l. A Visual Impact Assessment, which shall include:
    i. A computer generated "Zone of Visibility Map" at a minimum of one-mile radius from the proposed structure to illustrate locations from which the proposed installation may be seen, with and without foliage;

ii. Photo simulations of "before and after" views from key viewpoints inside of the town as may be appropriate and required, including but not limited to state highways and other major roads, state and local parks, other public lands, historic districts, preserves and historic sites normally open to the public, and from any other location where the site is highly visible. Guidance will be provided concerning the appropriate key sites at the pre-application meeting. The applicant shall provide a map showing the locations of where the pictures were taken and the distance(s) of each location from the proposed structure;

iii. A visual representation of the visual impact of the proposed facility, including, as applicable, the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets and any proposed screening.

m. Structural certification and supporting calculations by a licensed structural engineer showing compliance with all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI guidelines (e.g., ANSI-EIA/TIA 222).

2. General Application Items (these should be combined with the SUP application requirements)

a. The name, address, and phone number of the property owner and the Applicant, including the legal name of the applicant. If the owner of the structure is different than the applicant, the name and all necessary contact information shall be provided;

b. The zoning district or designation in which the property is situated;

c. A site plan showing the address, tax parcel number, parcel dimensions, footprint and the type, proposed structures, location and dimensions of buildings, access drives, location of any guy wires, landscaping and buffers, fencing and any other requirements of site plans;

d. Elevations showing the profile or the vertical rendition of the WTF identifying proposed attachments and all related fixtures, structures, appurtenances and apparatus, including the height above the pre-existing grade, materials, colors and lighting;

e. A map or diagram showing all existing and proposed users and attachments to the facility, including the all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

f. The azimuth, size and center line height location of all proposed and existing antennas on the supporting structure, identified by owner or carrier;

g. The type and design of the WTF, the number and type of antenna arrays proposed and the basis for the calculations of the WTF's structural capacity to accommodate the required number of antenna arrays for which the structure must be designed;

h. The applicant shall disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new telecommunication tower that it constructs;

i. The applicant must provide documentation to verify it has the right to proceed as proposed on the site. This requires an executed copy of the lease with the landowner or landlord or a signed letter of agency acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

3. Streamlined Co-Location, Modification or Upgrade Informational Requirements: The following information is expressly required for all applications to co-locate on or to modify a WTF or any of the equipment attached to a support structure, or to upgrade any of the equipment attached to a support structure.
   a. A site plan of reasonable size done to scale
   b. If deemed to be needed, the foundation design, as installed, and if one has not previously been provided a geotechnical sub-surface soils report and foundation recommendation for the tower site or other structure,
   c. For a non-guyed tower that is 5 years old or older, or for a guyed tower that is 3 years old or older, a copy of the latest ANSI report done pursuant to the latest edition of ANSI TIA 222 assessing the physical condition of the WTF. If an ANSI TIA 222 report has not been done pursuant to the preceding schedule, such report shall be done and submitted as part of the application. Neither a Development Permit, nor any Building Permit, shall be issued for any co-location on or modification or upgrade of a WTF or any of the equipment attached thereto where the structure being attached to is in need of structural remediation or remediation regarding the physical condition of the WTF, unless and until all remediation needed work has been completed, or a schedule for the remediation work has been approved by the Administrator;
   d. A structural report certified by a Professional Engineer licensed to do business in the State showing the structural adequacy of the WTF to accommodate the proposed modification, upgrade or co-location without exceeding a literal 100% of the designed loading and stress capability of the support structure that is reflective of any loads or stress related to any currently unused but reserved space on the structure;
   e. Manufacturer's cut sheets for all proposed transmitting and receiving equipment to be added to the WTF or otherwise changed;
   f. Identification/listing of frequency bands for types of all services (e.g. LTE, AWS, Cellular, PCS, etc.) that the applicant has licenses for that are applicable to the community; not just those that are currently offered or proposed;
   g. Copy of FCC license for each frequency band for which a license held applicable to the town;
   h. Electrical powering information, i.e. the maximum power the equipment is designed to operate at on a per frequency band basis, e.g. for LTW equipment, cellular equipment, PCS equipment and AWS equipment, listed individually
   i. A signed statement that the applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services caused by its presence or operation.

3.4.38 YARD SALES

A. Yard, garage, tag, patio, and apartment sales are permitted without a permit, as an accessory use on any residentially, institutionally, or commercially developed lot in any district.
B. Such sales on residentially developed lots shall be limited to no more than three (3) days per calendar month on the same lot.
C. Institutional and commercial yard sales are permitted only with the land owner's permission.
D. One (1) on-premise and three (3) off-premises yard sale signs per yard sale. All such signs shall be removed within twenty-four hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right-of-way.

4 BUILDING DESIGN REQUIREMENTS

4.1 PURPOSE & APPLICABILITY

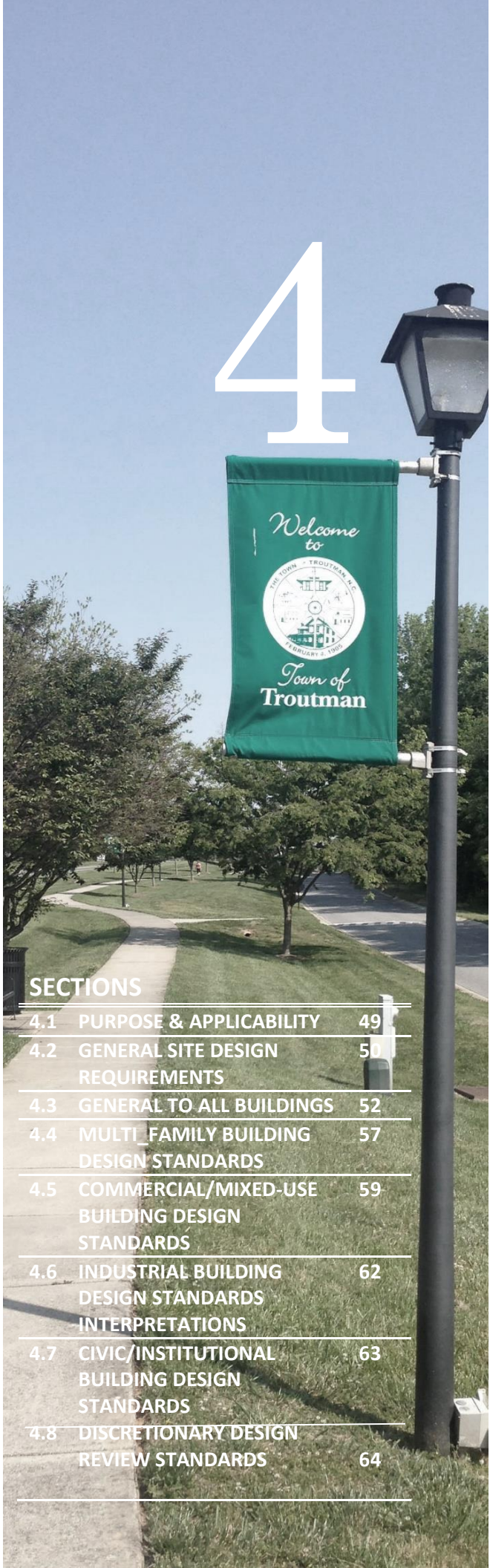
4.1.1 PURPOSE

The purpose of this chapter is to ensure compatibility between buildings and the establishment and preservation of architectural character throughout the Town. Enumerated in the sections below are general requirements of all buildings, as well as, requirements specific to building use. All new construction shall conform to the requirements of this chapter. The expansion of existing buildings shall follow these requirements to the greatest extent possible. Design regulations are not intended to replicate existing built form or achieve a specific stylistic result, but to allow imaginative design that respects the neighborhood context. It is the specific intent of this chapter to ensure that development:

- Is compatible with the context of surrounding areas;
- Preserves the unique visual character and streetscapes of Troutman;
- Utilizes architectural styles which build upon and promote the existing historic character of the town; and
- Spatially defines streets, squares, and parks through careful building and site design.

4.1.2 APPLICABILITY

The regulations in this Chapter apply to all buildings with the exceptions noted herein. As many buildings will also undergo Discretionary Review before a Board, these standards are considered the minimum necessary standards but in no way set absolute maximum standards. This Section establishes both administrative standards and discretionary guidelines. Administrative standards are typically signified by statements with variants of the



SECTIONS

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words "shall" and "must". They are specific requirements reviewed by the Zoning Administrator. Discretionary guidelines are typically signified by statements with variants of the words "should", "encouraged", and "discouraged" They are general design objectives that are applied and interpreted by the Design Review Board in the review of development applications.

4.1.3 OPTIONAL DISCRETIONARY REVIEW

Development applications which are otherwise exempt from Discretionary Review by the Design Review Board may be reviewed and decided upon at the request of the applicant. This method of review is intended to allow applicants to explore potential design solutions that are compatible with surrounding development and the intent of this ordinance, but which, because of unique design considerations, are not able to achieve strict compliance with the administrative standards of this chapter. Such applications shall be subject to the applicable discretionary processes found in Section 9.5. This option shall not be used to grant a variance or waiver of any requirement in other chapters of this ordinance.

4.2 GENERAL SITE DESIGN REQUIREMENTS

4.2.1 ADMINISTRATIVE STANDARDS

A. Lot Access
   1. Except for lots platted for the sole purpose of providing conservation area and/or area for stormwater control structures, all lots must front:
      a. A street maintained by the town (or NCDOT) and built to town (or other governmental body) standards, or
      b. A common space such as a central courtyard, pedestrian passageway, or pedestrian close. All lots fronting on a common space shall provide rear vehicular access through an alley or parking drive of sufficient design to allow for the provision of emergency service access.

EXAMPLE: LOTS FRONTING PEDESTRIAN WAYS [4.2.1]

Lots must front on a public street or a pedestrian way such as a pedestrian passageway (left) or central courtyard (right).

Buildings Fronting a Pedestrian Alley. Davidson, NC

Residential Lots Fronting a Cottage Court. Saint Charles, MO

2. The primary pedestrian access to all buildings shall be from a fronting street or common space. Secondary access may be provided from parking areas located to the rear or side of a building.
3. Large buildings fronting multiple streets shall provide building entrances to each fronting street.

B. Building Location and Orientation: Principal building facades shall be generally parallel to the frontage line. Slight deviations from this are permitted for the intentional design of public space (RP, RS districts are exempt).

C. Loading/Service Areas, Mechanical Equipment and Utilities
1. Loading facilities, loading docks, service doors, and other service areas, shall be located and/or screened so as not to be visible from a public street or park.
2. Project elements like mechanical equipment (except small items such as fans and vents), utility meters, storage areas, solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas), transformers, generators, HVAC units and similar features, or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure; OR they shall be so located as not to be visible from any public street or from adjacent buildings. The Zoning Administrator may waive this requirement for photovoltaic panels where such panels must be located within view of a public street or adjacent building in order to maximize solar exposure.

D. Encroachments: Certain structures shall be permitted to encroach within the minimum required setbacks established in Section 2.4 as specified below:
1. Hedges, garden walls, or fences may encroach within minimum required setbacks up to the property lines. Encroaching fences shall be no greater than 4 feet in height. Encroaching garden walls and hedges shall be no greater than 3 feet in height.
2. Residential buildings may have rear decks and patios that encroach up to 8 feet into the rear setback.
3. Balconies, stoops, open porches, bay windows, and awnings are permitted to encroach up to 5 feet into the minimum front setback. Where a 0-foot minimum setback is required, such features on upper stories may encroach within the public right-of-way with the approval of the town or NCDOT (whichever has authority over a street), but shall be a minimum of 4 feet behind the curb and shall maintain a minimum height clearance of 8 feet above any pedestrian pathways.
4. Building arcades may encroach into any minimum front but shall be designed to avoid the swing of car doors parked parallel to the arcade and shall maintain a minimum height clearance of 8 feet.
5. Stairs may encroach up to 5 feet into any minimum front or side setback. For lots with steep topography, the Zoning Administrator may waive this requirement and allow any steps and stairs as deemed necessary to provide pedestrian access.
6. Cornices and gutters may encroach up to 2 feet within any required minimum setback.
7. Ramps for handicap accessibility and fire escapes required by the North Carolina State Building Code may encroach within any required minimum setback, but may not be closer than 3 feet to any property line.
8. Required street lighting and any landscape lighting may encroach into any minimum required setback.
9. Outdoor swimming pools may encroach to within 5 feet of any side or rear property line.

4.2.2 DISCRETIONARY GUIDELINES

A. Building Location and Orientation
   1. In order to encourage pedestrian activity, principal buildings should be grouped together or attached along the primary fronting street or along an internal network of interconnecting streets.
   2. Development should incorporate the predominant characteristics of the neighborhood, including built form, vegetation, and topography.
   3. Buildings should not significantly overshadow private open spaces or the common/public area windows of adjacent buildings in order to prevent the significant loss of amenity to adjacent buildings and private open spaces.
   4. Active recreation and service areas shall be located away from the secluded private open spaces of adjacent dwellings.
   5. Primary entrances to buildings should be located to provide easy access to public transit stops.
   6. Important street vistas should terminate in a focal point, such as a Civic/Institutional building or other architectural or natural feature.

4.3 GENERAL TO ALL BUILDINGS

The following standards or descriptions are pertinent to all buildings.

4.3.1 BUILDING LOCATION AND ORIENTATION

Building facades shall be parallel to the frontage line unless an alternative is approved by the Design Review Board.

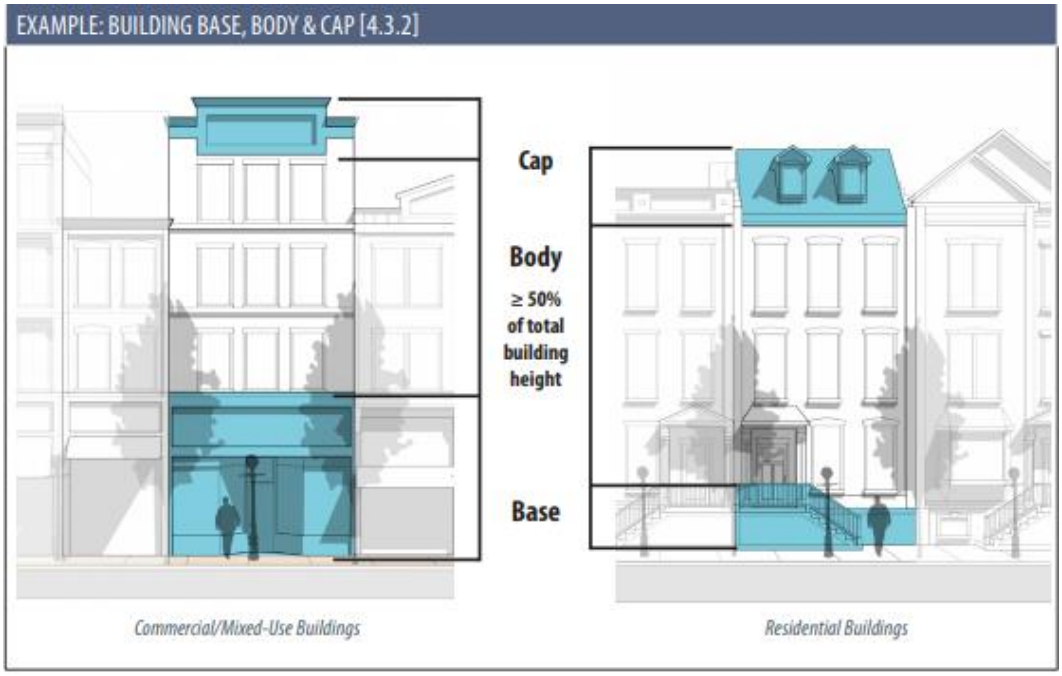
4.3.2 FACADE ARRANGEMENT

All elevations of principal buildings (over 20 feet in height) visible from a public street or park shall have a clearly discernible base, body, and cap in accordance with the following standards:

A. Base: A recognizable base shall be distinguished from the body of the building by features including, but not limited to:
   1. Thicker walls, ledges or sills;
   2. Visually heavier materials (such as brick, stone, tile or other masonry) than those used on the body of the building (such as stucco or siding); and/or
   3. Lighter or darker colored materials, mullions, or panels; and planters.

B. Cap: A recognizable top shall occupy the highest portion of the building and shall be distinguished from the body of the building by features including, but not limited to:
   1. Cornice treatments, other than just colored stripes or bands, with integrally textured
   2. Materials such as stone or differently colored materials;
   3. A roof overhang with brackets;
   4. Stepped parapets; and/or
   5. A cornice capping the top of a building wall.

C. Body: The remaining body of the building shall constitute a minimum of 50% of the total building height.



4.3.3 FACADE TRANSPARENCY

A. The table below establishes minimum requirements for facade transparency by building type. The requirements apply only to facades which face a public street or park.
B. All windows and glazing used to meet the minimum requirements must allow views from habitable areas within the building to the street or property line, except where obstructed by the display of merchandise for retail uses.
C. Windows or fixed glass areas in doorways may be used to satisfy the minimum requirements except in doorways designed for egress only.
D. To comply with this standard, the passerby should be able to discern finished, occupiable space to a distance of 10 feet inside the building. Post construction installation of blinds or other shading devices is permitted.
E. Glass block, reflective or highly tinted glass, faux windows, or casement display windows cannot be used to satisfy the minimum requirements.
F. Expanses of blank walls (i.e., without any transparent windows or doors) may not exceed 20 feet in length.

		F. MINIMUM FACADETRANSPARENCY		
		Ground Floor Facade*	Upper Floor Facades**	Total Facade Area
	Building Types			
Residential Buildings	Multi-Family Housing (All Districts)	-	-	30%
Mixed-Use & Commercial Buildings	Suburban Commercial (H-B, O-I)	50%	30%	-
	Mixed-Use (NC, CB)	65%	30%	-
	Industrial (I-L)	25%	n/a	-
	Civic/Institutional	Subject to Discretionary Design Review		

*Minimum percentage applies to the area of the facade between 3 feet and 8 feet above the finished first floor.
**Minimum percentage applies to the lineal footage of the facade with some type of window or fixed glass.

F. MINIMUM FACADE TRANSPARENCY		
Ground Floor Facade*	Upper Floor Facades**	Total Facade Area

RESIDENTIAL FACADE TRANSPARENCY
(Transparent facade area / total facade area) ≥ min. % from table

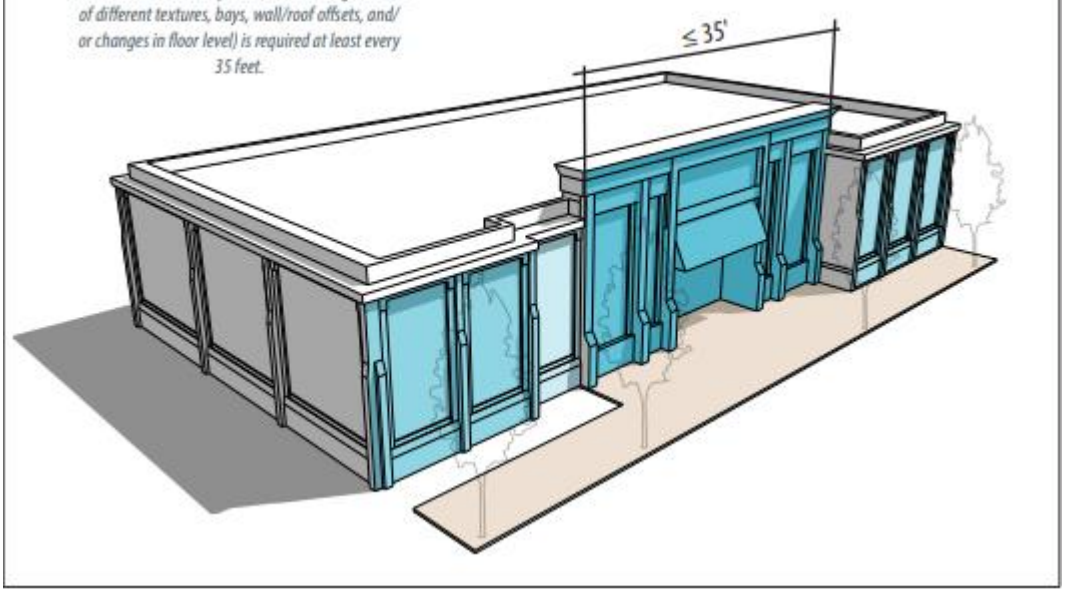
MIXED-USE & COMMERCIAL FACADE TRANSPARENCY
Ground Floor: Transparent facade % between 3 ft and 8 ft above finished floor ≥ min. % from table
Upper Floors: [(A+B+C+D+E+F) / total facade width] ≥ min. % from table

4.3.4 WALL PLANE VARIATION

Facades which are visible from a public street or park, must be divided into architecturally distinct sections of no greater than 35 linear feet through the use of different textures, bays, wall/roof offsets such as projections and recesses, and/or changes in floor level. (Not applicable to residential structures)

EXAMPLE: WALL PLANE VARIATION [4.3.4]

Some variation in wall plane (either through the use of different textures, bays, wall/roof offsets, and/or changes in floor level) is required at least every 35 feet.



4.3.5 LOADING/SERVICE AREAS, MECHANICAL EQUIPMENT AND UTILITIES:

A. Loading facilities, loading docks, service doors, and other service areas, shall be located and/or screened so as not to be visible from a public street or park.
B. Utilities: Project elements like mechanical equipment (except small items such as fans and vents), utility meters, storage areas, solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas), transformers, generators, HVAC units and similar features, or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure; OR they shall be so located as not to be visible from any public street or from adjacent buildings. No wall-mounted building utility service equipment (e.g., electrical house panel boxes) shall be placed on the public street right-of-way side of the building. The Zoning Administrator may waive this requirement for photovoltaic panels where such panels must be located within view of a public street or adjacent building in order to maximize solar exposure.

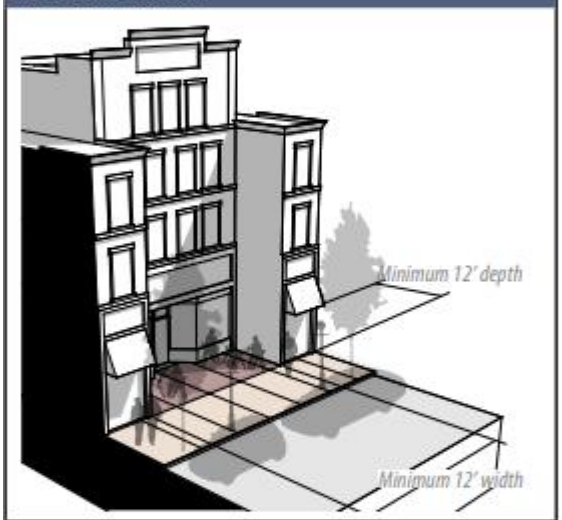
4.3.6 ENCROACHMENTS

A. Porches and Stoops: Porches and stoops may be constructed in front of the minimum required setback, but shall not extend into the right-of-way.
   1. Minimum Height above Grade: Porches and stoops shall be elevated a minimum of 18 inches above the average adjacent sidewalk grade, or
   2. feet above the adjacent street grade where no sidewalk is present. 2. Minimum Porch Dimensions: Porches shall have a minimum depth of 6 feet and a minimum width of 25% of the primary facade. Porches may be screened; however, if screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen.
   3. Minimum Stoop Dimensions: Stoops shall have a minimum depth and width of 4 feet. Stoops may be shared by two attached units. Stoop stairs may run to the front or to the side. Entry doors from stoops shall be covered or recessed to provide shelter from the elements.
B. Forecourts: Forecourts may be used in residential buildings to provide entry yards and/or shared garden space. Forecourts may be used in commercial and mixed-use buildings to provide areas for outdoor dining, display of merchandise, and/or entries to

PORCHES AND STOOPS [4.3.6.A]

Single-family home with porch. Minimum 8' depth

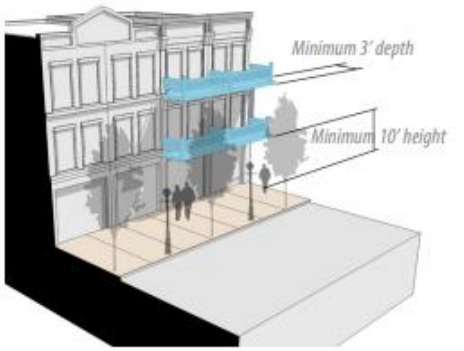
FORECOURT [4.3.6.B]



COLONNADE/ARCADE [4.3.6.C]

Colonnades/arcades may encroach over the public sidewalk, but must maintain a minimum sidewalk clearance of 8 feet horizontally and 10 feet vertically for pedestrian circulation.

BALCONY [4.3.6.D]



Balconies may encroach over the public sidewalk, but must project a minimum of 3 feet from the building facade. A minimum of 10 feet of vertical clearance must be maintained from the sidewalk grade.

AWNINGS & MARQUEES [4.3.6.E]

Marquees and awnings may encroach over the public sidewalk, but must project a minimum of 3 feet from the building facade. A minimum of 8 feet of vertical clearance must be maintained from the sidewalk grade.

individual tenants. Where provided, forecourts shall be a minimum of 12 feet in depth and 12 feet in width.

C. Colonnades/Arcades: Where provided, colonnades/ arcades may encroach over the public sidewalk, but must maintain a minimum horizontal sidewalk clearance of 8 feet for pedestrian circulation. A minimum of 18 inches of horizontal clearance must be provided from the outside of all columns to the face of the curb. A minimum of 10 feet of vertical clearance must be maintained from the sidewalk grade. No more than 1 story of habitable space may be permitted over the colonnade/arcade.

D. Balconies: Where provided, balconies may encroach over the public sidewalk, but must project a minimum of 3 feet from the building facade. A minimum of 10 feet of vertical clearance must be maintained from the sidewalk grade. Balconies may have roofs, but cannot be screened or glassed-in.

E. Awnings and Marquees: Where provided, marquees and awnings may encroach over the public sidewalk, but must project a minimum of 3 feet from the building facade. A minimum of 8 feet of vertical clearance must be maintained from the sidewalk grade. Awnings shall be made of fabric, but high-gloss and plasticized fabrics are prohibited.

4.3.7 ARCHITECTURAL DETAILS: COLUMNS, PIERS, AND ARCHES

A. Placement and Dimensions Columns and piers shall be spaced no farther apart than they are tall. Column bays shall be of equal and precise proportions. Columns may be round or square. Round columns shall have a 6-inch minimum outer diameter. Square columns shall be 6-inches minimum on each side. Piers shall have an 16-inch minimum dimension.

B. Quality Materials
   1. Columns may be constructed of wood structure with finished wood or Hardie-plank cladding, cast iron, concrete with smooth stucco finish, brick, perma-cast, or similar synthetic materials upon approval by Zoning Administrator.
   2. Arches may be constructed of concrete masonry units with stucco (C.B.S.), or reinforced concrete with stucco.
   3. Piers may be constructed of concrete masonry units with stucco (C.B.S.), reinforced concrete with stucco, concrete with smooth finish, or brick
   4. Railings and balustrades may be constructed of painted wood, wrought iron, PVC, or other synthetic material upon approval by the Zoning Administrator.

4.4 MULTI-FAMILY BUILDING DESIGN STANDARDS

4.4.1 APPLICABILITY: ALL MULTI-FAMILY BUILDINGS

4.4.2 MINIMUM DESIGN STANDARDS - TOWNHOMES, APARTMENTS, AND OTHER MULTI-FAMILY BUILDINGS

A. Entrances
   1. Building Entrances to Face Street or Public Open Space: All residential buildings shall face the street or designated public space (e.g., common courtyard, plaza, or green) and have a pedestrian pathway connecting the principal entry to the street. All buildings with shared entrances shall be oriented so that the primary entrance(s) faces the street.
   2. Raised Entry Required: The finished ground floor elevation for units within 18 feet of a sidewalk shall be 18 inches above the average adjacent sidewalk grade, or 2 feet above the adjacent street grade where no sidewalk is present.
   3. Zero-Step Entry: For residential buildings in developments designed for residents aged 55 and older, at least one zero-step entry shall be provided from the fronting sidewalk or pedestrian pathway to the interior of the house. Each unit shall have a separate outdoor entrance that includes a porch, stoop, courtyard, or similar element which provides a transition from the public sidewalk to the private space within the building or unit. Such entryway features must be at least 6 feet in depth and raised at least 18 inches in height from the average finished grade of the adjacent sidewalk.
   4. Secondary Entries Permitted: Individual units and tenant spaces on the ground floor may have separate entrances to the public sidewalk, but units on upper floors must be accessed through a common entrance on the ground floor.
   5. Corner Lot/Entry: In the case of corner lots, the primary entrance(s) shall face the street from which the building derives its street address.

B. Garages: Garage doors and access to off-street parking to individual units are discouraged from the fronting street.

C. Cornice and Expression Lines: Cornices are required to delineate the tops of facades. Expression lines are required to delineate the divisions between the first floor and upper floors.

CLEAR BUILDING ENTRANCES [4.4.2.A]

Buildings must have a useable entrance on the primary frontage. In most cases the primary frontage will be a public street (left), but in some cases the primary frontage may be an alley or a pedestrian pathway (right). The Zoning Administrator shall determine the primary frontage for each lot.

FACADE VARIETY [4.4.2.D]

Buildings must be designed to provide varied relief. The homes pictured above meet this standard through the use of porches, balconies, shutters, projected dormers, variation in roof lines, and decorative caps on chimneys.

CORNICE AND EXPRESSION LINES [4.4.2.C]

Cornices and expression lines articulate the building facade and break up the massing of larger buildings. A variety of cornices (blue) are used to provide interest and detail to this facade.

D. Detailed Design Required: All buildings shall be designed to include varied relief to provide interest and variety. This shall include details that cast shadows to provide visual relief. The following is a partial list of features that may be used to accomplish this objective:
   a. Bow window,
   b. Bay window,
   c. Arched window,
   d. Gable window,
   e. Oval or round windows,
   f. Shutters,
   g. Arched entry, balcony or breezeway entrance,
   h. Stone or brick accent wall,
   i. Decorative stone or brick band,
   j. Decorative tile,
   k. Veranda, terrace, porch or balcony,
   l. Projected wall or dormer,
   m. Variation of roof lines on the building, and
   n. Decorative caps on chimneys.

E. Wall Materials
   1. Building walls shall be finished in one or more (but not more than three) of the following materials: concrete masonry units with stucco (C.B.S.), reinforced concrete with stucco, fiber cement board such as “Hardie-Plank” siding (50-year siding product), wood (termite resistant, 50-year siding product): painted or natural, brick, stone, stucco, and other materials as approved by the Zoning Administrator.
   2. Visible foundation walls shall be finished in one of the following materials: Brick, Stone, Stucco, or similar masonry material.
   3. Chimneys: Chimneys shall have a masonry exterior finish.
   4. Downspouts and Gutters: Downspouts and gutters are to be galvanized steel, aluminum, or copper. Downspouts and gutters are to match in materials and finish.
   5. Day-Glo, luminescent, iridescent, neon, or similar types of color finishes are prohibited.
   6. Mirrored glass with a reflectivity of 20% or more and spandrel is prohibited.

F. Windows:
   1. Windows shall not be flush with exterior wall treatments. Windows shall be provided with an architectural surround at the jambs, header, and sill.
   2. Except for round windows, windows and door openings shall be taller than they are wide.
   3. Exterior Shutters: Shutters, if used, must be sized and placed so as to equal the width that would be required to cover the window opening. Plastic shutters are prohibited.

G. Roofs
   1. Shed, flat, and mono-pitch roofs shall be concealed with parapets along the street frontage.
   2. Flat roofs are prohibited, except on multifamily residential buildings where portions of the roof screened by pitched roof sections shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that all pitched sections of the roof meet the roofing material requirements.
   3. Mansard roofs are not permitted.
   4. Skylights must be flat to the pitch of the roof and shall not be located on any sloped roof facing the primary frontage.
   5. Roof penetrations shall be hidden or painted to match the color of the roof.

6. Garages and Accessory Structures: Attached garages, detached garages and other accessory structures, shall be subordinate in height, footprint, and proportion to the primary structure on the site, and shall be compatible with the principal structure in terms of roof form, materials, and color.

4.4.3 ADDITIONAL DISCRETIONARY DESIGN STANDARDS

A. Differing Housing Types to be Compatible: Housing types should be integrated in terms of scale, proportion, form, architectural detailing and material usage. It is acceptable for new houses to be larger than older ones, but not so much larger as to threaten neighborhood character.
B. Building Orientation: Complexes with multiple Apartment Buildings should arrange the buildings to frame common space and amenities.
C. Defined Entries: Entrances should be differentiated architecturally to create a sense of human scale.

4.5 COMMERCIAL/MIXED-USE BUILDING DESIGN STANDARDS

4.5.1 APPLICABILITY: ALL MIXED-USE AND COMMERCIAL BUILDINGS

4.5.2 MINIMUM DESIGN STANDARDS

A. Ground Floor Height: The minimum height of a single-story building shall be 20 ft feet from finished grade to the top of the parapet or eave.
B. Entrances:
   1. Primary Entrances: Buildings shall be oriented so that the primary entrance is facing
   2. the primary frontage, as determined by the Zoning Administrator. Individual units
   3. and tenant spaces on the ground floor may have separate entrances to the public sidewalk, but units on upper floors must be accessed through a common entrance on the ground floor. Major building entrances that provide access to the primary use of the building shall be distinguished from the entrances used for secondary uses, such as ground floor retail.
   4. Entrances to Face Street: All buildings with shared entrances shall be oriented so that the primary entrance(s) faces the street.
   5. Entry Interval: Doors or entrances with public access shall be provided at intervals no greater than 50 feet.
   6. Corner Lot Buildings: In the case of corner lots, the primary entrance(s) shall face the street from which the building derives its street address.
C. Ground Level Detailing
   1. Minimize Blank Walls: Expanses of blank walls facing streets (excluding rear access drives or alleys) or public civic spaces may not exceed 20 feet in length. (A “blank wall” is a facade that does not contain transparent windows or doors.)
   2. Ground-Level Transparency: Windows and doorways shall be the predominant features in the street-level facade. Exterior burglar bars, fixed “riot shutters,” or similar security devices shall not be visible from the public right-of-way. All ground level windows shall provide direct views to the building’s interior extending a minimum of 6 feet behind the window.

GROUND LEVEL DETAILING [4.5.2.C]

Windows and doors should form the predominate wall pattern on the ground floor of commercial and mixed-use buildings.

3. Transparency to be Dispersed: Required transparency shall not be aggregated into a single undivided area of glazing treatment. Individual glazing areas shall not span more than 15 linear feet, and must be separated by at least 1 linear foot of contrasting material.
4. Mechanical equipment: All mechanical equipment shall be completely screened from the ground level of any adjacent property with architectural materials that are consistent with those used on the primary building.
5. Spandrel Forbidden: The use of spandrel or similar glazing treatments on the ground floor is prohibited.
6. Ventilation Grates and Emergency Exit Doors: Ventilation grates or emergency exit doors located at the first-floor level in the building facade, which are oriented to any public street, shall be decorative. Unless otherwise required by the building code, such grates and doors shall be located away from pedestrian spaces (sidewalks and pedestrian paths).

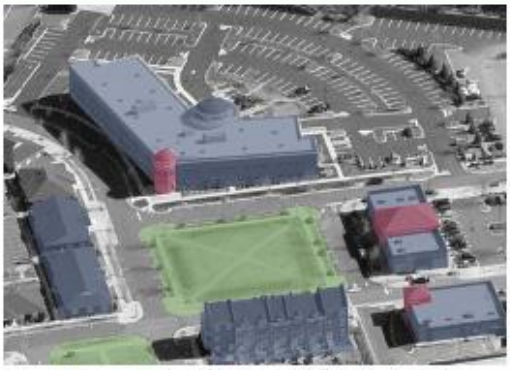
D. Windows
1. Window openings shall be taller than they are wide.
2. Windows shall not be flush with exterior wall treatments. A header and sill are required for all windows in masonry construction.
3. Windows in wood construction shall have trim around all four sides.
4. Display windows shall be well maintained and kept in good repair. Windows are not to be covered with paper, cardboard, or other materials, with the exception of approved window signage.

E. Roof Form
1. Permitted roof types include gabled, hipped, shed, barrel vaulted, flat, mono-pitch, mansard, and domed. Applied and partial (less than three sides) mansard roofs are not permitted.
2. Shed, flat, and mono-pitch roofs shall be concealed with parapets along the street frontage.

F. Building Walls
1. Wall Materials: Building walls visible from a public street or civic space shall be primarily brick, stacked stone, stone, or stone masonry units, wood clapboard, cementitious fiber board, exposed heavy timber, or architectural concrete masonry units (CMU). Glass curtain walls may be approved subject to Design Review to ensure the styling and details are appropriate for the context. Exterior insulation finishing systems (EIFS) may be used on facades not facing a public street or civic space or as a secondary building material only (less than 25% of the wall area) on primary frontage facades. Under no circumstances shall unfinished concrete block be permitted.
2. Balance of Wall Materials: When 2 or more materials are used on a façade, the heavier material shall be placed below the lighter material (e.g., siding over brick) to give the sense of support and grounding.
3. Colors: Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high intensity, metallic, fluorescent, day glow, or neon colors shall be prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities so as to give greater recognition to these features.

G. Additional Standards for Large Footprint Buildings: Buildings with a footprint of 20,000 square feet or greater must abide by the following additional standards:
   1. Buildings may be one story but shall be at least 24 feet in height. This may be accomplished with higher ceiling heights, parapets, and/or separate liner buildings.
   2. To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, large footprint buildings must reinforce the urban character of the street and shall therefore front the buildings to the sidewalks, providing windows and doors at frequent intervals.
   3. Building footprints shall not be larger than a single block. Floor area of buildings shall not cantilever over public rights-of-way.

CORNER LOT BUILDINGS [4.5.3.B]



Prominent corners should be treated differently than other entrances, particularly terminating key vistas or adjacent to public space.

4.5.3 ADDITIONAL DISCRETIONARY DESIGN STANDARDS

A. Multi-Building Development Configurations: In multi-building developments the following standards shall apply:
   1. Perimeter buildings and outparcel buildings shall be configured and located to define street edges, development entry points, and spaces for gathering between buildings.
   2. Perimeter buildings and outparcel buildings shall be oriented so that the primary facade faces a public street. Buildings interior to the site may face private parking areas and/or accessways.
   3. Buildings shall be located to break up the site into a series of smaller blocks defined by streets and pedestrian walkways, and to frame and enclose parking areas, outdoor dining areas, and/or gathering spaces for pedestrians between buildings.

B. Corner Lot Buildings: Buildings located on street corner lots shall be sited and configured to define the corner through a combination of:
   1. Locating the building as close to the right-of-way as possible (in accordance with the minimum setback);
   2. Eliminating surface parking between the building and the street;
   3. Providing a public gathering space adjacent to the corner; and
   4. Utilizing distinctive roof forms or pedestrian features such as porches, canopies, or arcades.

C. Lower floors should be differentiated architecturally to create a sense of human scale.

D. All buildings shall have a dominant vertical proportion.

E. All buildings shall provide street level, pedestrian-oriented uses on all street fronts.

F. Large buildings fronting multiple streets should provide multiple entrances. Entrances connecting to a central lobby should be accessible from each street-fronting façade of the building.

4.6 INDUSTRIAL BUILDING DESIGN STANDARDS

4.6.1 APPLICABILITY: ALL INDUSTRIAL BUILDINGS IN I-L AND I-H DISTRICTS

4.6.2 MINIMUM DESIGN STANDARDS

A. Entrance: The principal entrance to a building, and any ground floor tenant space entrance shall front the primary public street or a side parking area.
B. Facade Materials and Colors
   1. Materials: Industrial building walls visible from a public street shall be predominantly (50% or greater) brick, stucco, architectural concrete masonry units (CMU), or EIFS. Vinyl or metal sheeting is prohibited on the front elevations and any side elevations within 20 feet of the front elevation. Under no circumstances shall unfinished concrete block be permitted.
   2. Exceptions: Buildings in I District setback from a public street greater than 100 feet are exempt from the standards in 4.6.2.B.1. above except that in lieu of the use of a nonmetal wall material, landscaping may be installed along at least 50% of the building width to create a landscaping screen.
   3. Material Colors: Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, day glow, or neon colors shall be prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities so as to give greater recognition to these features.
C. Building Addition Exceptions: A new building or addition to an existing building associated with pre-existing industrial or warehouse use may elect, in lieu of the other design regulations in this subsection, to continue the existing design aesthetic with respect to building height, materials, roof configuration, fenestration, orientation, and setbacks. a single block.
D. Loading Docks and Service Areas: Loading docks, service areas and trash disposal facilities shall be hidden or screened from view of streets, parks, squares, waterways, or significant pedestrian spaces. Screening shall utilize the primary materials of the building or approved vegetation.

4.7 CIVIC/INSTITUTIONAL BUILDING DESIGN STANDARDS

4.7.1 APPLICABILITY

Civic buildings contain uses of special public importance and are therefore subject to Discretionary Design Review. Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, hospitals, public recreation facilities, and places of assembly but do not include day care facilities, retail buildings, residential buildings, and privately-owned office buildings.

4.7.2 MINIMUM DESIGN STANDARDS

A. Placement: In order to provide greater flexibility to create a special architectural statement, civic buildings are not subject to minimum or maximum setback requirements. Instead building placement should conform to the following guidelines.
   1. Placement of civic buildings, depending upon program and site, can often benefit from being set back from the adjacent build-to lines of private development. This allows the scale of the building to have more visual emphasis and can create a public space in the foreground. The amount of this setback should be carefully determined based on the urban design objectives of the particular site.
   2. Buildings should be oriented toward the public realm (streets, squares and plazas) in a very deliberate way.
   3. Civic buildings and their primary architectural elements should be placed at the termination of public vistas to provide an appropriate level of visual importance.
   4. Entrances should always be located on the most prominent façade(s). Avoid entrances that are at the rear or are visually concealed.

B. Massing
   1. The primary massing of civic buildings should be symmetrical in form. The appearance of a balanced design increases the level of formality which is appropriate to the public use.
   2. Massing of civic buildings, although often larger as a whole, should be divided into visually distinct sections. Massing divisions should provide visual order to the building and create vertical proportions within individual elements.

C. Scale/Height
   1. The scale of civic buildings should be larger and more monumental than corresponding buildings in order to be more prominent and visible across greater distances.
   2. Floor-to-floor heights and architectural details should be proportionately larger than those of private buildings that exist or are anticipated within adjacent blocks.
   3. Prominent roof forms and additive elements such as cupolas should be used to visually extend the height of the building.

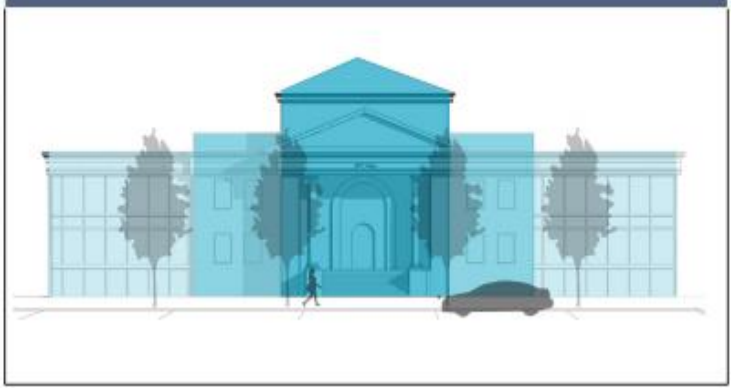
D. Materials/Details
   1. Civic buildings should evoke a civic presence and be carefully designed to reflect the architectural character of Troutman.
   2. Civic buildings should be made of durable, high-quality materials that create a sense of

CIVIC BUILDING TERMINATING VISTA [4.7.2.A.3]

Civic buildings with primary architectural elements (blue) should be placed .at the terminus of important public vistas.

ROOF FORMS AND ELEMENTS THAT DISTINGUISH CIVIC BUILDINGS [4.7.2.C.3]

CIVIC BUILDING SYMMETRY [4.7.2.B.1]



permanence and lend civic identity to the City. Preferred materials include brick, stone, and cast concrete. Stucco lacks appropriate scale and texture, and should generally be avoided unless the stucco has an integral pigment and is scored to define human-scaled dimensions on the façade.

3. Building details should be designed at two scales. At the larger scale, details should be robust so as to be read from a distance. Nearer to the building, the details of the lower levels should include another measure of refinement that can only be seen up-close at a pedestrian scale.
4. Building design elements should be used which allow civic buildings to act as focal points of the community. Depending on the architectural style of the building, the following elements should be considered in the building design:
   a. Pronounced window lintels/sills/muntins/etc.,
   b. Columns with a capital and base,
   c. A water table constructed of high-quality masonry units (such as cut or hewn stone) that extends beyond the face of the facade,
   d. Vertically oriented windows of at least a 2:1 ratio,
   e. Cornice lines with significant depth and multiple levels of relief,
   f. A monumental raised entryway,
   g. A formal landscaped area or plaza, and
   h. A tower element with a turret, cupola, or similar treatment.

4.8 DISCRETIONARY DESIGN REVIEW STANDARDS

4.8.1 APPLICABILITY

This section shall apply to all buildings except single family homes that are subject to Discretionary Design Review in accordance with Section 9.5.

4.8.2 BUILDING PLACEMENT AND SITE DESIGN

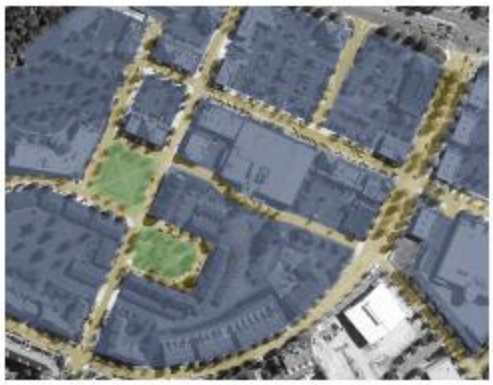
A. Generally: Buildings should be sited so that they create an ordered relationship with one another, specifically through the creation of public space defined by buildings as well as defined landscaped pedestrian connections between sites (i.e., the proposed building can be brought to the front setback with parking placed on the sides and in the rear. This scenario is preferable in the downtown area, but may not necessarily be required depending on the site and may not be feasible or aesthetically acceptable for another site, but such scenarios shall be considered.

B. The town shall encourage the use of sidewalks for interconnectivity between sites as well as connectivity to existing sidewalk infrastructure when such exists on the adjacent property(ies)).

C. Conceal Larger Volume Space Behind Smaller Scale Spaces: Large-scale, single-use buildings (such as parking garages, conference facilities, theaters, athletic facilities, superstores, etc.) should be located behind or above habitable street front space.
Development Plans with Multiple Principal Buildings: In order to encourage pedestrian activity, principal buildings should be grouped together or attached along the primary fronting street, or along an internal network of interconnecting streets.
   1. Perimeter buildings and outparcel buildings shall be configured and located to define street edges, development entry points, and spaces for gathering between buildings.
   2. Perimeter buildings and outparcel buildings shall be oriented so that the primary facade faces a public street. Buildings interior to the site may face private parking areas and/or accessways.
   3. Buildings shall be located to break up the site into a series of smaller blocks defined by streets and pedestrian walkways, and to frame and enclose parking areas, outdoor dining areas, and/or gathering spaces for pedestrians between buildings.

D. Building Location and Orientation
   1. Development should incorporate the predominant characteristics of the neighborhood, including built form, vegetation, and topography.
   2. Buildings should not significantly overshadow private open spaces or the common/public area windows of adjacent buildings in order to prevent the significant loss of amenity to adjacent buildings and private open spaces.
   3. Buildings located on street corner lots shall be sited and configured to define the corner through a combination of:
      a. Locating the building as close to the right of-way as possible (in accordance with the minimum setback);
      b. Eliminating surface parking between the building and the street;
      c. Providing a public gathering space adjacent to the corner; and
      d. Utilizing distinctive roof forms or pedestrian features such as porches, canopies, or arcades.

EXAMPLE: BUILDINGS DEFINING SPACE [4.8.2.A]



Buildings located toward the perimeter of blocks (blue) work to define streets (beige) and public spaces (green).

EXAMPLE: PERIMETER BUILDINGS DEFINING SMALLER BLOCKS [4.8.2.A]

The arrangement of perimeter buildings (blue) serves to break up a larger site into smaller, walkable blocks (red).

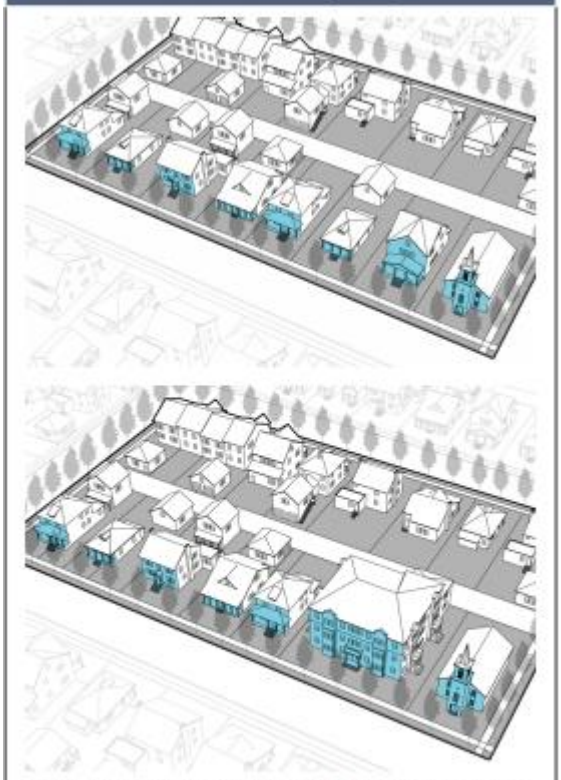
EXAMPLE: CORNER BUILDINGS & GATHERING SPACES [4.8.2.B]

Corner buildings (blue) have facades that are oriented to face gathering spaces (green) and decorative elements (red) which provide visual interest when viewed from the gathering spaces.

INFILL: FRONT SETBACK PATTERNS [4.8.3.A]

Infill development should be built to the dominant setback on the same block in order to reinforce a common development pattern and the character of the district.

INFILL: RHYTHM OF DEVELOPMENT [4.8.3.B]



(Top) Ideal rhythm of development, each building having a common scale, width and setback. (Bottom) A large scale building is out of place on a block with smaller buildings creating a poor rhythm of development.

4. Important street vistas should terminate in a focal point, such as a Civic/Institutional building or other architectural or natural feature.

4.8.3 INFILL COMPATIBILITY

As a means to provide guidance for the design of buildings that integrate well into the context of Troutman, this section identifies the following key features necessary to ensure compatibility:

A. Front Setback Patterns: Established building setback patterns should be continued as practical. Deep front setbacks can compromise the ability to provide backyard space and/or rear parking, particularly at higher densities. Interruptions to street frontage character should be avoided by preserving existing front yard landscaping and street trees and minimizing the amount of frontage devoted to paved vehicle areas.

B. Rhythm Of Development Along The Street: Established building rhythms along street frontages should be continued. Monolithic massing that disrupts fine-grain neighborhood and corridor pattern should be avoided. Large-scale buildings should reduce their impact on the street by utilizing interior block space for the majority of the building area, while addressing the street with liner buildings, or other treatments, that continue the established building frontage width and rhythm of development on the street.

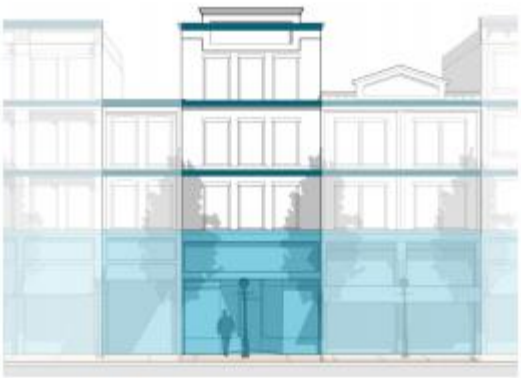
C. Building Orientation: Windows, main entrances, and other primary building façade elements should be oriented toward the street. Courtyard buildings can contribute to the primary frontage by orienting main entrances toward courtyards that serve as a semi-public extension of the public realm. Structures shall be oriented so that to the extent feasible, loading areas are not visible from residential districts or from public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are zoned for nonresidential uses if such loading areas are screened from view.

D. Architectural Features: The design of buildings should be consistent with prevalent architectural features of the surrounding neighborhood, especially in areas where patterns established by recurring architectural features are well-documented and valued. Consideration should also be given to avoid mimicry of existing buildings so that opportunities for the evolution of architectural style are not stifled.

4.8.4 SCALE

A. The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the surrounding area.
B. Cornice or eave height shall be consistent with the dominant cornice or eave height of buildings on the same block.
C. The elevation of the first floor and floor-to-floor heights shall be consistent with the expression of floors in the facades of buildings on the same block.
D. The facade of a proposed building should draw upon the proportion and number of bays, in surrounding buildings as defined by windows, doors and column spacing, to establish a compatible scale.

CORNICE HEIGHTS [4.8.4.B]



Cornices and first floor elevations are consistent in the facades on buildings on the same block.

4.8.5 MASSING AND ARTICULATION

A. When large scale construction is proposed which is not consistent with the predominant building height and lot width of the surrounding area, special attention should be paid to the siting, setbacks, and facade treatments utilized in such construction in order to articulate a building form that is appropriate to the neighborhood context.
B. Long, unarticulated or blank facades, including but not limited to those characterized by unrelieved repetition of shape or form, shall not be permitted on any facade or portion of a facade visible or expected to be visible from a public or private street or from primary vehicular access points or parking areas. For larger scale developments, the building façade shall create repetitive bays, or the façades shall be divided into an asymmetrical, yet balanced, composition.
C. New construction should complement the massing of neighboring buildings by utilizing, roof forms, architectural trim, differentiation of facade planes, and a relationship of solids (siding and walls) to voids (window and door openings) that are consistent with the patterns established in neighboring buildings.
D. All buildings should have a clearly discernible base, body, and cap, with masonry soldier courses or other horizontal expression lines separating each element. Heavier materials, such as masonry and stone, should be located below lighter materials, such as stucco and wood siding.
E. Buildings on corners or axial terminus should be designed with additional height and architectural embellishments, such as corner towers, to emphasize their location.
F. Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be used to establish human scale at the street level.
G. Roof forms shall avoid excessive articulation.
H. Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

4.8.6 PROPORTION

A. New construction should relate to the dominant proportions of construction in the neighborhood in terms of height/width ratios of doors, windows, porch bays, and overall building dimensions.

B. Long, low-slung buildings are discouraged as they are not consistent with traditional vernacular of Troutman.
C. The use of pitched roofs and roof overhangs that are consistent with neighboring buildings is encouraged.
D. Buildings with a footprint of 20,000 square feet or greater must abide by the following additional standards:
   1. Buildings may be one story but shall be at least 24 feet in height. This may be accomplished with higher ceiling heights, parapets, and/or separate liner buildings.
   2. To encourage use by pedestrians and decrease the need for solely auto oriented patronage, large-footprint buildings must reinforce the urban character of the street and shall therefore front the buildings to the sidewalks, providing windows and doors at frequent intervals.

4.8.7 MATERIALS AND COLORS

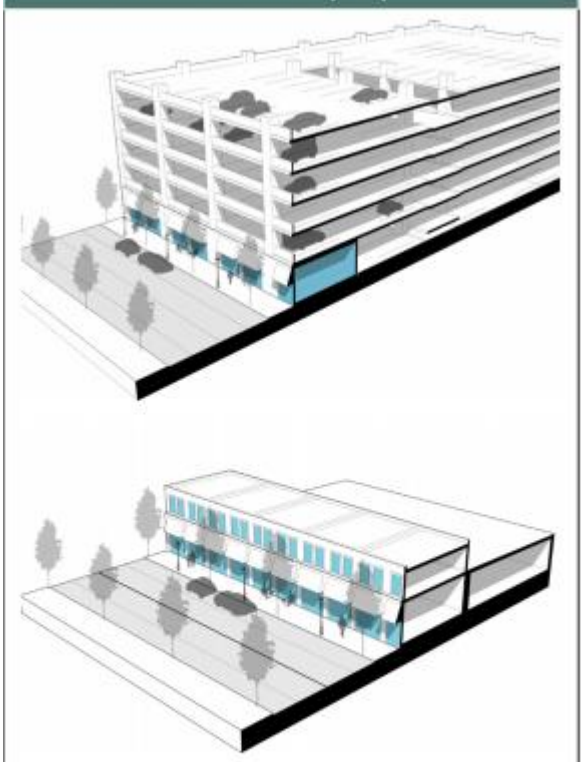
The requirements of this section shall apply to all building facades which are visible or are expected to be visible from a public or private street and other public spaces, and/or from primary vehicular access points or parking areas.

A. Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance and detail to all other exterior elevations of the same structure. Different materials on different exterior elevations are allowed on the same structure so long as those materials maintain the architectural unity and integrity of the entire structure (i.e., there may be brick and wood on the same building).
B. Colors of an extremely bright and garish nature shall not be allowed. Generally, no more than three colors complimentary to each other will be allowed on the building.
C. The primary finish materials for new construction shall be compatible with neighboring buildings in terms of color, texture, tooling, craftsmanship, size, shape, and the applicability of the material to the function it performs. Materials shall express their function clearly and shall not appear as materials which are foreign to the character of the building.
D. The materials of windows and doors shall be consistent with those of neighboring buildings.
E. Recommended roof materials include slate shingles, asphalt and fiberglass shingles, metal standing seam, or tiles.
F. Piecemeal embellishment and frequent changes in material should be avoided.

4.8.8 PARKING STRUCTURES/GARAGES

A. Parking structures shall nor front on pedestrian oriented streets or terminate a longer vista. Such structures shall be lined or wrapped by human-scaled development.
B. The entrance to a parking structure/garage should not occur at mid-block unless no other feasible alternative exists.

WRAPPING PARKING STRUCTURES [4.6.8]



(Top) Parking Garage Retail Screen: A ground floor retail liner in a parking garage creates an appropriate streetscape environment by screening the parking areas behind. (Bottom) Big-Box with Liner Building: A two-story retail/office liner building provides an appropriate screen for a large-scale single-use building (such as a conference center, theatre, athletic facility or superstore).

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5 SITE DESIGN

5.1 LANDSCAPING

5.1.1 PURPOSE AND APPLICABILITY

The purpose of this chapter is to regulate the protection, installation, and long-term management of trees and shrubs and to minimize potential nuisances, such as visual impacts, noise, dust, odor, litter, and glare of lights, from adjacent properties. The appropriate use of existing and supplemental landscaping enhances the appearance of built environment and blends new development with the natural landscape. Existing vegetation should be retained where possible to ensure a natural established landscape.

All new developments (except for infill single-family detached residential uses) shall be designed in accordance with the requirements of this chapter. A change of use or expansion of an existing building or parking area also requires compliance with the requirements of this chapter. Where necessary to accommodate creativity in site design, or where conformance with the strict requirements of this chapter are not feasible, the Design Review Board may modify these requirements, provided that the type and amount of landscaping or other features are equivalent in effectiveness.

5.1.2 TREE PRESERVATION, STREAM AND LANDSCAPE PROTECTION

A. Required Preservation Areas: The following shall be preserved:
   1. An undisturbed 50-foot buffer is required for all stream types;
   2. Trees and undergrowth in designated open space shall be preserved in an approved plan, except for permitted pathways; and
   3. Mature trees (those with a 12-inch caliper or greater at breast height) within the right of way

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or shading the street. (If the preservation of mature trees is in conflict with setback requirements, the Zoning Administrator may grant exceptions on a case-by-case basis.)

B. Other Preservation Areas: Existing vegetation in other areas shall be preserved whenever feasible according to the following standards:
   1. The decision to preserve trees shown on the Landscape Plan shall be made jointly by the Zoning Administrator, developer and design team during the project approval process:
   2. When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition and type of tree; and location of site improvements and utility connections.

C. Credit Toward Required Plantings: Existing vegetation which is designated for preservation may be applied toward the requirements of this chapter.

D. Preservation During Construction
   A Tree and Root Preservation plan delineating areas in accordance with this section shall be incorporated as part of the Landscape Plan for the project and shall adhere to the following regulations:
   1. Trenching, placing backfill in the critical root zone (CRZ), driving or parking equipment in the CRZ, and dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the trees to preserved is prohibited.
   2. Protective barricades shall be placed around all trees designated to be saved, prior to the start of development activities or grading. Such barricades shall be erected at a recommended minimum distance from the base of protected trees according to the following standards:
   a. For trees having a 10” caliper or less: Protective barricades shall be placed a minimum of 10’ from the base of each protected tree, or outside the dripline, whichever is greater.
   b. For trees greater than 10” caliper: Protective barricades shall be placed at a minimum distance equal to 10’ from the base of a protected tree plus an additional 1’ for each additional 1” caliper greater than 10” caliper, or outside the dripline, whichever is greater.
   3. Protective barricades shall consist of 2” x 4” posts with 1” x 4” rails or orange safety fence. Protective barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, stockpiled soil or other construction debris. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees.
   4. Construction access to a site should occur where an existing or proposed entrance/exit is located. Except for driveway access points, sidewalks, curb and gutter, land disturbance within a tree dripline is strongly discouraged.
   5. Where grading within a tree dripline cannot be avoided, cut and fill shall be limited to 1/4 to 1/3 of the area within the dripline. Tree roots must be pruned with clean cuts at the edge of the disturbed area, and no fill shall be placed within the dripline of a tree without venting to allow air and water to reach the roots.

E. Replacement of Preserved Trees: Should any tree designated for preservation in the landscape plan die, the owner shall replace it within 180 days with landscaping equal to what would be required in this ordinance.

5.1.3 TREE REMOVAL

A. Permitted Required: No person directly or indirectly, shall remove, destroy, cut, or severely prune any tree or shrub having its trunk in or upon any public property or on any street right-of-way without first obtaining a permit from the Zoning Administrator. A permit shall also be issued for the removal of any tree on public or private property that is listed as a state or national champion by the North Carolina Forestry Service or the American Forestry Association; or if it provides habitat for endangered wildlife protected by federal law; or has been cited by the Town as being historically significant. The permit shall be issued when the administrator has determined that:
   1. The trees to be removed are dead, diseased, irreparably damaged, hazardous, or creating/ potentially creating damage to the property or injury or person, or
   2. The tree removal is part of a greater development plan for which an approved landscape plan has been issued pursuant to this chapter.
B. Exception: A permit is not required for the area of an approved plan designated as single family or duplex residence exclusive of open space.
C. Removal by Utilities: Trees to be removed from the public rights-of-way by electric utilities and other utilities must be replaced by such entity in equal quantity with a suggested species from the Suggested Species Plant List on file with the Planning Director.
D. Preservation of Existing Trees to Limit Clear-Cutting: There shall be no construction activity on the site (including but not limited to mobilization, clearing, grubbing or construction entrances) until the tree preservation plan has been approved as part of the landscaping plan. Normal forestry activities may occur on property taxed under the present use value standard or conducted pursuant to a forestry management plan prepared or approved by a registered forester. However, if trees within the site perimeter, required landscaping areas, or stream buffers are removed, no building permits may be issued and no site plan and subdivision applications may be submitted for a period of up to five years (per NCGS 160A 458.5) from the date the clearing is complete, except with a reforestation plan and the approval of a 4/5 vote of the Town Council.

5.1.4 ENVIRONMENTAL INVENTORY

Environmental Inventories shall identify existing vegetation, wetlands, wildlife, and distinctive natural features on the subject property and all adjacent properties. The Environmental Inventory shall include the following features, as applicable, at the discretion of the Zoning Administrator:

- Topographic lines;
- Existing buildings and land uses;
- Railroad lines; • Easements;
- Water courses;
- Flood hazard areas;
- Stream buffers;
- Watershed protection districts;
- Jurisdictional wetlands;
- Forest stands (or trees of a uniform size and species);
- Specimen trees;
- Distinctive tree lines or forest edges;
- Natural rock formations and/or rock outcroppings;
- Previously documented Federally and State recognized endangered species habitats; and
- Any other historic or culturally significant areas.

Environmental Inventories provide the town and the applicant the ability to improve the aesthetics of the proposed development, preserve vegetation and wildlife, and encourage the use of the existing forest, tree canopy and specimen trees to satisfy the requirements of the UDO. It is the expectation that readily available spatial data, including GIS information, will be sufficient for this inventory.

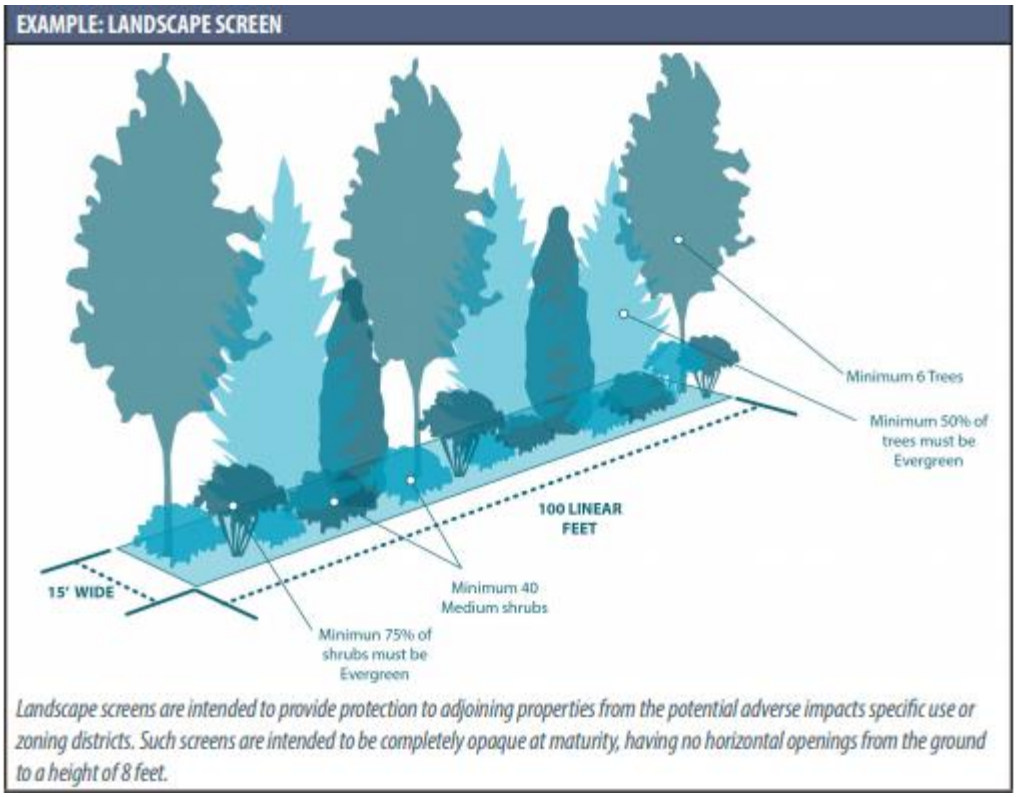
5.1.5 TYPE A LANDSCAPING (BUFFER WITH OPAQUE/SEMI-OPAQUE SCREEN)

A. Location and Width: Buffers shall be located entirely on the property of the new development. If adjacent existing development expands by more than 20 percent, then the existing development shall also install a buffer meeting the requirements of this section. For subdivisions and site plans, buffer widths will be determined during the approval process. The following table shows the minimum buffer width for new or expanding development adjacent to single-family residential development:

New or Expanding Development	Minimum Buffer Width
Civic	10 feet
Commercial	20 feet
Industrial	50 feet
Mixed Use	25 feet
Multi-family Residential adjacent to RP, RS, and RT	25 feet

B. Minimum Required Landscaping:
1. At maturity, screen must be completely opaque with no horizontal openings from the ground to a height of 8 feet.
2. A minimum of 6 large maturing trees and 40 shrubs shall be planted for each 100 linear feet of landscape screen area to provide continuous coverage.
3. Trees shall be a minimum 50% evergreen and obtain a height at maturity of no less than 20 feet.
4. Shrubs shall be a minimum 75% evergreen and have a minimum height of three (3) feet at installation.

C. Existing Vegetation: Existing vegetation located in the required landscape screen area which is designated for preservation may be counted toward the minimum required landscaping for landscape screens.



5.1.6 TYPE B LANDSCAPING (PARKING LOT CANOPY)

A. Applicability: The parking area landscaping standards of this section shall apply according to the following standards:
   1. Existing Parking Lots: All expansions of impervious surfaces in existing parking lots with 5 or more spaces shall comply with this section.
   2. New Parking Lots: All new parking lots of 5 or more spaces shall comply with this section.
   3. Small Parking Lots: For small lots (36 spaces or less), landscaping shall be required at the perimeter only, according to the standards of this section.
   4. Large Parking Lots: For large lots (more than 36 spaces), landscaping shall be at the perimeter and the interior, according to the standards of this section.
   5. Industrial Sites: Truck trailers are exempt from installing canopy trees on industrial sites.

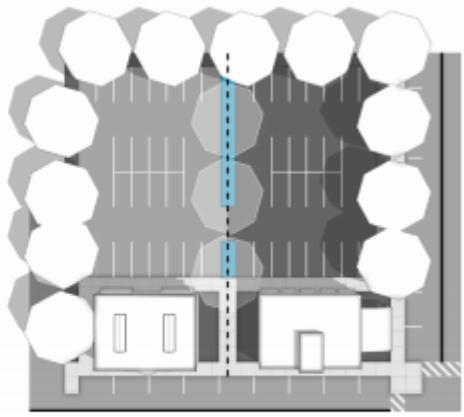
B. Parking Lots - Perimeter Landscaping and Screening
   1. Minimum Width: Perimeter landscape areas shall be a minimum of 8 feet in width adjacent to all parking spaces and travel areas.
   2. Required Trees: Large maturing canopy trees shall be planted not more than 40 feet on center.
   3. Required Shrubs: A continuous row or staggered row of evergreen shrubs, with a minimum expected height at maturity of 3 feet, shall be installed at not more than 6 feet on center. If used in addition to a wall or fence, the evergreen shrubs shall be planted on the exterior side of such features.
   4. Additional Requirements for Parking Lots Adjacent to Street Frontage: A masonry wall or garden hedge (minimum 3 feet in height) shall be installed along any street frontage adjacent to parking areas. At sidewalks with extensive pedestrian use, the masonry wall is

preferred.

5. Exception for Parking Lots Behind Buildings
   a. Adjacent parking lots which are located behind buildings and are continuous across property divisions shall not be required to provide perimeter landscaping at such property divisions.
   b. If adjacent parking lots behind buildings are not continuous, and are connected across property divisions by a drive only, the width of the perimeter landscaping area between the two lots shall be 8 feet total, 4 feet for each parking lot. The minimum required perimeter landscape plantings for each parking lot shall not be reduced.

EXAMPLE: PARKING LOTS BEHIND BUILDINGS

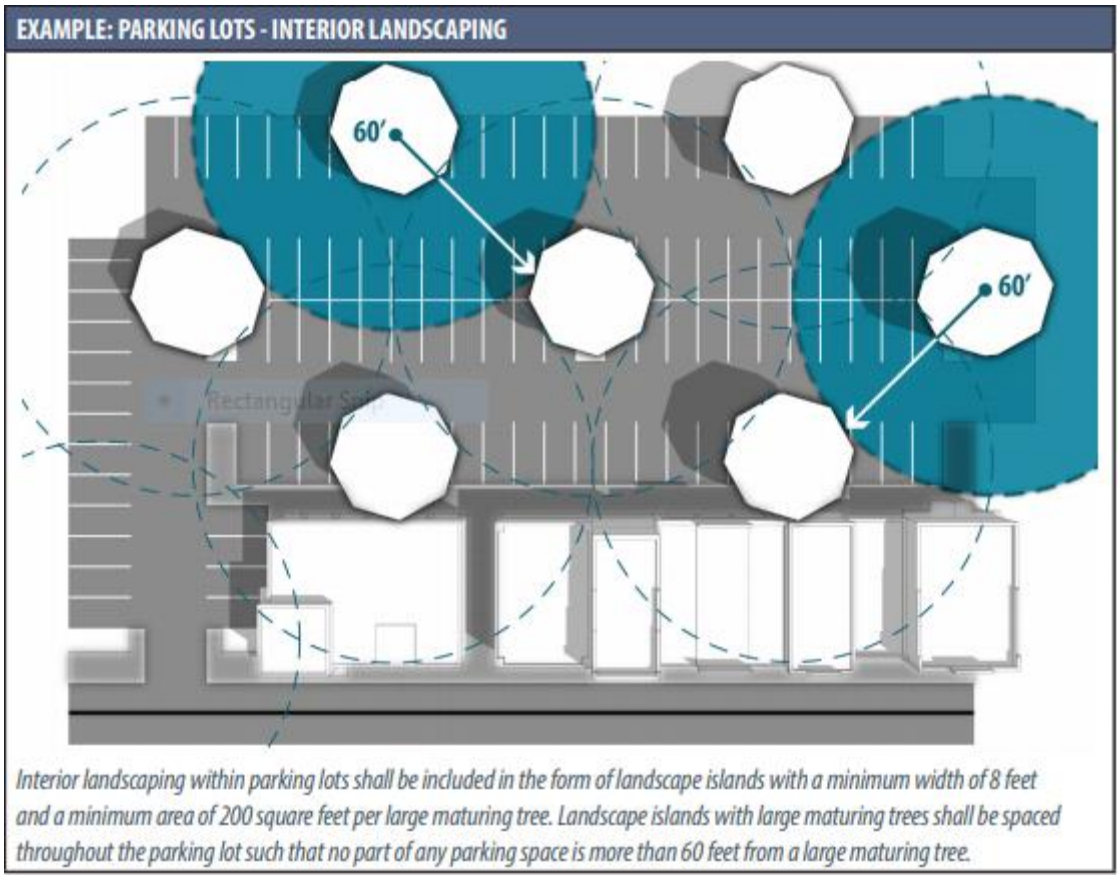
Parking lots which are located behind buildings and are continuous across property divisions shall not be required to provide perimeter landscaping at such property divisions.



Adjacent parking lots behind buildings which are not continuous shall include a perimeter landscape area of at least 8 feet (4 feet for each) between such parking lots. The planting requirement for each lot shall be the same.

6. Natural Buffers: Where a natural buffer exists adjacent to parking areas, it is to remain undisturbed. The removal of undergrowth and limbing up of trees is prohibited. Only dead wood is allowed to be removed. All buffers required by the watershed protection regulations and the stream buffer overly standards shall remain completely undisturbed, except for permitted pathways.
7. Existing Vegetation: Existing vegetation located in the perimeter landscape area which is designated for preservation may be applied toward the requirements of this section.

C. Parking Lots - Interior Landscaping
   1. Landscape Islands
      a. Landscape islands within parking lots shall be located so as to define and direct vehicular movement.
      b. Landscape islands shall have a minimum width of 8 feet.
      c. Landscape islands with large maturing trees shall include a minimum of 200 square feet of pervious space per tree.
   2. Minimum Spacing: Large maturing trees shall be planted within the interior landscape islands or parking lots so that no part of any parking space is more than 60 feet from a tree.
   3. Other Landscaping Areas: All areas not specifically required for parking or circulation should be landscaped.



5.1.7 TYPE C LANDSCAPING (STREET TREES)

The intent of this section is to ensure that the Town of Troutman remains a community of treelined streets in order to reduce excessive noise, glare and heat, and to ensure the aesthetic quality of the town.

All uses that require site plan approval shall install and maintain a planted streetscape along each public street that abuts the perimeter of the property. The function of this streetscape will be to provide intermittent visual screening between public and private property, creating the impression of spatial separation without eliminating views to and from the property. All plant materials within the right-of-way shall be maintained by the property owner, subject to appropriate utility easement and maintenance provisions.

A. Minimum Number of Trees: Street trees shall be installed according to the following minimum standards (linear feet of planting area shall exclude driveways):
   1. At least 1 canopy tree for every 40 linear feet of planting area, or fraction thereof equal to or greater than 25 feet. However, for individual lots with width greater than 65 linear feet minimum 2 trees are required; or
   2. Only when planting of canopy trees is not practical due to the location of utilities, 1 understory tree for every 35 linear feet of planting area, or fraction thereof equal to or greater than 18 feet.
B. Minimum Spacing of Trees: The minimum spacing of trees should correspond to the expected mature spread of the adjacent trees but in no instance shall be less than:
   1. 30 feet between canopy trees,
   2. 20 feet between canopy trees and understory trees, and
   3. 15 feet between understory trees.

C. Distance from Street Corners and Fireplugs: No street trees shall be planted within 35 feet of any street corner, measured from the point of nearest curvature of street curb. No street tree shall be planted within 10 feet of any fireplug. Exceptions may only be made in special plantings designed or approved by a landscape architect and the Zoning Administrator.
D. Conflict with Utilities: No street trees other than those specified as small, undercanopy trees may be planted under, or within 10 feet of an overhead utility wire. (See also Section 7.7.10 specifying underground utilities in all new subdivisions).
E. Conflict with Street Lighting: Street trees shall be located and planted so as not to diminish the effectiveness of required street lighting, and in no instance shall street lights be closer than:
   1. 15 feet to canopy trees, and
   2. 8 feet to understory trees.

5.1.8 TYPE D LANDSCAPING (RESIDENTIAL YARD TREES)

A. Tree Canopy Yard trees are required for every district, except in the Rural Preservation District. Trees shall be planted behind the sidewalk outside of the public right-of-way. Maintenance of the trees shall be the responsibility of the individual property owner. All parcels, regardless of land use, shall maintain a minimum tree canopy coverage according to their district classification as follows

DISTRICT	TREE SAVE REQUIREMENTS
Rural & Suburban Residential Districts (RP, RS, RMH)	10% of tract plus each residential lot must have at least one large canopy tree per 5,000 square feet. At a minimum, 50% of the required trees must be located in the front yard. The preservation of existing healthy trees is preferred to new plantings.
Suburban Commercial Districts (OI, HB, IL, IH)	5% of tract
Urban Districts (RT, RM, NC, CB)	Specimen tree preservation only - may be waived or altered by the Zoning Administrator depending on health of tree and preferred development pattern on the site

B. Size: Large trees shall be a minimum of ten feet in height and 2 and one half-inch caliper when planted for all residential lots. Understory trees shall be a minimum of eight feet tall and two-and-one-half inch caliper at planting. All plant material required by this section shall comply with the plant material list maintained by the town.
C. Existing Vegetation:
   The minimum canopy coverage requirement may be met through the retention of existing vegetation, supplemental plantings, or a combination of both; however, every reasonable effort should be made to meet the baseline canopy coverage area through the retention of existing vegetation in the following priority areas of the site:
   1. Required buffer yards between conflicting uses (as defined in this chapter);
   2. Thoroughfare buffers and streetyards;
   3. Conservation easements;
   4. Special Flood Hazard Areas.
D. Alternative Methods of Compliance
   1. Alternative landscaping plans, plant materials, planting methods, or reforestation may be used where unreasonable or impractical situations would result from application of landscaping or tree preservation requirements. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot

configuration, unified development design, or unusual site conditions.

2. The administrator may approve an alternate plan, which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this section.
3. Whenever the Zoning Administrator authorizes some deviation from the standards set forth in this article, the official record of actions taken on the development application shall contain a statement giving the reason and justification for allowing such deviation.
4. Decisions of the Zoning Administrator regarding alternate methods of compliance for landscaping and tree preservation may be appealed to the Board of Adjustment according to the provisions of Section 10.4.

E. The use of existing vegetation to satisfy this requirement is encouraged. Existing canopy trees over six (6) inches in caliper may be counted towards fulfilling this requirement.

5.1.9 OTHER SCREENING & LANDSCAPING

A. Rooftop Mechanical Equipment: Rooftop mechanical equipment shall not be visible from any street or public park/greenway. Unused equipment should be removed.

B. Other Project Elements

1. Required Screening: The following project elements shall be concealed and contained or screened from public view with materials similar to the structure or they shall be located so as not to be visible from any public view or from potential buildings nearby:
   a. Mechanical equipment;
   b. Utility meters;
   c. Storage areas;
   d. Solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas);
   e. Transformers;
   f. Generators; and
   g. Similar features or other utility hardware on the building, roof, or ground.
2. Design: These elements must be integrated with the site and building plan, be designed so as not to attract attention and be easily serviceable.
3. Watershed Buffers: Properties within a watershed shall comply with the buffer requirements of the Watershed Overlay District.

5.1.10 PLANT SPECIES SELECTION

Native plants, wildlife supporting species, and shade trees are preferred in all landscape settings. For a list of tree specifications, preferred tree species and prohibited vegetation, see the Suggested Tree Species List on file with the Planning Director.

5.1.11 GENERAL INSTALLATION PROVISIONS

All trees and shrubs required by this chapter shall meet the planting specifications provided below.

A. Quality of Plantings: All new plant material shall be of good quality, installed in a sound, workmanlike manner and meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen.

B. Contractor Warranty: The contractor shall warrant all new plant material for 2 years from time of installation.

C. Soil Compaction: Installation and construction practices shall be utilized which preserve

existing topsoil or amend the soil to reduce compaction.

D. Staking and Groundcover: All trees shall be properly guyed or staked and mulched (3-4-inch layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.
E. Chain Link Fencing: Chain link and similar fencing materials, if used, shall be landscaped on their exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation.
F. Sight Distance Triangles: No plants shall be planted within the sight distance triangle at an intersection, or driveway access points unless an unobstructed view between 30 inches and 72 inches in height is maintained.
G. Utility Easements: No new landscaping shall be installed within utility easements.
H. Overhead Utility Lines: Where large maturing trees are required and overhead utility lines exist, small maturing trees planted 1 per 30 lineal feet shall be substituted with the approval of the administrator.
I. Encroachment Agreement: No irrigation lines may be installed within the planting strip, or other portions of the public right-of-way, without an encroachment agreement executed by the town or NCDOT as appropriate.

5.1.12 WALL, FENCE, AND BERM STANDARDS

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 in Section 5.1.5, or where there is a need to prevent a high degree of visual, audio, or physical disorders, then the Zoning Administrator may require the installation of fencing or earthen berms in addition to the minimum required buffers and screening, according to the standards below:

A. Fencing or Walls: Where required, 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 each property, provided that all required buffer plantings are maintained.
    1. In all cases, the finished side of the fence must face the use with the lower intensity Where a fence or wall is used as part of a required screen area, any required plantings accompanying the fence or wall shall be located on the side of such fence or wall opposite the new development.
    2. Permitted fence or wall materials include: masonry, stone, architectural block, stucco on masonry, wood or other similar of solid appearance.
    3. Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than twenty-five (25) percent of the wall surface left open. All walls, except those constructed of stone, shall be of a consistent pattern. Gates constructed to the standards for fence materials below, may be included in the wall to allow passage to maintain the plant materials included in the buffer area.
    4. Any fence shall be constructed in a durable fashion of wood posts and/or planks with a minimum diameter or width of three (3) inches and with no greater than twenty-five (25) percent of the fence surface left open between posts and/or planks. Wooden gates meeting such standards of opacity may also be included.
    5. The height of the fence shall be determined by the Zoning Administrator based on the following variables: site conditions; topography; use; and/or building height. The

minimum height of a fence or wall required by this section shall be 6 feet.

B. Berms: Earthen berms may be required in combination with plant material and fencing for the purpose of screening. Berms shall be tapered appropriately to allow for practical maintenance.
   1. 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 6 feet above the top of the berm.
   2. All berms regardless of size, shall be stabilized. Topsoils brought in for mounds are to be mixed with native soil to avoid interfacing problems.
   3. Berms shall be constructed as to provide adequate sight distances at intersections and along all roads.
   4. Berms proposed to satisfy the screening requirements of this section shall be vegetated as required by this section. Use of berms as a substitute for existing healthy vegetation is strongly discouraged.

5.1.13 LANDSCAPING MAINTENANCE

The owner of the property is responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance, free from refuse and debris. All dead or unhealthy plant material shall be replaced within 180 days to maintain the quality of the landscaping. All landscaping materials shall be protected from damage by erosion, motor vehicles, or pedestrians which could reduce the effectiveness of the required landscaping. Walls, fences, and berms shall be kept in good repair and neat appearance. In no instance will the Town of Troutman be responsible for the maintenance of any vegetation unless such vegetation is located within the public right-of-way of a town-maintained street or is located on property owned by the Town of Troutman.

5.1.14 RELIEF TO LANDSCAPING REQUIREMENTS

A. In the event that the unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Zoning Administrator may alter the requirements of this section provided the spirit and intent of the section are maintained. Such an alteration may occur only at the request of the developer, who shall submit a plan to the Zoning Administrator showing existing site features that would screen the proposed use and any additional screen materials the developer may propose to have installed. The Zoning Administrator shall have no authority to alter the screening and buffer requirements in this section unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screen.

B. The vacancy or non-use of an adjoining parcel nor the desire of an owner to make more intensive use or greater economic use of the property shall not constitute grounds for providing relief to the landscaping requirements contained in this UDO. Where the effect of the landscaping requirements of this section is to deny the owner reasonable use of the entire tract (or tracts) of property, a Variance may be requested from the Board of Adjustment in accordance with Chapter 10.

5.1.15 EXISTING LANDSCAPED AREAS

In cases where an existing, landscaped or vegetated area is located on the same tract as the proposed development, further plantings and or improvements shall not be required so long as said screened area is of sufficient width and depth and contains adequate and sufficient materials to meet the requirements of this UDO. If the landscaped or vegetated area is deficient, the developer shall make needed improvements and/or additions to satisfy the landscaping requirements and intent of this UDO.

5.1.16 VISIBILITY AT INTERSECTIONS

Except as herein provided, on a corner lot in any district, no hedge, shrubbery, tree, natural growth, sign, fence, wall, or other obstruction of any kind to vision which obstructs cross visibility at a level between two (2) feet and nine (9) feet above the level of the center of the street (where the projection of the sight triangles intersects the centerline of the street) shall be placed or maintained within the triangular area formed by the intersection of front or rear lot lines and the side lot line and a straight line connecting points on said lot lines, which are located fifteen (15) and seventy-five (75) feet from the point of intersection. In instances where NCDOT site triangle provisions are applicable, such regulations shall prevail.

5.1.17 INSTALLATION OF LANDSCAPING REQUIRED PRIOR TO OCCUPANCY

A. Fences, walls, berms, and landscaping materials required in this Chapter shall be installed prior to occupancy.
B. Improvement Guarantees: It is recognized that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order

   to ensure compliance with this section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to occupancy, the Town of Troutman may enter into an agreement with the subdivider/developer whereby the subdivider/developer shall agree to complete all required landscaping and screening. To secure this agreement, the subdivider/developer shall provide to the Town of Troutman one of the following guarantees. The amount of such guarantee shall be equal to 1.25 times the cost of purchasing, installing, and completing landscaping and screening materials required under this UDO. All such guarantees shall be subject to the approval of the Town Manager and shall be made payable to the Town of Troutman. The subdivider/developer shall provide either one or a combination of the following guarantees:
   1. Surety Performance Bond(s): The subdivider/developer shall obtain a performance bond(s) from a surety company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Manager.
   2. Cash or Equivalent Security: The subdivider/developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town of Troutman. If cash or another instrument is deposited in escrow with a financial institution as herein provided, the subdivider/developer shall then file with the Town of Troutman an agreement between the financial institution and himself guaranteeing the following:

a. That said escrow account shall be held in trust until released by the Town Manager and may not be used or pledged by the subdivider/developer in any matter during the term of the escrow; and
b. That in the case of a failure on the part of the subdivider/developer to complete said improvement, the financial institution shall, upon notification by the Town of Troutman and submission by the Town of Troutman to the financial institution of a landscape architect's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

C. Default: Upon default, meaning failure on the part of the subdivider/developer to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Town Manager, pay all or any portion of the bond or escrow fund to the Town of Troutman up to the amount needed to complete the improvements based on a landscape architect's estimate. Upon payment, the Town Manager, in his/her discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider/developer shall nonetheless be responsible for providing the funds to cover such costs. The subdivider/developer shall at all times bear the financial burden for the installation of all required improvements. A lien shall be attached to the property if the subdivider/developer fails to provide the full financial responsibility under this Section.

D. Release of Guarantee Security: The Town Manager may authorize the Finance Director to release a portion of any security posted as the improvements are completed and approved by the Town. Such funds shall then be released within ten (10) business days after the corresponding improvements have been so approved.

5.2 LIGHTING

5.2.1 PURPOSE AND APPLICABILITY

A. 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:
   - Minimize light pollution, such as glare and light trespass.
   - Conserve energy and resources.
   - Maintain night time safety and utility.
   - Improve the night-time visual environment.

B. Unless otherwise specified, this section shall apply to all development in the Town of Troutman which requires an application and/or approval as specified in this ordinance. This includes, but is not limited to, subdivisions, changes of use, building expansions/ reconstruction, and parking area expansions for existing development according to the provisions in Section 5.3.

5.2.2 OUTDOOR LIGHTING FOR INDIVIDUAL SITES

A. Maximum Illumination

1. Measurement: The maximum permitted illumination shall be measured in average maintained footcandles from ground level. This average shall be arranged to prevent light spillage as specified in the table below. Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus 5%. Measurements shall be taken with a light meter that has been calibrated within t he year. Light levels are specified, calculated, and measured in footcandles (FC). Footcandles (FC) can be calculated by dividing the lumens (L) by the distance squared (D2) (i.e. F=L/D2).
2. Level of Illumination: The level of illumination shall be based on the primary activity in each area to be lighted as shown in the table below. Foot-candle designations represent measurements for average intensity at grade.

LIGHTING TYPE	MAINTAINED FOOTCANDLES		ADDITIONAL NOTES/REQUIREMENTS
	MAXIMUM	MINIMUM	
1. Utility Lighting			
A. Street Lighting	2.0	0.5	• Also see Section 5.2.4 for additional street lighting standards
B. Pedestrian Paths/Sidewalks	1.0	0.5	
2. Area Lighting			
A. Commercial/Mixed-Use Areas	3.0	1.0	• As measured at the property line • Outdoor lighting from commercial and mixed-use areas shall not shine directly onto the yard or windows of residence.
B. Residential Areas	0.3	n/a	• As measured at the property line
C. Landscaped Areas	2.0	n/a	• Lighting shall be focused exclusively on the plantings and away from adjoining properties and the street right-of-way.
D. Parking Lots	4.0	1.0	• Lighting shall be coordinated with trees and landscaping so as not to be obscured by such plantings. • Lighting fixtures of more than 2,000 lumens shall be cut-off fixtures. • Decorative lighting fixtures no more than 18 feet in height shall be installed along pedestrian walkways, as approved by the Zoning Administrator. Such lighting shall provide uniform distribution of lighting to produce minimum shadows. • The maximum uniformity ratio shall be 4:1 minimum to average. • 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.

E. Outdoor Recreation & Performance Facilities	n/a	n/a	• Fixtures shall be designed and aimed so that their beams fall within the primary playing or performance area and the immediate surroundings only so as not to shine onto adjacent properties. • All fixtures shall be fully shielded or installed with a manufacturer's glare control package so as to minimize up-light, spill-light, and glare. • Fixtures must not exceed 80 feet in height as measured from grade.
3. Building Exteriors			
A. Entrances (Frequent Use)	6.0	2.0	-
B. Entrances (Infrequent Use)	1.0	0.5	-
C. Building Facade	5.0	2.0	• Lighting shall be focused exclusively on the building features and away from adjoining properties and the street right-of-way. • 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.
The table is derived from recommendations of the illuminating Engineering Society. All measurements are in maximum point of luminance measured at grade in footcandles.			

B. Light Spillage Requirements
Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use of enjoyment of another lot is prohibited. Lighting intensities shall be controlled to assure that light spillage and glare are not directed at adjacent properties, neighboring areas, drivers, or the sky. The table below shows the maximum light permitted, as measured in footcandles, at the property line in order to prevent light spillage.

LIGHTING TYPE	MAXIMUM FOOTCANDLES AT PROPERTY LINE
1. Commercial/Mixed-Use Areas	2.0
2. Residential Areas	0.3
3. Parking Lots	4.0
4. Outdoor Recreation and Performance Areas	2.0
5. All Other Areas	0.3 (non cut-off lights); 1.5 (cut-off lights)

C. Exemptions: The following lighting types shall be exempt from the requirements of this section:
1. All temporary emergency lighting needed by the Police or Fire Department or other emergency services, as well as all vehicular luminaries.
2. Minimum lighting requirements in low density residential districts RP and RS.
3. All hazard warning luminaires required by Federal regulatory agencies - 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.
4. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting.

5. Lighting associated with holiday, festival, or other temporary uses.
6. Lighting of public art that has been permitted or otherwise approved by the Town.
7. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare.
8. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
9. Lighting of US and North Carolina State Flags provided the flag standard does not exceed the maximum permitted building height for that district.

D. Prohibited Lighting Types: The following lighting types shall be prohibited within the jurisdiction of the Town of Troutman:
1. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
2. The operation of searchlights for advertising purposes is prohibited.
3. Site lighting that may be confused with warning, emergency, or traffic signals is prohibited.
4. Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
5. Awnings and canopies used for building accents over doors, windows, and 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.
6. Neon lights: Neon lights outlining and/or detailing building features are prohibited.

5.2.3 STREET LIGHTING PROVISIONS

The Town of Troutman, as a part of its municipal service program, provides street lighting along all public streets within the corporate limits. All requests for street lighting installation and removal are to be submitted in writing to the Town Manager. The following are general provisions for street lighting:

A. The Town of Troutman, as a minimum standard, provides street lighting on existing publicly dedicated streets in accordance with Duke Energy's outdoor lighting product specifications.
B. All electric power lines for street lights on new publicly-dedicated streets constructed after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service and subject to approval by the town. All underground electric power lines shall be constructed so as to minimize interference with pedestrian and vehicular traffic, and to facilitate maintenance without damage to other elements of public and utility infrastructure. Wherever possible underground electric power lines should be coordinated and installed in a joint/common utilities trench, with appropriate utility approved separation.
C. All public streets, sidewalks, and other common areas or facilities in subdivisions shall be sufficiently illuminated to ensure the security of property and the safety of persons using the streets, sidewalks, and other common area facilities.
D. Pedestrian-scaled street lighting (no taller than 18 feet) shall be required in the RT, RM, NC, and CB districts.
E. Pedestrian-scaled lighting (no taller than 18 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.

F. Where sidewalks exist on one side of the street only, street lighting will be placed on that side to ensure adequate illumination for the pedestrian.
G. Additional lighting on a street with existing lighting should be similar in style and illumination to the existing lighting.
H. Citizens requesting lighting not on public street rights-of-way within Troutman will be referred to the appropriate electric utility. The requesting party will be responsible for all costs associated with lighting non-public street rights-of-way or for which the Town has not authorized installation by the appropriate electric utility to install lighting.
I. All street lights shall utilize a cutoff fixture. Where buildings are close to the street (less than 15 feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.
J. Alleys are excluded from the spacing and lighting requirements of this section.

5.2.4 DECORATIVE LIGHTING

A. Existing neighborhoods may request a decorative light option in lieu of the standard wood pole and light. If approved by the Town Manager, all light placed in the neighborhood must be compatible. Any cost chosen between a standard installation (cobra head fixture on a wooden pole) and a different pole/fixture chosen, including additional underground costs, must be paid by the neighborhood prior to authorization of installation fixtures.
B. Where underground wiring currently exists along thoroughfares and collector streets, the Town of Troutman may provide decorative pole fixtures at the Town's expense, subject to the approval of the Town Council.
C. Decorative lighting illuminating a roadway shall provide lighting that meets the following regulations:

	BOULEVARD	AVENUE	COMMERCIAL STREET	RESIDENTIAL STREET	LANE
Minimum Average Maintained Illuminance	.8 footcandles	.8 footcandles	.6 footcandles	.3 footcandles	.3 footcandles

5.2.5 STANDARDS FOR ACCEPTANCE OF LIGHTING BY TOWN

A. The Town of Troutman may choose to take over responsibility for payment of monthly billing of a street light, provided that the street light:
   1. Is within Town-owned right-of-way, and
   2. Is within a street right-of-way accepted for maintenance purposes by the Town of Troutman or the North Carolina Department of Transportation; and
   3. Meets Town standards, or the petitioner has paid any cost to have the light brought up to Town standards
B. Takeover billing shall become effective for the billing cycle following the approval of the request. The Town will not reimburse any billing for which the requesting party is responsible for or if the Town has not authorized Duke Power Company, to bill it. This includes any billing between the date of the citizen's request and the date of the changeover of billing.

Take-over billing is only applicable for maintenance and electricity billing only. The Town will not accept any take-over billing of decorative lighting fixtures until all premium costs are paid in full.

C. The Town may accept street lighting that exceeds the Town's standards for spacing and/or illumination subject to approval by the Technical Review Committee (TRC).
D. Due to their low lighting capability and maintenance requirements, natural gas lights are not eligible for this program.

5.2.6 INDIVIDUAL RESIDENTIAL LIGHTING

Individual residential lights may be installed on request by the public to the extent funds are approved. Requests for upgrading of an individual light will be treated in the same manner as an individual request for a new street light. The style of fixture to be installed must be consistent with the style of fixture already installed in the neighborhood. Any cost differential from the amount charged to the Town for a standard fixture (cobra head fixture on a wooden pole) and a decorative fixture, at the date of authorization must be paid to the Town, by the requester, as a one-time-only charge, prior to authorization. If decorative lighting is requested and the neighborhood has no decorative lighting previously approved, an endorsement by the neighborhood association is required, since future requests for lighting would need to conform to the same decorative lighting future option. Where no such group exists that can represent the neighborhood, the Town will send notice to each property owner within the neighborhood.

5.2.7 LIGHTING IN ANNEXATION AREAS

A. Upon annexation of an area by the Town of Troutman, the Town will initiate the erection of street lighting in accordance with this policy prior to the effective date of annexation. Notification of the street lighting policy and the Town's intent to erect street lighting in accordance with this policy will be forwarded to a recognized Homeowner's Association. Where no such group exists that can represent the neighborhood, the Town will send notice to each property owner within the neighborhood. Such notice will include a map of the neighborhood and the proposed locations for the lighting. The Town will make every effort to accommodate individual homeowner's requests provided they meet the overall intent of this Section. The Town will not process a work order to erect street lighting until it has received approval from the authorized neighborhood representative or where no such person exists, a majority of the homeowners in the neighborhood. An opportunity will be provided to the neighborhood to install decorative light fixture in accordance with Section 5.2.4 prior to initiation of a work order by the Town.
B. In areas where street lighting exists, the Town Manager will authorize take-over billing of the lighting provided the premium costs for any decorative lighting fixtures are paid in full by the neighborhood prior to the take-over in accordance with Section 5.2.5.

5.2.8 REMOVAL OF STREET LIGHTING

An individual homeowner or neighborhood organization may request removal of a street light provided the overall lighting pattern in the neighborhood is consistent with this Policy. Requests to remove all lighting within a neighborhood shall require the unanimous consent of all property owners within the neighborhood.

5.3 PARKING

5.3.1 PURPOSE AND APPLICABILITY

Parking lots and similar facilities are necessary elements in the urban environment. However, the provision of parking facilities must be regulated in order to avoid negative impacts such as:

- Increased storm water volume and velocity,
- Increased surface pollutants,
- Increased surface level heat and glare,
- Poor aesthetics impacting surrounding properties and the public realm,
- Reduction in the efficiency of the connecting street system, and
- Reduction in the operations of the surrounding pedestrian and bicycle network.

The purpose of this chapter is to ensure the adequate provision of parking in Troutman without degrading the urban or natural environment. The provisions of this chapter shall apply to all new and expanded development, as well as any changes in use.

5.3.2 GENERAL PARKING PROVISIONS

The following are general requirements for all new developments except one and two family dwellings. The expansion of existing development shall follow these requirements to the greatest extent possible.

A. Standard Practices Shall be Used: The design of all parking areas shall be in accordance with industry-standard practices and shall use documented details in the geometric design of all horizontal (e.g., space dimensions, aisle widths) and vertical (e.g., curbs, signage) elements.
B. Size: The size of any single surface parking lot shall be limited to three (3) acres, unless divided by a street or building. Larger parking lots shall be separated by buildings or landscaped areas with a minimum width of five (15) feet. This does not apply to the Industrial zoning districts.
C. Parking areas shall be located to the side or behind buildings. No off-street parking area shall be located within any front yard. Parking areas in the side yards shall not extend beyond the frontage line of the building. This does not apply to the Industrial zoning districts or schools. This also does not apply to the interior roads within a Shopping Center or Commercial Major Subdivision; no parking will be allowed in the front yards adjacent to the ROWs surrounding the development.
D. Turning Movements Self-Contained: Unless no other practical alternative is available, parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.
E. Service Vehicle Accommodation: Parking areas shall be designed so that sanitation, emergency and other public service vehicles can serve the development without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
F. No Encroachment Beyond Site: Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of that area onto adjacent properties or public rights-of-way. Those areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation or other obstruction.

G. Circulation: Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

H. Separation Required: Parking stalls shall be located a minimum of 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. Parking shall not be located in landscaped, open space, or tree save areas.

I. Surfacing: The following shall be paved or contain a similar type material approved by the Zoning Administrator. Gravel and other stabilization material without a permanent wearing surface is not permitted:
   1. Front yard parking areas.
   2. Side yard parking areas.
   3. All off-street parking areas for lots of greater than one acre.
   4. Driveways

   Off-street rear yard parking areas with 5 or fewer spaces or for lots of less than one acre may use pea gravel in lieu of a paving material provided that handicap parking meets ADA standards and pea gravel is contained to the parking area using landscaping timbers or other containment device.

J. Pedestrian Access:
   1. Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small parking lots (50 spaces or less), this may be achieved by providing a sidewalk at the perimeter of the lot. On larger parking lots, parking rows shall be oriented perpendicular to the main building entrance(s) and corridors within the parking
      area should channel pedestrians from the car to the perimeter of the parking lot or to the building.
   2. Pedestrian corridors in parking lots shall be delineated by a paving material that differs from that of vehicular areas and shall be planted to provide shade. The use of small posts or bollards to provide additional delineation and separation of pedestrian and vehicular corridors is encouraged.

K. Maintenance: Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

L. Bicycle Parking: Bicycle parking shall be provided by all non-residential, multi-family, recreation and industrial uses. Bicycle parking facilities required by this section shall be designed to provide convenient bicycle parking and to protect parked bicycles from damage. Acceptable rack elements, rack location and access, rack area and site conditions such as protection from the elements and visibility shall conform to the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.
   1. Bicycle parking spaces shall be Class I, Class II, or Class III facilities. Racks which only support one wheel are not acceptable.
      a. Class I: Bicycle lockers are generally rectangular enclosures, each holding one or 2 bicycles.
      b. Class II: Bicycle parking racks which allow all 3 major components of the bicycle, back wheel, frame, and front wheel, to be locked, without removal of the front wheel.

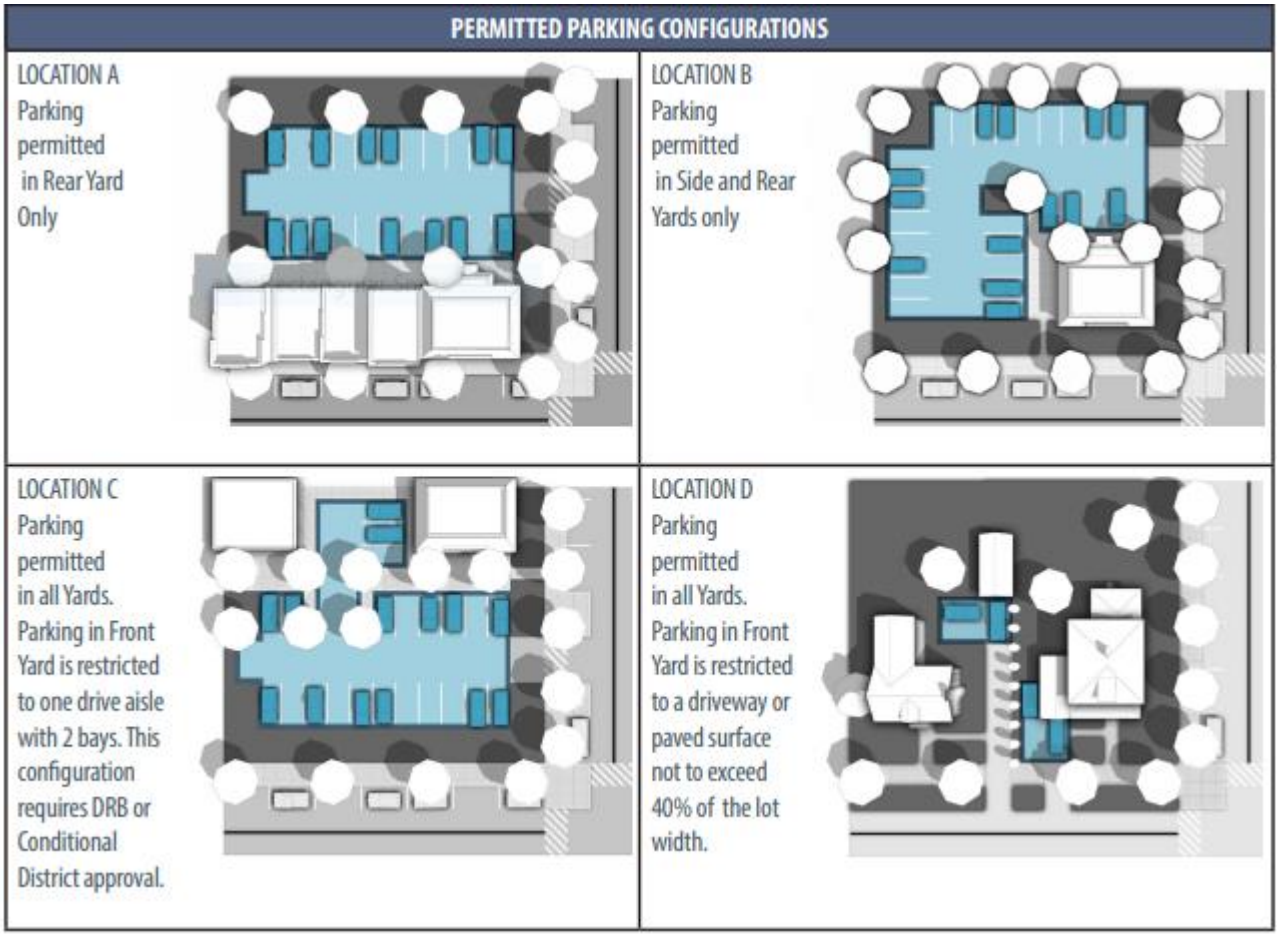
c. Class III: Racks such as loop, post, rails, “A” and inverted “U” racks. Each rack provides 2 bicycle parking spaces. Common properties in a class III facility include its support of the bicycle with or without the front wheel removed and post or pipe dimensions which allow the lock to encompass the front tire and down post or the rear wheel and seat post. Class III facilities are recommended for short-term parking, although, in combination with shelter, they can be adequate for long-term storage.

2. Multi-Family Development: Required bicycle parking spaces in multi-family development shall be provided in Class I facilities, or in Class II or III facilities if shelter is provided to accommodate long-term storage. If completely enclosed garages or accessory storage structures of at least 8 feet by 6 feet that may be locked or otherwise secured by individual tenants are provided for every unit in a multifamily development, no additional bicycle parking shall be required.
3. Surfacing: Bicycle parking shall be provided on a hard-surface, all-weather pavement of asphalt or concrete with curb ramps installed as appropriate.
4. Signage: Where not clearly visible from the access way, directional signage shall be provided to route bicyclists to the bicycle parking facility.
5. Installation: Installation shall be according to the manufacturers’ instructions.
6. Placement: Bicycle parking shall be:
   a. 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.
   b. Conveniently located near entrances (where multiple entrances exist, the racks shall be dispersed among the entrances rather than located in large groupings)
   c. Located so as not to interfere with pedestrian access.

5.3.3 PARKING LOCATION STANDARDS

The following table details the permitted parking locations for each district, as defined in Chapter 2 of this Ordinance. Additional locational requirements may apply to parking areas for specific uses. Such requirements are outlined in Chapter 3: Land Use Provisions. Notwithstanding the parking location requirements below, any property located at a street intersection shall not have parking, loading, or service areas at the corner.

	TYPE A: REAR YARD ONLY	TYPE B: SIDE & REAR YARD ONLY	TYPE C: UNRESTRICTED	TYPE D: SMALL LOT RESIDENTIAL
BUILDING TYPES				
Single-Family (Detached)				X
Multi-Family Residential	X			
Mixed Use/Storefront	X	X		
Commercial (Office & Retail)			X	
Campus (Commercial, Institutional)			X	



5.3.4 PARKING QUANTITY STANDARDS

A. Off-Street Parking: Permanent off-street parking is required subject to the table below. If required, parking shall be provided at the time of erection, alteration, enlargement, or change of use of any building or use of land. The following table details the required minimum parking ratios by major land use type. All area calculations use gross leasable area (GLA). Calculations which result in a fraction of a space shall be rounded up to the next whole number. For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the Zoning Administrator.

	AUTO PARKING MINIMUM	BICYCLE PARKING MINIMUM
USE TYPE		
Single-Family Residential (Attached & Detached)	1 space per unit [1]	-
Multi-Family Residential	1 space per unit [1]	10% of auto parking provided [2]
Residential Care Facilities & Hospitals	None	10% of auto parking provided
Commercial (Office & Retail) [3]	2 spaces per 1000 square feet (None for uses under 10,000 square feet)	10% of auto parking provided
Restaurants	2 spaces per 1000 square feet	10% of auto parking provided
Warehousing/Industrial	None	5% of auto parking provided (min of 2)
Mixed Use	Use minimum for Commercial and Multi-Family Residential	
Hotel/Motel/Inn	1 space per room	5% of auto parking provided
Civic & Public Assembly Uses (including parks and recreation facilities, but not including schools)	Not Applicable	5% of auto parking provided
Elementary and Middle Schools	Schools shall meet the parking standards set forth by the Iredell County School Board	
High Schools		
Colleges	None	10% of auto parking provided

[1] Driveways of 12 feet or less, which provide access to a parking lot/pad or an enclosed garage are not counted toward the parking requirements.
[2] Bicycle parking is only required for Multifamily dwellings of more than 4 units/building.
[3] Square footage for Commercial uses only pertains to areas that are for the public or customer usage or access.

B. Disabled Parking
1. Except for a lot containing a duplex or single-family dwelling, all uses shall be required to provide the following number of spaces designed for disabled persons.
2. Provisions relating to parking for the handicapped are set forth in the North Carolina State Building Code, and all vehicle accommodation areas shall comply with such requirements to the extent they are applicable.
3. The number of such spaces shall count toward those required by the minimum parking ratios.
4. Off-street parking spaces for the disabled shall be designed as follows:
   a. All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.
   b. Parallel parking spaces for the disabled shall be located either at the beginning or end

of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

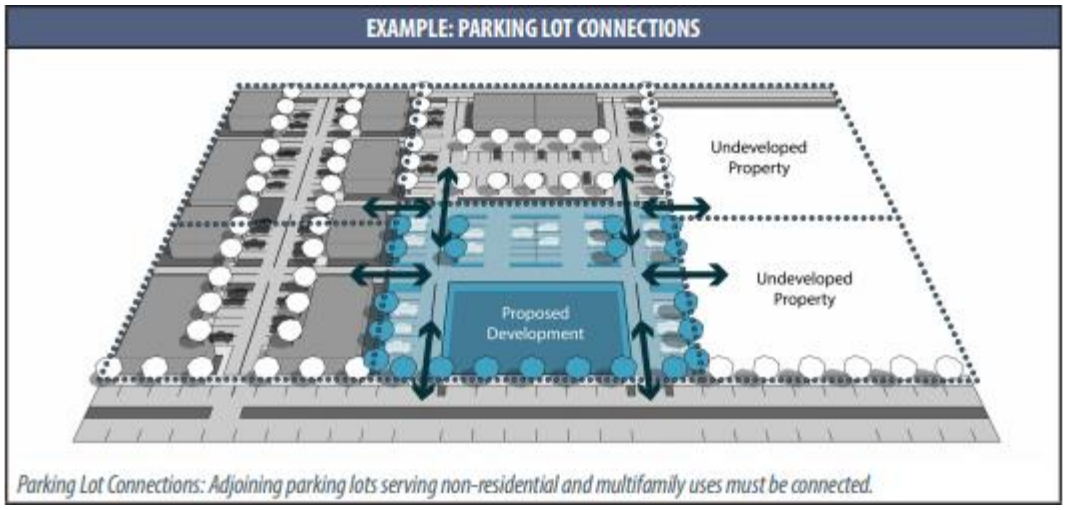
c. Each parking space for the disabled shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.
d. The size of the parking space shall be per building code specifications.

5.3.5 SHARED PARKING AND PARKING LOT CONNECTIONS

A. Shared Parking: Where motor vehicular access is provided between adjoining non-residential sites and the operating hours of adjoining uses do not overlap, the uses may share up to 50% of required parking spaces. Shared use of motor vehicle parking shall be guaranteed by a contract or other legally binding document. Bicycle parking may be provided in a common area for adjacent properties as long as the parking facility is not further than 50 feet from any main entrance.

B. Satellite Parking: Spaces may be provided on adjacent or nearby lots in accordance with the following provisions:
   1. All satellite parking spaces, except spaces intended for employee use, must be located within 800 feet of a public entrance of a principal building housing the use associated with that parking. Satellite parking spaces intended for employee use may be located within any reasonable distance.
   2. The property owner must present satisfactory written evidence that he or she has the permission of the owner or other person in charge or the satellite parking spaces to use those spaces.
   3. Existing lots re-purposed as satellite parking areas are not subject to the design standards in Section 5.1.

C. Parking Lot Connections
   Adjoining parking lots serving non-residential and multifamily uses shall be interconnected according to the following standards:
   1. At least 1 connection “stub” shall be provided at all lot lines that are coincident for at least 60 feet.
   2. All connection(s) shall be at least 20 feet wide and permit two-way vehicular circulation.
   3. If applicable, the connection(s) shall align with any previously established connection(s) on an adjacent property.
   4. The connection(s) shall have a slope of no greater than 15%.
   5. The connection(s) shall not be placed where a building on an adjacent property would hamper traffic movements within the parking lot.
   6. The connection(s) shall be placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of 6 inches or more.
   7. An easement for ingress and egress to adjacent lots through the connection(s) shall be recorded by the property owner with the Iredell County Register of Deeds in the form of an easement plat.
   8. In the event these conditions cannot be met without undue hardship, or if such connections would create undesirable traffic flow, the Zoning Administrator may waive or adjust the connection requirements as appropriate.



5.3.6 LOADING AREA REQUIREMENTS

A. Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises. Where feasible, off-street loading shall be located in the rear yard. In certain zoning districts, however, off-street loading areas shall be required in the rear yard.
B. Each loading berth shall have a paved surface and be a minimum of 12 feet in width and 65 feet in length. Each such berth shall also have a minimum vertical clearance of 14 feet.

5.3.7 DRIVEWAYS

Any use which requires a driveway (lowered or cutaway curbs, for purposes of ingress or egress) shall be subject to the provisions of this section. All new driveways must be approved by the town and NCDOT, as appropriate. Driveways connecting to a town right-of-way shall be reviewed and approved as part of a subdivision or site plan approval.

A. Maximum Permitted Number: For single-family (attached and detached), and townhouses only one driveway shall be permitted per lot. Two driveways shall be permitted for a circular (half loop) driveway on a single-family (attached and detached) home, and townhouses lot with frontage width of 150 feet or more. For all other building types, the maximum number of driveways allowed for any property shall be as follows:

FRONTAGE WIDTH	*MAXIMUM PERMITTED DRIVEWAYS (CURB CUTS)
50 feet or less	1
Between 50 ft and 150 ft	2
150 feet or more	2 - Additional driveways shall be permitted only after the applicant successfully demonstrates the necessity for such additional driveways as a Variance (Section 9.6) to be determined by the Board of Adjustment.
**Permitted driveways may be combined entrances and exits as necessary*	

B. Joint-Use Driveways: Wherever feasible, the Zoning Administrator shall require the establishment of a joint-use driveway serving two (2) abutting properties. When a property is developed before an abutting property is developed, the site shall be designed to ensure that its driveway and circulation may be modified to create a joint-use driveway and interconnected parking with the abutting property at a later date in accordance with Section 5.3.5.
C. Minimum Separation: No driveway on US Highway 21 shall be less than 300 ft from an existing driveway or intersecting public street, unless a shared driveway arrangement is not feasible, or other similar hardships as determined by the Zoning Administrator.
D. Paving Material: For all lots in subdivisions approved after the date of adoption of this ordinance, all residential driveways shall be covered in a hard surface (e.g., asphalt, concrete, pavers). All lots in minor subdivisions, and/or in the RP district, approved after the date of adoption of this ordinance shall provide at minimum a driveway apron.
E. Size: Driveways shall be not less than 12 feet in width for one-way traffic and 24 feet in width for two-way traffic. Ten-foot-wide driveways are permissible for two-way traffic when:
   1. The driveway is no longer than 50 feet
   2. The driveway provides access to not more than six parking spaces
   3. Sufficient turning space is provided so that vehicles need not back into a public street. In no case shall a driveway width exceed 24 feet, except as required by NCDOT.

6 Signs

6.1 PURPOSE AND APPLICABILITY

The purposes of these sign regulations are to:

- Establish reasonable and improved standards to assist property owners and business owners in understanding town expectations;
- Encourage the effective use of signs as a means of communication in the town;
- Maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; • Improve pedestrian and traffic safety;
- Minimize the possible adverse effect of signs on nearby public and private property;
- Encourage signs that are integrated into the architectural scheme of the building facade and discourage signs that contribute to the visual clutter of the streetscape;
- Enable the fair and consistent enforcement of these sign restrictions; and
- Allow a variety of types of signs in business, commercial and industrial zones, and limit the variety of signs in other zones through the regulation of the time, manner, and place of all signs based on their context.

A sign may be erected, placed, established, painted, created or maintained in the town only in conformance with the standards, procedures, exemptions and other requirements of this section. A fee, in accordance with a fee schedule adopted by the Town Council, shall be charged for each sign permit issued.

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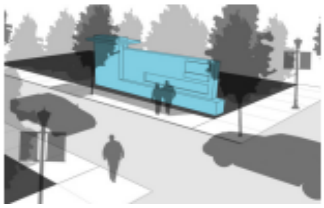
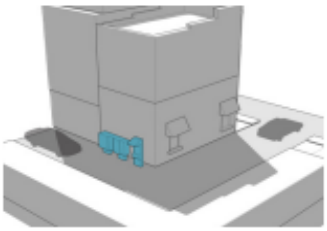
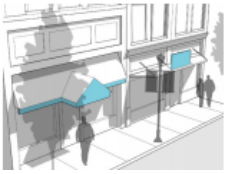
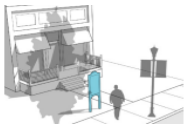
6.2 GENERAL PROVISIONS FOR PERMITTED SIGNS

6.2.1 SIGNS PERMITTED BY ZONING DISTRICT

SIGN TYPE	RP	RS	RT	RM	RMH	OI	NC	CB	HB	I
A. Directory signs	C	C	C	C	C	P	P	P	P	P
B. Industrial/Business Park signs						P			P	P
C. Menu Boards									P	
D. Multi-tenant monument sign						P			P	P
E. Principal/monument ground sign	C	P	C	C	C	P	C	C	P	P
F. Sandwich board sign				P			P	P		
G. Awning signs				P		P	P	P	P	P
H. Building sign	C	C	C	C	C	P	P	P	P	P
I. Marquee sign						P	P	P	P	
J. Projecting sign	H	H	H	PH	H		PH	PH		
K. Roof sign										P
L. Wall sign	C	C	C	PH	C	P	PH	PH	P	P
M. Wall mural							P	P		
N. Window sign				P		PH	PH	PH	P	P
O. Temporary Signs	C	C	C	C	C	P	P	P	P	P
P=Sign Permitted; C=Sign Allowed for Civic Uses Only; PH=Permitted Home Occupation on Major Thoroughfares										

6.2.2 REQUIREMENTS TABLE

PERMITTED SIGN TYPES	SPECIFIC APPLICABILITY	MAXIMUM AREA PER SIGN FACE	MAXIMUM HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER PER TENANT
FREESTANDING SIGNS					
A. Directory signs	Multiple occupant buildings or Shopping centers	n/a	5 ft	At least 40 feet from the public right-of- way so that drivers and/or pedestrians can read the directory without impeding traffic.	n/a
B. Industrial/business park entrance sign 	n/a	12 ft wide	10 ft	Minimum setback of 10 feet from the public right-of-way. Each building, commercial or industrial, within the industrial/business park is allowed a minimum of 8 square feet of signage on the principal ground sign.	One principal sign identifying the industrial/ business park
C. Menu boards 	Menu boards are allowed on site as an accessory use to a permitted drive-thru use in the rear yard only.	n/a	n/a	n/a	n/a
D. Multi-tenant monument sign	Multi-occupancy buildings of 50,000 square feet or greater	12 ft wide	10 ft	Setbacks must be a minimum of 10 feet from the public right-of-way. The base and surrounding structural components of a monument sign must be finished with materials consistent with those of the principal structure on the lot. Signs are to be spaced a minimum of 1,000 feet apart. Additional monuments on secondary road entrances should be smaller in scale than the primary multi- tenant sign, not to exceed 36 square feet in total area	1 per multi-tenant building. 1 multi-tenant monument sign per primary street frontage

PERMITTED SIGN TYPES	SPECIFIC APPLICABILITY	MAXIMUM AREA PER SIGN FACE	MAXIMUM HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER PER TENANT
E. Principal/monument ground sign	n/a	NC/CB: 60 sq ft IL/IH/OI: 75 sq ft HB: 200 sq ft All other districts: 36 sq ft	6 ft	Both sides of the sign are to be identical in design and content. Setbacks shall be adequate to protect the clear sight triangle and are to be a minimum of 10 feet from the public right-of-way and 5 feet from any property line. The base and surrounding structural components of a monument sign must be finished with materials consistent with those of the principal structure on the lot.	1 per parcel. An additional monument sign is permitted on another street frontage on lots greater than 3 acres, if it is located 300 feet from an existing monument sign.
F. Sandwich board sign	May be placed on sidewalks in the CB, RM, and NC Districts. Shall be placed directly in front of the associated establishment	8 sq ft	n/a	Must maintain clear pedestrian access a minimum of 5 feet in width and are removed each day after the business is closed.	1 per tenant
BUILDING SIGNS					
G. Awning signs 	n/a	n/a	n/a	Awning signs are allowed provided that only one tenant advertise on the awning in lieu of all other signage otherwise permitted on the same wall or facade to which the awning is attached.	n/a
H. Building signs 	n/a	5 sq ft	n/a	n/a	One building sign is allowed per building
I. Marquee signs	Only allowed in theaters, hotels, motels and public institutions .	Same as Wall Sign	10 ft of clearance above sidewalk	May be used in lieu of Wall Signs	n/a

PERMITTED SIGN TYPES	SPECIFIC APPLICABILITY	MAXIMUM AREA PER SIGN FACE	MAXIMUM HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER PER TENANT
J. Projecting signs	CB, NC, & RM Districts	12 sq ft (3 ft max width)	10 ft of clearance above sidewalk	No portion of a sign, awning or canopy may be within 2 feet of a street or parking area.	
K. Roof signs	Only in industrial districts	32 sq ft	May not extend beyond the roofline by more than 15 feet	Must be identical on each side	n/a
L. Wall signs	n/a	The total area of all wall signs on a street front must be less than 10% of each wall area. Each wall sign on a building is not to exceed 125 square feet.	n/a	A wall sign may be placed on 1 other side of the building and may not exceed 5% of wall area or 36 square feet, whichever is less. The maximum allowable wall signage for each tenant in a multi-occupancy building is computed by measuring the street front wall area for each tenant's space.	Buildings are allowed 1 wall sign per separate business entrance.
M. Wall Mural	Any pictures, scene, or diagram painted on an exterior wall or fence in the CB or NC District that does not serve as advertising			• The materials used to produce the Wall Mural shall be appropriate for outdoor use (i.e., long lasting and graffiti-resistant to the greatest extent possible). • The colors used should be harmonious with the exterior colors of the building. Neon, fluorescent, or reflective colors or materials are not permitted. • Wall Murals shall not contain advertising for an existing business or product, though generic items where a specific brand is not apparent are permitted. • Historic trademarks are permitted.	Only 1 mural on one facade or fence side per building is permitted

N. Window signs	Window signs are allowed on the first floor of the interior window glass so long as the building is not in a residential district.	Must not cover more than 25% of each window.			n/a

6.2.3 ADDITIONAL REQUIREMENTS FOR CERTAIN PERMITTED SIGNS

A. Changeable Copy: Changeable copy signs are allowed only at theaters, service stations, schools, religious institutions, and by government users. *(amended by Ord. 16-19)*
B. Architectural Compatibility: Signage should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs on nearby buildings, while providing for adequate identification of the business.
C. Signs to be Located Outside of Sight Distance Triangles: No sign may be located within any designated sight distance triangle.
D. Uniform Sign Plan: A uniform sign plan shall be required for all office and retail complexes and multi-tenant buildings. All tenants shall comply with the approved uniform sign plan.
E. Electronic Message Board panels may be used as a subset portion of a principal/monument ground sign (Sec. 6.2.2.E) subject to all standards required for that sign type; and subject to the following additional standards:
    a. Only one sign containing Electronic Message Board panel(s) shall be permitted per property.
    b. Electronic Message Board panels shall not be larger than one-third (33%) of the overall sign face area of any sign.
    c. There shall be no flashing of any message or portion thereof; or full-motion video or film display via electronic file imported into the EMB software or streamed into the sign (scrolling, images, and transitional graphics are permissible).
    d. The static display time (change rate) of each changeable message or image shall be a minimum of the following: in residential districts, no less than twelve (12) seconds; in all other zoning districts, no less than eight (8) seconds.
    e. During daylight hours, the maximum illumination shall be 5,000 nits (cd/m^2 - candelas per square meter), with a maximum illumination of 500 nits between dusk and dawn, as measured from the sign's face at maximum brightness. Certification must be provided to the Town demonstrating that the sign has been preset to automatically reduce the brightness levels to 500 nits or lower within 30 minutes following sunset. Internal illumination shall not be at such intensity to be distracting to vehicle operators or to residential property owners whose properties abut or are immediately adjacent to parcels (in the case of properties across a street or road) on which a EMB panel is permitted;

the Town of Troutman shall have the ongoing discretion to require that brightness be adjusted in order to address safety and or brightness concerns.

f. Glare Control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture wattage, aiming angle, and placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

g. Nonconforming Electronic Message Board signage panels may continue to operate provided that the message change does not create any greater nonconformity.

6.2.4 SIGN ILLUMINATION

Signs may be illuminated as follows:

DISTRICT	NONE PERMITTED	INTERNAL ILLUMINATION	EXTERNAL ILLUMINATION
Rural & Suburban Residential Districts: RP, RS, RMH)	X		Neighborhood Signs Only
Suburban Commercial Districts (OI, HB, IL, IH)		X	X
Urban Districts: RT, RM, NC, CB		X	

Note: See Section 6.2.3 for additional requirements for illumination of Electronic Message Board panels

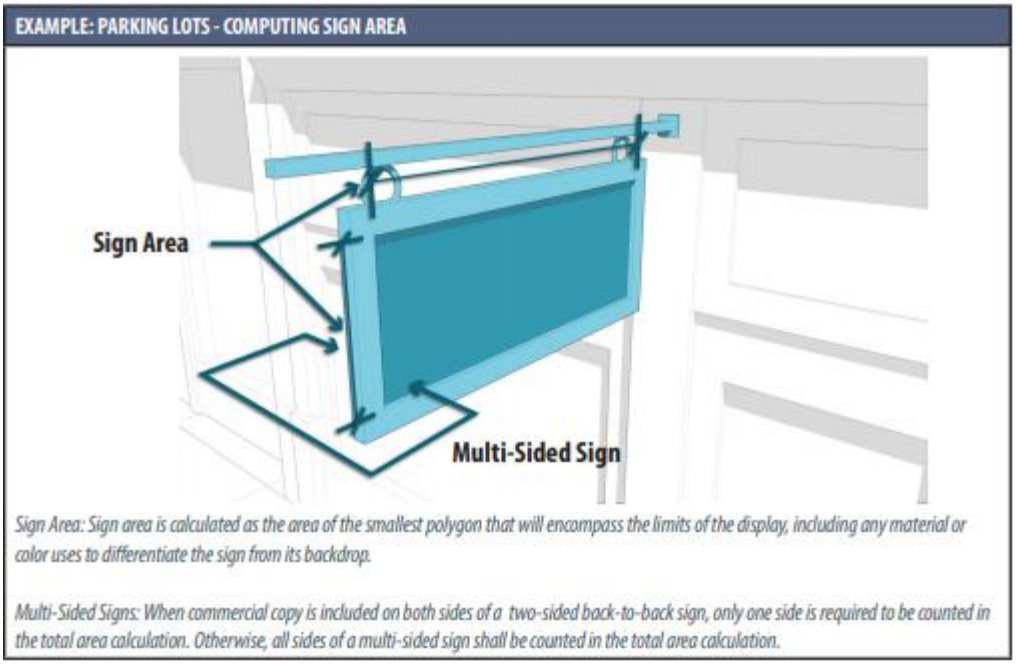
6.3 ADMINISTRATION

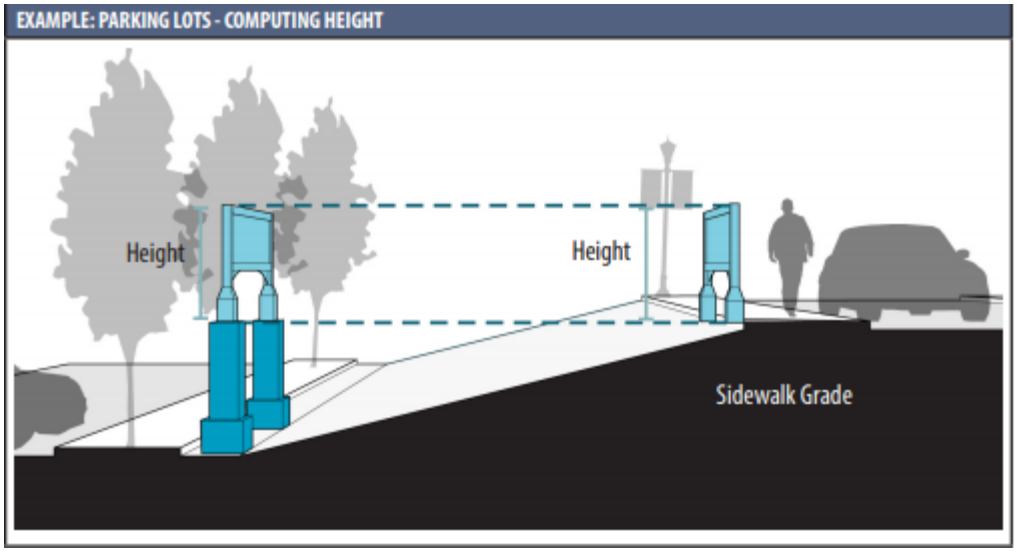
6.3.1 SIGN AREA MEASUREMENT

A. The area of a sign shall be computed by means of the entire surface on which the letters, emblem or other display is to be located not including the framework, bracing, or decorative fence or wall when the fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
B. The sign area of a sign with more than one face shall be calculated to include the entire area of all faces or parts which is visible from one vantage point. When two identical faces are placed back to back so that both faces cannot be viewed from any one point at the same time, and when the sign faces are part of the same sign structure and are not more than ten inches apart, the sign shall be computed by the measurement of one of the faces.
C. All sides of a multi-sided sign shall be included in the computation of area, except that the total area of a 2-sided back-to-back sign shall only be calculated as the area of one of the sides as illustrated at right

6.3.2 SIGN HEIGHT MEASUREMENT

A. The height of the sign shall be computed as the distance from the base of the sign or sign structure a normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of either:
   1. Existing grade prior to construction; or
   2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign; or
   3. The grade of the fronting sidewalk, provided that the total height does not exceed twice the permitted height.
B. No sign may exceed above any parapet or be placed upon any roof surface, except that for purpose of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. This division shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.





C. Grade May Not be Altered for Sign: Altering the average adjacent grade for installing a sign is subject to the discretionary approval by the Zoning Administrator. It is not intended to allow for mounding that would circumvent any requirements of any applicable ordinance.

6.3.3 GENERAL CONSTRUCTION AND MAINTENANCE OF SIGNS

All signs shall be designed, constructed, and maintained in accordance with the following standards.

A. All signs shall comply with the North Carolina State Building Code.
B. Maintained in a State of Good Repair: All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Any sign in such a state of disrepair, or signs which lack adequate lettering, fixtures or devices, so that they no longer effectively communicate a message as originally intended, shall be immediately removed.

1. All attached signs shall be mounted and attached to buildings in a secure manner, shall not include wire or turnbuckle guy and shall be maintained in good repair for safety and appearance.
2. With respect to freestanding signs, components (supporting structures, backs and the like) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

C. Discontinuance of Business: If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days after abandonment, be removed by the owner of the property where the sign is located, or other party having control over the sign.

6.3.4 REMOVAL OF SIGNS IN THE RIGHT-OF-WAY

Permitted signs shall be located outside of the street right-of-way, behind sidewalk areas and outside of required site triangles, except where encroachments are specifically permitted by the provisions of this chapter. No non-governmental sign shall be attached to or painted on power poles, light poles, telephone poles, traffic signs or other objects not intended to support a sign. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

6.3.5 LIMITATION OF NON-CONFORMING SIGNS

A. Signs erected after the passage of this section shall conform to the standards set forth herein. All legal nonconforming signs in existence as of the effective date of this chapter may be continued and shall be maintained in good condition. Nothing in this ordinance shall prevent the normal maintenance of an existing non-conforming sign. However, a nonconforming sign shall not be:
   1. Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.
   2. Structurally altered, except for normal maintenance.
   3. Physically expanded, enlarged, or extended in any manner.
   4. Reestablished after discontinuance for 60 days.
   5. Reestablished after the sign is removed, except for normal maintenance. 6. Reestablished after damage or destruction where the estimated expense of reconstruction exceeds 50% of the appraised replacement cost of the sign in its entirety.

B. For any non-conforming sign in existence prior to the adoption of this part of the ordinance an application for a sign permit must be submitted to the Zoning Administrator. The Zoning Administrator may prepare the application to maintain record of the following information:
   1. Approximate month and year the sign was installed;
   2. Owner;
   3. Value of the sign at installation;
   4. Approximate value of the sign at date of the application; and
   5. Size and area and height of the sign.

C. The Zoning Administrator may also request information which would be adequate for such a purpose of record keeping. Failure to apply for a sign permit shall constitute a violation of the ordinance which could result in the removal of the sign by the town.

6.4 SIGNS NOT REQUIRING A PERMIT

The following signs do not require a permit but shall conform to all applicable requirements of this chapter:

6.4.1 AGRICULTURAL SIGNS

Allowed only on the property where product is produced. No off-site agricultural signs are allowed unless the parcel is land locked and the sign is placed on the nearest parcel with road frontage, with the permission of the property owner. All signs for products produced outside of Troutman's planning jurisdiction or any off-site advertising will be removed by town staff.
Maximum Area: 5 sq ft; Maximum Height: 42 inches.

6.4.2 CONSTRUCTION SIGNS

Construction signs shall be allowed during the time of construction, are not to exceed 10 square feet, and are to be removed after the job is completed, after the issuance of the Certificate of Occupancy or after the closing out of the building permit. Signs are to be located a minimum of 20 feet from the public right-of-way and are not to interfere with the sight triangle near intersections, driveways or curb cuts.

6.4.3 CAMPAIGN SIGNS

Campaign signs are allowed provided that:

1. Each sign shall not exceed thirty-two (32) square feet in area for non-residential properties and residential properties along community gateway roads (limited to US Highway 21, Wagner Street, Old Mountain Road, Murdock Road and Talley Street). All other residential properties shall be limited to four (4) square feet.
2. All such signs shall be removed within seven (7) days after the election for which they were made.
3. Property owner shall be held responsible for violations.
4. Height shall not exceed six (6) feet for non-residential properties and residential properties along community gateway roadways (see above). Height for all other residential properties shall not exceed forty-two (42) inches.
5. These regulations shall only apply to campaign signs within the corporate limits of Troutman.
6.

Campaign signs are allowed in the public right-of-way in accordance with the provisions of NCGS 136-32.
(amended by Ord. 01-20)

6.4.4 REAL ESTATE SIGNS

Real estate signs are allowed provided that they are placed on the property that is for sale. No off-site real estate signs are allowed unless the parcel is land locked and the sign is placed on the nearest parcel with road frontage, with the permission of the property owner. Real estate signs are not to exceed 5 square feet in size or 42 inches in height except for lots equal to or greater than 3 acres where signs are not to exceed 42 square feet total and 2 signs are permitted. Three (3) off-site signs, each not exceeding five (5) square feet in area permitted to be placed between 12:00 p.m. Friday until 8:00 a.m. Monday.

6.4.5 TEMPORARY SIGNS

Temporary signs are permitted only for special events of not for profit, civic, philanthropic, religious, educational, or governmental entities. Such signs are to be located on private property only. Four off-site signs are allowed in addition to 2 on-premise signs. The off-site signs are to be located at the nearest major intersection to the event with the permission of the private property owner. Temporary signs are permitted only for events or organizations within the planning jurisdiction of the Town of Troutman. Temporary signs are allowed to be placed 10 days prior to an event and are to be removed 1 day after the event.

6.4.6 YARD SALE SIGNS

Yard sale signs are allowed provided that only one such sign is placed on the lot where the yard sale is located and no more than 2 additional signs shall be placed on a different property, the signs may not exceed 5 square feet in size and are only permitted to remain in place a maximum of 2 days in advance and two days following the yard sale.

6.4.7 ADDRESSES

All structures must display address numbers visible for emergency purposes. Single-family residential structures and all other structures requiring an address must display address numbers that are minimum of 4 inches in height. The number height may increase 1 inch for every 10 feet of distance between the displayed number and the centerline of the road, but not to exceed 18 inches.

6.4.8 INCIDENTAL SIGNS

All signs under 4 sq ft in area (e.g., wall-mounted tenant identification signage, small free-standing directional arrows) are permitted and do not require a sign permit. Such signage is limited to 1 per building entrance (and up to two per driveway location.)

6.4.9 HOURS OF OPERATION

A commercial establishment may display the hours of operation on the main entry or on a window next to the main entry. Such sign may not display letters or numbers exceeding 3 inches in height. The sign area may not exceed 1 square foot. The sign must be vinyl, etched, silk-screened, or painted on glass.

6.4.10 TEMPORARY WINDOW SIGNS

Temporary window posters announcing civic and cultural events or public services may be displayed by commercial establishments on the inside of windows at street level.
Temporary promotional or special sales window signs may be displayed by commercial establishments on the inside of windows at street level for up to 14 days. Such signs may not be located between 4 feet and 6 feet above grade and shall be no greater than 6 square feet in total size per tenant.

6.4.11 REPLACEMENT OF TENANT IDENTIFICATION SIGNS

A permit is not required for the replacement of tenant identification on a multi-tenant sign.

6.4.12 HOME OCCUPATION SIGNS

Identification signs for residential uses not exceeding four (4) square feet in area. This includes home

occupations. Only one (1) sign is permitted per premises. Home occupations in the OI, NC, or CB districts may have up to twelve (12) sq ft on major thoroughfares as defined in the CTP. Home Occupation signs may not be internally illuminated.

6.4.13 FLAGS

A. Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organizations; or any educational or cultural facility are permitted, provided that the height of any pole shall not exceed the maximum height for the district.

B. Flags with commercial messages are allowed without a permit at the rate of one 3-foot by 5-foot flag per lot. Any such commercial flags beyond this allowance must receive approval as a wall, freestanding, projecting, or hanging sign according to the provisions of this chapter.

6.5 PROHIBITED SIGNS

All signs not expressly permitted or exempt from the regulations of this ordinance are prohibited. Those signs include but are not limited to the signs below:

A. Beacons, strings of light not permanently mounted to a rigid background, except those exempt under previous sections, and inflatable signs and tethered balloons;
B. Signs placed on the public rights-of-way, on public property, on trees, or on utility poles;
C. Off site advertising, unless where specifically provided in other provisions of this chapter; and
D. Animated signs or signs with lights or illumination which flash, move, rotate, scintillate, blink, flicker, vary in intensity or color or use intermittent electrical pulsations; with the exception of time and temperature units, or Electronic Message Board panels as part of a principal/monument ground sign that meets the provisions of this Chapter.
E. Single Pole signs.
F. Portable signs, signs on metal or wood stakes which are not affixed to a permanent foundation, vehicular signs attached to a trailer, windblown propellers, streamers, balloons or other inflated signs. A-frames, pennants, banners or other temporary signs unless otherwise expressly permitted by this article.
G. Signs located in such a way as to intentionally deny visual access to another existing sign.
H. Signs Resembling Official Signs: Any sign that imitates an official governmental sign, or violates the Law of the State relating to outdoor advertising is prohibited.
I. Signs Resembling Traffic Signals
1. Any sign which by color, location or nature may be confused with official highway signs, warning signs, traffic signals or other regulatory devices are prohibited.
2. Any sign that used the word “STOP”, “SLOW”, “CAUTION”, “DANGER”, or any other word which is likely to be confused with traffic directional and regulatory signs is prohibited.
J. Abandoned Signs or Sign Structures
    1. Signs that advertise an activity or business no longer conducted on the property on which the sign is located are prohibited. Conforming signs designed for changeable copy may be covered instead of removed.
    2. Sign structures on which no sign is erected are prohibited.
    3. Such signs or sign structures must be removed within 30 days of becoming an

abandoned sign or sign structure.

K. Billboards (on or off premises).

L. Parked vehicles with messages where the primary purpose of the vehicle is to advertise a product or service. Vehicles used several days per week to transport persons or property for business are exempt, provided the vehicle is parked within a designated parking space.

M. Other signs not expressly permitted in this UDO.

7 SUBDIVISION AND LAND DEVELOPMENT

SECTIONS

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7.1 PURPOSE AND APPLICABILITY

7.1.1 PURPOSE

The purpose of this chapter is to establish criteria for the site development and subdivision of real property within the jurisdiction of the Town of Troutman. These standards are set forth to:

- Provide for the protection of the public health, safety, and welfare;
- Provide for the orderly growth and development of the Town of Troutman;
- Provide for a network of streets that accommodates pedestrians, bicyclists, automobiles, and future public transportation;
- Encourage the development of a network of interconnecting streets that reduce traffic congestion while connecting and integrating neighborhoods with the existing fabric of town;
- Provide for recreational areas and open space where appropriate; • Provide for an efficient use of land;
- Enhance the appearance of neighborhoods through preservation of natural features;
- Provide for adequate improvements on all development sites, including streets, utilities, and drainage; and
- Coordinate proposed development with existing or planned streets and with other public facilities.

7.1.2 APPLICABILITY

A. Authority: According to the provisions of NCGS 160A-371, the Town of Troutman has the authority to regulate the subdivision of land within its territorial jurisdiction.
B. Subdivision Defined: For the purposes of this

ordinance, "subdivision" shall mean all divisions of tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of new streets or a change in existing streets.

C. Statutory Exemptions: The following are not included within the definition for subdivision above and are exempt from the regulations of this ordinance. All such exempt documents or plats to be recorded shall bear the notation, "Exempt pursuant to the Town of Troutman Unified Development Ordinance," and the signature of the Zoning Administrator before being presented for recordation.
   1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots meet or exceed the standards of the UDO; or
   2. The division of land into parcels greater than 10 acres in size where no street right-of-way dedication is involved; or
   3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation corridors; or
   4. The division of tract in single ownership whose entire area is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved, and where the resultant lots meet or exceed the standards of the UDO; or
   5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

D. Conformity Required: From and after the adoption of this ordinance, no real property lying within the jurisdiction of the Town of Troutman shall be developed or subdivided except in conformance with all applicable provisions of this ordinance.

7.2 MINIMUM OPEN SPACE DEDICATION

7.2.1 DEDICATION OF OPEN SPACE

A. If any portion of any lot proposed for residential development lies within an area designated on the officially adopted 2020 Comprehensive Parks and Recreation Plan (2011) or plan having similar principle, effect or concept, as a neighborhood park or part of the greenway system or bikeway system, the area so designated, not exceeding 5% of the total lot area, shall be included as part of the area set aside to satisfy the requirement of this Article. This area shall be dedicated to public use.

B. If more than 5% of a lot proposed for residential development lies within an area designated above, the town may attempt to acquire the additional land in the following manner:
   1. The developer may be encouraged to dedicate the common open space thereby created: or
   2. The town may purchase or acquire the land.

7.2.2 REQUIRED OPEN SPACE CONSERVATION/RECREATION SPACE DEDICATION TABLE

A. All new residential subdivisions shall dedicate 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 1/4 to 1/2 mile.

B. The amount of open space and recreation space required for dedication (measured as a percentage of the gross area of development) shall be in accordance with section 2.4.

7.2.3 CREDIT FOR PROXIMITY TO EXISTING PARK SPACE

Developments that are proximate to an existing town-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 1/2 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 Zoning Administrator.

7.2.4 CREDIT FOR CONSTRUCTED 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 HOA dues.
B. Such facilities shall, at a minimum, include a clubhouse a minimum of 1,000 square feet and a pool/waterpark/sprayground (a minimum of 2,500 square feet in water surface area).

7.2.5 EXEMPTIONS

A. Very Low Density Developments: Neighborhood parks are not required in any residential development with an overall density of 1 unit/acre or more.
B. Small Developments: Developments with 25 units or less in all phases shall not be subject to the requirements of this chapter.
C. Non-Residential & Mixed-Use Developments: Neighborhood parks are required only for those areas that are exclusively residential. Commercial and vertically mixed-use buildings and associated areas are exempt from these standards.

7.2.6 PAYMENT IN LIEU OF DEDICATION

Any person developing a property subject to this chapter may, upon approval of the Zoning Administrator, make a payment in lieu of any required Park or Open Space, except that the dedication requirement for any areas designated as future greenways on an adopted plan are not eligible to be met by payments in lieu of dedication. Reasons for permitting payments in lieu of dedication may include, but are not limited to, sufficient proximity to existing public parks; the presence of severe topographic or geographic conditions which limit the potential development area of a site; the small size of a proposed infill or redevelopment project; and other similar reasons as determined by the Zoning Administrator.

A. Determination of Payment in Lieu: Payment in lieu of dedication shall be the product of the post-development appraised value of the land to be developed (per gross acre) multiplied by the number of acres to be dedicated. The following formula shall be used to determine the fee:

Post Development Appraised Value of Entire Development (per gross acre) X Required Park Space Dedication (acres)

= Payment in Lieu of Dedication Fee

B. Determination of Post Development Appraised Value: The Post Development Appraised Value of the Entire Development shall be established prior to Subdivision or Site Plan approval by an Appraiser who is a Member of the Appraisal Institute (MAI) or a North Carolina General Certified Appraiser.

C. Credit for Park and Greenway Connections: Credit toward a payment in lieu shall be given for the cost of constructing pedestrian/bicycle accessways that connect to existing parks or greenways, up to a maximum of 50% of the required payment in lieu. Such pedestrian/bicycle accessways shall meet the standards of Sections 7.5.

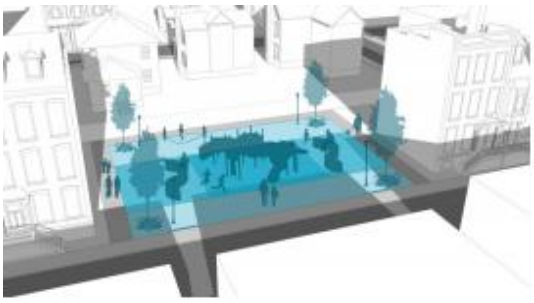
D. Disagreements Regarding Payments in Lieu: Any disagreement in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually agreed upon by the developer and town. An appraiser shall be appointed by the town, at the developer's expense, should an agreement not be reached.

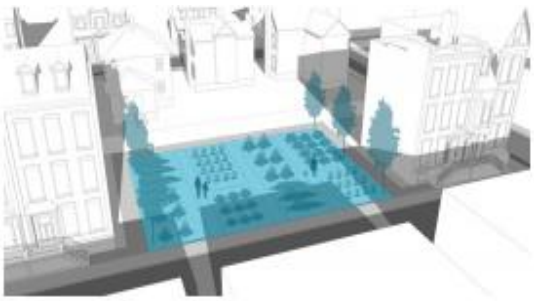
E. Disbursement of Payments in Lieu: All payments made in lieu of dedication shall be made at the time of Site Plan or Subdivision - Final Plat approval or prior to the issuance of the first Certificate of Occupancy (whichever comes first as appropriate). Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be deposited in a special fund or line item to be used only for the acquisition, development, or redevelopment of public recreation space by the town.

7.3 TYPES OF PARK SPACE

Parks spaces shall conform to one of the following seven (7) types from the table below.

PARK/OPEN SPACE TYPE		MINIMUM STANDARDS
7.3.1. Nature Preserve: A large, cohesive tract available for unstructured recreation and the conservation of sensitive lands		A. **Minimum Size:** 10 acres B. **Maximum Size**: None C. **Eligible Lands:** Environmentally sensitive areas including, but not limited to designated wetlands, floodplains, hardwood forests, and endangered species habitats. See also Section 6.4.11. D. **Required Improvements:** None
7.3.2. Greenway: Greenways are pathways for walking and cycling which are separated from vehicular traffic corridors, often following natural land or water features.		A. **Minimum Pavement Width**: 10 feet B. **Minimum Easement Width:** 20 feet C. **Measurement Standards:** 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.

7.3.3. Neighborhood Park/ Green: An open space within a neighborhood available for unstructured and some limited amounts of structured recreation. Landscape elements are predominantly green and "soft."		A. **Minimum Size**: 1 acre B. **Maximum Size**: 15 acres C. **Required Improvements:** At least 25% of the park space land shall be dedicated to active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc. The remainder of the park may be designed for passive recreation purposes such as walking, jogging, cycling, disc golf, relaxation, etc. Preservation of natural or cultural resources such as steep slopes, rock outcroppings, mature woodlands or water resources may also be counted towards passive recreation provided there is some method for public enjoyment and appreciation of such resources.
7.3.4. Square/Plaza: A plaza is a paved, open area adjacent to a civic or commercial building. Plazas function as gathering spaces and may contain a variety of intermittent activities, such as vendors and display stands. These can add vitality, promote security, and draw people to the ground level retail.		A. **Minimum Size:** 1/4 acre B. **Maximum Size:** 2 acres
7.3.5. Close: A close is a front space for a building's interior to the block. The close is a superior alternative to cul-de-sac, as the focus is a green rather than vehicular paving.		A. **Minimum Size:** none B. **Maximum Size:** none C. **Requirement Improvements**: A close may be used in a residential or a commercial area, but must be fronted by buildings with operable doors that provide ingress and egress to the primary space within the building. Closes may be designed with only pedestrian access, or they may have a roadway loop around the green area (not to exceed 50% of the total area of the close.)
7.3.6. Playground: Playgrounds provide permanent play equipment within sunny and shaded play areas for children as well as shelters with benches for parents. Playgrounds may be built within squares or parks or may stand alone within a residential block.		A. **Minimum Size: none** B. **Maximum Size: none** C. **Requirement Improvements:** Playground equipment shall be provided in accordance with town standards and shall be equivalent to the standards established by the Consumer Products Safety Commission and ASTM for playgrounds.

7.3.7. Community Garden: A grouping of garden plots available for small scale cultivation, generally to residents of nearby neighborhoods.		**A. Minimum Size: none** **B. Maximum Size: none** C. **Required Improvements:** Community Gardens must include garden sheds for the storage of gardening equipment and access to a public water source.

7.4 MINIMUM DESIGN STANDARDS FOR PARKS AND OPEN SPACE

7.4.1 PARK LOCATION

A. Land for park spaces shall be centrally and internally located so as to serve the needs of the residents of the neighborhood.
B. Required parks shall provide focal points for development.
C. Areas described in the adopted 2020 Comprehensive Parks and Recreation Plan (2011) or any other adopted plan as park, recreation, and open space land or greenways shall be preserved and dedicated where practical and feasible. All such dedication and improvement shall also be in conformance with all applicable federal and state rules and/or interlocal agreements. For developments that abut or include areas designated as future greenways on an adopted plan, the Zoning Administrator shall require a dedicated 20-foot minimum width public pedestrian and non-motorized vehicle easement be dedicated along all such areas.

7.4.2 PARK ACCESSIBILITY/VISIBILITY

A. All park spaces 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.
B. No residential unit within a development shall be further than 1/4 mile (1320 feet), as measured along a road or pedestrian path, from a recreation space as defined above or other publicly-accessible park facility.
C. All recreation spaces are encouraged to be visible from dwelling units that are adjacent to the park. This includes dwelling units on properties that share a property boundary with the neighborhood park or front the neighborhood park from directly across the street.

7.4.3 OPEN SPACE USABILITY

For purposes of this section, usable open space means an area that:
A. Is not encumbered with any substantial structure;
B. Is not devoted to use as a roadway, parking area or sidewalk;
C. Is left, as of the date the development began, in its natural or undisturbed state if wooded, except for cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ballfields, picnic areas or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area;
D. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;
E. Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required; and
F. Consists of land no more than 25% of which lies within a floodplain, floodway, or designated wetland.

7.4.4 MINIMUM PARK AMENITIES

Required recreation space shall be planned, improved, and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain 2 or more of the following amenities: landscaping, walls or pathways, fences, walks, lighting and electricity, fountains, ball fields, and/or playground equipment.

A. Public Seating: Provide seating areas appropriate to the intended use of the space (e.g., park benches and durable theft/vandalism-resistant chairs in formal/active spaces and garden wall seats in informal/passive spaces).
B. Supplement Tree Planting/Significant Species Preservation: A minimum of 1 tree (2-inch caliper minimum measured 6" above the ground at installation) to be planted in at least 350 square feet of soil or 1 preserved existing canopy tree a minimum of 12" caliper for every 2,500 square feet of required park space.
C. Trash Receptacle: Garbage receptacles and recycling receptacles shall be required for each park space.
D. Bicycle Parking: At least 4 Class III bicycle parking spaces shall be required for every park space and every 1/2 mile of greenway. Bicycle parking shall be designed according to the bicycle parking standards in Section 5.3.

7.4.5 MINIMUM STANDARDS FOR OPEN SPACE/CONSERVATION AREAS

A. Primary Conservation Areas: The following are considered primary conservation areas and are required to be included within the open space:
   1. All special flood hazard areas including the FEMA delineated 100-year floodplain and the floodway;
   2. Riparian buffer of at least 100 feet wide along all perennial streams and 50 feet wide along all intermittent streams as determined by the USGS quadrangle surveys
   3. Slopes greater than or equal to 25% that are at least 5,000 square feet contiguous area;
   4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act, being 33 U.S.C. §§ 1251 et seq.;
   5. Populations of endangered or threatened species, or habitat for the species; and
   6. Archaeological sites, cemeteries and burial grounds.
B. Secondary Conservation Areas: The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:
   1. Important historic or culturally significant sites;
   2. Existing healthy, native forests of at least one acre of contiguous area;
   3. Individual existing healthy trees greater than 12 inches caliper, as measured four feet above the average adjacent grade;
   4. Other significant natural features such as scenic view sheds, rock outcroppings, particularly those that can be seen from public roads existing or proposed;
   5. Prime agricultural lands of at least five acres contiguous area; and
   6. Existing trails that connect the tract to neighboring areas.
C. Contiguity: At least 75% of the open space shall be in one contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
   1. For projects less than 50 acres, only two separate areas will be used to calculate the required open space. For projects greater than 50 acres, only three areas will be used to calculate the required open space.
   2. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient unrestricted public access to the open space.

7.4.6 OWNERSHIP AND MAINTENANCE

A. Ownership, management and maintenance of open space.
   1. A homeowner's association representing residents of the subdivision or a land trust or similar public agency shall own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the homeowner's association or the land trust or public agency that owns the open space.
   2. Prior to final plat approval the Town Council shall have the final right to decide if the active recreation area will become part of the Town's parks and recreation system.
   3. Prior to final plat approval the applicant shall submit a plan for management of open space and common facilities (plan) that:
      a. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and long-term capital improvements;
      b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which the funding will be obtained or provided;
      c. Provides that any changes to the plan be approved by the Town Council; and
      d. Provides for enforcement of the plan by the Town.
   4. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the Town may assume responsibility for its maintenance and may enter the property and take corrective action, including the provision of extended maintenance. The costs of the maintenance may be charged to the homeowner's association or to the individual property owners that make up the homeowner's association, and may include administrative costs and penalties. The costs shall become a lien on all subdivision properties.

7.5 GREENWAYS AND SIDEWALKS

7.5.1 SIDEWALK STANDARDS

A. Required Location: Sidewalks shall be constructed as follows:
   1. In all locations specified by the Troutman Pedestrian Plan and any other applicable adopted plan;
   2. Along both sides of the street in RM, NC, OI, CB, and HB, except alleys, lanes, parkways, and rural roads as specified in the Street Classifications in Section 7.7.3 and on one side of the street in RS and RT Districts.

B. Minimum Width: The minimum width for sidewalks shall be as specified by the applicable street type in Section 7.7.3, except that sidewalks in front of Mixed-Use/Storefront building types, shall be a minimum of 12 feet to allow for outdoor cafe seating. Where cafe seating is provided, a minimum of 6 feet of horizontal clearance for pedestrians is required. Residential sidewalks shall be a minimum of 5 feet in width. Sidewalks serving both mixed-use and commercial areas shall be a minimum of 8 feet in width.

C. Planting Strip: Sidewalks should not be constructed without an adequate planting strip unless on-street parking protects pedestrians. The planting strip shall be a minimum width of 6 feet unless otherwise specified in the Town Street Classifications in Section 7.7.3. The width of the planting strip and location of the sidewalk in relation to the street may be adjusted as necessary to allow for the preservation of mature trees

D. Street Trees: Sidewalks shall be designed with street trees planted in accordance with the requirements of Section 5.1 - Landscaping and the applicable street type as specified in Section 7.7.3 - Street Classifications.
E. Interior Sidewalks: Multi-family and planned developments shall provide sidewalks for interior movement of pedestrians and for interior to connect to public sidewalk system.
F. Sidewalk Materials: Sidewalks in the public right of way shall be concrete. Sidewalks on private property may consist of pavers, or similar material.
G. Pedestrian Crosswalks: Where deemed necessary by the Zoning Administrator, a pedestrian crosswalk of at least 10 feet in width shall be required to provide access to a park, greenway, stream, river, lake, school, civic building or similar feature.
H. ADA Compliance: All sidewalks and crosswalks must be ADA compliant.
I. Sidewalks are exempt within residential subdivisions in which all single family lots are 1 acre or greater.

7.5.2 GREENWAYS

This ordinance requires the development of a network of greenways that connect active and passive parks, schools, cultural sites, neighborhoods, and commuter destinations. When not required by an adopted plan, greenways and/or connections to greenways should be provided in accordance with the design and construction standards of this ordinance. When a greenway is shown on one of the above-mentioned plans then it shall be constructed in accordance with Town specifications and it shall be dedicated as a part of the final plat of the development.

A. Minimum Width: All greenways shall be a minimum of 10 feet wide within a dedicated right-of-way or public easement of at least 20 feet. Greenway connectors shall be a minimum of 6 feet wide.
B. Paving Standards: All greenways and greenway connectors shall be paved with 2 inches of machine-laid asphaltic concrete surface with a 4-inch aggregate base over compacted soil.
C. Greenway Stubs: Greenway stubs must extend to the neighboring property line in locations that are easily accessible for future connectivity through adjacent parcels.
D. Topography: Greenways and connectors should be designed to fit the contours of the land and should minimize removal of significant trees.
E. Accessibility: All greenways shall be designed to accommodate a variety of users including walkers, joggers, cyclists, and skaters. Refer to the AASHTO guides for design and/or development of bicycle and/or pedestrian facilities for specific information on engineering details.
F. Public Access: All greenways, greenway connectors and neighborhood trails shall be maintained for public access whether by easement or by public dedication.
G. Amenities: Greenways shall provide amenities, such as drinking fountain(s), trash receptacles, bike rack(s), and pet station(s).
H. Construction and Dedication: All subdivisions with more than 10 lots shall be required to provide the right-of-way or an easement and construct any greenway segment identified on an adopted plan. Subdivisions with less than 10 lots shall dedicate the right-of-way or an easement but are not required to construct the facility.

7.5.3 PAYMENT IN LIEU

Upon approval by the Town Council, a payment in lieu of providing required sidewalk or greenway segments may be permitted. The formula for determining the fee shall include the construction cost as determined by an engineer's opinion of probable cost plus the equivalent right-of-way area as determined by a post-construction appraisal (see Section 7.2.6). Such Payment in Lieu fees may be established by the Town as a part of their annual fee schedule.

7.6 WATER AND SEWER

A. Any developer may connect to a water or sewer line, but the Town of Troutman maintains the ability to refuse service for pump stations that do not have a lot or lots with services.
B. A note must be provided on all plats regarding well and septic that contains the following language. "In approving this plat, the Town of Troutman does not guarantee the suitability of any lot for the placement of a septic tank system."
C. A developer shall connect all lots shown on the Subdivision Plat with the municipal water supply and sanitary sewer systems according to the requirements of the Town of Troutman and the table below. Wherever applicable, the developers must present the Town of Troutman Director of Public Works with a certification from the appropriate agency which regulates the types of water supply and/or sewage disposal facilities that those facilities proposed for the development in the town complies with all relevant standards and requirements.

DISTANCE TO MUNICIPAL WATER SUPPLY AND SANITARY SEWER SYSTEMS				
NUMBER OF LOTS	O FT TO 300 FT	301 FT TO 500 FT	501 FT TO 1,000 FT	1,001 FT OR MORE
5 to 20	*	*	*	
21 to 50	X	*	*	*
51 to 100	X	X	X	*
100 or more	X	X	X	X

X indicates the developer MUST connect the subdivision with the municipal water supply and sewage systems at their expense
* indicates the developer MAY connect the subdivision with the municipal water supply and sewage systems at their expense If any part of the subdivision lies within the specified distance, the entire subdivision is considered within the specified distance

D. In no instance may a community well system be employed as a means of potable water and treatment for any subdivision.
E. All lots in subdivisions shall have a suitable source of potable water and sanitary sewage disposal which complies with the regulations of all appropriate agencies. Except as provided herein, the provision of water and sewer lines shall be at the developer's expense (including the installation of all pump stations, force mains, and similar appurtenances) and shall connect to the Town system and any upgrades needed shall be provided, unless the Town's Engineer determines such connection is not feasible. However, connection shall be optional for Rural Preservation districts.

7.7 STREET DESIGN STANDARDS

7.7.1 CONFORMANCE WITH COMPREHENSIVE TRANSPORTATION PLAN

Streets shall be planned with due regard to the Comprehensive Transportation Plan (2009), or as part of any Transportation Plan adopted by the Town of Troutman.

7.7.2 TRAFFIC IMPACT ANALYSIS

The 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 site, to provide safe and efficient access and traffic flow.

A. The necessary level of analysis for different development categories is defined in the following table:

LEVEL OF STUDY REQUIRED BY DEVELOPMENT TYPE	RESIDENTIAL	OFFICE	HOTEL	INDUSTRIAL OR WAREHOUSE	RETAIL/ SHOPPING CENTER	OTHER
None (unless located in area of special concern)	<50 units	<25,000 sf	<50 rooms	<150,000 sf	n/a	<100 peak hour trips
Standard TIA	50-250 units	25,000 sf to 175,000 sf	50 to 250 rooms	150,000 sf to 300,000 sf	<50,000 sf	100-250 peak hour trips
Enhanced TIA	>250 units	>175,000 sf	>250 rooms	>300000 sf	>50,000	>250 peak hour trips

B. Standard TIA Requirements: A Standard TIA includes the following elements:
   1. Abstract or Summary: Summarize description of proposed development, location, traffic generation, existing and future conditions (level of service), and recommended improvements. The report should not exceed 2 pages and preferably limited to one page.
   2. Description of Development: Describe acreage included in development, existing and proposed land use, existing and proposed zoning, proposed density (number of houses, square feet of development, etc.)
   3. Study Area: Generally ¼ mile to ½ mile from each proposed site access along roads accessed by the site. This area may, in a few cases, be greater if the site is on a road with no intersections within that distance or if it has downstream impacts to nearby thoroughfares.
   4. Site Location: Include location map showing site in relation to major streets and at least one-mile radius from site.
   5. Traffic Generation: Indicate number of trips generated by site daily, AM peak hour, PM peak hour (AM peak hour may be omitted for retail uses which are not expected to generate significant traffic volumes during this period). Indicate internal or pass-by traffic generation if appropriate. For rezoning, indicate traffic generation under existing zoning as well as proposed zoning. Indicate source of trip generation rate, land use code, and units used to derive generation.
   6. Trip Distribution: Indicate percentage distribution of trips, by direction, within study area and method used to obtain.

7. Access Location(s): Location of planned streets or driveways and access to existing streets. Indicate other streets or driveways within study area, including those across the street. Indicate coordination with NCDOT where appropriate.
8. Existing Road and Traffic Conditions: Street laneage and classification, traffic control devices, existing daily traffic volumes within study area. Show traffic volumes and level of service of signalized intersections and proposed site access points within study area during AM and PM peak hour (PM only for retail). Include work sheets or computer printouts showing counted traffic volumes and level-of-service. Illustrate in figure(s) showing peak hour volumes, lanes, and level of service. For unsignalized intersections, show level-of-service for individual movements. Discuss transit service if applicable. Discuss accident history, if appropriate.
9. Planned Improvements: Discuss and describe any planned road improvements in the study area which could affect future traffic. Note whether project is shown on thoroughfare plan, collector street plan, or NCDOT TIP.
10. Future Conditions: Same as for existing conditions, plus site traffic assigned to driveways or access points, for condition with full build-out of project, at build-out year. Include growth in background traffic due to other approved developments or to general growth in area. May show more than one phase, if project is to be phased. Discuss any conflict with other driveways or streets, queuing problems, potential safety problems.
11. Pedestrian Facilities: Indicate location of existing and proposed sidewalks and crosswalks, internal pedestrian paths.
12. Recommended Improvements: Indicate improvements required for access points and signalized intersections within study area to operate at acceptable level of service (D or better). These may include site access, internal site circulation, signalization, signal modification (retiming, additional phases), lane modifications or additions, or street widening. A signal warrant study is not required but may be included as supporting documentation where a traffic signal is requested. Note: showing recommended improvements does not necessarily indicate responsibility for improvement. Report may indicate which improvements are due to development and which are due to existing problems or other growth in traffic, and may suggest responsibility of developer or of other parties for improvements. Proposed improvements should be shown schematically on figure.
13. Engineer's Seal: All TIAs are to be prepared and sealed by an engineer registered in the State of North Carolina and specializing in traffic or transportation, with experience in preparing TIAs.

C. Enhanced TIA Requirements: An enhanced TIA includes all of the elements of a standard TIA plus the following:
   1. Study Area: Generally, from 1 to 3 miles from each proposed site access along roads accessed by the site. The extent of the study area should be discussed with town staff prior to initiating the TIA.
   2. Internal Circulation: Review internal circulation patterns and note recommended changes.
   3. Trip Distribution: Use of a computer model for distribution may be desirable for major projects.
   4. Future Conditions: Projects in this category, other than perhaps shopping centers, are likely to be phased. It is desirable to show conditions at end of planning period (generally 20-year or horizon used for thoroughfare plan).
   5. Recommended Improvements: For major projects, these may involve changes to the thoroughfare plan or collector street plan. The project may include the construction of portions of thoroughfares within or adjacent to the site.

D. Improvements May Be Required: Based on the findings of the analysis, if a proposed development does not meet the applicable service level standards, the applicant shall be required to upgrade the facilities in accordance with the adopted level of service program. Mitigation measures may involve strategies other than roadway construction or other physical improvements such as changes to traffic signal timing or phasing, and transportation management strategies.

E. Thresholds for Mitigation: The town requires consideration of roadway and/or operational improvements when the proposed development increases the intersection Volume to Capacity (V/C) beyond the thresholds indicates in the table below. The town evaluates the impacts of proposed development at intersections (primarily under existing year conditions) based on the increase in V/C ratio as a result of the projected site traffic. The increase is determined by comparing the V/C ratio under existing development conditions and proposed development conditions. For the purpose of this comparison, all unsignalized intersections are analyzed as signalized intersections.

EXISTING V/C	ALLOWABLE INCREASE IN V/C BY DEVELOPMENT
0.00-0.60	0.10
0.61-0.70	0.07
0.71-0.80	0.05
0.81-0.90	0.03
0.91-1.00+	0.02

F. Payments in Lieu of Improvements: The town may, at its discretion, accept either mitigation measures to be completed by the developer or a fee paid to the town in lieu of mitigation. The fee shall be equal to the costs of the required mitigation measures, as determined by the Zoning Administrator. A combination of mitigation measures and payments-in-lieu of dedication may be permitted. Payments-in-lieu of dedication shall be approved as part of the Subdivision or Site Master Plan.

7.7.3 STREET CLASSIFICATIONS

The following standards are intended to provide general clarity for most conditions in Troutman. Deviations to these standards may be granted by the Zoning Administrator subject to generally accepted safety and engineering practices. For additional guidance, the town may use "Designing Walkable Urban Thoroughfares: A Context Sensitive Approach" by the Institute of Transportation Engineers and the Congress for the New Urbanism or a similarly generally accepted document. Many different parts go into the assemblage of each street. Care should be taken to ensure that context plays a primary role in the selection of the various right-of-way elements (see illustration):

A. Rights-of-Way: The right-of-way should be the minimum required to accommodate the street, median, planting strips, sidewalks, utilities and maintenance consideration.

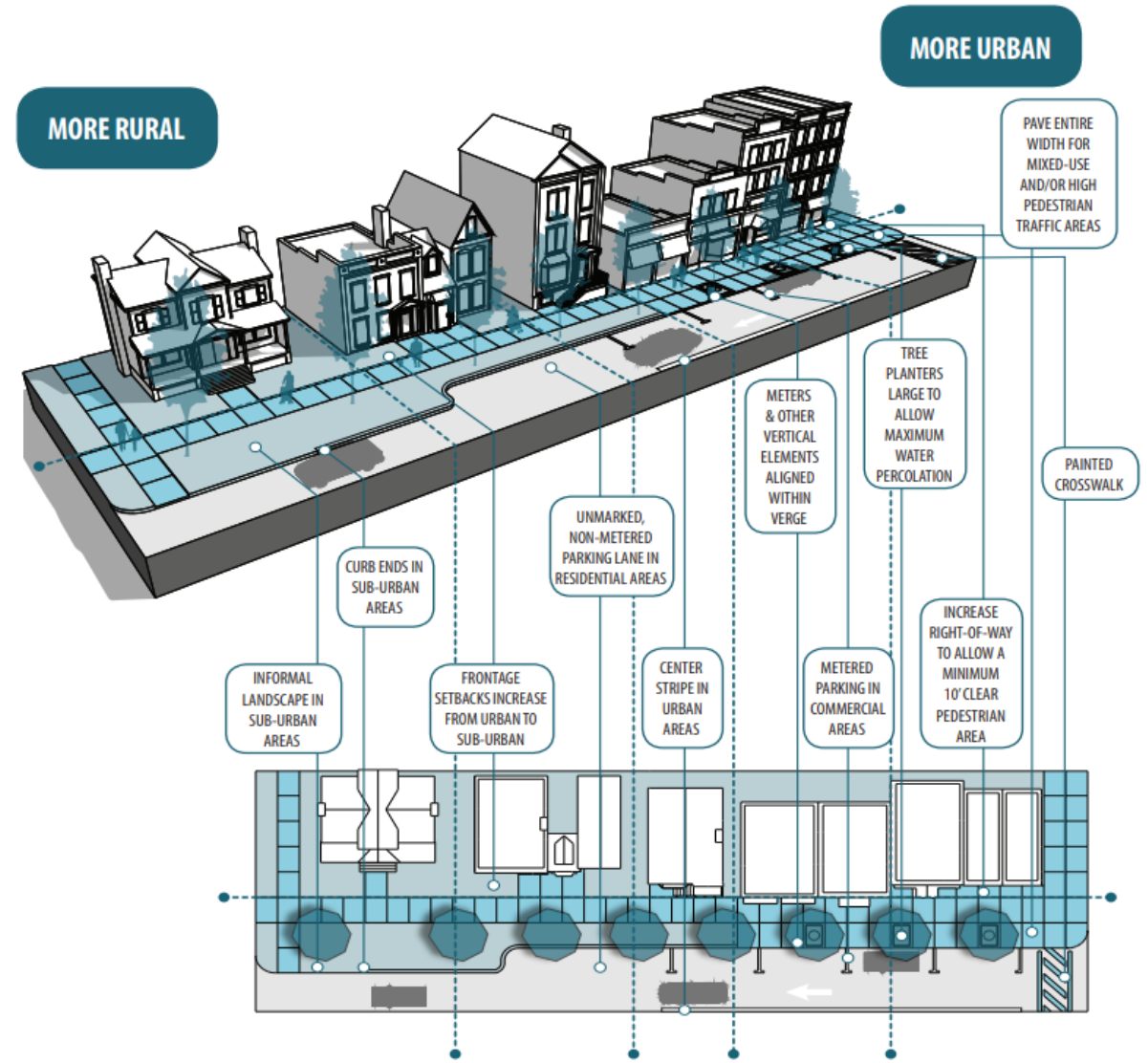
B. Measurement of Pavement Area Details: The dimensions established in Sections 7.7.3.1 - 7.7.3.7 below for lane widths, sidewalks, bike lanes and parking lanes indicate the required face of curb to face of curb measurement, or to the edge of pavement for roadways with open drainage.

C. Turn Lanes: Dedicated right turn lanes, where required, may be taken from the parking lane.

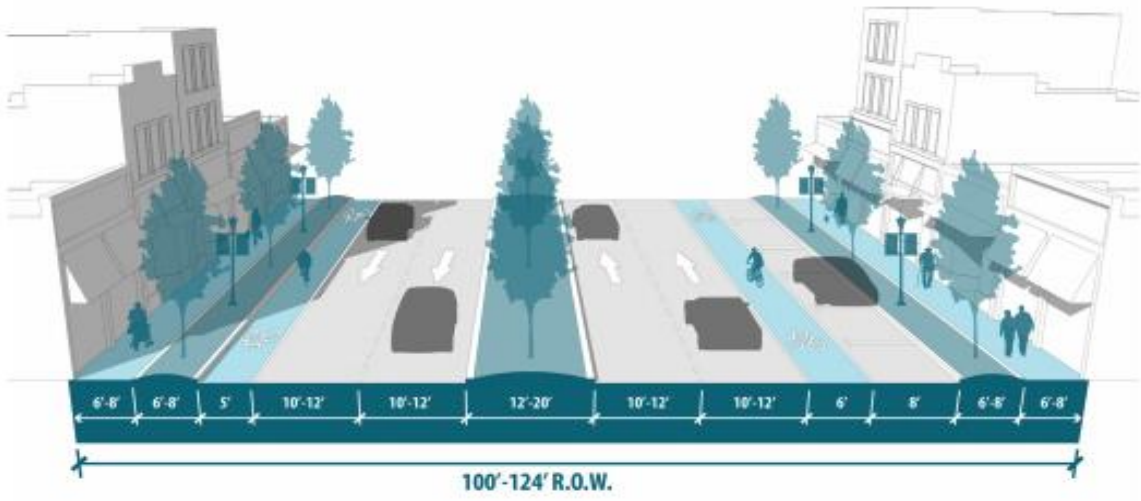
D. Dimension Ranges: Where ranges are given, the project designer should consult with the Zoning Administrator as to the appropriate detail.

E. Street Names: Street names shall be subject to the approval of the Iredell County GIS. New names shall not duplicate or be similar to existing street names. Existing street names; however, shall be projected where appropriate. The developer is required to provide block numbers on all street signs.

Typical Streetscape Elements: Urban to Rural Condition

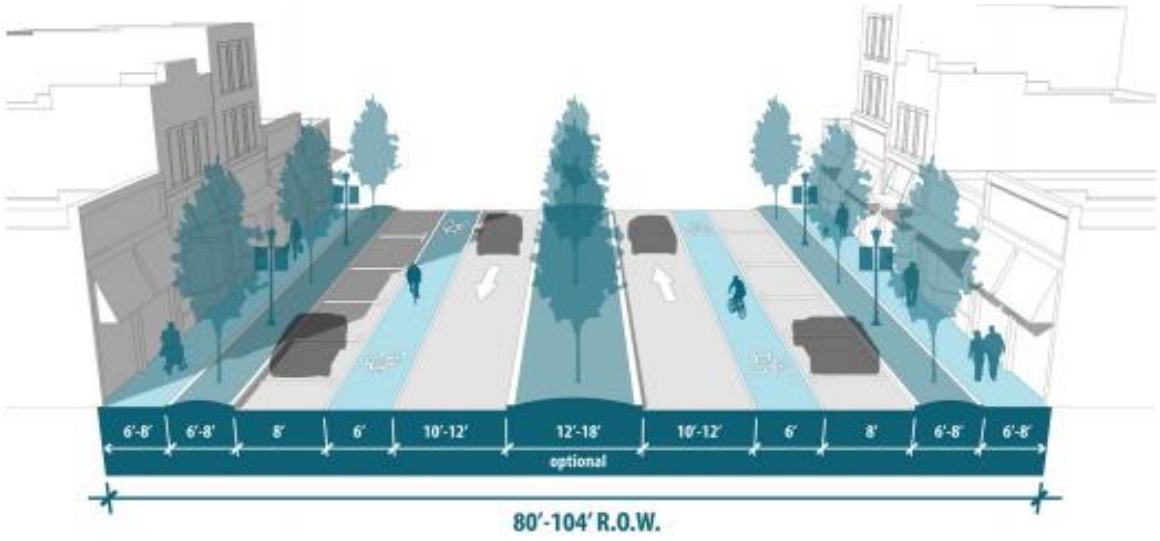


7.7.3.A Urban Boulevard



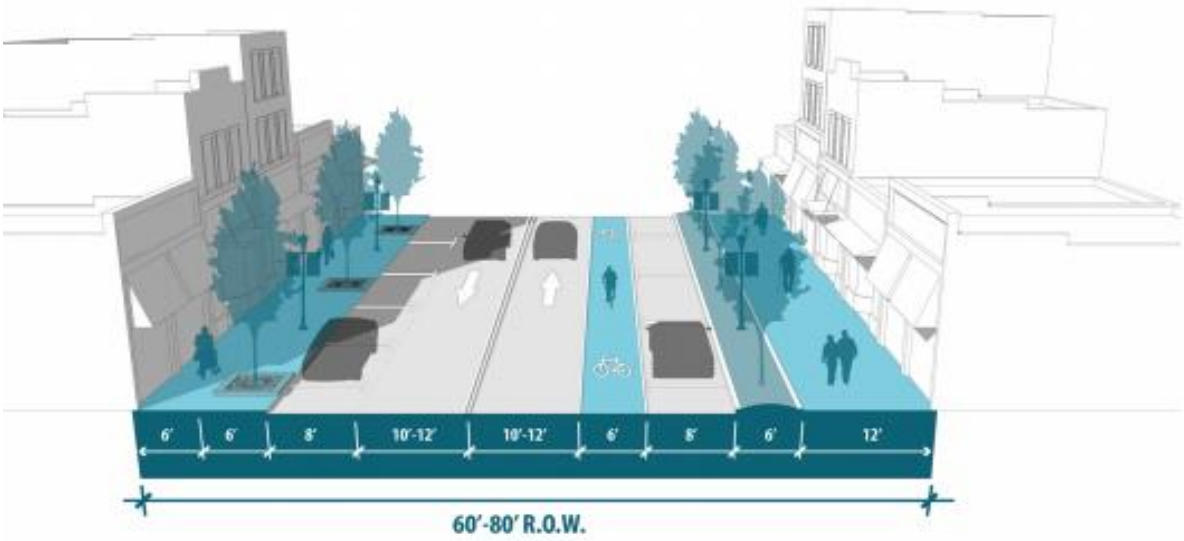
Boulevards provides multi-lane access to commercial and mixed-use developments. Boulevards also serve to carry regional traffic throughout the town.	1. Right of Way Width	100-124 ft (Curb and Gutter)
	2. Lane Width	10-12 ft all lanes marked
	3. Median Width	12-20 ft
	4. Design Speed	30-35 mph
	5. Traffic Lane	4 lanes
	6. Parking Lane	Both sides @ 8 ft marked (if provided)
	7. Curb Radius	15-25 ft
	8. Walkway Type	6 ft sidewalk both sides (Residential districts) 8 ft all other districts
	9. Planter Type	Continuous planting strip - 6 ft (curb) or 8 ft (swale)
	10. Pedestrian Facilities	Intersection bulb outs (Required) Mid-block crosswalks marked
	11. Curb Type	Vertical curb and gutter or approved alternative (Additional right-of-way may be required for natural drainage sections)
	12. Landscape Type	1 canopy tree per 50 ft of street frontage (see also 5.1.5.3)
	13. Bicycle Facilities	5 ft Bike Lane per NACTO guidelines or 6 ft Bike Lane w/on street parking marked
	14. Volume	25,000-55,000 Vehicles Per Day

7.7.3.B Avenue



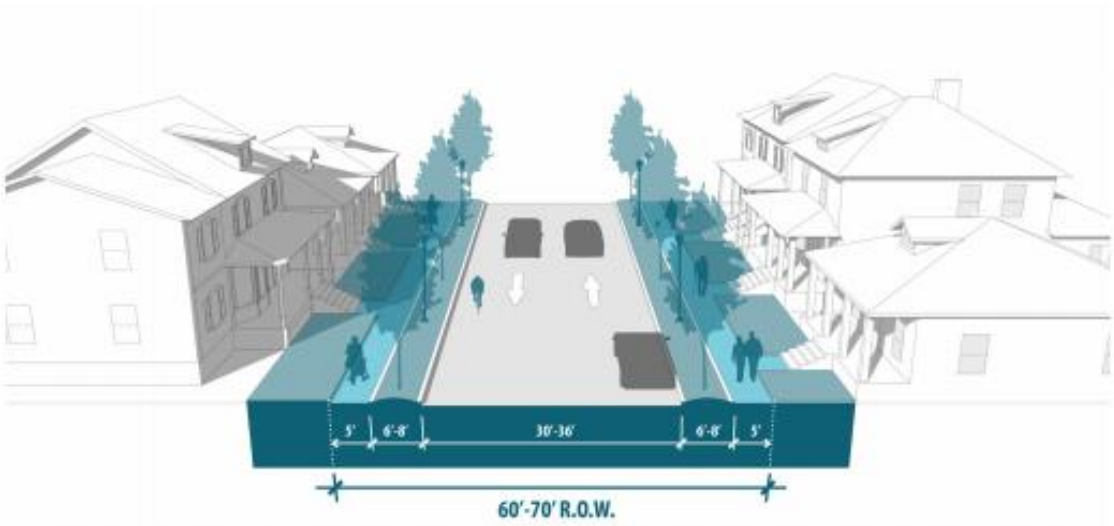
Avenues serve as connectors between neighborhoods and area centers. As such, they are used both in residential and commercial areas, often terminating at prominent buildings or plazas. Avenues may also circulate around squares or neighborhood parks.	1. Right of Way Width	80-104 ft (Curb and Gutter)
	2. Lane Width	10-12 ft all lanes marked
	3. Median Width	12-18 ft (optional)
	4. Design Speed	25-30 mph
	5. Traffic Lane	2 lanes
	6. Parking Lane	Both sides @ 8 ft marked
	7. Curb Radius	15-25 ft
	8. Walkway Type	6 ft sidewalk both sides (Residential districts) 8 ft all other districts
	9. Planter Type	Continuous planting strip - 6 ft (curb) or 8 ft (swale)
	10. Pedestrian Facilities	Intersection bulb outs (Required) Mid-block crosswalks marked
	11. Curb Type	Vertical curb and gutter or approved alternative (Additional right-of-way may be required for natural drainage sections)
	12. Landscape Type	1 canopy tree per 50 ft of street frontage (see also 5.1.5.3)
	13. Bicycle Facilities	5 ft Bike Lane per NACTO guidelines or 6 ft Bike Lane w/on street parking marked
	14. Volume	15,000-30,000 Vehicles Per Day

7.7.3.C Commercial Street



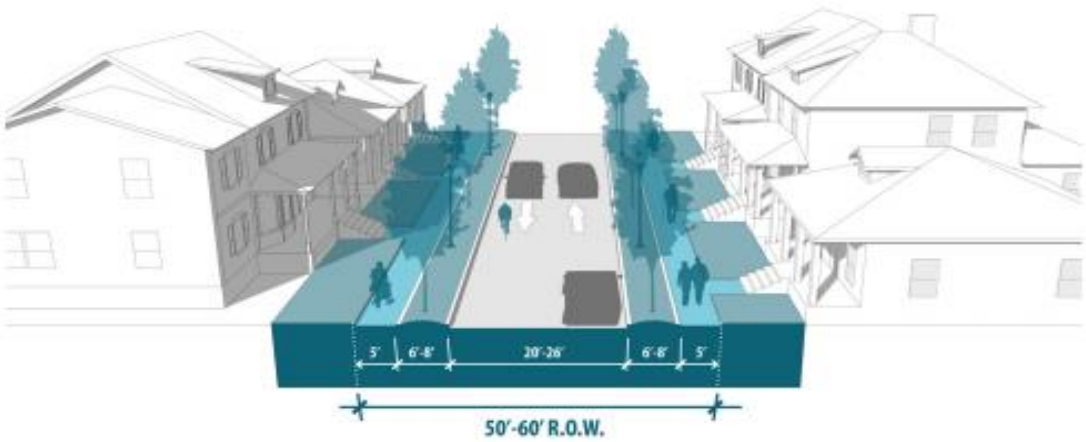
Main streets are intended to provide access to neighborhoods and high density residential and commercial areas.	1. Right of Way Width	60-80 ft (Curb and Gutter)
	2. Lane Width	10-12 ft all lanes marked
	3. Median Width	n/a
	4. Design Speed	20-25 mph
	5. Traffic Lane	2 lanes
	6. Parking Lane	Both sides @ 8 ft marked (or one side as appropriate)
	7. Curb Radius	15-25 ft
	8. Walkway Type	6 ft sidewalk both sides (Residential districts) 8 ft all other districts
	9. Planter Type	6 ft continuous planting strip or tree wells (included in walkway type dimension)
	10. Pedestrian Facilities	Intersection bulb outs (Required) Mid-block crosswalks marked
	11. Curb Type	Vertical curb and gutter
	12. Landscape Type	1 canopy tree per 50 ft of street frontage (see also 5.1.5.3)
	13. Bicycle Facilities	5 ft Bike Lane per NACTO guidelines or 6 ft Bike Lane w/on street parking marked
	14. Volume	10,000-18,000 Vehicles Per Day

7.7.3.D Large Residential Street



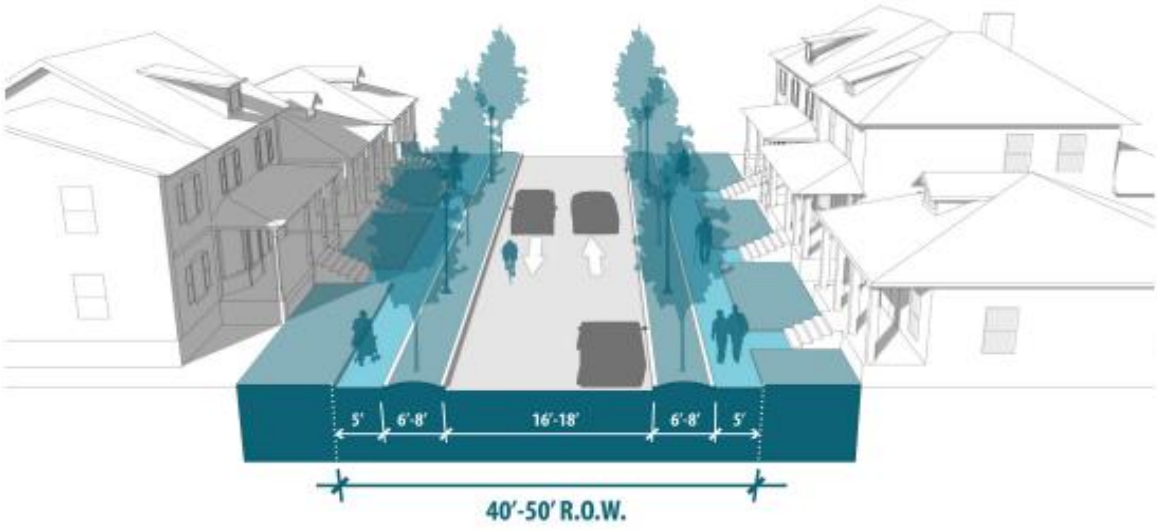
Residential streets (large and yield types) serve as the primary transportation network in the community. Generally, Large Residential Streets serve as the primary travel routes and entryways through residential neighborhoods.	1. Right of Way Width	60 ft (Curb and Gutter), 70 ft (Swale)
	2. Lane Width	30-36 ft all lanes marked
	3. Median Width	n/a
	4. Design Speed	20 mph
	5. Traffic Lane	2 lanes
	6. Parking Lane	Informal, one side only if bike lane is included
	7. Curb Radius	15 ft
	8. Walkway Type	5 ft sidewalk both sides
	9. Planter Type	Continuous planting strip 6 ft (Curb) or 8 ft (Swale)
	10. Pedestrian Facilities	n/a
	11. Curb Type	Vertical curb and gutter, valley curb, or approved alternative
	12. Landscape Type	1 canopy tree per 50 ft of street frontage (see also 5.1.5.3)
	13. Bicycle Facilities	Informal or 5 ft Bike Lane marked per NACTO guidelines
	14. Volume	2,500-15,000 Vehicles Per Day

7.7.3.E Residential Yield Street



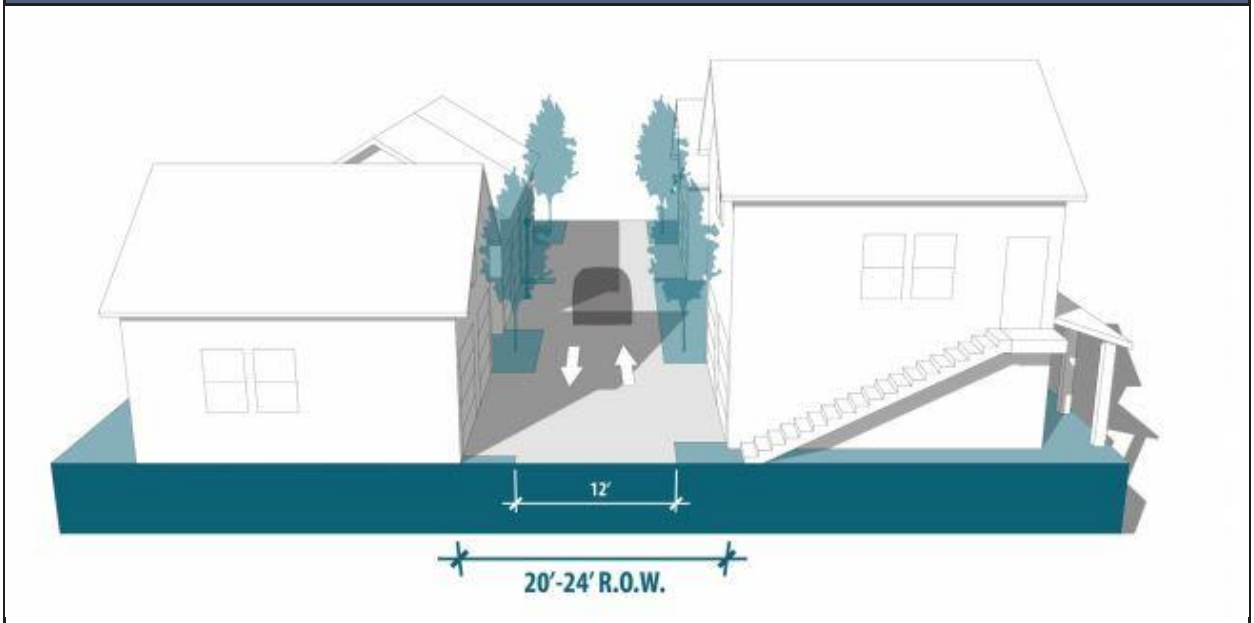
Residential streets (yield and large types) serve as the primary transportation network in the community. Generally, Residential Yield Streets are 2 to 6 blocks in length.	1. Right of Way Width	50 ft (Curb and Gutter), 60 ft (Swale)
	2. Lane Width	20-26 ft all lanes marked
	3. Median Width	n/a
	4. Design Speed	20 mph
	5. Traffic Lane	2 lanes
	6. Parking Lane	Informal, one side only
	7. Curb Radius	15 ft
	8. Walkway Type	5 ft sidewalk both sides
	9. Planter Type	Continuous planting strip 6 ft (Curb) or 8 ft (Swale)
	10. Pedestrian Facilities	n/a
	11. Curb Type	Vertical curb and gutter, valley curb, or approved alternative
	12. Landscape Type	1 canopy tree per 50 ft of street frontage (see also 5.1.5.3)
	13. Bicycle Facilities	Informal
	14. Volume	1-1,000 Vehicles Per Day

7.7.3.F Lane



Lanes are small traveled ways intended to provide direct access to the front of a limited number of single-family structures. Lanes are limited in the number of lots served. Generally, they are very short; often less than 400 feet. Items including, but not limited to, traffic carrying capacity, topography and connectivity, shall be a consideration when permitting a lane in lieu of a street.	1. Right of Way Width	40 ft (Curb and Gutter), 50 ft (Open Drainage)
	2. Lane Width	16 ft
	3. Median Width	20 mph
	4. Design Speed	20 mph
	5. Traffic Lane	2 lanes
	6. Parking Lane	Informal, one side only
	7. Curb Radius	15 ft
	8. Walkway Type	5 ft sidewalk both sides
	9. Planter Type	Continuous planting strip 6 ft (Curb) or 8 ft (Swale)
	10. Pedestrian Facilities	n/a
	11. Curb Type	Vertical curb and gutter or LID or Swale (Additional right-of-way may be required for natural drainage sections)
	12. Landscape Type	1 canopy tree per 50 ft of street frontage (see also 5.1.5.3)
	13. Bicycle Facilities	Informal
	14. Volume	0-1,000 Vehicles Per Day

7.7.3.G Alley



Alleys are intended to be privately maintained and to provide indirect, limited access to the rear of properties but not accommodate through traffic. Utilities, either above ground or underground, may be located in alleyways to provide service connections to rear elevations.	1. Right of Way/ Easement Width	20-24 ft
	2. Lane Widths	12 ft inverted crown
	3. Parking Lanes	None
	4. Curb Radius	Taper
	5. Pedestrian Facilities	Path optional
	6. Curb Type	n/a
	7. Landscape Type	None
	8. Building Setback from Alley Centerline	15 ft
	9. Maximum Length	400 ft unless approved by Zoning Administrator

7.7.4 CONNECTIVITY AND CUL-DE-SACS

A. General: Streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public safety and convenience, and to the proposed 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 or tracts. Requirements may vary at the discretion of the Zoning Administrator where compliance is determined not feasible because of topography, the existence of environmentally sensitive lands, the need to preserve cultural resources, and/or other similar considerations.

B. Streets to be Interconnected: All streets shall be designed to form part of an interconnected street pattern. Streets must connect with adjacent street networks to the extent possible. Street designs will be assessed, in terms of meeting this interconnectivity standard, on their ability to: permit multiple routes between origin/destination point; diffuse traffic; and, shorten walking distance.

C. Cul-de-Sacs: Permanent dead-end streets or cul-de-sacs shall be no longer than 1,000 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 indicates that a through street is not essential at the location of the proposed cul-de-sac.

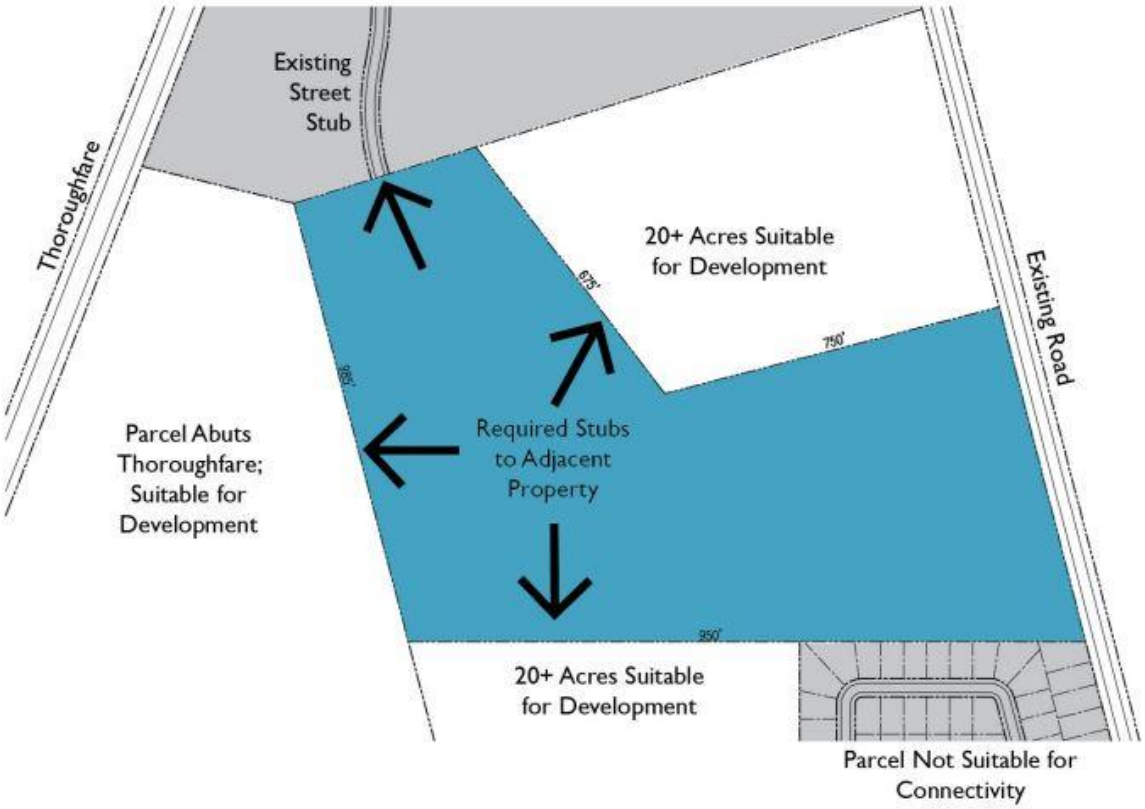
D. Stub Street Details: Stub streets and streets intended for extension during future phases shall be designed and constructed to the property line or as close to the line, vertically and horizontally, as practical. It shall be the responsibility of the second development to construct the connection to an existing stub street. Stub streets shall not exceed 150 feet in length without a paved turnaround (permanent or temporary). A clearly visible street sign shall be erected at the end of the stub street stating that the street is planned to connect to a future street.

E. Future Street Connection Signage: All dead-end streets and stub streets that have the potential to connect to adjacent property or with nearby streets must be signed with the following language: “This cul-de-sac is temporary. The street will be extended when the adjacent property develops.”

F. Subdivision Access Points: Subdivisions shall maintain external access points through street connections to existing roads and/or stubs to future development at the rate of at least one external access point for every 100 single family lots.

G. Connection to Street Stubs Required: New developments shall connect to any existing street stubs from adjacent properties.

H. Street Stub Prioritization: New development shall stub to all adjacent properties where practical at the rate of at least one street stub per 800 feet of property boundary when connecting to rural and suburban districts and at least one stub per 400 feet when connecting to urban districts. The location of new required street stubs shall be prioritized as follows: (See illustration)
   1. Adjacent parcels 20 acres or greater
   2. Adjacent parcels that abut or are traversed by existing or proposed thoroughfares or collector streets.
   3. Where any adopted transportation or land use plan recommends a street connection.



I. An approved permit is required to connect to any existing state system street. North Carolina General Statutes 136-102.6 "Compliance of Subdivision streets with minimum standards of the Board of Transportation Required of Developers" requires that new public streets outside the Town limits and changes to existing streets inside the Town limits that are the responsibility of NCDOT be in accordance with the minimum Right-of -way and Construction standards established by the Board of Transportation for acceptance on the state highway system. It is the intent of these standards and requirements, as set forth, to complement and not to conflict with the requirements of NCDOT as stated in NCGS 136-102.6. In all cases the most restrictive limitation or requirement or the requirement causing the highest standard of improvement shall govern.

J. All proposed streets shall be constructed in accordance with the minimum street standards as shown in Appendix B. All street improvements shall be designed and installed in accordance with Town Standards and the approved Engineering Documents. The developer's engineer shall furnish the Town with a certified statement that all Street improvements installed in the subdivision meet the minimum standards of the Ordinance.

K. In addition, street improvements, shall be installed in the following situations:
   1. Any existing street segment that has not been accepted for maintenance by either the Town or the North Carolina Department of Transportation, and that is to serve as the required frontage for one or more Lots created pursuant to this ordinance, shall be improved and Dedicated to the public or shall be improved and maintained privately, as provided for above, in such a way that the Street segment meets the standards of this ordinance for the particular classification of Street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the Town or the North Carolina Department of Transportation. No subdivision shall be permitted on any street that is an "island" not connected directly to the public street system.
   2. All developments that adjoin existing streets maintained by either the Town or NCDOT shall dedicate additional street right-of-way necessary to meet the minimum width requirements for the type of classification of the adjoining street. When any part of the development is on both sides of an existing Street, the entire minimum right-of-way shall be provided. When the development is located on only one side of an existing street, one-half of the minimum right-of-way, measured from the centerline of the existing street, shall be provided.
   3. The Town Council may require pavement and widening or pavement and widening and curb and gutter for turning lanes along any existing or proposed street that forms a significant entrance to a proposed development where in the opinion of the Board such improvements are necessary in order to provide for safe vehicular movement into and out of the proposed subdivision.
   4. In cases where a street is stubbed into adjoining property for future extension and such street serves as the frontage for one or more lots which are not corner lots, the Town Board may require the pavement of a temporary turn-around in a form similar to a cul-de-sac on such street where in their opinion such turn-around is necessary for the public convenience, safety and service. Temporary easements for such purposes may be required.
   5. Where streets are dedicated to the public, but not accepted into a municipality or the State system, a statement explaining the status of the street shall be included with the final plat. Furthermore, a legally binding private street maintenance agreement shall be filed at the Register of Deeds or Iredell County which shall reference a fund established by the developer for the property owners of the subdivision for maintenance of the private street. Such streets may be gated, provided the TRC determines access will be easily available to fire, police, emergency, trash, and other essential services.

7.7.5 BLOCKS

A. Block Lengths: Block lengths shall adhere to the standards in the following table:

	MINIMUM BLOCK LENGTH	MAXIMUM BLOCK LENGTH
Rural & Suburban Districts: RP, RS, RMH, OI, HB, IL, IH	250 feet	800 feet
Urban Districts: RT, RM, NC, CB	250 feet	400 feet

B. Block Width: Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

7.7.6 RESERVE STRIPS AND HALF STREET

A. Reserve Strips: Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property shall not be permitted.
B. Half Streets: Whenever a half street is adjacent to a tract to be subdivided, the opposite half of the street shall be platted within said tract. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the Zoning Administrator finds it will be practical to require the dedication of the other half when the adjoining property is subdivided.

7.7.7 MARGINAL ACCESS STREETS

A. Marginal Access Streets: Where a subdivision abuts or contains an existing or proposed major street or highway, the Zoning Administrator may require marginal access streets to reduce the number of intersections with such street or highway, separate local and through traffic, and provide protection for abutting properties.
B. Intersections: The minimum distance between intersections of the marginal access street with residential collectors shall be 300 feet, and in residential areas the distance between intersections of the marginal access street with higher order streets shall be determined by the Town Engineer based upon the traffic characteristics of the higher order street.
C. Buffer: A minimum distance of 30 feet shall be provided between the marginal access roadway and the higher order street roadway. This area shall be used to provide a visual screen between the roadways by landscaping or by use of a berm.

7.7.8 STREET NAMES AND SIGNS

A. Street Naming and Renaming: Proposed street names and number systems will be reviewed by the Zoning Administrator and Iredell County Emergency Management Department. No duplicate/similar names are allowed as determined by these agencies.
B. Traffic Control and Signs: Traffic control and street name signs shall be installed at all street intersections.

7.7.9 MAILBOX CLUSTERS

Mailbox clusters, if provided, shall be placed on the side of the street with a sidewalk.

7.7.10 TURNING LANES

Dedicated right turn lanes, where required, may be taken from the parking lane.

7.7.11 UTILITIES, STREET LIGHTS AND STORM DRAINAGE WITHIN STREETS

A. Utilities

1. Every principal use, building or lot within a subdivision shall be served by public water/wells, public sewer/septic system, electric, cable/telephone systems (plus gas if appropriate) that is adequate to accommodate the reasonable needs of the use, building or lot.
2. All electric power lines (not including transformers or enclosures containing pad-mounted electrical equipment), gas distribution lines, and cable/telephone lines in subdivisions constructed after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service and subject to approval by the town. All underground utilities shall be constructed so as to minimize interference with pedestrian and vehicular traffic, and to facilitate maintenance without damage to other elements of public and utility infrastructure. Wherever possible underground utilities should be coordinated and installed in a joint utilities common trench, each with appropriate utility approved separation.
3. Whenever it can reasonably be anticipated that underground utilities constructed in one development will be extended to serve other adjacent or nearby developments, the utilities shall be located and constructed so that extensions can be made conveniently and economically without duplication of service lines.
4. These requirements apply also to any and all unsubdivided developments constructed after the effective date of this chapter.

B. Street Lights

1. The developer shall provide, as a minimum standard, street lighting on all streets within the subdivisions in accordance with Duke Energy's outdoor lighting product specifications.
2. Consideration should be made to place all lighting at all intersections and other high pedestrian use areas.
3. Lighting should be planned to ensure adequate illumination for safety of both the pedestrian and the automobile.
4. Where sidewalks exist on one side of the street only, street lighting will be placed on that side to ensure adequate illumination for the pedestrian.
5. Additional lighting on a street with existing lighting should be similar in style and illumination to the existing lighting.
6. Citizens requesting lighting not on public street rights-of-way within Troutman will be referred to the appropriate electric utility. The requesting party will be responsible for all costs associated with lighting non-public street rights-of-way or for which the Town has not authorized installation by the appropriate electric utility to install lighting.
7. The Town of Troutman may choose to take over responsibility of monthly billing of a street light. See Section 5.2.5 of this UDO for requirements.

C. Storm Drainage

1. A developer shall provide an adequate drainage system, including necessary open ditches, pipes culverts, drop inlets, bridges, fill-in lots, etc., for the proper drainage of all surface water, according to the provisions of this section, Section 7 of this ordinance. The developer shall provide the storm water system necessary to carry the water in a manner approved by the Zoning Administrator.
2. All storm drainage shall be designed to accommodate the following design storm frequency:
   a. Storm Sewer Collection: 10-year storm
   b. Ditch Cross Drainage: 25-year storm
   c. Catch Basins: 2-year storm

3. Stormwater Best Management Practices and Low Impact Development Techniques are encouraged in the design of all subdivisions and developments. See the North Carolina Department of Environmental Quality: Stormwater Design Manual and the North Carolina Cooperative Extension: Low Impact Development Guidebook.

7.7.12 STREET ACCEPTANCE

Streets shall be accepted for public ownership and maintenance in accordance with the adopted Street Acceptance Policy for the Town of Troutman or the NC Department of Transportation, as applicable.

7.7.13 BRIDGES AND LARGE CULVERTS (48 INCHES OR LARGER)

Where a required street stub necessitates the crossing of a stream or designates 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 building the stream crossing equal to half the total cost of the construction based on an engineer certified estimate. Such payment shall be set aside to offset the cost of constructing the stream crossing for future development.

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8 WATER MANAGEMENT

8.1 PURPOSE AND APPLICABILITY

8.1.1 GENERALLY

In order to protect and maintain the Town's community character and natural resources, this chapter establishes basic standards to protect natural systems, wildlife habitat, species diversity, and water quality.

8.1.2 WATERSHED PROTECTION

The Legislature of the State of North Carolina has, in NCGS 143-21, Watershed Protection Rules, directed local governmental units to adopt regulations that meet or exceed the minimum requirements of NCGS 143-214.5 and water supply watershed protection rules adopted by the State Environmental Management Commission in order to protect the water supplies throughout the state. The Watershed Protection regulations are therefore established to preserve and improve water quality and provide safe drinking water now and in the future.

8.1.3 FLOOD DAMAGE PREVENTION

Impervious surfaces associated with development in a watershed have the effect of: reducing the watershed's ability to absorb stormwater; increasing the velocity of stormwater runoff; and, creating erosion from uplands and depositing sediments into floodplains; cumulatively increasing the level of flood waters within the town.

Minimizing construction within the flood protection areas in the town within its zoning jurisdiction has been identified as an effective means for minimizing the risk of these losses.

SECTIONS

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8.1.4 STORMWATER MANAGEMENT

The purpose of this section is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point and point source pollution associated with new development and redevelopment.

8.2 WATERSHED OVERLAY DISTRICT

8.2.1 AUTHORITY & ENACTMENT

A. Legislative Authority
   1. The Legislature of the State of North Carolina has, in Chapter 160A, Article 19, Section 381, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Town Council of Troutman does hereby ordain and enact into law the text contained herein to satisfy said statutory requirements.
   2. The Town Council of Troutman, unless otherwise designated in this UDO, shall serve as the Watershed Review Board for the purpose of performing the duties assigned to that board, as defined in this Section.

B. Effective Date and Adoption Date
   1. The provisions of this section took effect on October 1, 1993 as adopted by the Town of Troutman on September 16, 1993.

C. Amendments to Regulations Pertaining to a Watershed Protection District
   1. Under no circumstances shall the Town Council adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. Any amendment to the boundaries of any particular Watershed Protection Overlay District shall be referred to the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance for their review prior to adoption. Otherwise, amendments to the regulations contained in this chapter shall follow procedures prescribed in Chapter 9.

8.2.2 DEFINITIONS

For the purpose of interpreting this section, certain words or terms are herein defined. Except as defined herein, or in Chapter 13 Definitions, the definition in this section shall apply to this chapter only.

A. Watershed Protection Definitions

- Agricultural Use: The use of waters for stock watering, irrigation, and other farm purposes.
- Animal Unit: A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.
- Buffer, Vegetative: An area of natural or planted vegetation through which stormwater runoff flows in a diffused manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of bodies of water and from the bank of each side of streams or rivers.

- 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, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks, the water area of a swimming pool, and gravel areas are considered pervious.) Built upon areas shall be determined on a project by-project basis.
- Cluster Development: The grouping of buildings in order to conserve land resources and provide for innovation in the design of a project.
- Composting Facility: A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.
- Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.
- Development: Any land disturbing activity which adds to or changes the amount of impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
- Discharging Landfill: A facility with liner, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.
- Existing Development: Existing development, as defined for the purpose of this chapter, means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the amendment incorporating Water Supply Watershed regulations into the UDO based on at least one of the following criteria:
- Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- Having a valid building permit; or
- Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan.
- Existing Lot (Lot of Record): A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to October 1, 1993 of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to October 1, 1993. (Note: This definition containing the October 1, 1993 stipulation shall be applicable only to Chapter 8 of this ordinance.)
- Hazardous Material: Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 or CWA (oil and hazardous substances).
- High Density Option: Any development which contains engineered stormwater control devices approved by the Town of Troutman thereby enabling development to occur at a higher intensity (than if the low-density option were used) as prescribed by the Environmental Management Commission's adopted Water Supply Watershed Protection rules.

- Industrial Development: Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.
- Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with NCGS Chapter 130A, Article 9 of the N.C. General Statutes. For the purpose of Chapter 8 of this ordinance, this term does not include compost facilities.
- Low Density Option: Any development which does not contain engineered stormwater control devices (i.e. wet detention ponds) approved by the Town of Troutman.
- Plat: A map or plan of a parcel of land which is to be, or has been subdivided.
- Protected Area: The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as extending 5 miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first); or 10 miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of 5 or 10 miles. In some cases, the protected area will encompass the entire watershed.
- Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.
- Toxic Substance: Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.
- Variance, Major: A variance that results in any one or more of the following:
  1. The complete waiver of a management requirement;
  2. Any request to increase the amount of built-upon area or density above that which is allowed in that particular WS district;
  3. The relaxation of any management requirement that applies to a development proposal intended to qualify under the high-density option;
  4. The relaxation, by a factor of more than 10 percent of any other management requirement contained in this ordinance that takes the form of a numerical standard.
  5. (Note: This definition applies only to Chapter 8, Watershed Protection Regulations.)
  6. Variance, Minor: A variance that does not qualify as a major variance.
  7. Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

8.2.3 APPLICABILITY & DISTRICTS ESTABLISHED

A. Applicability: The provisions of this Section shall only apply within the areas designated as Water Supply Watersheds by the North Carolina Department of Environmental Quality (NC DEQ) Division of Water Quality and shall be depicted on the Town of Troutman's Official Zoning Map. Where there is a conflict between the regulations contained this section and any other portion of this UDO, the provisions of this section shall apply to properties located within a designated Water Supply Watershed area.

B. Watershed Protection Overlay Districts
   1. Districts Established: The following Watershed Protection Overlay Districts shall be in place:
      a. WS-IV-CA (Critical Area) Overlay District
      b. WS-IV-PA (Protected Area) Overlay District
   2. Additional Requirements: These overlay districts are established to provide for certain additional requirements and/or uses for properties located in one or more general planning areas. Thus, in addition to the requirements of the underlying planning area, the provision of the overlay district would also prevail in the areas so zoned.
C. Conflicts
   1. Conflicts with UDO: Where there is a conflict between the regulations contained in this section and any other portion of the UDO, the provisions of the section shall apply to properties located within a designated Watershed Protection Overlay District.
   2. Conflicts with Development Agreements: It is not intended that these regulations interfere with any easement, covenant or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
D. Interpretation of Watershed Boundaries
   1. Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Troutman Watershed Map, the following rules shall apply:
      a. Where watershed district boundaries are indicated as approximately following either street, alley, railroad or highway lines or center lines thereof, such lines shall be construed to be the watershed district boundaries.
      b. Where watershed district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the watershed district boundary.
      c. Where the watershed district boundary lies at a scaled distance of more than 25 feet from an adjoining lot line, the location of the watershed district boundary shall be determined by use of the scale appearing on the map.
      d. Where the watershed district boundary lies at a scaled distance of less than twenty-five (25) feet from an adjoining lot line, the lot line boundary may be used as the watershed district boundary.
      e. Where other uncertainty exists, the Zoning Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Board of Adjustment.

8.2.4 EXCEPTIONS TO APPLICABILITY

A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor restrict any provisions of the Code of Ordinances of the Town of Troutman; however, the adoption of the Watershed Protection Regulations shall and does amend any and all ordinances, resolutions, and regulations in effect within the planning jurisdiction of the Town of Troutman (as depicted in the Town's Official Zoning Map) at the time of the adoption of the ordinance that may be construed to impair or reduce the effectiveness of this ordinance or to conflict with any of its provisions.
B. Existing Development: Existing development, as defined in this UDO, is not subject to the requirements of this UDO. Expansions to structures classified as existing development on any lot other than a lot containing a single-family residence as the principal use must meet the requirements of this Ordinance; however, the built-upon area of existing development is not required to be included in the density calculations (i.e. maximum number of units permissible or the maximum built upon area).

8.2.5 WATERSHED PROTECTION REQUIREMENTS

A. WS-IV-CA (CRITICAL AREA) Overlay District

1. Requirements: Only new development activities that require an erosion/sedimentation control plan under the Iredell County Land Development Code are required to meet the provisions of these regulations when located in the WS-IV-CA Zoning District watershed. In order to address a moderate land use intensity pattern, single-family residential uses are allowed at a maximum of 2 dwellings units per acre in this area. All other residential and non-residential development shall be allowed with a maximum built-upon ratio of twenty-four percent (24%) on a project-by-project basis. New sludge application sites and landfills are specifically prohibited. High density development is permitted in this district if consistent with Section 8.2.6.
2. Permitted Uses: The following uses are permitted, but only if they are also permitted in the underlying district.
    a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps. Animal operations with greater than 100 animal units shall employ Best Management Practices by July 1, 1994 as recommended by the Soil and Water Conservation Commission. (Note: The Soil and Water Conservation Commission is the designated management agency responsible for implementing the provisions of this relating to agricultural activities).
    b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).
    c. Residential Uses (Single-family, manufactured homes, manufactured home parks, two-family, multi-family and cluster developments).
    d. Non-residential development (i.e. commercial, institutional, or industrial development) excluding:
        i. the storage of toxic and hazardous materials unless a spill containment plan is implemented;
        ii. landfills; and
        iii. sites for land application of sludge/residuals or petroleum contaminated soils.
3. Density and Maximum Built-upon Limits:
    a. Single Family Residential Uses: Development shall not exceed a maximum of two (2) dwelling units per acre on a project by project basis. No such residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.
    b. All Other Residential and Non-Residential Uses: Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

B. WS-IV-PA Protected Area Zoning Overlay District
   1. Requirements: Only new development activities that require an erosion/sedimentation control plan under the Iredell County Land Development Code are required to meet the provisions of this ordinance when located in a WS-IV-PA Zoning District. In order to address a moderate land use intensity pattern, single family residential uses shall develop at a maximum of two (2) dwelling units per acre in areas where curb and gutter are used, or three (3) dwelling units per acre in areas where curb and gutter are not required and not used. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area where curb and gutter are used, or at a maximum of thirty-six percent (36%) built-upon area in locations where curb and gutter are not required and not used. High density development is permitted in this district if consistent with Section 8.2.6.
   2. Permitted Uses: The following uses are permitted, but only if they are also permitted in the underlying district.
      a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990
      b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).
      c. Residential Uses (Single-family, two-family, manufactured homes, manufactured home parks, multi-family, and cluster developments).
      d. Non-residential development (i.e., commercial, institutional, or industrial development) excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.
   3. Density and Maximum Built-upon Limits:
      a. Single Family Residential Uses: Development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster development in accordance with Section 3.4.32.
      b. All Other Residential and Non-Residential Uses: Development shall not exceed a maximum of twenty-four percent (24%) built-upon area in areas where curb and gutter are used, or at a maximum of thirty-six percent (36%) built-upon area in locations where curb and gutter are not used, on a project by project basis. For projects without curb and gutter, development shall not exceed thirty-six percent (36%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

8.2.6 HIGH IMPERVIOUS COVER OPTION

A. General Requirements: In any designated WS-IV Critical or Protected Watershed Area, any development may occur using the high-density option under the rules and guidelines herein described. The use of the high-density option for any particular project shall be subject to the Town Council approval and where deemed necessary by the town, submitted to the Water Quality section of the Division of Environmental Management for review and recommendation.

B. High Density Option Development Standards: The Town Council may approve a project using the high-density option consistent with the following standards:

1. WS-IV Watershed Areas- Critical Area (WS-IV-CA). Where new development requires a Sedimentation/Erosion Control Plan the development shall comply with the following standards:

   a. Landscaped Buffer
   All developments (including any phase) of less than one acre shall maintain a ten- foot wide undisturbed landscaped perimeter buffer around the entire lot (except areas needed for ingress and egress) unless the zoning district requirements specify a wider buffer. Lots of one acre in size or larger shall be exempt from this requirement.

   b. Impervious Surface Cover Options
   All development that includes land disturbing activities affecting an area of one acre or more in size shall utilize one of the following two impervious surface cover options:

      i. Low Impervious Option
      - Single-family detached and duplex uses shall be limited to a maximum density of two units per acre; and
      - All other residential uses and nonresidential uses shall be developed such that the area associated with all impervious surfaces shall not exceed 24 percent of the site or project area where they are located.

      ii. High Impervious Cover Option
      - Residential uses and densities shall not exceed that authorized by the underlying base zoning district;
      - Nonresidential uses shall be developed such that the area associated with all impervious surfaces shall not exceed 50 percent of the lot, site, or project area where they are located;
      - All development shall utilize engineered stormwater controls (i.e., Best Management Practices) configured in accordance with the standards in Section 8.2.10, Stormwater Control Structures, to control runoff from the first inch of rainfall falling during a storm event, and direct storm water away from surface waters.

2. WS-IV Watershed Areas- Protected Area (WS-IV-PA). Where new development requires a Sedimentation/Erosion Control Plan the development shall comply with the following standards:

   a. Landscaped Buffer
   All lots of less than one acre shall maintain a ten-foot-wide undisturbed landscaped perimeter buffer around the entire lot (except areas needed for ingress and egress) unless underlying base zoning district requirements specify a wider buffer. Lots of one acre in size or larger shall be exempt from this requirement. Utilities shall be located outside of this buffer to the maximum extent practicable.

   b. Impervious Surface Cover Options
   All development that includes land disturbing activities affecting an area of one acre or more in size shall utilize one of the following two impervious surface cover options:

      i. Low Impervious Option
      - Single-family detached and duplex uses shall be limited to a maximum density of two units per acre; and
      - All other residential uses and nonresidential uses shall be developed such that the area associated with all impervious surfaces shall not exceed 24 percent of the site or project area where they are located.

ii. High Impervious Cover Option

- Residential uses and densities shall not exceed that authorized by the underlying base zoning district;
- Nonresidential uses shall be developed such that the area associated with all impervious surfaces shall not exceed 70 percent of the lot, site, or project area where they are located;
- All development shall utilize engineered stormwater controls (i.e., Best Management Practices) configured in accordance with the standards in Section 8.2.10, Stormwater Control Structures, to control runoff from the first inch of rainfall falling during a storm event, and direct storm water away from surface waters.

3. High density development shall meet the requirements of this Ordinance.

C. Application: A High-Density Development Permit shall be required for new development exceeding the requirements of the low-density option. Application for a High Density Development Permit shall be addressed and submitted to the Watershed Review Board through the Zoning Administrator. Application for a High-Density Development Permit shall be made on the proper form and shall include the following information:

1. A completed High-Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;
2. Two reproducible copies of the development plan within the drainage basin including the applicable information listed in Chapter 9 and detailed information concerning built-upon area;
3. Two reproducible copies of the plans and specifications of the stormwater control structure(s) consistent with Chapter 5;
4. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;
5. Permit Application Fees as applicable.

D. Prior to taking final action on any application, the Board or the Zoning Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within prescribed time limit.

E. The Watershed Review Board shall either approve or disapprove each application for a High-Density Development Permit based on the applicable criteria contained in this Ordinance. If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure. A High-Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 8.2.11 and executes an Operation and Maintenance Agreement as required in Section 8.2.11.C. A copy of the permit and one copy of each set of plans shall be kept on file at the Zoning Administrator's office.

F. The Watershed Review Board shall issue a High-Density Development Permit upon finding that the proposal is consistent with the applicable standards set forth in the Watershed Ordinance and the following conditions are met:

1. The use will not endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. The use minimizes impacts to water quality through the use of best management practices, cluster development, and/or maximum setbacks from perennial waters;
3. The use is consistent with the officially adopted land use plan for the Town of Troutman.

G. If the Watershed Review Board finds that any one of the above conditions is not met, the Board shall deny the application.
H. In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted, on all plans and on the permit certificate. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.

8.2.7 BUFFER AREAS REQUIRED

A. Vegetative Buffers: A minimum one hundred (100) foot undisturbed vegetative buffer is required for all new development activities that exceed the low-density option; otherwise, a minimum fifty (50) foot undisturbed vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.
B. Development in Buffer: No new development is allowed in the vegetative buffer area except for water-borne structures (e.g., piers, docks, etc.) and public projects such as road crossings, sewer lines, and greenways, where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

8.2.8 NONCONFORMING SITUATIONS

A. General: Nonconforming situations which existed on or after the effective date of these regulations shall comply with this Ordinance, with the following exceptions:
   1. A nonconforming lot of record which existed on the effective date of these regulations which is used for single-family purposes shall not be subject to the rules and regulations pertaining to the WS district in which it is located, except as provided below.
   2. Whenever two or more adjoining lots of record, one of which contains a principal residential use and the other(s) being undeveloped (i.e., not containing a principal use), and such lots are in single ownership at any time on or after the effective date of these regulations, and such lots individually or jointly have less area than the minimum requirements for residential uses in the WS district in which it is located, such lots shall be combined to create lots which meet the minimum requirements of that WS district or minimize the degree of nonconformity.
B. Nonconforming Structures or Uses of Land
   1. If, on or after the effective date of these regulations, a lot contained one or more structures or uses of land, where aggregate built-upon area calculations exceeded the maximum allowed for the particular WS district in which said lot is located, and such structure is destroyed (i.e., received damage in excess of sixty (60) percent of its assessed value at the time of destruction), reconstruction of said structures or uses may occur provided that under no circumstances may the amount of space devoted to built-upon area exceed that which the previous development provided. Approval of any such structure(s) shall be subject to the issuance of a permit by the Zoning Administrator.
   2. Unless otherwise specified by the permit issued by the Zoning Administrator, an application for a zoning permit authorizing the repair or replacement of said structures must be submitted to and approved by the Town of Troutman no later than one-hundred and eighty (180) days after the damage occurred. Further information on rebuilding destroyed nonconforming structures can be found in Chapter 11.

8.2.9 PUBLIC HEALTH REGULATIONS

A. Public Health Threats Prohibited: No activity, situation, structure or land use shall be allowed within a WS district which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.
B. Town Monitoring: The Zoning Administrator shall monitor land use activities within all WS districts to identify situations that may pose a threat to water quality. The Zoning Administrator shall report all findings to the proper agency to handle the threat, and/or the Town Council. The Zoning Administrator may consult with any public agency or official and request recommendations. Where the Town Council finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation as herein authorized.

8.2.10 STORMWATER CONTROL STRUCTURES

A. All stormwater control structures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects to the extent that the General Statutes Chapter 89A allows, and land surveyors to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes Chapter 89 (C)-3(7).
B. Stormwater control structures shall be constructed to the standards contained in Chapter 5. A description of the area containing the stormwater control structure shall be prepared and filed in conformance with Section 8.2.14(A and B), as a separate deed with the Iredell County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the stormwater control structure(s), vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.
C. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon area for any other site or area.

8.2.11 POSTING OF FINANCIAL SECURITY REQUIRED

A. All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the stormwater control structures.

B. Financial assurance shall be in the form of the following:
   1. Security Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to the Town of Troutman or placed in escrow with a financial institution designated as an official depository of the Town of Troutman. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the Watershed Review Board. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.
   2. Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with Section 8.2.14.C.1, the permit applicant shall deposit with the Town of Troutman either cash or other instrument approved by the Watershed Review Board that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten (10) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 8.2.12.A. The amount shall be computed by estimating the maintenance cost for twenty-five (25) years and multiplying this amount by two fifths or 0.4.

C. Consistent with Section 8.2.6, the permit applicant shall enter into the binding Operation and Maintenance Agreement between the Watershed Review Board and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Iredell County Register of Deeds by the Watershed Review Board.

D. Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as specified in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board shall return any funds not spent in completing the improvements to the owning entity.

E. Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the Board shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Board shall not return any deposited cash funds.

8.2.12 MAINTENANCE & UPKEEP

A. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

B. Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.
C. Except for general landscaping and grounds management, the owning entity shall notify the Zoning Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Zoning Administrator shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to complete said improvements. The Zoning Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Watershed Review Board.
D. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Watershed Review Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Zoning Administrator prior by the Watershed Review Board.
    1. If the Watershed Review Board approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Zoning Administrator.
    2. If the Watershed Review Board disapproves the changes, the proposal may be revised and resubmitted to the Watershed Review Board as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.
E. If the Watershed Review Board finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Iredell County Register of Deeds, the Office of the Zoning Administrator and the owning entity.

8.2.13 APPLICATION & INSPECTION FEES

A. Processing and inspection fees shall be submitted in the form of a check or money order made payable to the Town of Troutman. Applications shall be returned if not accompanied by the required fee.
B. A permit and inspection fee schedule, as approved by the Town Council of Troutman, shall be posted in the Office of the Zoning Administrator.
C. Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Section 8.2.12.C, except in the case when a similar fee has been paid within the last 60 days.

8.2.14 INSPECTIONS & RELEASE OF THE PERFORMANCE BOARD

A. The stormwater control structure shall be inspected by the Zoning Administrator, after the owning entity notifies the Zoning Administrator that all work has been completed. At this inspection, the owning entity shall provide:
    1. The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Iredell County Register of Deeds;
    2. A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.

B. The Zoning Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Watershed Review Board at its next regularly scheduled meeting.
   1. If the Board approves the inspection report and accepts the certification, deed, and easements, the Board shall file the deed and easements with the Iredell County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and issue a Watershed Protection Occupancy Permit for the stormwater control structure.
   2. If deficiencies are found, the Board shall direct that improvements and inspections be made and/ or documents corrected and resubmitted to the Board.

C. No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Watershed Review Board to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Zoning Administrator shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Zoning Administrator shall present the petition, inspection report, and recommendations to the Watershed Review Board.
   1. If the Board approves the report and accepts the petition, the developer shall deposit with the Watershed Review Board a cash amount equal to that described in Section 8.2.11.B.2 after which, the Board shall release the performance bond or other security.
   2. If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.

8.2.15 SANCTIONS

In addition to the remedies described in this Ordinance and consistent with G.S. 160A-175, the Watershed Review Board may seek enforcement of this Ordinance through the Town of Troutman Council by assessing a civil penalty to be recovered by the Town of Troutman in a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the Ordinance. Said violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceeding, including the Rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement with the time allowed by the court, the defendant may be cited for contempt and the Town of Troutman may execute the order of abatement. The Town of Troutman shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceeding and posting a bond for compliance with order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this ordinance may be by anyone, all or a combination of the remedies authorized in this Ordinance. Each day's continuing violation shall be a separate and distinct offense.

8.3 FLOOD DAMAGE PREVENTION OVERLAY DISTRICT

8.3.1 STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

8.3.2 PURPOSE & INTENT

A. Findings of Fact: The flood prone areas within the jurisdiction of the Town of Troutman 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. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

B. Statement of Purposes: 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.

C. Objectives: The regulations of the Special Flood Hazard Areas herein set forth are intended to protect areas of designated Floodplains subject to and necessary for regulating flood waters and to permit and encourage the retention of open-land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the town as provided in the comprehensive plans as such are adopted and amended from time to time.
   1. Specific Intent: The specific intent in establishing Special Flood Hazard Areas composed of floodways and flood fringe areas includes the following:
      a. To control uses such as fill dumping, storage of materials, structures, buildings and any other works which, acting alone or in combination with other existing or future uses, would cause damaging flood heights and velocities by obstructing flows and reducing floodplain storage;
      b. To protect human life and health;
      c. To minimize the expenditure of public money for costly flood-control projects;
      d. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
      e. To permit certain uses which can be appropriately located in flood hazard areas and to assure such permitted uses will not impede the flow of flood waters or otherwise cause danger to life and property at or above or below their locations along the floodways;
      f. To minimize prolonged business interruptions;

g. To protect existing drainage courses that carry abnormal flows of stormwater in periods of heavy precipitations;
h. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in Floodplains;
i. To meet the needs of the streams to carry flood waters and protect the creek channels and Floodplains from Encroachment so that flood heights and flood damage will not be increased;
j. To inform existing and potential property owners that property is in a Special Flood Hazard Area as well as the associated flood risks and development restrictions;
k. To minimize future flood losses by depicting Community Flood Fringe Areas on the Flood Insurance Rate Maps and;
l. To help maintain a stable tax base by providing for the sound use and development of flood prone areas.

2. Intent of Development and Use Restrictions: This chapter is intended to permit only that Development within the Floodplain which is appropriate in light of the probability of flood damage and presents a reasonable social and economic use of land in relation to the hazards involved.
3. Underlying Districts: It is the intent that these regulations combine with and coordinate with the zoning ordinance regulations for the zoning district in which such property is located. Any use not permitted by the zoning regulations shall not be permitted in the Special Flood Hazard Area, and any use permitted by the zoning regulations shall be permitted in these districts only upon meeting conditions and requirements as prescribed in this chapter.

8.3.3 DEFINITIONS

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

A. Floodplain Regulation Definitions

- Accessory Structure: A structure which is 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): An extension or increase in the floor area or height of a building or structure.
- Appeal: A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.
- Basement: Any area of the building having its floor subgrade (below ground level) on all sides.
- Building: Any structure built for support, shelter or enclosure for any occupancy or storage.
- Chemical Storage Facility: A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
- Community Base Flood: The flood determined using future land use conditions having a 1% chance of being equaled or exceeded in any given year.

- Community Base Flood Elevation: The elevation shown on the Flood Insurance Rate Map Flood Hazard Data Table, having a 1% chance of being equaled or exceeded, determined using future land use conditions.
- Community Conditional Letter of Map Revisions (CoCLOMR): A letter from the Floodplain Administrator that provides conditional approval of a study that proposes to change the location of the Community Encroachment Lines, and/or the location of the Community Flood Fringe Line, and/or Community Base Flood Elevations.
- Community Encroachment Area: The channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA Base Flood without cumulatively increasing the water surface elevation more than 0.1 foot.
- Community Encroachment Lines: Lateral limits of the Community Encroachment Area, within which, in the direction of the stream or other body of water, no structure or fill may be added, unless specifically permitted by this chapter.
- Community Flood Fringe Area: is the land area located between the Community Encroachment Line and the Community Flood Fringe Line as defined herein.
- Community Flood Fringe Line: The line that depicts the outer limits of the Community Flood Fringe Area (outer limits of the Community Special Flood Hazard Area).
- Community Letter of Map Revision (CoLOMR): A letter from the Floodplain Administrator that provides final approval of a study, based on as-built conditions, that changes the location of the Community Encroachment Lines and/or the Community Flood Fringe Lines.
- Community Special Flood Hazard Area: The land subject to a 1% or greater chance of flooding in any given year from a Community Base Flood. It includes the FEMA Floodway, Community Encroachment Area, FEMA Flood Fringe Area, and the Community Flood Fringe Area.
- Conditional Letter of Map Revision (CLOMR): FEMA's comments on whether a project, if built as proposed, would meet the minimum NFIP standards.
- Critical Facility: A building used to house a function that is vulnerable or essential to the community. Uses include but are not limited to: child and adult day care facilities, nursing homes, schools, hospitals, fire, police and medic facilities and other uses as deemed by the Floodplain Administrator.
- Development: Any man-made change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or storage of equipment or materials.
- Disposal: As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
- Dry Public Street: A public street at the intersection of a proposed driveway where the surface of the pavement is at an elevation above the Community Base Flood Elevation.
- Dryland Access: A gravel, paved or concrete access route, at least 12 feet wide, which is above the Community Base Flood Elevation and connects a Habitable Building to a Dry Public Street.
- Elevated Building: A non-basement building built to have the lowest floor elevated above the ground level by, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

- Encroachment: The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. Building renovations contained within the existing building footprint area are not considered an Encroachment.
- Existing Manufactured Home Park or Manufactured Home Subdivision: A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) was completed before January 10, 1995 the initial effective date of the floodplain management regulations adopted by the community.
- FEMA: The Federal Emergency Management Agency.
- FEMA Base Flood: The flood determined using land use conditions at the time of the study having a 1% chance of being equaled or exceeded in any given year.
- FEMA Base Flood Elevation (BFE): A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. It is the elevation that indicates the water surface elevation resulting from a FEMA Base Flood that has a 1% chance of equaling or exceeding that level in any given year based on existing land use.
- FEMA Flood Fringe Area: The land area located between the FEMA Floodway Lines and the line depicting the maximum elevation subject to inundation by the FEMA Base Flood as defined herein.
- FEMA Flood Fringe Line: The line on a map that depicts the outer limits of the FEMA Flood Fringe Area.
- FEMA Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA Base Flood, without cumulatively increasing the water surface elevation more than 0.5 foot. On the Catawba River, and the portions of Six Mile Creek and Rocky River which run along the county boundary line, the FEMA Floodway means the channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA Base Flood, without cumulatively increasing the water surface elevation more than 1.0 foot.
- FEMA Floodway Lines: The lateral limits of the FEMA Floodway.
- FEMA Special Flood Hazard Area: The land subject to a 1% or greater chance of flooding in any given year from a FEMA Base Flood. It includes the FEMA Floodway, Community Encroachment Area, and the FEMA Flood Fringe Area.
- Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
    1. The overflow of inland or tidal waters; and
    2. The unusual and rapid accumulation of run-off of surface waters from any source.
- Flood Insurance: The insurance coverage provided under the National Flood Insurance Program.
- Flood Insurance Rate Map (FIRM): An official map of a community, in both digital and printed format, on which the Federal Emergency Management Agency has delineated the Special Flood Hazard Area and the risk premium zones applicable to the community. The date of Troutman's original FIRM is March 08, 2008 and this date should be used to determine whether a structure is pre-FIRM or post-FIRM.

- Flood Insurance Study: An examination, evaluation, and determination of Special Flood Hazard Areas, corresponding water surface elevations, flood insurance risk zones, and other flood data in a community. The study includes a Flood Insurance Study report, and/or Flood Insurance Rate Map (FIRMs).
- Floodplain: The land subject to inundation by the Community Base Flood and is encompassed by the Community Special Flood Hazard Area.
- Floodplain Administrator (or Administrator): The person, agent, or his or her designees, appointed to administer, implement and enforce the provisions of this chapter.
- Floodplain Development Permit: Either an Individual Floodplain Development Permit or a General Floodplain Development Permit issued for development in the Floodplain per the requirements of Section 18.3.5 of this chapter.
- Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- Floodplain Management Regulations: This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
- Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.
- Flood Protection Elevation: The elevation to which all structures located within the Community Special Flood Hazard Area must be elevated (or floodproofed if non-residential). Within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the Community Base Flood Elevation plus 1 foot of freeboard (except along the Catawba River where it is the FEMA Base Flood Elevation plus 2 feet of freeboard). In areas where no BFE has been established, all structures and other Development must be elevated (or floodproofed if nonresidential), to 2 feet above the highest adjacent grade.
- Floodwall: A wall built along a shore or bank to protect an area from flooding.
- Floodway: Either the FEMA Floodway or the Community Encroachment Area.
- Flood Zone: A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
- Floor: (See Lowest Floor)
- Freeboard: The height added to the Community Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Community Base Flood Elevation (BFE) plus the freeboard establishes the “Flood Protection Elevation.”
- Functionally Dependent Facility: A facility that cannot be used for its intended purpose, unless it is located or carried out in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

- General Floodplain Development Permit: A permit issued for certain types of Development in the Floodplain per Section 8.3.5.2 of this chapter.
- Habitable Building: A structure designed primarily for, or used for human habitation. This includes, but is not limited to, houses, condominiums, townhomes, restaurants, retail establishments, manufacturing buildings, commercial buildings, office buildings, manufactured homes, and similar uses. It does not include Accessory Structures, as defined above.
- Hazardous Waste Management Facility: A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Chapter 130A Article 9.
- Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
- Historic Structure: Any structure that is:
    1. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
    2. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    3. Individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program"; or
    4. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program. Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.
- Individual Floodplain Development Permit: A permit for Development in the Floodplain that involves activities not listed in Section 18.3.5.2 and may not qualify for a General Floodplain Development Permit.
- Letter of Map Revision (LOMR): An official amendment to the currently effective FEMA FIRM based on as-built conditions. It is issued by FEMA and may change FEMA Base Flood Elevations, the location of the FEMA Floodway Lines and/or the location of the FEMA Flood Fringe line.
- Letter of Map Amendment (LOMA): A letter from FEMA that officially removes a property or building from the FEMA Special Flood Hazard Area (SFHA) that was inadvertently shown in the SFHA on the FIRM.
- Letter of Map Revision Based on Fill (LOMR-F): A letter from FEMA that officially removes a property from the FEMA Special Flood Hazard Area (SFHA) as a result of placing fill on the property.
- Levee: A man-made structure, usually an earthen embankment, Floodwall or a combination of both that is designed and constructed to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- Levee System: A flood protection system which consists of Levee(s) and/or Floodwall(s) and associated structures, such as closure and drainage devices.

- Lowest Adjacent Grade (LAG): The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
- Lowest Floor: The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's Lowest Floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.
- Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.
- Market Value: The value of a building, excluding land value, that is determined by an appraiser certified in North Carolina. The tax value of the building may be used for screening purposes.
- Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with the "North American Vertical Datum of 1988 (NAVD 88)."
- New Construction: Construction of a replacement structure commenced after total demolition, or renovation/rehabilitation of an existing structure that results in the partial or complete removal of 2 external walls and has a total cost equal to or exceeding 50% of the market value of the structure before the "start of construction" of the improvement. For flood insurance purposes, New Construction also means structures for which the start of construction commenced on or after June 1, 1981 and includes subsequent improvements to such structures (see definition of Flood Insurance Rate Map).
- New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after January 10, 1995 the initial effective date of the floodplain management regulations adopted by the community.
- Nonconforming Building or Use: Any legally existing building or use which fails to comply with the provisions of this chapter.
- Non-solid Fence: A fence with at least 75% open area.
- North American Vertical Datum (NAVD): As corrected in 1988, NAVD is a vertical control used as a reference for establishing varying elevations within the floodplain. If a datum other than NAVD 88 is used then use the datum listed as the reference datum on the applicable FIRM panel for use on Elevation Certificate completion. See Flood Insurance Administration (FIA)-20 part 1, 8.
- Open House Forum: A public meeting held by the owner of the proposed Levee and the Director of Mecklenburg County Storm Water Services, or his designee. The purpose of the Open House Forum is to provide an opportunity for discussion between the owner that has submitted an application for the construction of a Levee, nearby property owners, and other interested parties.
- Post-FIRM: Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

- Pre-FIRM: Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.
- Principally Above Ground: At least 51% of the actual cash value of the structure is above ground.
- Public Safety and/or Nuisance: Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- Recreation Vehicle: A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a car or light duty truck; and designed primarily not for use as a permanent dwelling, but as temporarily living quarters for recreational, camping, travel or seasonal use.
- Reference Level: The portion of a structure or other Development that must be compared to the flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO, or AH, the reference level is the top of the Lowest Floor.
- Remedy a Violation: To bring the structure or other Development into compliance with this chapter or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected Development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations or reducing federal financial exposure with regard to the structure or other Development.
- Repetitive Loss: Flood-related damages sustained by a structure on 2 separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the Market Value of the structure before the damage occurred.
- Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- Salvage Yard: Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
- Solid Waste Disposal Facility: Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).
- Solid Waste Disposal Site: Any place, as defined in NCGS 130A-290(a)(36), at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- Special Flood Hazard Area: Means the FEMA Special Flood Hazard Area, as defined above.
- Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as pouring a slab or footing, installation of piles, construction of columns, or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not 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 parts of the main structure. For 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: For floodplain management purposes, “Structure” means a walled and roofed building, a manufactured home, a gas or liquid storage tank, that are principally above ground.

- Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to the condition before damage occurred would equal or exceed 50% of the market value of the structure before the damages occurred. Substantial Damage also means flood-related damages 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 average, equals or exceeds 25% of the market value of the structure before the damage occurred. (Also See definition of “Substantial Improvement.”)
- Substantial Improvement: Substantial Improvement shall mean either of the following:
  1. Any repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, or combination thereof, where the total cost equals or exceeds 50% 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. This 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.
  2. Any repair, reconstruction, or improvement to a structure on two separate occasions during a 10 year for which the total cost of repairs, reconstruction or improvement at the time of each alteration, equals or exceeds 25% of the market value of the structure before the damage occurred or the Substantial Improvement began. The Floodplain Administrator may determine if separate actions constitute a single project, as provided in Section 3.5.8. For the purposes of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- Technically Measurable: An activity and/or condition that can be modeled within the stated or commonly known accuracy of the FEMA approved hydraulic models or other engineering computations and may have an impact on Base Flood Elevations. The Floodplain Administrator will determine if a proposed activity and/or condition meets the Technically Measurable definition.
- Variance: A grant of relief to a person from the requirements of this chapter.
- Violation: The failure of a structure or other Development to be fully compliant with this chapter. A structure or other Development without the elevation certificate, other certifications or other evidence of compliance required in Section 8.3.5.6 is presumed to be in violation, until such time as the documentation is provided.
- Water Surface Elevation (WSE): The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
- Watercourse: A lake, river, creek, stream, channel or other topographic feature within a Special Flood Hazard Area on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

8.3.4 GENERAL PROVISIONS

A. Applicability: This section shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of Troutman and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

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) for Iredell County, dated March 18, 2008 and its accompanying Flood Insurance Rate Map Panels (4659, 4721, 4730, 4731, 4732, 4740, 4742, & 4752), including any digital data developed as part of the FIS, which are adopted by reference and declared to be a part of this ordinance. Future revisions to the FIS or FIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Troutman are also adopted by reference and declared to be part of this ordinance. Subsequent revisions to the FIRM should be adopted within 12 months.
   1. The initial Flood Insurance Rate Map for Iredell County, dated May 15, 1980
   2. The initial Flood Insurance Rate Map for the Town of Troutman, dated March 18, 2008

C. Floodplain Development Permit Requirement: A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of 8.3.4.B of this Ordinance.

D. Interpretation
   1. General Interpretation: In the interpretation and application of this ordinance, 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.
   2. Abrogation and Greater Restrictions: This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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

F. Compliance & Penalties for Violation
   1. Compliance: No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

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

8.3.5 ADMINISTRATION & ENFORCEMENT

A. Designation of Floodplain Administrator: The Planning Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.
B. Floodplain development permit & certification requirements: A Floodplain Development Permit is required for any Development within the Community Special Flood Hazard Area (CSFHA) and is subject to the conditions specified in this section.
C. Certification Requirements
   1. Elevation Certificates
      a. 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.
      b. 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.

2. Certification Requirements:
   a. Floodproofing Certificate: If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan 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, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
   b. 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.
3. Manufactured Home: If a manufactured home is placed within Zone A, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of 8.3.7.B.3.b.
4. Certification Exemptions: The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items 1 and 2 of this subsection:
   a. Recreational Vehicles meeting requirements of 8.3.7.B.6.1;
   b. Temporary Structures meeting requirements of 8.3.7.B.7; and
   c. Accessory Structures less than 150 square feet meeting requirements of 8.3.7.B.

D. 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:
1. Plan: A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
   a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
   b. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in 8.3.4, or a statement that the entire lot is within the Special Flood Hazard Area;
   c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 8.3.4;
   d. The boundary of the floodway(s) or non-encroachment area(s) as determined in 8.3.4; e. The Base Flood Elevation (BFE) where provided as set forth in 8.3.4; 8.3.5.F; or 8.3.7.C;
   e. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
   f. The certification of the plot plan by a registered land surveyor or professional engineer.

2. Proposed Elevation: Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
    a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
    b. Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be floodproofed; and
    c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
3. Floodproofing Certificate: 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.
4. Foundation Plan: A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
    a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
    b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with 8.3.7.B.4 when solid foundation perimeter walls are used in Zones A, AE, and A1-30.
    c. Usage details of any enclosed areas below the lowest floor.
    d. 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.
    e. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
    f. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of 8.3.7.B.6 and 7 of this Ordinance are met.
    g. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

E. Permit Requirements
1. Required Information: 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 in accordance with available data specified in 8.3.4.
    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, AE or A1-30.
    h. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

F. Duties & Responsibilities of the Floodplain Administrator
   1. The Floodplain Administrator shall perform, but not be limited to, the following duties:
      a. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
      b. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
      c. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
      d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
      e. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of 8.3.7.E are met.
      f. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 8.3.5.D.3.
      g. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of 8.3.5.D.3.
      h. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of 8.3.5.D.3.
      i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of 8.3.5.D.3 and 8.3.7.B.2.
      j. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 8.3.4.
      k. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of 8.3.4, 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 8.3.7.C.B.2, in order to administer the provisions of this ordinance.
      l. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of 8.3.4, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
      m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, 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.

n. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
o. 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 this 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.
p. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
r. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
s. Follow through with corrective procedures of Section 8.3.5.G.
t. Review, provide input, and make recommendations for floodplain variance requests.
u. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of 8.3.4 of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
v. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

G. Corrective Procedures
1. Correction of Violations: 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 floodplain management regulations;
   b. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) business 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 applicable.
3. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, 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 the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) business 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.

8.3.6 APPEALS & VARIANCES

A. Authority of Board of Adjustment
   1. The Board of Adjustment as established by the Town of Troutman, hereinafter referred to as the "appeal board", shall hear and decide requests for floodplain 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.
B. Variance from Floodplain Regulations
   1. Factors for Consideration and Determination of Completeness
      a. In passing upon floodplain variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in this section, and:
         i. The danger that materials may be swept onto other lands to the injury of others;
         ii. The danger to life and property due to flooding or erosion damage;
         iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
         iv. The importance of the services provided by the proposed facility to the community;
         v. The necessity to the facility of a waterfront location as defined in 8.3.3 of this Ordinance as a functionally dependent facility, where applicable;

vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
vii. The compatibility of the proposed use with existing and anticipated development;
viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
x. 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
xi. 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.

b. A written report addressing each of the above factors shall be submitted with the application for a floodplain variance.
c. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of floodplain variances as it deems necessary to further the purposes and objectives of this ordinance.

2. Development Types: Variances may be issued for the following types of development:
   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 8.3.3 of this Ordinance, provided provisions of 8.3.6.B.3.b, c and e have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
   c. Any other type of development provided it meets the requirements of this subsection.
3. Conditions and Standards for Granting Variances
   a. Floodplain variances shall not be issued when the floodplain variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
   b. Floodplain variances shall not be issued within any designated floodway non-encroachment area if the floodplain variance would result in any increase in flood levels during the base flood discharge.
   c. Floodplain variances shall only be issued upon a determination that the floodplain variance is the minimum necessary, considering the flood hazard, to afford relief.
   d. Floodplain variances shall only be issued prior to development permit approval.
   e. Floodplain variances shall only be issued upon:
      i. A showing of good and sufficient cause;
      ii. A determination that failure to grant the floodplain variance would result in exceptional hardship; and
      iii. A determination that the granting of a floodplain variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. Miscellaneous Conditions
   a. A floodplain variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
      i. The use serves a critical need in the community.

ii. No feasible location exists for the use outside the Special Flood Hazard Area.
iii. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
iv. The use complies with all other applicable Federal, State and local laws.
v. The Town of Troutman has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a floodplain variance at least thirty (30) calendar days prior to granting the floodplain variance.

C. Notification & Recordkeeping
1. Variance Actions: Any applicant to whom a floodplain 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 floodplain 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 floodplain variance actions, including justification for their issuance.
2. Appeal Actions: The Floodplain Administrator shall maintain the records of all appeal actions and report any floodplain variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

8.3.7 PROVISIONS FOR FLOOD HAZARD REDUCTION

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 to the regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
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 ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
9. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or

replacement meets all of the other requirements of this ordinance.

10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by floodplain variance as specified in 8.3.6.B.4. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of 8.3.5.D.3.
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.
15. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
16. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

B. Provisions for all Special Flood Hazard Areas where Base Flood Elevation Data is Provided: In all Special Flood Hazard Areas where BFE data has been provided, as set forth in 8.3.4, or 8.3.7.C, the following provisions, in addition to the provisions of 8.3.7.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 8.3.3 of this Ordinance.
   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 8.3.3 of this Ordinance. 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. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in 8.3.5.D.3, along with the required operational plan and maintenance and inspection plans.
   3. Manufactured Homes.
      a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in 8.3.3 of this Ordinance.

b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to 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 8.3.7.B.4.

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 at least to the regulatory flood protection elevation; and

c. Shall include, in Zones A, 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.

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 (3) months, renewable up to one (1) year;
b. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
c. the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
d. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
e. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
b. Accessory structures shall not be temperature-controlled;
c. Accessory structures shall be designed to have low flood damage potential;
d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
e. Accessory structures shall be firmly anchored in accordance with the provisions of 8.3.7.A.1;
f. All service facilities such as electrical shall be installed in accordance with the provisions of 8.3.7.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 the provisions of 8.3.7.B.4.
h. 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 8.3.7.B.

C. Standards for Floodplains without Established Base Flood Elevations. Within the Special Flood Hazard Areas designated as Approximate Zone A and established in 8.3.4, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of 8.3.7.A, 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 the following criteria:
a. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in 8.3.7.A and
b. When floodway or nonencroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway or nonencroachment areas shall also comply with the requirements of 8.3.7.B and 8.3.7.E.
c. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with 8.3.4 and utilized in implementing this ordinance.
d. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in 8.3.3. All other applicable provisions of 8.3.7.B shall also apply.

D. Standards for Riverine Floodplains with Base Flood Elevations but without Floodways or Non-Encroachment Areas. Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:
1. Standards of 8.3.7.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 (1) foot at any point within the community.

E. Floodways and Non-Encroachment Areas. Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in 8.3.4. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in 8.3.7.A and B, shall apply to all development within such areas:
   1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
      a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, 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 8.3.7.E.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
   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 8.3.7.B.3; and
      b. The no encroachment standard of 8.3.7.E.1. F.

F. Severability. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

8.4 STORMWATER MANAGEMENT

8.4.1 COMPREHENSIVE STORMWATER MANAGEMENT PLAN

A. A comprehensive stormwater management plan shall be designed and implemented for each development that requires an erosion/sedimentation control plan under the Iredell County Sedimentation and Erosion Control Code; and in any case when the Town Engineer believe that a stormwater management plan is needed, based on potential impacts due to stormwater runoff from the development. Detailed plans, where required, shall be submitted as part of the Construction Documents.

B. Stormwater management components shall meet the design storm requirements of Section 8.4.1.D below.

C. For the purposes of this Section, all developments required to have a comprehensive stormwater management plan shall be classified as either a “low-density project” or a “high-density project” in accordance with the following:
   1. Low-density project shall mean a development in which built-upon area will not exceed 24% of the development tract area or in which detached single-family dwelling units will not exceed 2 units per acre average density.
   2. High-density project means any project that exceeds the low-density threshold for dwelling units per acre or built-upon area.

D. High-density projects shall use wet detention ponds or other BMP’s, in accordance with the NC DWQ Stormwater BMP Design Manual, to control and treat runoff from the development. If the development also lies within the Watershed Overlay District, additional requirements may apply as to stormwater management (reference Section 8.3).

STORMWATER SYSTEM OR COMPONENT	DESIGN STORM
Open Drainage Channel	25 year
Enclosed System Collectors	10 year
Enclosed System for Street Crossings and Downstream Areas	25 year
Flood Damage Prevention	100 year
Detention Facilities	10 year
Detention Emergency Spillway	50 year

E. Types of Stormwater Conveyances Requiring Improvement
   1. Those draining one (1) acre of land or more.
   2. Those carrying storm water runoff from streets either existing or proposed.
   3. Those carrying storm water runoff from large impervious (more than 5,000 square feet) surfaces other than streets.

F. Types of Improvement
   1. Enclosed subsurface drains
   2. Open, grass-lined channels
   3. Open, hard-lined channels
   4. Open channel with flood plain and open space Dedicated to the Town. This option shall not be available except in cases where the Town Council agrees to accept such dedication prior to Final Plat approval.

G. For High Density developments, the peak rate of runoff from the development shall not increase from its pre-development rate, based on the 10-year design storm.

8.4.2 CURB & GUTTER

A. All new commercial, industrial, and residential development shall be required to install curb and gutter with storm water management except in the Rural Preservation District or as otherwise permitted in this Ordinance.

B. All work shall be subject to the inspection and approval of the Town Engineer and no work shall be covered up without first obtaining the approval of same by the Town Engineer.

8.4.3 EASEMENTS

A. Storm drainage easements widths outside street right-of-way shall be based on pipe size or runoff flow as required in by the Town of Troutman Construction Standards Manual.

B. Maintenance easements may be required depending upon the size of the drainage way and the maintenance responsibility as determined by the Town.

C. In any case where maintenance is to be the responsibility of the property owner, the Town may require a right to enter for maintenance purposes where the Town Council determines that the public health, safety, or general welfare constitutes a public necessity for such maintenance.

D. Where easements are required, they shall be noted on the Final Plat.

8.4.4 ADOPTION OF STANDARDS BY REFERENCE

A. The Town Council hereby finds that hydrologic conditions in Iredell County and Mecklenburg County are similar and that it is in the public interest to maintain a uniform regional procedure

for computing the stormwater impacts of new development. Accordingly, the design of stormwater management facilities, other than BMP's for water quality treatment, shall be computed in accordance with the most current version of the Charlotte-Mecklenburg Storm Water Design Manual (hereinafter "Stormwater Manual"). A copy of the Stormwater Manual is available from Charlotte-Mecklenburg Stormwater Services (http://charlottenc.gov/StormWater/Regulations/Pages/StormWaterDesignManual.aspx).

B. Design Manual for Stormwater BMP's
   1. Reference to Design Manual: The Town Engineer shall use the policy, criteria, and information, including technical specifications and standards, in the North Carolina Department of Environmental Quality Stormwater Design Manual (the "Design Manual") as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater BMPs. The Design Manual includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance requirements of the Watershed Overlay District, and of other areas wherever stormwater quality treatment is required.
   2. Relationship of Design Manual to Other Laws and Regulations
      If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Design Manual.
   3. Changes to Standards and Specifications
      If the standards, specifications, guidelines, policies, criteria, or other information in the Design Manual are amended subsequent to the submittal of an application for approval pursuant to this ordinance but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this ordinance with regard to the application.

8.4.5 OBSTRUCTION OF DRAINAGE CHANNELS PROHIBITED

No fences or structures shall be constructed across an open drainage channel that will reduce or restrict the flow of water. The Zoning Administrator may require any water course or stormwater management facility to be located within a dedicated drainage easement officially recorded at the Iredell County Register of Deeds as a "permanent drainage easement" that provides sufficient width for maintenance.

8.4.6 GRADING STANDARDS

The following standards shall be followed in establishing the grading plan for a development:

A. Developments shall be designed and constructed with a positive drainage flow away from buildings towards approved stormwater management facilities. Plans for drainage facilities shall be approved by the Town Engineer. All interim and permanent drainage facilities shall be designed and constructed in accordance with the standards established in this Ordinance.
B. In the design of site grading plans, all impervious surfaces in the proposed development (including off street parking) shall be considered.
C. Site grading and drainage facilities shall protect sinkholes, wetlands, ponds and lakes from increased sediment loading.
D. Site grading shall not increase the velocity of runoff onto downstream properties unless

specifically approved as part of a project's stormwater management plan and approved sedimentation/erosion control plan.

E. All disturbed areas within the dedicated right of way and easements of any subdivision street shall be restored with vegetation and the landscaping standards of Chapter 5 shall be met.

F. Stormwater facilities to be located in designated open space areas shall be regulated in accordance with Chapter 7 of this Ordinance.

G. The pre- and post-grading drainage areas shall not be changed.

H. For subdivisions, measures such as swales or pipes shall be installed to convey stormwater from upstream streets and other areas around the building envelopes of lots, to prevent erosion and flooding of downstream lots. Such measures that are installed outside of street rights-of-ways shall have easements and shall be privately maintained.

9 ADMINISTRATION

9.1 PURPOSE & INTENT

In order to establish an orderly process to develop and use land within the jurisdiction of the Town of Troutman, it is the intent of this chapter to provide a clear and comprehensible development review process that is fair and equitable to all interests, including applicants/petitioners, affected neighbors, citizens, town staff and related agencies, the Town Council, and the town's various appointed boards and commissions.

9.2 GENERAL PROVISIONS & APPLICABILITY

9.2.1 ISSUANCE OF PERMITS

A. Permits Required: Unless otherwise specifically provided, the use of property may not be substantially changed; subdivided lots may not be sold; substantial clearing, grading, or excavation may not be commenced; and buildings or other substantial structures may not be constructed, erected, moved or substantially altered until the Zoning Administrator has issued an appropriate permit which certifies that the proposed use, work, and/or sale is in conformity with the provisions of this ordinance.

B. Application Contents: The Planning Department is authorized and shall establish the requirements for application contents and forms which shall be located in a Planning Information Packet. The Planning Department may amend and update the requirements as determined necessary. The Planning Information Packet shall be maintained in the Planning Department and shall be made available to the public.

C. Fees: The Town Council shall establish application fees and may amend and update those fees as determined necessary.

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D. Submission Schedule: The Planning Department is authorized and shall establish the submission and review schedule (including time frames for review) for development applications. The Planning Department may amend and update these requirements as determined necessary.

9.2.2 DEVELOPMENT REVIEW PROCESS

The table and flowchart on the following pages are intended to summarize the town's typical development review process. They are not intended to be inclusive of all of the town's procedural requirements in every instance. For specific information on the applicable processes for a particular development proposal, please contact the Town of Troutman Planning Department.

Permit/Review Process	Process Type	Reviewing Entity	Public Hearing	Decision-Making Authority	Appeals
ADMINISTRATIVE & USE PERMITS					
Development Agreement	Legislative	Zoning Administrator, Engineer, Technical Review Committee, Planning Board	Yes	Town Council	Board of Adjustment
Certificate of Compliance	Administrative	Engineer, Technical Review Committee	No	Zoning Administrator	Board of Adjustment
Certificate of Occupancy	Currently reviewed and Issued by Iredell County				
Permit, Building	Currently reviewed and Issued by Iredell County				
Permit, Floodplain	Administrative	n/a	No	Zoning Administrator	Board of Adjustment
Permit, Home Occupation	Administrative	n/a	No	Zoning Administrator	Board of Adjustment
Permit, Sign	Administrative	n/a	No	Zoning Administrator	Board of Adjustment
Permit, Soil & Erosion	Currently reviewed and Issued by Iredell County				
Permit, Temporary Use	Administrative	n/a	No	Zoning Administrator	Board of Adjustment
Permit, Zoning	Administrative	n/a	No	Zoning Administrator	Board of Adjustment
SITE PLANS & SUBDIVISIONS					
Plan, Concept	Administrative	Zoning Administrator, Engineer, Technical Review Committee, Planning Board	Yes	Town Council*, Board of Adjustment**	n/a
Plan, Site	Administrative	Zoning Administrator, Engineer, Technical Review Committee, Design Review Board	No	Technical Review Committee	Board of Adjustment
Plan, Sketch	Administrative	Zoning Administrator	No	n/a	n/a
Subdivision, Exception Plat	Administrative	n/a	No	Zoning Administrator	Board of Adjustment
Subdivision, Final Plat	Administrative	Zoning Administrator, Engineer, Technical Review Committee	No	Technical Review Committee	Board of Adjustment
Subdivision, Major Preliminary	Administrative	Zoning Administrator, Engineer	No	Zoning Administrator	Board of Adjustment
Subdivision, Minor	Administrative	Zoning Administrator, Engineer	No	Technical Review Committee	Board of Adjustment
Engineering Documents	Administrative	Engineer, Zoning Administrator	No	Engineer	Board of Adjustment

Permit/Review Process	Process Type	Reviewing Entity	Public Hearing	Decision-Making Authority	Appeals
OTHER PLANS					
Plan, Comprehensive Sign	Administrative	Zoning Administrator	No	Town Council	Board of Adjustment
Plan, Improvement	Approved by the Zoning Administrator				
Plan, Standard Landscaping	Administrative	Zoning Administrator	No	Zoning Administrator	Town Council
Plan, Alternative Landscaping	Administrative	Zoning Administrator	No	Zoning Administrator	Town Council
Special Use Permit	Quasi-Judicial	Zoning Administrator	Yes	Board of Adjustment	n/a
DESIGN REVIEW BOARD					
Design, Standard Building	Administrative	Engineer, Design Review Board	No	Zoning Administrator, Design Review Board, Town Council	Town Council
Design, Alternative Building	Administrative	Zoning Administrator, Engineer, Technical Review Committee, Design Review Board	No	Design Review Board, Town Council	Town Council
APPEALS & VARIANCES					
Variance, Floodplain	Quasi-Judicial	Zoning Administrator	Yes	Board of Adjustment	n/a
Variance, Watershed	Quasi-Judicial	Zoning Administrator	Yes	Board of Adjustment	n/a
Variance, Other	Quasi-Judicial	Zoning Administrator	Yes	Board of Adjustment	n/a
AMENDMENTS & LEGISLATIVE APPROVALS					
Amendment, Map (Rezoning)	Legislative	Zoning Administrator & Planning Board	Yes	Town Council	n/a
Amendment, Text	Legislative	Zoning Administrator & Planning Board	Yes	Town Council	n/a
Vested Rights	Legislative	Zoning Administrator, Engineer, Technical Review Committee & Planning Board	Yes	Town Council	n/a

* Town Council shall make a decision on development concepts submitted as part of a Conditional Zoning District or Development Agreement.
**Board of Adjustment shall make a decision on a development concept submitted as part of Special Use Permit.

9.3 ADMINISTRATIVE PERMITS

9.3.1 ZONING PERMITS

No building, sign or other structure (except as otherwise provided for in this UDO) shall be erected, moved, extended or enlarged or structurally altered, nor shall the use conducted within the building change, nor shall any excavation or filling of any lot for the construction of any building be commenced, nor shall any change in the use of a property be commenced until the Zoning Administrator has issued a zoning permit for such work in accordance with a fee schedule established by the Town Council.

A. Expiration of Zoning Permit: Any zoning permit issued in accordance with this UDO will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.
B. Records: The Zoning Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available on request to interested parties.
C. Conditions for Approval: Zoning permits issued on the basis of dimensional plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized shall be deemed a violation of this UDO and shall be punishable as indicated under Section 12.3 of this UDO.
D. Zoning Permit Not Required: Not withstanding any other provisions of this UDO, no zoning permit is necessary for the following uses:
    1. Street construction or repair
    2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way
    3. Specific signs exempted in Chapter 6 of this UDO
    4. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, doghouses, and accessory structures less than 12 feet in any dimension.
    5. Interior alterations and renovations which do not alter the footprint or height of an otherwise conforming use and/or structure

9.3.2 CERTIFICATE OF OCCUPANCY

No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a Certificate of Compliance has been issued by the Town of Troutman Zoning Administrator and Certificate of Occupancy has been issued by the Iredell County Building Inspector. Any certificate of occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this UDO.
A record of all certificates of occupancy shall be kept on file in the office of the Iredell County Building Inspector and copies shall be furnished, on request, to all interested parties. If a certificate of occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

9.4 SITE PLANS AND SUBDIVISIONS

9.4.1 SKETCH PLAN REVIEW PROCESS (ALL SUBMITTALS)

A. Purpose: The purpose of this section is to establish the procedure and standards for consideration of a Sketch Plan. The intent of the Sketch Plan process is to familiarize Town staff with a potential application for development and potential applicants with the applicable process and Town standards.

B. Applicability: The sketch plan review process is a non-binding and informal review of a development proposal and does not confer upon the applicant any development rights. A sketch plan is required for all submittals. For major subdivisions the Sketch Plan shall show all contiguous land holdings of the applicant and establish a phasing plan.

1. Application and Procedure: The application shall be filed with the Planning Department. The Planning Director shall notify the superintendent of Iredell-Statesville Schools when a sketch for a major subdivision has been submitted and note that the plan is available for viewing. The Planning Department may request comments from any person or agency directly affected by a proposed development.
2. Review Criteria: The Sketch Plan shall be reviewed for:
   a. Consistency with the goals and objectives of adopted Town plans, policies, and procedures;
   b. Consistency with applicable zoning of the property;
   c. Consistency with public improvements within the development and surrounding area;
   d. Availability and adequacy of required public utilities and services necessary to serve the project, including but not limited to, sanitary and storm sewers, water, electrical, police, fire, roads, and pedestrian accessibility;
   e. Capacity or safety of the street network influenced by the use;
   f. Adverse environmental impacts generated by the project; and
   g. Other applicable provisions of the Unified Development Ordinance.
3. Decision Maker: Formal approvals or denials are not made by the Town on Sketch Plan applications. However, per the Applicant's or Staff's request any sketch can be brought before any Town review or decision-making body for review and discussion. A statement regarding consistency with the Review Criteria as outlined above will be made to the applicant by the Planning Department.

9.4.2 CONCEPT PLAN REVIEW PROCESS

A. Purpose: The purpose of this section is to establish the procedure and standards for consideration of a Concept Plan. The intent of the Concept Plan process is to allow the Town to consider the general design and configuration of a development proposal and any applicant sponsored conditions for general compliance with the requirements of this UDO and any other applicable Town requirements prior to consideration of a Special Use Permit by the Board of Adjustment or Conditional Zoning District or Development Agreement by the Town Council.

B. Applicability: The Concept Review process is the presentation of a basic "concept" that will lead to highly technical and detailed engineered drawings as part of a Site Plan and/or Subdivision Preliminary Plat approval. A Concept Plan is required for any Conditional Zoning District, Development Agreement, or Special Use Permit. For Conditional Zoning Districts or Development Agreements the Concept Plan shall show all contiguous land holdings of the applicant and establish a phasing plan.

C. Application and Procedure: The application shall be filed with the Planning Department. The Planning Director shall notify the superintendent of Iredell-Statesville Schools when a Concept Plan for a Conditional Zoning District or Development Agreement with residential uses has been submitted and note that the Concept Plan is available for viewing. The Town may request comments from any person or agency directly affected by a proposed development. In cases where the Concept Plan is reviewed as part of an application for Conditional Zoning District or Development Agreement the Planning Board shall review the Review Criteria listed below in relation to the proposed development. The Planning Board shall make a statement regarding the consistency of the proposed development and a recommendation to approve, approve with conditions, or deny the Concept Plan to the Town Council.

D. Review Criteria: The Concept Plan shall be reviewed for:
   1. Consistency with the goals and objectives of adopted Town plans, policies, and procedures;
   2. Consistency with applicable zoning of the property;
   3. Consistency with public improvements within the development and surrounding area;
   4. Availability and adequacy of required public utilities and services necessary to serve the project, including but not limited to, sanitary and storm sewers, water, electrical, police, fire, roads, and pedestrian accessibility;
   5. Capacity or safety of the street network influenced by the use;
   6. Adverse environmental impacts generated by the project; and
   7. Other applicable provisions of the Unified Development Ordinance.

E. Decision Maker: The Town Council shall review and approve, approve with conditions, or deny a Concept Plan associated with a Conditional Zoning District or Development Agreement. The Board of Adjustment shall review and approve, approve with conditions, or deny a Concept Plan associated with a Special Use Permit. When applicable, approved Concepts shall proceed as site plans or subdivisions for review to ensure all conditions have been met.

9.4.3 MINOR SUBDIVISION REVIEW PROCESS

A. Purpose: Recognizing that small-scale subdivisions generally require less intense review, the Town of Troutman establishes this simplified procedure for minor subdivisions. This procedure is intended to provide one-time relief for applicants (or a minimum of 5 years between subdivisions).

B. Applicability: A minor subdivision shall be processed as a Final Plat. A subdivision is considered minor if it meets all of the following criteria:
   1. No new public streets are required for lot access to a public street;
   2. No new off-site easements or improvements are required;
   3. The design and layout of the subdivision shall conform to all requirements of the Unified Development Ordinance;
   4. The subdivision results in five (5) or fewer lots; and
   5. No new utility improvements are required.

C. Application and Procedure: The application shall be filed with the Planning Department who shall review the application and forward the plat for review by affected utilities and other applicable agencies. The Zoning Administrator shall determine its completeness and compliance with the Unified Development Ordinance.

D. Review Criteria: The minor subdivision shall comply with the criteria set forth for Final Plats.

E. Decision Maker: The TRC shall approve or disapprove the minor subdivision. If denied, application fees (excluding engineering fees) for the resubmittal of the same application shall be waived if resubmitted within one (1) year of the initial submittal.

F. Duration of Approval: The applicant shall file the approved Subdivision Final Plat with the Iredell County Register of Deeds for recording, and shall provide proof of recording to the Planning Department within 90 days after the date of approval or the Subdivision Final Plat shall expire.

9.4.4 PRELIMINARY PLAT REVIEW PROCESS (MAJOR SUBDIVISIONS)

A. Purpose: Recognizing that large-scale subdivisions generally require more intense review, the Town of Troutman establishes this procedure for major subdivisions to ensure subdivisions comply with adopted Town standards for lot development and public improvements. Preliminary plat approval allows the Zoning Administrator to review all substantive aspects of a proposed subdivision and impose such requirements as necessary to ensure compliance with applicable regulations.
B. Applicability: The process for major subdivisions shall be followed when an owner of any tract or parcel of land desires to subdivide a tract or parcel into two (2) or more lots that create the need for the dedication of public right-of-way for new streets, road improvements to existing streets or the construction of off-site utility improvements, and the subdivision does not comply with the criteria for minor subdivisions.
C. Application and Procedure: The application shall be filed with the Planning Department and shall be reviewed in conjunction with Engineering Documents
D. Review Criteria: Prior to approving a Preliminary Plat, the Zoning Administrator shall find:
    1. The plat is consistent with the approved Sketch or Concept Plan, including any conditions established at the time of approval.
    2. The application conforms with environmental and health laws and regulations according to the Iredell County Environmental Health Division.
    3. The subdivision complies with all applicable provisions of the Unified Development Ordinance, including but not limited to:
        a. Each residential lot has adequate and safe access to a local street;
        b. The parcel, lot and land layout are consistent with generally accepted land planning and engineering site design principles;
        c. The logical relationship of the street and lot layout to the topography and other physical features of the property;
        d. The applicant agrees to dedicate and improve land, rights-of-way, and easements, as may be necessary to conform to the purposes of adopted regulations, standards, and requirements; and
        e. The subdivision is consistent with the need to minimize flood damage; and
        f. The public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize flood damage; and
        g. Adequate drainage is provided to reduce exposure to flood hazards.
E. Decision Maker: The Zoning Administrator shall approve, approve with revisions, or deny the Preliminary Plat. If denied, Staff shall advise the applicant of the reasons for denial. Approval of a Preliminary Plat shall constitute approval to proceed with preparation of the Engineering Documents, Improvement Plan, and Final Plat, but shall not be deemed approval of the subdivision.
F. Duration of Approval: An applicant shall have two (2) years from the date of preliminary plat approval to submit a Final Plat consistent with the terms and conditions of the Preliminary Plat. The applicant may submit a final plat for only a portion of the subdivision given preliminary plat approval. Said submission shall extend the expiration date for the remaining portion(s) of the subdivision for an additional two (2) years past the date of said final plat approval.

9.4.5 ENGINEERING DOCUMENT & IMPROVEMENTS PLAN REVIEW PROCESS

A. Engineering Documents Review and Approval: Engineering Documents shall be reviewed by Planning Staff, the Town Engineer, and other relevant federal, state, and local agencies. The proposed infrastructure and details shall meet the requirements of Chapters 5 and 7 of this UDO. Preliminary Plat review may occur simultaneously with this step. Following Engineering Document approval, the development plans shall proceed to bonding and site improvements.

B. Improvement Plan Review and Approval: Upon approval of the Preliminary Plat and Engineering Documents, the applicant shall submit a plan describing the bonding or installation improvements for the subdivision. Following approval of the Improvement Plan by the Zoning Administrator, the applicant may proceed with the installation of or arrangement for required improvements in accordance with the approved Preliminary Plat, Engineering Documents, and the requirements of this UDO. Prior to approval of a final plat, the applicant shall have installed the improvements specified in this UDO or guaranteed their installation as provided below:

C. Agreement and Security Required: In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the Town of Troutman may enter into an agreement with the applicant whereby the applicant shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Zoning Administrator, if all other requirements of this UDO are met. To secure this agreement, the applicant shall provide to the Zoning Administrator either one, or a combination of the following guarantees. The amount of such guarantee shall be satisfactory to the Zoning Administrator as to the form and sufficient to the Town Engineer as to the cost of installing all required improvements (equal to 1.25 times the cost). All such guarantees shall be subject to the approval of the Zoning Administrator and shall be made payable to the Town of Troutman.

   1. Surety Performance Bond(s): The applicant shall obtain one or more performance bond(s) from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Manager.
   2. Cash or Equivalent Security: The applicant shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town of Troutman. The use of any instrument other than cash shall be subject to the approval of the Zoning Administrator. If cash or other instrument is deposited in escrow with a financial institution as herein provided, the applicant shall then file with the Zoning Administrator an agreement between the financial institution and himself guaranteeing the following:
      a. That said escrow account shall be held in trust until released by the Zoning Administrator and may not be used or pledged by the applicant in any other matter during the term of the escrow; and
      b. That in case of a failure on the part of the applicant to complete said improvements, the financial institution shall, upon notification by the Zoning Administrator and submission of the Town Engineer's estimate of the amount needed to complete the improvements by the Zoning Administrator to the financial institution immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

c. Default: Upon default, meaning failure on the part of the applicant to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Zoning Administrator, pay all or any portion of the bond or escrow fund to the Town of Troutman up to the amount needed to complete the improvements based on the Town Engineer's estimate. Upon payment, the Town Manager, in his/her discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the applicant shall nonetheless be responsible for providing the funds to cover such costs. The applicant shall at all times bear the financial burden for the installation of all required improvements.

d. Release of Guarantee Security: The Town Manager may authorize the Finance Director to release a portion of any security posted as the improvements are completed and approved by the Town. Such funds shall then be released within ten (10) business days after the corresponding improvements have been so approved.

9.4.6 FINAL PLAT REVIEW PROCESS (MAJOR AND MINOR SUBDIVISIONS)

A. Purpose: Final Plat approval is required at the completion of the subdivision process so the subdivision plat and dedications (if applicable) can be recorded and lots transferred.
B. Application: The applicant shall submit an application with the Planning Department.
C. Review Criteria: When the Final Plat conforms to the approved Preliminary Plat, such fact shall be indicated on the face of the plat. Prior to approval of a Final Plat, the TRC shall make the following findings:
   1. Substantial Conformance to Preliminary Plat: The Final Plat shall substantially conform to the approved Preliminary Plat. Substantial deviations include, but are not limited to, the following:
      a. Changes in the location or design of a public street;
      b. Changes in the number of layout of lots or blocks;
      c. Changes in access to lots;
      d. Changes in areas, streets or rights-of-way to be reserved or dedicated;
      e. Changes in the drainage plan that increase runoff;
      f. Changes in the public utilities and facilities to be provided; and
      g. Changes in the buffering between the subdivision and adjacent property
   2. Conformance to Regulations: The Final Plat shall conform to all applicable requirements and regulations; and
   3. Submission Requirements: All submission requirements have been satisfied.
   4. Indicate the installation of required public improvements.
   5. Include all required certificates, which shall be signed by the appropriate authorities.
D. Staff Action: The Zoning Administrator shall review the Final Plat to ensure all the requirements have been fulfilled. The Zoning Administrator may forward copies of the Final Plat to appropriate departments and agencies for their review and shall forward all staff and agency comments to the applicant and TRC.
E. Decision Maker: The TRC shall review the application and approve, approve with revisions, or deny the Final Plat. Upon denial, the Town shall advise the applicant of the reason for denial in writing.

F. Filing and Recordation: The applicant shall file the approved Subdivision Final Plat with the Iredell County Register of Deeds for recording, and shall provide proof of recording to the Planning Department within 90 days after the date of approval or the Subdivision Final Plat shall expire.

9.4.7 SITE PLAN REVIEW PROCESS

A. Purpose: Site Plan approval ensures the proposed development complies with this Code. Site Plan review may also consider the siting of proposed construction and its impact on topography, vegetation, adjacent development, improvements in the immediate area and the site plan's conformance to the goals, objects, and policies of the Town of Troutman.
B. Applicability: Site Plan review shall be required for all new development and redevelopment other than detached single family residences and repairs of existing structures. No certificate of zoning compliance or building permit shall be issued for a development subject to site plan review until such site plan has been approved.
C. Application and Procedure: A property owner or designated representative shall initiate site plan review by filing an application with the Planning Department in conformance with the requirements of the Unified Development Ordinance. Site Plans are to be reviewed and approved by the TRC. Non-residential building facades are reviewed by the Design Review Board and considered for approval by the Town Council.
D. Review Criteria: Prior to approving a Site Plan the TRC shall find:
    1. Conformance: Development of the site as proposed conforms to all requirements of this UDO;
    2. Consistency: Development of the site is consistent with the adopted plans and policies of the Town.
E. Engineering Documents Requirements: The applicant shall file the Engineering Documents in conformance with the requirements of Chapters 5 and 7 of this UDO.
F. Decision Maker: The TRC shall approve, approve with revisions, or deny approval of site plans, in conformance with the criteria established in this section. Non-residential building facades are reviewed by the Design Review Board. The Town Council shall approve, approve with revisions, or deny approval of non-residential building facades, in conformance with the criteria established in Chapter 4. Approval of a Site Plan shall constitute approval to proceed with preparation of the Engineering Documents (and Improvement Plan if applicable).
G. Duration of Approval
    1. Time Limit: The approved Site Plan shall be kept on file by the Town and shall expire one (1) year from the date of site plan approval, unless construction has commenced.
    2. Permit Life: Site Plan approval shall be valid as long as the applicant retains a valid building permit or certificate of occupancy.
    3. Change of Ownership: Site Plan approval shall run with the land and shall continue to be valid upon change of ownership of the site or structure that was the subject of the application.

9.4.8 SUBDIVISION PROVISIONS

A. School Site Reservation. If the Town Council and the Iredell County/Statesville Board of Education have jointly determined the specific location and size of any school sites to be reserved, Planning Staff shall immediately notify the Board of Education in writing whenever a Sketch Plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation. If not considered during the initial approval process, any proposed layout or use of the freed land shall be subject to the entire development review process.

B. Special Exceptions for Relief from Hardships. This section shall be applicable to all subdivisions, except those located in a Water Supply Watershed. The Town Council may authorize relief from any portion of these regulations when, in their opinion, undue hardship may result from strict compliance. In granting relief, the Town Council shall conduct a quasi-judicial public hearing for the Subdivision and make the findings required herein, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No relief shall be granted unless it is found:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this UDO would deprive the applicant of the reasonable use of his land; and
2. That the relief is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
3. That the circumstances giving rise to the need for the relief are peculiar to the subdivision and are not generally characteristic of other subdivisions in the jurisdiction of this UDO; and
4. That the granting of the relief will not be detrimental to the public health, safety and welfare or injurious to other property in the area in which said property is situated.
    a. Every decision by the Town Council pertaining to the granting of relief shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision of the Town Council is filed in the Office of the Zoning Administrator, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Zoning Administrator at the time of the Town Council's hearing, whichever is later.

C. Issuance of Zoning Permits & Conveyance Subdivision Lots
    1. After the effective date of this UDO, no subdivision plat of land within the jurisdiction of this UDO shall be filed or recorded unless it has first been submitted to the Zoning Administrator and approved by the proper body as set forth in this UDO, and until this approval is entered in writing on the face of the plat by the Zoning Administrator. Such shall not be required of any subdivision of land which, by definition herein, is exempt from the terms of this UDO.

2. No zoning permit shall be issued by the Town of Troutman for the erection of any building on any lot within a proposed subdivision until a final plat of said subdivision has been approved in a manner as prescribed by this UDO and recorded at the Register of Deeds Office and where applicable, an improvements permit has been issued by the Iredell County Health Department.
3. After the effective date of this UDO, it shall be illegal for any person being the owner or agent of the owner of any land located within the territorial jurisdiction of this UDO, to subdivide his land in violation of this UDO or to transfer or sell land before the plat has been properly approved under the terms of this UDO.
4. The description by metes and bounds in the instrument of transfer or another document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town Council, through its attorney or other official so designated, may enjoin an illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this UDO shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4. Civil penalties may be issued in accordance with Chapter 12.
5. The Register of Deeds shall not file or record a plat of a subdivision of land located within the jurisdiction of this UDO that has not been first approved in accordance with these provisions.

9.5 DESIGN REVIEW

9.5.1 DISCRETIONARY DESIGN REVIEW

A. Applicability: Design Review by the Design Review Board (DRB) shall be required for all proposed new mixed-use development, commercial development of all types, and multi-family development (excluding townhomes).
B. Pre-Application Meeting: The applicant must set up a pre-application meeting with the Administrator. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plans for review. It is recommended that the applicant provide a Sketch Plan (9.4.1) to the Administrator prior to or at the pre-application meeting, so that the Administrator has an opportunity to review and comment on the proposal before the applicant expends funds on the preparation of a detailed Schematic Plan.
C. Required Application Information: Pre-application Conference, Site Analysis, Sketch Plan, Schematic Plan and Building Elevations. The Schematic Plan and Building Elevations may be waived by the Administrator as appropriate.
D. Action Required by the DRB: If the DRB shall fail to take action upon any case within 60 days after the receipt of application for permit, the application shall be deemed to be approved, except where written agreement has been made for an extension of the time limit.
E. Decisions/Findings of Fact: In rendering a decision, the DRB shall consider adherence to both the minimum requirements in this UDO as well as any Discretionary Guidelines. The DRB shall not consider the interior arrangement or interior design unless the interior arrangement or design affect the exterior appearance; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of the Town of Troutman.
F. Appeals: Any person aggrieved by a decision of the DRB has the right to appeal the board's decision before the Town Council.

G. Permit Validity: Upon the approval of the Plan, the applicant shall have 2 years to obtain a building permit. Failure to secure building permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Zoning Administrator shall invalidate the Certificate of Compliance and any subsequent building permits.
H. Permit Extension: The Zoning Administrator may grant up to five one-year extensions upon submittal by the applicant of sufficient justification for the extension.

9.5.2 MEETINGS & PROCEDURES

A. The Design Review Board shall establish its own rules of procedure, subject to approval by the Town Council. All meetings and hearings shall be open to the public and shall be conducted in accordance with all applicable requirements of the North Carolina open meetings law.
B. The Design Review Board shall, no later than April 15 of each year, submit to the Town Council a written report of activities, a statement of its expenditures to date for the current fiscal year and its requested budget for the next fiscal year. All accounts and funds of the Design Review Board shall be administered in accordance with the requirements of all applicable State and local laws.
C. The rules, regulations, minutes, and actions shall be maintained by Town Hall.
D. All Appeals to the decisions of the Design Review Board shall be filed within 30 days of the DRB and shall be reviewed and decided upon by the Town Council.

9.6 APPEALS AND VARIANCES

9.6.1 RIGHT OF APPEAL

If a request for a zoning permit is disapproved or if a ruling of the Zoning Administrator is questioned, any aggrieved party may appeal such ruling to the Board of Adjustment in accordance with Chapter 10 of this UDO.

9.6.2 APPLICATION PROCEDURE

The following regulations apply to all applications submitted to the Board of Adjustment:

A. Before a petition for an administrative appeal, interpretation of the Zoning Ordinance, variance, change or replacement of a nonconformity, or allowance of a temporary use shall be heard and a public hearing conducted by the Board of Adjustment, an application shall be submitted to the Zoning Administrator along with a fee in accordance with fee schedule established by the Town Council. Said fee shall be waived for any petition initiated by the Zoning Administrator or other officials of Troutman who initiate a request on behalf of Troutman. For variance requests, the application shall be accompanied by a map clearly identifying the subject property, all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-way, or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant. Special Use Permit requests shall be submitted with a Concept Plan.

   The filing of any application stays all proceedings unless the Zoning Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the UDO. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, Town Council, or by a court of record.

B. Within five (5) working days after having received an application for an appeal, interpretation, variance, change or expansion of a nonconformity, or allowance of a temporary use, the Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is not complete, the Zoning Administrator shall serve a written notice on the appellant or petitioner specifying the application's deficiencies. The Zoning Administrator shall take no further action on the application until the deficiencies are remedied. If the Zoning Administrator fails to so notify the appellant or petitioner, the application shall be deemed complete.

9.6.2 ADMINISTRATIVE REVIEW, APPEALS, AND INTERPRETATION

The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Zoning Administrator and apply such interpretation to particular fact situations. In addition, the Zoning Administrator may ask the Board of Adjustment to interpret any portion of the Unified Development Ordinance.

A. The Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed or make an interpretation of the Unified Development Ordinance.
B. The Board of Adjustment shall have all the powers of the Zoning Administrator in making any order, requirement, decision, interpretation or determination with reference to an appeal or petition.
C. An appeal may be made by any person who has received a written ruling from the Zoning Administrator. An appeal to the Board of Adjustment shall be made within 30 days after the receipt of the decision, order, determination, or interpretation made by the Zoning Administrator.

9.6.3 VARIANCES

A. Variance Procedures: When practical difficulties, special conditions, or unnecessary hardships would result from carrying out the strict letter of this UDO, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this UDO relating to the construction or alteration of buildings or structures or the use of land.
    1. The Board of Adjustment, in considering an application for a variance, shall give due consideration to the following:
        a. The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.
        b. The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be granted.
    2. The Board of Adjustment, may only grant a Variance, having first held a public hearing on the matter and having made the following determinations:
        a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the UDO. The hardship results from peculiar conditions of the property, such as location, size, and topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the general public, may not be the basis for granting a variance.
        b. That the Variance is in harmony with the general purpose and intent of this UDO and preserves its spirit.
        c. That in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.
        d. That 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 self-created hardship.

3. The Board of Adjustment, in approving all Variances, may prescribe appropriate conditions and safeguards in conformity with this UDO. Violation of such conditions and safeguards, when made a part of the terms under which a Variance is approved, shall be deemed a violation of this UDO and shall be punishable as prescribed in Chapter 12 of this UDO.
4. Unless otherwise authorized by the Board of Adjustment and included in its decision to approve a Variance, any order of the Board of Adjustment in approving a variance shall expire, if a building permit, or certificate of occupancy (for a use for which a building permit is not required), has not been obtained within one (1) year from the date of its decision.
5. No change in permitted uses may be authorized by variance.

B. Watershed Variances

1. Minor Variances. Minor variances (see definition) to the regulations contained herein (unless specifically prohibited) under guidelines provided in this chapter of this UDO may be approved by the Board of Adjustment except that a copy of the public hearing notice plus a description of the variance being requested shall be sent by first class mail to the Clerk of all municipal and county government having jurisdiction within the same watershed and to any major consumer of water whose point of intake lies within the same watershed. Said notice and description shall be mailed to all property owners within five hundred (500) feet at least ten (10) business days prior to the public hearing. Any comments received from notified local governments regarding a minor variance request shall become part of the record of proceedings.
2. Major Variances: Applications for major variances (see definition) shall be handled in the following manner:
   a. Application Form and Fee. An application for a major variance shall be on a form prescribed by the Town and shall be accompanied by a fee, the amount of which is in accordance with a fee schedule established by the Town. An application will not be considered complete unless it contains all information required and is accompanied by said fee. The application shall be accompanied by a map clearly identifying the subject property, all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-way, or any similar natural or manmade configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant. All applications shall be submitted to the Zoning Administrator. Once having received an application, the Zoning Administrator shall have five (5) working days to determine its completeness. If he determines that the application is not complete, he shall serve a written notice on the petitioner specifying the application's deficiencies. The Zoning Administrator shall take no further action on the application until the deficiencies are remedied. If the Zoning Administrator fails to notify the petitioner, the application shall be deemed complete.
   b. Scheduling Board of Adjustment Meeting. The Zoning Administrator, having determined that an application is complete, shall place the application on the agenda of a Board of Adjustment regular or special meeting occurring at least fifteen (15) days thereafter.
   c. Public Hearing Notification. The Board of Adjustment shall hold a public hearing on the application at said meeting. Notification of said Board of Adjustment public hearing shall be as follows:
      i. The applicant and all property owners within five hundred (500) feet shall be sent, by first class mail, a notice of the Board of Adjustment public hearing at least ten

(10) business days prior. Said mail notice plus a description of the variance being requested shall also be sent by first class mail to the Clerk of all municipal and county governments having jurisdiction within the same watershed and to any major water consumers at least ten (10) business days prior to the public hearing. Any comments received from notified local governments regarding a major variance request shall become part of the record of proceedings. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.

ii. At least one (1) sign shall also be conspicuously placed by the Town on the subject property(ies) indicating the nature of the public hearing and the date, time and place at which it is to occur. Said sign shall be placed on the property(ies) in question at least ten (10) business days prior to the public hearing.

iii. Notice shall also be posted by the Zoning Administrator in a conspicuous location in the Town Hall at least ten (10) business days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it will occur.

d. Public Hearing: The Board of Adjustment shall conduct the public hearing in a quasijudicial manner. All persons giving evidence shall be sworn in by the Chairman. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. The Board of Adjustment shall base their recommendation on the testimony given at the public hearing, and on any comments received from notified local governments or major water consumers regarding the variance request. The testimony, comments and evidence shall become part of the record of proceedings.

e. Board of Adjustment Recommendation: The Board of Adjustment shall make a recommendation on a major variance involving property located within a Watershed Overlay District no later than thirty-one (31) days from the close of the public hearing. Said recommendation shall be in one of the following forms:

i. Recommend approval of the variance if the findings of fact in this chapter are found in the affirmative; or

ii. Recommend approval of the variance with fair and reasonable conditions attached if the findings of fact in this chapter are found in the affirmative; or

iii. Recommend denial of the variance if at least one (1) finding of fact in this chapter is found in the negative.

The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to make recommendation for approval of a major variance application involving property located within a Watershed Overlay District.

f. Preliminary Record: If the Board of Adjustment makes a favorable recommendation on the major variance application, (with or without additional conditions or safeguards), or fails to make any recommendation on the major variance application within the specified time period, the Zoning Administrator shall prepare a preliminary record of the public hearing which shall include:

i. The variance application;

ii. Evidence that proper notification of the Board of Adjustment public hearing has been made;

iii. A summary of evidence presented including comments submitted from other local governments or major water consumers within the same watershed jurisdiction;

iv. Proposed findings and exceptions;

v. The Board of Adjustment's recommendation, including all conditions proposed to be added to the permit, if one is submitted within the required thirty-one (31) day time period.

vi. For watershed variances only, the preliminary record shall be sent to the Environmental Management Commission for its review. If the Environmental Management Commission concludes from the preliminary record that the variance qualifies as a major variance, the Commission shall make a final decision on the request and mail it to the Zoning Administrator. Upon receipt of the final decision, the Zoning Administrator shall forward the Environmental Management Commission's decision to the applicant by first class mail within five (5) working days of receipt of the decision from the Environmental Management Commission. The approval, with any additional conditions or safeguards, shall become part of any zoning permit issued by the Zoning Administrator.

If the Board of Adjustment recommends that an application for a major variance involving property within a Water Supply Watershed Overlay District should be denied, then the application shall not be forwarded to the Environmental Management Commission, and shall be considered denied by the Board of Adjustment. The Zoning Administrator shall send written notice of the denial by first class mail to the applicant within five (5) working days of the Board's decision.

g. Environmental Management Commission Action: If, after having received and reviewed the major variance application and preliminary record, the Environmental Management Commission approves the major variance, the Zoning Administrator shall send the decision by first class mail to the applicant within five (5) working days of receipt of the decision from the Environmental Management Commission, stating that the major variance was approved. If the Environmental Management Commission overturns the Board of Adjustment's recommendation for approval of the major variance, the Zoning Administrator shall send the Commission's decision by first class mail to the applicant within five (5) working days of receipt of the decision from the Environmental Management Commission, stating that the major variance request was denied, and the reasons for such denial.

h. Application for Zoning Permit. The application for a zoning permit shall be made within one (1) year of receiving a variance approval.

3. Re-submittal of a Minor or Major Variance: If the Environmental Management Commission disapproves a major variance request, or the Board of Adjustment disapproves a major or minor variance request, the Town of Troutman shall not accept an application for a similar variance request affecting the same property(ies) for a period of one (1) year following the date of denial.
4. Enforcement: These regulations shall be enforced by the Zoning Administrator. In addition to other duties, the Zoning Administrator shall keep records regarding any expansions approved to structures classified as existing development, so that the maximum coverage of all new expansions do not exceed that allowed in this UDO.
   The Zoning Administrator shall maintain a file on all applications for minor and major variances. A copy of information pertinent to any minor variance application request (including minutes of the hearing, findings made by the Board of Adjustment, actions taken by the Board of Adjustment, names and addresses of all persons giving evidence at the public hearing) shall be submitted annually during the last week of December to the Division of Environmental Management, Supervisor of the Classification and Standards Group.

9.7 SPECIAL USE PERMITS

9.7.1 SPECIAL USE PERMIT PROVISIONS

A. Purpose & Applicability: This UDO provides for a number of uses to be located by right in each general zoning district subject to the use meeting certain area, height, yard, and off-street parking and loading requirements. In addition to these uses, the UDO allows some uses on a special use basis subject to the issuance of a Special Use Permit by the Board of Adjustment. The purpose of having such uses being "special uses" is to ensure that they would be compatible with surrounding development and in keeping with the purposes of the general zoning district in which they are located. Those uses shown as Special Uses in the Permitted and Special Uses Table of Section 3.3.1 shall be subject to the requirements and review process of this Section.

B. Approval Process: Special Use Permits shall follow the appropriate approval process and submittal requirements for either Major Site Plans and Subdivisions or Minor Site Plans and Subdivisions as defined by this UDO. A Special Use Permit application shall be filed with the Zoning Administrator. The application shall be accompanied by a Concept Plan. The Planning Staff and/or Technical Review Committee may, in their review, suggest reasonable conditions to the location, nature, and extent of the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other appropriate conditions. Such conditions may include dedication of any rights-of-way or easements for streets, water, sewer, sidewalks, greenways, trails, or other public utilities necessary to serve the proposed development. The Board of Adjustment shall hold a quasi-judicial public hearing and consider the application in accordance with the finds-of-fact below.

1. Conditions, Evidence & Findings-of-Fact. In approving an application for a Special Use Permit, the Board of Adjustment may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Adjustment. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular development found elsewhere in a similar zoning district. The applicant has the burden of producing competent material and substantial evidence tending to establish the facts and conditions. If any person submits evidence allegedly contrary to any of the facts or conditions, the burden of proof for overcoming such evidence shall rest with the applicant.
   a. The Board of Adjustment shall issue a Special Use Permit if it has evaluated an application and determined the four findings below to be true.
2. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
3. The use meets all required conditions and specifications, and
4. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
5. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted land use plans and other plans for physical development of the Troutman area as adopted by the Town Council.

C. Effect of Approval and Expiration of Approval: If an application for a Special Use Permit is approved by the Board of Adjustment, the owner of the property shall have the ability to develop the use in accordance with the stipulations contained in the Special Use Permit or develop any other use listed as a "permitted use" for the general zoning district in which it is located. Any Special Use Permit so authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Board of Adjustment.
   1. Unless the Board of Adjustment issues a Special Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must either record a final plat or secure a valid building permit within a one (1) year period from date of issuance of the Special Use Permit. In addition, if the project for which a Special Use Permit was issued is not complete and a valid final plat or building permit is not in place at the end of said one (1) year period, the Zoning Administrator shall notify the applicant of either such finding, and within sixty (60) days of said notification, the Board of Adjustment shall make a decision concerning the rescission of the Special Use Permit. After having conducted a public hearing the Board of Adjustment may then rescind the Special Use Permit or extend the life of the Special Use Permit for a specified period of time not to exceed one (1) year.
   2. The expansion of existing schools is exempt from a special use permit.

D. Alterations to Site & Amendments to Special Use Permit: Minor changes in the detail of the approved site which:
   1. Will not alter the basic relationship of the proposed development to adjacent property, and
   2. Will not increase the gross floor area of any non-residential use by the smaller of ten (10) percent or 10,000 square feet, and
   3. Will not decrease the off-street parking ratio or reduce the yards provided at the periphery of the site by greater than five (5) feet may be made with approval of the Zoning Administrator on a one-time basis only. Further changes to the development may only be made by the Board of Adjustment by amending the Special Use Permit. Any request to materially change the Special Use Permit once it has been issued shall be reviewed in entirety through the Board of Adjustment approval process.

E. Reapplication Following Denial: If a request for a Special Use Permit is denied by the Board of Adjustment, similar application for the same property or any portion thereof shall not be filed until the expiration of a one (1) year period from the date of the most recent denial by the Board of Adjustment. The waiting period shall not be applicable where the application for a Special Use Permit is substantially different from the original application. The term "substantially different" as herein applied shall mean:
   1. The proposed principal use is different than the use contained in the original application; or
   2. The gross floor area of the proposed development is fifty (50) percent or more smaller than contained in the original application.

F. Nonconformities
   1. The Board of Adjustment shall hear and decide appeals from any land owner:
   a. To make a change in use of a nonconforming use to a less-intense nonconforming use;
   b. To make a change in location of a nonconforming use of land to another location on the same property; or to allow the replacement of a nonconforming use, or
   c. To allow a nonconforming manufactured home to remain on the same lot as a principal structure, if it is occupied by a blood relative of the owner-occupant of the principal structure.

2. The Board of Adjustment may only grant a change in a nonconforming use or replacement of a nonconforming structure which has been destroyed after having first held a public hearing and having determined that:
   a. Said change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation, and
   b. That the proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question, and
   c. That the decision to grant the change will be in harmony with the general purpose and intent of this UDO and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.
3. The Board of Adjustment, in granting said changes, may prescribe appropriate conditions and safeguards in conformity with this UDO in order to conform with (B) above. Violation of such conditions and safeguards when made a part of the terms upon which the change was granted, shall be deemed a violation of this UDO and shall be punishable as prescribed in Chapter 12 of this UDO.

9.8 MAP AND TEXT AMENDMENTS

9.8.1 PURPOSE

The purpose of this chapter is to set forth procedures for amending the text of these regulations and the zoning classification of land as shown on the Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. Procedures for making amendments to the Unified Development Ordinance text or Zoning map are also set forth.

9.8.2 AUTHORITY

Upon compliance with the provisions of this chapter, the Town Council shall have the authority to amend or repeal the text of these regulations and the classification of any parcel of land, as indicated on the Zoning Map.

9.8.3 AMENDMENT INITIATION

A. Any amendment may be initiated by the Town Council or Planning Board on its own resolution, by any owner of a legal or equitable interest in the property affected by the amendment, or by a local government agency of Troutman, or by any other person living or owning property within the zoning jurisdiction of Troutman in accordance with the procedures set forth herein.
B. For Conditional Zoning District rezonings, only an owner of a legal interest in the property may initiate the amendment.

9.8.4 AMENDMENT APPROVAL PROCESS

A. Text Amendment General Provisions
   1. Any proposed amendment to the text of this UDO shall be reviewed by the Planning Board and approved by the Town Council as set forth in this Chapter.
   2. An application form requesting the text amendment and fee shall be submitted by the applicant. Said application form and fee shall be waived for any text amendment request submitted by a Troutman official or agency acting on behalf of the Town of Troutman.

3. Upon approval of the text amendment, the Zoning Administrator shall oversee the updating of this UDO to reflect the approved changes.

B. Standard Rezoning (Map Amendment) General Provisions
   1. Any proposed amendment to the Zoning Map shall be reviewed by the Planning Board and approved by the Town Council as set forth in this Chapter.
   2. Upon approval of the map amendment, the Zoning Administrator shall oversee the updating of the Zoning Map to reflect the approved changes.
   3. When considering a petition for the re-classification of property to any district neither the Planning Board nor the Town Council shall evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district, provided, however, such information may be presented and considered when on an application for a map amendment for a Conditional Zoning District as outlined below.

C. Conditional Zoning District Rezoning (Map Amendment) General Provisions: The Conditional Zoning District (CZ) is established to address those situations when a particular use may be acceptable but the general zoning district(s) that would allow that use would not be acceptable.
   1. Rezoning of property to any CZ is a voluntary procedure on the part of the property owner and is intended for firm development proposals. It is not intended or suited for securing early zoning for a tentative proposal that may be undertaken at some unknown time in the future. Such zones may be approved or changed only by the Town Council in accordance with the regulations contained herein.
   2. A CZ District shall only be initiated at the request of the petitioner. A CZ district shall not be initiated by the Town Council, Planning and Zoning Board, or administrative staff.
   3. The applicant shall have a reasonable opportunity to consider and respond to any proposed conditions prior to final action by the Town Council. Only those conditions mutually agreed upon by the Town Council and the applicant, with input from the public, may be incorporated into the Conditional Zoning District.
   4. Following approval of the petition for a CZ District, the subject property shall be identified on the Zoning Map by the appropriate district designation followed by the letters “CZ” and the case number.
   5. For Conditional Zoning rezonings, a Concept Plan is required. Approval of a Conditional Zoning District Rezoning shall result in official amendment to the Town of Troutman Zoning map and an amendment to the UDO.
   6. The review process established in this UDO provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties. A CZ district allows particular uses to be established only in accordance with site specific standards and conditions pertaining to each individual development project. All site-specific standards and conditions must be consistent with the objectives of these regulations.

D. Procedure: Applications for CZ approvals shall be filed with the Zoning Administrator.
   1. The application for a CZ Distinct must include but is not limited to: a Concept Plan and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined requirements, will govern the development and use of the property.

E. Criteria: CZ decisions are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions. CZ District decisions shall be made in consideration of identified relevant adopted land use plans for the area, including but not limited to, the Land Use Plan and other land-use policy documents. The applicant shall propose site-specific standards that take into account the following considerations:
   1. The proposed CZ District's use appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the current Land Use Plan.
   2. The use(s) requested are among those listed as an eligible permitted use in the general use district as included in the rezoning request.
   3. The design of the proposed CZ District uses minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration and not creates a nuisance.
   4. The use limitations and conditions as proposed and/or imposed for the requested district can reasonably be implemented and enforced for the subject property.
   5. When implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district. If any standards area proposed that are different from the underlying zoning district, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the general district.
   6. The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district.
   7. The applicant shall submit a "Statement of Reasonableness" of the proposed rezoning.
   8. For an approval, the Town Council must determine and assert to the amendment being consistent with the adopted Land Use Plan and why the Council considers the action to be reasonable and in the public interest.

F. Additional Information: When dealing with the CZ District process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Director, Planning Board, and/or Council of Troutman may request additional information to that required.

G. Community Meeting: Before the Planning Board meeting, the applicant must file a written report detailing at least one (1) community meeting held by the applicant in order to gather and address the interests of all parties involved. The community meeting shall be held prior to the Planning Board's consideration of the request. The following procedures must be met for the public input meeting:
   1. Based on the perceived impact of the proposal, the affected property owners, owners within five hundred (500) feet of the proposed rezoning, will be notified by the Town. Such notice shall be mailed to said property owners not less than ten (10) business days prior to the date of the public input meeting and a certification of this mailing shall be submitted as part of the required report. The notice shall contain information regarding the time and location of the public input meeting as well as a description of the proposal.
   2. The report shall include the following:
      a. Those persons and organizations contacted about the meeting
      b. The date, time, and location of the meeting
      c. A roster of the persons in attendance at the meeting
      d. A summary of issues discussed at the meeting
      e. A description of any changes to the rezoning petition as result of the meeting.

H. Scope of Approval: The approval of a rezoning to a CZ District does not authorize development activity. The rezoning to the CZ District and approval of the concept plan shall authorize the applicant to move forward in the review process.

I. Recordation of Conditional Zoning District: The applicant will ensure that the UDO approving the CZ District is duly certified, and that the legal description and accompanying plan, is recorded in the office of the Register of Deeds of Iredell County. The applicant shall also record a deed restriction upon the subject property that requires compliance with the conditions attached to the CZ District Ordinance. The deed restriction is perpetually binding on the property, unless another rezoning request is brought to the Town and approved by the Town Council. The applicant must provide the Zoning Administrator a copy of the recorded notification, affixed with the Register's seal and date, book and page number of recording in order to receive approval of the application for a zoning permit.

J. Violation or Invalidity of the Terms & Conditions of a CZ District: A violation of a condition of rezoning to a CZ district as set forth in the final development plan and a violation of other related official documents associated with such rezoning are considered violations of this UDO subject to the same remedies and penalties. Upon determining that such a violation has occurred, the Zoning Administrator shall notify the property owner of his findings and set a reasonable time for the violation to be corrected or abated in accordance with Chapter 12.

   1. If any condition imposed or consideration made is found to be illegal or invalid or if an applicant should fail to accept a condition of a CZ District a preliminary plat or site plan shall be null and void. In addition, if a preliminary plat or site plan in furtherance of the CZ zoning has not been submitted within 2 years, proceedings will be instigated to rezone the property to its previous classification.

9.8.5 CONTENT OF AMENDMENT APPLICATION

A. Noncontiguous Map Amendments: Each noncontiguous parcel of land for which a map amendment is requested shall be deemed as a separate application, and said application fee shall accompany each application. For the purpose of this paragraph, land located and adjacent on either side to the rear and all property directly across any street or public right-of-way from the subject property shall be deemed to be contiguous.

B. Map Amendment Applications: Each application for a map amendment of land shall be accompanied by the following information:

   1. A survey depicting subject property plus such additional property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other feature easily identifiable on the ground. In addition, all property lines which abut the property, and property owners' names and addresses of all contiguous properties shall be furnished.
   2. A written metes and bounds description of the property(ies) proposed for rezoning shall accompany the map.
   3. The current and proposed zoning classification of the lot(s) in question.
   4. The property identification number(s) of the lot(s) in question as issued by the Iredell County Tax Department.
   5. A statement regarding the consistency of the request with adopted Town plans and the surrounding area.
   6. A statement regarding the reasonableness of the request (for CZ requests only).
   7. A site-specific plan (for CZ requests only).

C. Text Amendment Applications
   1. An application for a change in the text of the UDO shall be made on an application form provided by the Zoning Administrator. The application shall contain a reference to the specific section, subsection, paragraph or item proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.
   2. The application shall also include a statement regarding the consistency of the request with adopted Town plans.

9.8.6 PLANNING BOARD REVIEW AND RECOMMENDATION

Once the petition is complete, the Zoning Administrator shall refer the petition to the Planning Board for review and recommendation to the Town Council. The Planning Board shall have a maximum of 30 days from the date of referral by the Zoning Administrator to make a written recommendation including a statement regarding the consistency of the request with adopted Town plans and the surrounding area. If a recommendation is not made during said time period, the application shall be forwarded to the Town Council without a recommendation from the Planning Board.

A. If a recommendation is made to the Town Council by the Planning Board concerning a petition for rezoning, said recommendation shall be as follows:
   1. Grant the rezoning as requested, or
   2. Grant the rezoning with a reduction of the area requested, or
   3. Grant the rezoning to a more restrictive general zoning district or districts, or
   4. Grant the rezoning with a combination, or
   5. Recommend that the application be denied.
B. If a recommendation is made to the Town Council by the Planning Board concerning a petition to amend the text of this UDO, it shall be as follows:
   1. Adoption of the amendment as written, or
   2. Adoption of the amendment as revised by the Planning Board, or
   3. Rejection of the amendment.

9.8.7 PUBLIC NOTICE

In order for any ordinance authorized by this UDO to be adopted, amended or repealed, a public hearing must first be held by the Town Council. A notice shall be published in a newspaper having general circulation in the Town once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) business days nor more than twenty-five (25) days prior to the date established for the hearing. In calculating this period, the day of publication is not to be included, but the day of the hearing shall be. In order for map amendments to be adopted, a public hearing must first be held by the Town Council. A notice of the hearing shall be mailed not less than ten (10) business days nor more than twenty-five (25) days prior to the date established for the hearing to property owners within 500 ft of the area under consideration in the proposed map amendment.

9.8.8 TOWN COUNCIL ACTION

A. Citizen Comments: Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. Any resident or property owner in the town or ETJ may make verbal comments during a hearing and/or submit a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two

(2) business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the Town Council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

B. Decision: Once the public hearing has been conducted, the Town Council shall render a decision on the petition including a written statement regarding the consistency of the amendment with adopted Town plans and the surrounding area. CZ map amendments shall also include a written statement of reasonableness of the proposed amendment. The decision of the Town Council shall be in the form of any of the various options listed below:
   1. For Map Amendments (rezonings):
   a. Grant the rezoning as requested, or
   b. Grant the rezoning with a reduction of the area requested, or
   c. Grant the rezoning to a more restrictive general zoning district or districts, or
   d. Grant the rezoning with a combination, or
   e. Deny rezoning.
   2. For Text Amendments
      a. Adoption of the amendment as written, or
      b. Adoption of the amendment as revised by the Planning Board or amended by the Town Council, or
      c. Rejection of the amendment
   3. Alternatively, the Town Council may send the application back to the Planning Board for further study and consideration. The Planning Board shall have 30 days from the date of referral by the Town Council to make further recommendations.
   4. The petitioner shall have the right to withdraw his petition at any time prior to the final decision being rendered by the Town Council.
   5. The Town Council shall have the authority to call for additional public hearings on any amended petition brought before them.
   6. All such determinations shall be in accordance with a Statement of Consistency in Section 9.8.9 below.

9.8.9 STATEMENT OF CONSISTENCY

A. Consistency Required: Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt one of the following statements which shall not be subject to judicial review:
   1. A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
   2. A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
   3. A statement approving the zoning amendment and containing at least all of the following:
      a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
      b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
      c. Why the action was reasonable and in the public interest.

B. Planning Board Review: Prior to consideration by the Town Council of the proposed zoning amendment, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.
C. Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, these regulations address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The rezoning determination shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town.
D. School Rezoning Applications: The level of service of a road facility or facilities abutting the school or proximately located to the school may not be considered as a basis for denying a zoning or rezoning request from a school.
E. As used in this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable.

9.8.10 NOTIFICATION OF DECISION

Once a public hearing has been held and closed, and a final determination made by the Town Council, said decision shall be sent by first class mail by the Zoning Administrator to the applicant and any persons at or before the public hearing who have indicated in writing to the Zoning Administrator that they would like the decision mailed to them, within five (5) working days following the date of said decision. Similarly, notice shall be sent to the applicant in the same manner if the Town Council makes a decision to re-submit the petition to the Planning Board for further review.

9.8.11 RESUBMISSION OF PETITION

A. If the Town Council has denied an application for the rezoning of a piece of property or has approved a rezoning to a general zoning district which is more restrictive than that which was originally requested, the Planning Board shall not review any applications for the same changes affecting the same property or any portion thereof until the expiration of one (1) year from the date of such previous denial except as provided below.
B. The Zoning Administrator may allow re-submission of such petition within said one (1) year period if he determines that, since the date of action on the prior petition:
    1. There has been a significant change in the zoning district classification of an adjacent piece of property; or
    2. The Town Council has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed;
    3. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification; or

4. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.

9.9 VESTED RIGHTS PROCEDURES

Pursuant to G.S. 160A-385.1 and not withstanding any other provision of this UDO or amendment thereto, a landowner may apply for a site-specific development plan approval which shall entitle said landowner to develop property in accordance with said site specific plan. To apply for vested right, a landowner shall first submit to the Zoning Administrator a Concept Plan. Once the Zoning Administrator deems the Concept Plan to be complete, it shall follow the Town Council approval process.

9.9.1 APPROVAL PROCESS & CRITERIA

A. Vested Rights requests shall follow the appropriate approval process and submittal requirements for either Major Site Plans and Subdivisions or Minor Site Plans and Subdivisions as defined by this UDO. In approving an application for Vested Rights, the Town Council may attach fair and reasonable conditions which tend to support the requiring finding of facts as herein listed. The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. The Town Council may not require the landowner to waive his vested right as a condition of developmental approval.
B. The Town Council may approve the Concept Plan if it has evaluated an application and determined that:
   1. The use meets all required specifications of the Zoning Ordinance, and
   2. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed. Conditions, if any, placed on the site-specific development plan by the Town Council shall be adequate to meet this requirement.
   3. If the Concept Plan is vested for a period of greater than two (2) years, this shall be based on one or more factors so described in Section 9.7.1.B.
C. The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the Concept Plan would be contrary to one or more of these findings) shall rest entirely with the landowner.
D. If the use or development for which the Concept Plan is submitted is a special use, the Town Council may approve the Concept Plan contemporaneously with the approval of the Special Use Permit. In no case, however, may a Concept Plan be approved for a use or development which requires the issuance of a Special Use Permit without the Special Use Permit having first been issued.

9.9.2 EFFECT OF APPROVAL

A. The effect of the Town Council approving a Concept Plan shall be to vest such site plan for a period of two (2) years from the date of approval. If the landowner requests, however, the Town Council may approve a vesting period not to exceed five (5) years from the date of approval. The vesting of any Concept Plan beyond a two (2) year period may only be authorized by the Town Council where it is found that due to:
   1. sizing and phasing of the development; or
   2. level of investment; or

3. need for the development; or
4. economic cycles; or
5. market conditions, building permits for all phases of the development cannot be secured within two years

B. A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.

C. A vested right, once established as herein provided, shall preclude any zoning action by the Town which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site-specific development except under the following conditions:
   1. The affected landowner provides written consent to the Town of his desire to terminate the vested right; or
   2. The Town determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site-specific development plan; or
   3. Compensation is made by the Town to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or
   4. The Town determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the Concept Plan; or
   5. Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in the site-specific development plan. In such case the Town may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.

D. Public hearings shall be advertised and conducted by the Town Council. Recommendation by the Planning Board and final action by the Town Council shall be undertaken.

E. Once a vested right is granted to a particular Concept Plan, nothing in this section shall preclude the Town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

9.9.3 REVOCATION OR EXPIRATION OF A VESTED RIGHT

The vested right resulting from the approval of a Concept Plan may be revoked by the Town Council. In addition, a revocation may occur if the Town Council determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Zoning Ordinance. The vested right shall otherwise expire at the end of the approval period established by the Town Council.

A building permit issued by the Iredell County Building Inspector pursuant to G.S. 160A-417 may not be revoked because of the running of time on a piece of property for which a Concept Plan has been approved and the vested right period has not otherwise expired.

The establishment of a vested right on a piece of property for a Concept Plan shall not preclude the Town from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this UDO.

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10 ADMINISTRATIVE BODIES

10.1 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to establish an orderly process to develop land within the Town of Troutman. It is also the intent of this Chapter to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, Town staff, related agencies, the Planning Board, and the Town Council.

The development review process applies to all new developments within the Town of Troutman except for existing individual lots for single-family detached residential and two-family residential (duplex) development. The provisions of this chapter shall be applicable to all Subdivisions, Site Plans, and Conditional Zoning District developments, as well as Vested Rights requests.

10.2 ZONING ADMINISTRATOR

The various provisions of this Unified Development Ordinance shall be administered by the Zoning Administrator and designated Planning and Zoning Department. An Administrator shall be any person who has been appointed by the Planning Director to assume such duties. It shall be the duty of the Administrator to carry out and enforce this UDO, remedy violations of this UDO, and issue permits in compliance with this UDO.

10.3 PLANNING AND ZONING BOARD

10.3.1 AUTHORITY AND DUTIES

The Planning Board shall have the following duties and responsibilities:

A. To review and make recommendations on all plans and requests for Major Subdivision Plans, Major Site Plans, Vested Rights Plans, Text Amendments, Map Amendments (Standard and Conditional Zoning District rezonings).

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B. To render opinions and make recommendations on all issues and petitions related to the Unified Development Ordinance, Zoning Map, Comprehensive Plan, and other land use plans which may be adopted from time to time which require approval by the Town Council.

10.3.2 MEMBERSHIP

The Planning Board shall consist of a total of seven (7) members and shall be proportionately represented by those residing inside the town limits and those residing in the extraterritorial jurisdiction (ETJ) in accordance with N.C.G.S. 160A-362. Representatives from within the Town limits shall be appointed by the Troutman Town Council. Representatives from the ETJ area shall be recommended by the Town Council and appointed by the Iredell County Board of Commissioners. All members shall serve for overlapping terms of three (3) years. Members shall be qualified to serve on the Planning Board with knowledge of planning and zoning concepts.

The Planning Board shall also have two (2) alternate members. One (1) alternate shall reside inside the town limits, and one (1) alternate shall reside inside the Town's ETJ. The alternate within the Town limits shall be appointed by the Troutman Town Council. The alternate from the ETJ area shall be recommended by the Town Council and appointed by the Iredell County Board of Commissioners. The terms shall be three (3) years. The alternates shall be qualified to serve on the Planning Board with knowledge of planning and zoning concepts.

10.3.3 MEETINGS, HEARINGS & PROCEDURES

A. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Planning Board. Such rules of procedures may be amended by the Planning Board membership.
B. Any rules of procedure adopted by the Planning Board shall be kept on file at the offices of the Zoning Administrator and shall be made available to the public at any meeting or hearing of the Planning Board.

10.3.4 STAFF

The Zoning Administrator or his/her designee shall serve as staff to the Planning Board and shall provide technical assistance to the Planning Board as requested.

10.4 BOARD OF ADJUSTMENT

10.4.1 AUTHORITY AND DUTIES

The Board of Adjustment shall have the following duties and responsibilities:

A. To hear and decide appeals from any order, decision, determination, or interpretation made by the Zoning Administrator pursuant to or regarding these regulations.
B. To hear and decide petitions for variances from the requirements of the regulations of this UDO.
C. To hear and decide requests for Special Use Permits for those uses indicated in Section 3.3.
D. To make an interpretation of any portion of this UDO.
E. To rule on the classifications of uses not permitted by right or permitted with conditions.
F. To change the use of, or expand certain nonconformities.
G. To serve as the Watershed Review Board and rule on all petitions for watershed variances pursuant to or regarding Section 8.3.6 and related sections of this UDO.

10.4.2 MEMBERSHIP

A. The Board of Adjustment shall consist of five (5) members and shall be proportionately represented by those residing inside the town limits and those residing in the extraterritorial jurisdiction (ETJ) in accordance with N.C.G.S. 160A-362. Representatives from within the Town limits shall be appointed by the Troutman Town Council. Representatives from the ETJ area shall be recommended by the Town Council and appointed by the Iredell County Board of Commissioners.
B. The Town Council may appoint two (2) alternate members to serve on the Board in the absence of any regular members. One (1) alternate shall reside inside the town limits, and one (1) alternate shall reside inside the Town's ETJ. The alternate within the Town limits shall be appointed by the Troutman Town Council. The alternate from the ETJ area shall be recommended by the Town Council and appointed by the Iredell County Board of Commissioners. Each alternate member, while attending any meeting of the Board and serving in the absence of any regular members, shall have and may exercise all the powers and duties of a regular member.
C. Members of the Board of Adjustment shall serve for terms of three (3) years, such terms to be staggered as follows: One (1) member shall be appointed for a one-year term; two (2) for two-year terms; and two (2) for three-year terms. Thereafter, members shall be appointed for three (3) years each. Said alternate members shall serve for a term of two (2) years each.
D. The two (2) members appointed by the Board of County Commissioners as representatives of those residing outside the town shall have equal rights, privileges and duties with the other members of the Board in all matters pertaining to the regulation of both the extraterritorial area and the area within the corporate limits. These members shall serve staggered terms as follows: One (1) member shall be appointed for a one-year term and one (1) for a two-year term. Thereafter, members shall be appointed for three (3) years each.
E. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term.
F. The Board of Adjustment shall elect one (1) of its members as chairman and shall appoint a secretary and such other subordinates as may be authorized by the Town Council. The Board of Adjustment shall draft and adopt rules governing the transaction of its business.

10.4.3 MEETINGS, HEARINGS & PROCEDURES

A. Notice of public hearing for all Board of Adjustment proceedings shall be given as follows:
    1. Notice shall be sent by first class mail to all property owners within five hundred (500) feet describing the request at least ten (10) business days prior to the public hearing.
    2. A notice shall be published once in a newspaper having general circulation in the Town at least ten (10) business days but not more than twenty-five (25) days prior to the public hearing.
B. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Board of Adjustment. Such rules of procedures may be amended by the Board of Adjustment.
C. Any rules of procedure adopted by the Board of Adjustment shall be kept on file at the offices of the Zoning Administrator and shall be made available to the public at any meeting or hearing of the Board of Adjustment.

10.4.4 STAFF

The Zoning Administrator or his/her designee shall serve as staff to the Board of Adjustment and shall provide technical assistance to the Board of Adjustment as requested.

10.4.5 INITIATION OF BOARD OF ADJUSTMENT CASES

A. An appeal may be initiated by any aggrieved party or by any officer, department or board of the Town of Troutman.
B. A petition for a Variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.
C. A request for a Special Use Permit may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

10.4.6 DECISIONS

A. The Board of Adjustment shall hold a public hearing on an application no later than forty-five (45) days after a complete application has been filed with the Zoning Administrator. The application shall be received by the Board of Adjustment at least fifteen (15) days prior to the next regularly scheduled meeting of the Board to be considered at that meeting. The Board of Adjustment shall decide on the matter which was presented at the public hearing within thirty-one (31) days of the close of the public hearing.
B. The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to make an interpretation of the Zoning Ordinance, reverse any order, requirement, decision or determination of the Zoning Administrator, approve a variance, approve a Special Use Permit, allow for a change or expansion of a nonconformity, approve a temporary use extension, or to decide in favor of the applicant on any matter upon which it is required to pass under this UDO. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application.
C. All decisions by the Board of Adjustment shall be in writing and filed with the Zoning Administrator. A written copy of decisions shall be sent by first class mail to the applicant within five (5) working days of the date of decision of the Board of Adjustment.

10.4.7 APPEALS FROM THE BOARD OF ADJUSTMENT

A. An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of the Board of Adjustment's decision. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the Board of Adjustment, if, in its judgment, such change in facts, evidence or conditions has not been proven. A public hearing shall not be required to be held by the Board of Adjustment to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four (4) voting members. In the event that the Board of Adjustment finds that a rehearing is warranted, it shall thereupon proceed as in the original hearing except that the application fee shall be waived.
B. Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.
C. Every decision of the Board of Adjustment shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the Zoning Administrator, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Zoning Administrator or the Chairman of the Board of Adjustment at the time of the Board's hearing of the case, whichever is later.

10.5 DESIGN REVIEW BOARD

10.5.1 AUTHORITY AND DUTIES

The Design Review Board (DRB) is established to exercise any and all powers prescribed by North Carolina general and local laws. The Design Review Board shall have the following duties and responsibilities:

A. The DRB may recommend to the Town Council suitable arrangements for the procurement or provision of staff or technical services for the DRB. This may include making careful study of the visual aspects of the Town and its planning and zoning jurisdiction; and with the Town Council's approval shall make plans and carry out programs that will enhance and improve the visual quality and aesthetic characteristics of such within the DRB's scope of powers.
B. Review and recommend to the Town Council all multi-family and non-residential building facades for compliance with the Unified Development Ordinance, Comprehensive Land Use Plan, and other adopted Town plans.
C. Review and approve, reject, or modify all alternative landscaping plans for multi-family and nonresidential developments.
D. Review and approve, reject, or modify all downtown design façade grant applications and any other similar programs as directed by the Town Council.
E. Meet at regular scheduled times and at such other times as said Council may determine or at the call of its Chairman to review applicable proposals within a reasonable time.

10.5.2 MEMBERSHIP

The Design Review Board shall consist of a total of five (5) voting members, two (2) non-voting ex-officio members, and one (1) alternate member as follows:

A. Five (5) members shall be residents of the town's planning and zoning jurisdiction (corporate limits or extraterritorial jurisdiction);
B. One (1) member shall be a design professional; and
C. One (1) alternate shall reside inside the town's planning jurisdiction. The alternate shall be appointed by the Troutman Town Council.
D. In addition, one (1) Town Council member shall be appointed as a non-voting ex-officio member. The Town's Planning Director shall serve as a non-voting ex-officio member.

Members of the Design Review Board shall be appointed by the Town Council. Where possible, appointments to the Design Review Board shall be made in such manner as to maintain a majority of members with special training or experience in a field of design such as architecture, landscape design, horticulture, city planning, urban design, construction, or a closely-related field.

Members shall be appointed for three-year staggered terms: Two (2) members shall be appointed for a one-year term; three (3) for two-year terms; and three (3) for three-year terms (one of which shall be the design professional). Said alternate member shall serve for two (2) years. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A quorum shall be defined as a majority of the voting members of the DRB, excluding vacant seats.

10.5.3 MEETINGS & PROCEDURES

A. The Design Review Board shall establish its own rules of procedure, subject to approval by the Town Council. All meetings and hearings shall be open to the public and shall be conducted in accordance with all applicable requirements of the North Carolina open meetings law.
B. The rules, regulations, minutes, and actions shall be maintained by Town Hall.

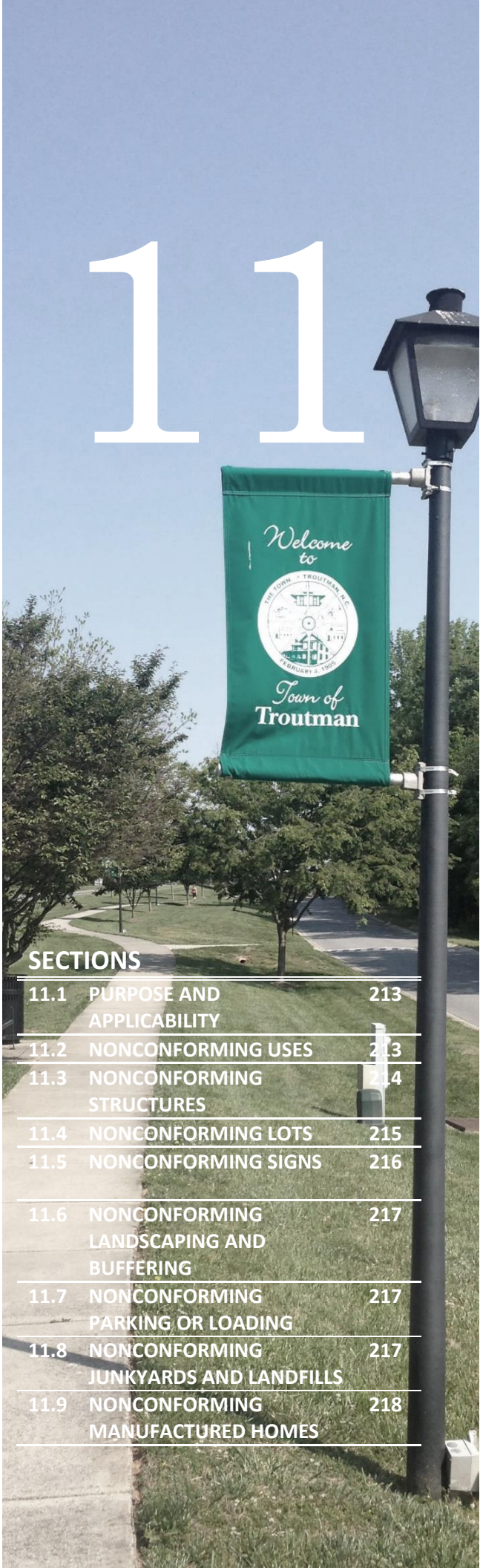
11 NONCONFORMITIES

11.1 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this UDO (or any amendment subsequent thereto) that do not conform to this UDO. This chapter is also intended to address approved plans for projects which do not conform to this ordinance. Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this chapter. Although some nonconformities may continue in accordance with the provision of this chapter, these standards are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination and/or lessen their impact upon surrounding conforming uses. The applicability of each subsection prioritizes compliance for those building features that have the greatest impact on the public realm (e.g., streets, parks, etc.) in order to preserve the integrity of the town in accordance with the intent of this ordinance.

11.2 NONCONFORMING USES

A. Applicability: This section applies to any lawfully existing on the effective date of this UDO, or any amendments thereto, which does not comply with all of the regulations of the UDO. Such uses shall be allowed to continue in accordance with the limitations of this section. The limitations of this section do not apply to structures with nonconforming single-family residences, which may be discontinued, reconstructed, or otherwise modified so long as no additional nonconformities are created.
B. Maintenance and Repair: Minor repairs and routine maintenance may be performed to allow the continuation of nonconforming uses of property.
C. Damage and Replacement: If a structure in which a nonconforming use is located is damaged to an extent



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that the costs of repair or replacement would exceed 60% of the appraised valuation of the damaged structure (as established by the Iredell County Tax Assessor), then the nonconforming use shall not be allowed to continue. After the damaged structure is repaired or replaced only those uses permitted by the standards in Chapter 3 may be established in that structure. Existing Single-Family Detached Homes in the CB are exempt from these requirements and may be reconstructed.

D. Extension or Enlargement
   1. A nonconforming use may be extended throughout any portion of the building that accommodated such use when it was made nonconforming. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.
   2. The volume, intensity, or frequency of a nonconforming use may be increased and the equipment or process used may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

E. Determination of Discontinuance: A nonconforming use shall be presumed discontinued when any of the following has occurred:
   1. The owner has, in writing or by public statement, indicated intent to abandon the use.
   2. A conforming use has replaced the preceding nonconforming use.
   3. All of the buildings or structures on the subject property housing the nonconforming use have been removed.
   4. The owner has physically changed the building or structure, or its permanent equipment, in such a way to clearly indicate a change in use or activity to something other than the nonconforming use.
   5. Any basic utilities including water, electric, and sewer service are disconnected by the utility provided.
   6. The property, structure or use has been vacant or inactive for a continuous period of more than 180 days.
      a. This may be implied from acts or the failure to act, including, but not limited to: the removal of and failure to replace the characteristic equipment and furnishings; lack of utility consumption necessary to maintain the use at an operable level;
      b. If operations have ceased for more than 180 consecutive days, the presence of characteristic equipment and furnishings are not, in and of itself, sufficient to establish the continuity/operation of the use.
      c. The mere vacancy of a structure for a period exceeding 180 consecutive days that was initially constructed as a single-family dwelling and whose most recent use was as a single-family dwelling shall not constitute a discontinuance of the use.

11.3 NONCONFORMING STRUCTURES

A. Applicability: This section applies to any structure lawfully existing on the effective date of this UDO, or any amendments thereto, which does not comply with all of the regulations of the UDO, or any amendments thereto. The section shall not apply to the following nonconforming structures which may be continued, reconstructed, or otherwise modified so long as no additional nonconformities are created:
   1. Single-family dwellings and their accessory structures,
   2. Structures within any local historic district or designated as a local landmark, and
   3. Structures individually listed on the North Carolina State Study List or the National Register for Historic Places.

B. Extension or Enlargement: Except as specifically provided in this section, no person may engage

C. Damage and Replacement: If a nonconforming structure is damaged to an extent that the costs of repair or replacement would exceed 60% of the appraised valuation of the structure (as established by the Iredell County Tax Assessor), then the nonconforming structure shall not be allowed to be reconstructed except in conformance with this UDO.
D. Nonconforming Accessory Structures
   1. A nonconforming accessory use or accessory structure may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of nonconformity.
   2. No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.

11.4 NONCONFORMING LOTS

11.4.1 APPLICABILITY

This section applies to any lot recorded in the Office of Register of Deeds of Iredell County that does not meet the dimensional requirements of Chapter 2 for the zoning district in which it is located.

11.4.2 STANDARDS

A. Nonconforming Lot Size: When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth in Chapter 2, then the lot may be used as proposed as if it were conforming. However, no use that required a greater lot size (as established in Chapter 3) than the established minimum lot size for a particular district (as established in Chapter 2) is permissible on a nonconforming lot.
B. Nonconforming Setback: When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements cannot reasonably be complied with, then the Board of Adjustment authorized by this UDO to issue a permit for the proposed use may allow deviations from the applicable setback requirements if it finds that.
   1. The property cannot reasonably be developed for the use proposed without the deviations (Compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with the setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.);
   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 and safety.
C. Adjacent Nonconforming Lots: A nonconforming vacant lot shall not be developed if it can be combined with an adjacent lot (sharing a property boundary) which is owned by the same person or entity and fronts the same street to create a conforming lot. This paragraph shall not apply to a nonconforming lot if the majority of the developed lots located on either side of the street where the lot is located and within 500 feet of the lot are also nonconforming.

D. Notwithstanding (C) of this Section, a nonconforming lot may be developed if, at the effective date of this UDO or any subsequent date upon which the lot became nonconforming, the lot
   1. had an area of twenty-thousand (20,000) square feet or greater; or
   2. the subdivision in which the lot was located (if in a major subdivision) had received preliminary plat approval; or,
   3. the subdivision in which the lot was located (if in a minor subdivision) had received final plat approval, or
   4. the lot was in a subdivision where the preliminary plat was accepted for review prior to the effective date of this UDO or a vested right had been granted.

11.5 NONCONFORMING SIGNS

11.5.1 APPLICABILITY

This section applies to any sign which was in existence on or before the effective date of this UDO, but which by reason of its size, height, location, design, or construction is not in conformance with the Requirements of Chapter 6 of this UDO.

11.5.2 STANDARDS

Legally established nonconforming signs shall be allowed to continue, and routine maintenance of such signs shall be permitted, subject to the following provisions:

A. Additional Signage: No sign permit shall be issued for the installation of any new sign on a lot which maintains a lawful nonconforming sign.
B. Change in Occupancy or Use: Any change in use of the lot shall require any nonconforming signs to be brought in compliance with Chapter 6.
C. Damage: If a nonconforming sign is damaged to an extent that the cost of repair or replacement would exceed 50% of the appraised valuation of the damaged sign, such signs may only be reconstructed in compliance with Chapter 6.
D. Modification: No enlargement, extension or structural alterations of any nonconforming sign or part thereof is permitted unless in conformance with the regulations found in Chapter 6.
E. Removal: Removal of a nonconforming sign, except for the purposed of normal cleaning and/or maintenance shall terminate the legal nonconforming status of such sign. Any sign established on the lot after such action must conform to the requirements of Chapter 6.
F. Residential District: Any nonconforming advertising sign which is located in a residential district shall be removed within seven (7) years following the effective date of this UDO, except as provided in (G) of this Section. Any such sign which becomes nonconforming due to its location within a particular residential district after the effective date of this UDO (due to a subsequent change in the Zoning map) shall be removed within seven (7) years following the date the sign becomes nonconforming, except as provided in (G) of this Section. All other advertising signs which are nonconforming shall not be required to be removed and may continue subject to all other applicable portions of this Section.

G. North Carolina General Statute 136-131.1 requires that "just compensation" be paid upon removal of certain outdoor advertising signs adjacent to the highway on the national system of interstate and defense highways or a highway on the Federal-aid primary highway system for which a valid permit has been issued. (F) of this Section shall not require that any sign be removed if compensation must be paid upon removal of such sign due to any State or Federal law that mandates such form of "just compensation" upon removal. Should any such State or Federal requirement become inoperative or otherwise fail to apply to a given sign, then such sign shall be removed within five and one-half (5-1/2) years of such State or Federal requirement becoming inoperative or otherwise failing to apply to such sign.

11.6 NONCONFORMING LANDSCAPING AND BUFFERING

In accordance with Chapter 5 of this UDO, certain uses are required to provide screening and/or landscaping on-site.

1. Except as herein provided, any expansion of an existing use which is deficient in landscaping and/or buffering or any change in principal use cannot occur without the required screening and/or landscaping having first been provided on-site.
2. Expansions to the parking area or loading areas which increase the total area more than 20 percent shall be required to comply with all applicable parking and loading area landscaping and screening.

11.7 NONCONFORMING PARKING OR LOADING

1. Improvements to existing parking areas are permitted provided the improvements decrease the degree of nonconformity (i.e. gravel parking to paved, compliance with applicable setbacks, installation of trees, etc.)
2. Expansions to the parking or loading areas which increase the total impervious area shall be required to comply with all applicable parking and loading requirements, such as, but not limited to, landscaping, surface materials, exterior lighting, screening standards, and curb and gutter. All increases must comply with the stormwater management requirements of this UDO (Section 8.4).

11.8 NONCONFORMING JUNKYARDS AND LANDFILLS

1. All junkyards and landfills not found in compliance with this UDO shall either cease or desist or meet full compliance of these standards no later than three (3) years from the effective date.
2. All nonconforming junkyards and landfills in any area annexed or brought into the extraterritorial jurisdiction of the Town of Troutman after the effective date shall also be removed or brought into compliance with this UDO within three (3) years after the effective date of annexation or extraterritorial jurisdiction, or until removed, renovated, altered, destroyed, or damaged, whichever is earlier.

11.9 NONCONFORMING MANUFACTURED HOMES

1. A nonconforming manufactured home use as a principal residential structure may only be replaced in accordance with the design criteria found in Chapter 3 of this UDO.
2. A manufactured home may continue to be placed or replaced within a nonconforming manufactured home subdivision on previously platted lots or previously approved spaces, as well as make necessary improvements to the subdivision infrastructure, but shall not be permitted to expand the area or number of units contained within the boundary of the subdivision.

12 VIOLATIONS

12.1 PURPOSE AND APPLICABILITY

The purpose of this chapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this UDO (or any amendment subsequent thereto) that do not conform to this UDO. Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this chapter. Many nonconformities may continue, but the provisions of this chapter are designed to curtail substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming properties in order to preserve the integrity of the area in which it is located and the intent of this UDO.

The Zoning Administrator shall have the power to conduct any such investigations as he/she may reasonably deem necessary to ensure compliance with the provisions of this UDO. For this purpose the Zoning Administrator may, at reasonable times, enter upon any property after obtaining an administrative warrant, and no person shall refuse entry, obstruct, hamper of interfere.

12.2 NOTICE OF VIOLATIONS

12.2.1 COMPLAINTS REGARDING VIOLATIONS

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

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12.2.2 PERSONS LIABLE

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

12.2.3 NOTICE OF VIOLATIONS

If the Zoning Administrator finds any provisions of this UDO is being violated, he or she shall send a written notice to the person responsible for the violation.

A. Notice: The letter will include:
   1. A picture of the violation if applicable;
   2. The specific ordinance and/or provisions that has been violated;
   3. The allotted time given to abate the violation;
   4. The action the Zoning Administrator intends to take if the violation is not corrected within the allotted time;
   5. A statement that the person responsible for the violation has a right to an informal hearing with the Zoning Administrator to discuss the violation within the allotted time given for abatement; and
   6. A statement that the Zoning Administrator's decision or order may be appealed to the Board of Adjustments in accordance with Section 10.4
B. Immediate Action Authorized: Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of the UDO or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this Chapter.
C. Informal Hearing: The person responsible for the violation may request an informal hearing with the Zoning Administrator to discuss the violation within the allotted time given for abatement.
D. Failure to Correct Violation within Allotted Time: Failure to comply with the violation notification will result in authorization of the proper town department to correct the violation and/or fine the violator exacting punitive remedy as provided by law. The owner of the property on which the violation exists will be responsible for compensation of any cost incurred by the town in correction the violation.
E. Each Day Considered a Separate Violation: Unless otherwise specified, each day that any violation continues after the time prescribed by Section 12.2.3.B expires shall be considered a separate offense for the purposes of the penalties and remedies specified in the following section.

12.3 PENALTIES FOR VIOLATION & ENFORCEMENT MECHANISMS

Any one, all, or any combination of the following penalties and remedies may be used to enforce the provisions of this UDO.

12.3.1 CRIMINAL PENALTIES

Violations of the provisions of this UDO shall constitute a misdemeanor, punishable by a fine and/or maximum imprisonment as follows:

A. Use Violations: A violation involving a use that is expressly prohibited or not listed as a permissible use in the zoning district in which it is located is subject to a $100 fine and/or 30 days imprisonment.

B. Compliance Violation: A violation involving a failure to comply with the zoning district development standards for property is subject to a $200 fine and/or 60 days imprisonment.
C. Nuisance Violation: A violation involving an activity which is judged to be a public nuisance is subject to a $300 fine and/or 90 days imprisonment.
D. Public Health and Safety Violations: A violation involving any development activity or use of property which clearly endangers the public health and/or safety is subject to a $400 fine and/or 120 days imprisonment.

12.3.2 CIVIL PENALTIES

Violations of the provisions of this UDO shall subject the offender to a civil action as follows:
A. Schedule of Civil Penalties

VIOLATION	CIVIL CITATION
Warning	No citation if violation is corrected within abatement deadline established in Section 12.2.3.B
Initial Penalty	$50/day after the expiration of the abatement deadline
Increased Penalty	$75/day beginning 14 days after the expiration of the abatement deadline
Maximum Penalty	$100/day beginning 24 days after the expiration of the abatement deadline
All other violations	To be established at the discretion of the Zoning Administrator

B. Failure to Pay Citation: If the offender fails to pay this penalty within 30 days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation and did not take an appeal to the Board of Adjustment within the time prescribed by Section 12.2.3.B.
C. Issuance of Citations: It is the intent of the Town Council that this section be used only in cases where the violator has refused any and all cooperation with the Zoning Administrator and exhibits contempt or disregard for the ordinance.

12.3.3 EQUITABLE REMEDY

This chapter may be enforced by any appropriate equitable action. The Zoning Administrator may apply to a court of competent jurisdiction for equitable remedy to enforce the provisions of the UDO. It is not a defense to the Zoning Administrator's application for equitable relief that there are other remedies provided under general law or this UDO.

12.3.4 REVOCATION OF PERMITS

A permit issued under any of the provisions of this UDO may be revoked by the permit-issuing authority in accordance with this section if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this UDO, the requirements of other state or local laws, or any additional requirements lawfully imposed by the permit-issuing authority. Permits may also be revoked if the Zoning Administrator discovers that false statements or misrepresentations were made in securing the permit(s). Any permit mistakenly issued in violation of an applicable state or local law may also be revoked. No person may continue to make use of land or buildings in the manner authorized by any permit after that permit has been revoked.

A. Revocation Process: Before a permit issued under this UDO may be revoked, the Zoning Administrator shall give the permit holder notice of his/her intent to revoke the permit, the grounds for revocation, and the time and place of a hearing at which the permit holder shall have an opportunity to dispute the grounds for revocation. If after the hearing the permit is revoked by the Zoning Administrator for reasonable cause, the Zoning Administrator shall provide the former permit holder with a written statement of the decision to revoke the permit and the reasons therefore.
B. Appeals of Revocation: A party from which a permit has been revoked may appeal the decision of the Zoning Administrator to the Board of Adjustment in accordance with the procedures set out in Section 9.6.

12.3.5 STOP WORK ORDER

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

12.3.6 INJUNCTIONS & ORDERS OF ABATEMENT

A. Injunction: Enforcement of the provisions of this ordinance may be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, apply to a court of appropriate jurisdiction and authority for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.
B. Order of Abatement: The Zoning Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:
    1. Buildings or other structures on the property be closed, demolished, or removed;
    2. Fixtures, furniture, or other movable property be moved or removed entirely;
    3. Improvements, alterations, modifications, or repairs be made; or
    4. Any other action be taken that is necessary to bring the property into compliance with this ordinance.
C. Execution of Court Decisions: If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Zoning Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

12.4 SPECIFIC TYPES OF VIOLATIONS

12.4.1 LANDSCAPE VIOLATIONS

In addition to the enforcement mechanisms provided under Section 12.3, the Zoning Administrator may require the replacement/replanting of vegetation to correct violations of the tree preservation, landscaping, and screening provisions of Chapter 5. All landscaped areas and vegetation required by the UDO which are disturbed or damaged shall be replanted to meet the standards of the UDO as well as the approved site or master plan. Trees or vegetation that die within one year of construction completion shall be removed and replaced with new vegetation of equal or greater size. A replanting plan denoting the proposed installation shall be submitted to the Zoning Administrator for approval. Replanting shall be located within the vicinity of the violation. If an area is found to be too small for sufficient growth, a more suitable location on the site may be selected as permitted by the Zoning Administrator.

12.4.2 EROSION CONTROL & STORMWATER MANAGEMENT VIOLATIONS

Iredell County is the authority for the review and approval of development plans in order to ensure compliance with the Iredell County Soil Erosion and Sedimentation Control Ordinance and the Iredell County Stormwater Rules and Regulations. In addition to the enforcement authority provided to Iredell County in those documents, the Administrator shall have the authority to enforce the provisions of those documents using the enforcement mechanisms established in this chapter.

12.4.3 FLOOD DAMAGE PREVENTION VIOLATIONS

In enforcing the provisions of Section 8.3, the Planning Director, or his/her designee, shall act as the Floodplain Administrator. When the Floodplain Administrator finds violations of Section 8.3 in accordance with applicable state and local laws, it shall be his/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 the notification.

A. Notice of Violation and Hearing: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
    1. That the building or property is in violation of the Flood Damage Prevention Ordinance;
    2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) business days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
    3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
B. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. The Floodplain Administrator may issue a stop work order, revoke any permit(s), and/or use any other enforcement mechanism outlined in this chapter to correct the violation. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in a lesser period as may be feasible.

C. Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment or the Town Council by giving notice of appeal in writing to the Floodplain Administrator and the Town Clerk within ten (10) business days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
D. Failure to Comply: 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.

12.4.4 WATERSHED PROTECTION VIOLATIONS

Any person violating any provision of Chapter 8 shall be punished in accordance with the enforcement mechanisms provided under this chapter. In enforcing the provisions of Section 11.5, the Planning Director, or his/her designee, shall act as the Watershed Administrator. He or she shall order the discontinuance of the illegal use of land buildings or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal the ruling to the Board of Adjustment, in accordance with the procedures set out in Section 9.6.

12.5 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator who shall properly record such complaint, immediately investigate, and take action as provided by this UDO.

13 DEFINITIONS

13.1 INTENT

For the purpose of interpreting this ordinance, certain words, concepts, and, ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

13.2 RULES OF CONSTRUCTION

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

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

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13.3 DEFINITION OF SPECIALIZED TERMS

A

Abandonment: A use shall be deemed to be abandoned when: • The use is discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature); or • The premises are devoted to another use; or • When the characteristic equipment and furnishings of a non-conforming nonresidential use have been removed from the premises and have not been replaced by the same or similar equipment within 30 days; or • Failure to take all positive action to resume the non-conforming use with reasonable dispatch, including the failure to advertise the property for sale or for lease.

Accessory Structure, Residential: A structure that is subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same premises as the principal use or structure. In no event shall "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located. Residential accessory structures include but are not limited to detached garages, storage buildings, pools and pool houses, piers, and other water related structures. Pole barns, hay sheds, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Accessory Structure, Commercial: A structure that is subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same premises as the principal use or structure. In no event shall "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located. Commercial accessory structures include but are not limited to garages, storage facilities, utility buildings, and other similar structures.

Accessory Dwelling Unit: An auxiliary dwelling unit located within an accessory structure of a primary dwelling unit on the lot. Includes, but is not limited to dwelling units in guest houses, carriage houses, pool houses, and above or beside a garage.

Accessory Use (Ancillary Use): A use customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

Addition: An extension or increase in the footprint or floor area of building or structure.

Adjacent: Having common property boundaries or lot lines which are not separated by a street or alley or body of water.

Adult Establishment: Any business venture and/ or commercial (for profit) establishment in which a person appears in a state of sexually explicit nudity (as defined by G.S. § 14-202.10 of the NC General Statutes) or semi-nudity (opaque coverage of no more than genitals, pubic regions, and areolae of the female breast), or where more than 10% of any goods are sold are considered sexually-oriented, including adult bookstores, adult mini-motion picture theater, and/or adult motion picture theater, as defined in this section, as well as any nightclub, bar, restaurant, motel, theater, car wash, massage parlors, health clubs, or bath houses where such sexual activities occur; escort agencies; sexual encounter centers and/or including any assembly of people, other than a private dwelling and for which no money or its token has been exchanged, and without regard to assembly size or location, at which video, still photography, drawings, and/ or animated and/or live display and/or material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities (as defined by G.S. § 14-202.10 of the NC General Statutes) or nudity or semi-nudity, for observation by patrons therein and at which money or its token has been exchanged.

Agricultural Use: The commercial production, keeping or maintenance, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Uses which shall not be deemed as "agricultural uses" include (i) zoos, (ii) kennels, and (iii) riding stables and academics.

Alcoholic Beverage Sales Store: The retail sale of beer, wine, and/or spirits for on-site or off- site consumption, either as part of another retail use or as a primary business activity.

Alley: A public or private way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration: A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

Amendment, Text: A change to any text of the Troutman Unified Development Ordinance. Amendment, Zoning Map: A change of the zoning designation of a property or properties on the Troutman Zoning Map.

Amusement Arcade: A commercial facility providing recreational activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and Skee-ball machines. A facility shall be deemed an amusement arcade if it has eight (8) or more of such machines.

Animal Production: Industries that raise or fatten animals for the sale of animals or animal products such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

Animal Services: A public or private facility for medical or surgical treatment, grooming, breeding, selling, or boarding of animals. Unless outdoor kennels are specifically allowed, all facilities associated with animal services shall be located indoors.

Apartment: See Multi-Family. Appeal: A request by an applicant for the Board of Adjustment, A Board or Commission, or the Town Council to review a decision or interpretation by the Zoning Administrator.

Approved (or "approval"): A final action by the Town or an exhaustion of all administrative remedies that results in the authorization of a site-specific development plan or a phased development plan.

Area of Special Flood Hazard: See Special Flood Hazard Area (SFHA).

ATM: An automated teller machine (computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel), located outdoors at a bank or in another location. Does not include drive-up ATM's (See "Drive Thru/Drive-In Facility").

Automotive/Boat/Heavy Equipment/ Manufactured Home Sales and Service: Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used automobiles, boats, heavy equipment and/or manufactured homes generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle leasing, rental, parking service, preparation or repair work conducted. This definition includes but is not limited to auto dealerships, auto body shops, auto service stations, boat repair or sales, car washes, convenience stores, gas stations, heavy equipment leasing, sales, or service, manufactured home sales or service, and oil/lube servicing. This does not include the sale of parts or related products (i.e. auto parts store).

Auto Service Station: Any establishment which is maintained and operated for the purpose of making retail sales of fuels, lubricants, air, water, and other items for the operation and routine maintenance of motor vehicles and which is used to store not more than five (5) motor vehicles that are not capable of being driven under their own power and are not being restored to an operable condition, regardless of the length of time that individual motor vehicles are stored, or kept on such property.

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

Aviation Services: An airport, runway, landing strip or heliport providing accommodations by public, private, or not-for-profit entities for the conveyance of persons from one location to another by airplane, helicopter, or other means of aviation. Includes facilities for loading and unloading areas.

B

Backyard Pens/Coops/Beehives: The long-term keeping of fowl, rabbits, bees and other similar small creatures in backyards as accessory uses to existing residential structures.

Banks, Credit Unions, Financial Services: Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, securities/ commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies but excluding cash advance, check cashing, title loan, flex loan and installment loan establishments.

Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Bar/Tavern/Microbrewery: A business where alcoholic beverages are sold for onsite consumption as the primary use where any food service is subordinate to the sale of alcoholic beverages and which may also include entertainment such as live music and/or dancing, comedy, etc. (excluding Adult Establishment activities). This definition includes bars, taverns, pubs, beer brewing as part of a microbrewery (brewing less than 15,000 barrels per year), and other beverage tasting facilities.

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

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast Home Residential-type lodging facility that has no more than 8 guest rooms that offers bed and breakfast accommodations for a period of less than one week.

Bed and Breakfast Inn Residential-type lodging facility with 9 to 12 guest rooms that offers bed and breakfast accommodations for a period of less than one week.

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

Block: A unit of land bounded by streets or by a combination of streets and public land, waterways, or any other barrier to the continuity of development.

Boarding House: A structure that was originally constructed as a dwelling that has been converted for the housing of residents in not more than six (6) guestrooms.

Buffer: A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer, Vegetative (Watershed Buffer or Riparian Buffer): An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of this Ordinance have been met.

Building: A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

Building, Accessory (Accessory Structure): See Accessory Building.

Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

Building Footprint: The land area on which a building is located or proposed for location.

Buildings Greater than 50 feet in Height: A principal buildings whose height as measured in accordance with this UDO is greater than 50 feet in height.

Building Height: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building Permit: A written warrant or license issued by the building official that authorizes the construction or renovation of a building or structure at a specified location.

Building, Principal (Principal Structure): See Principal Building. Building Setback Line: See Setback, Building

Build Out: The completed construction of all phases of a development as allowed by all Ordinances which regulate an area. The scale of build out can be from a single lot to the entire Town's jurisdiction.

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).

Business Support Services: An establishment within a building that provides services to other businesses. Examples of these services include, but are not limited to: Computer-related services (rental, repair) (see also "Maintenance Service - Client Site Services"), copying, quick printing, and blueprinting services, film processing and photofinishing (retail), mailing and mailbox services.

C

Caliper: The size of tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches.

Campground, Family: See Family Campground.

Campsite: Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreation vehicle, or tent.

Canopy: A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Cash Advance/Payday Lending/Title Loan Services: A check cashing business, a payday advance/loan business, or a car title loan business exclusive of Banks, Credit Unions, Financial Services.

1. **Check cashing business** means an establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer
of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such retailer does not cash more than 100 checks in any calendar month. This definition excludes grocery stores that may offer such services as incidental to their principal.
2. **Payday advance/loan business** means an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check

3. **. Car title loan business** means an establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

Cemetery: Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries.

Certificate of Occupancy (CO): A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations

Change of Use: Any use of a building or land that substantially differs from the previous use.

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

Church (House of Worship): A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Day care centers (which have enrollment capacities in excess of twenty-five (25) enrollees) and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

Civic Uses: Uses intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, post offices, and non-profit or charitable clubs and organizations.

Clear Cutting: A timber harvest or other land clearing activity that results in removing all or substantially all trees protected under the Town's tree preservation regulations.

Cluster Development, Rural: The grouping of lots in order to conserve land, open space, and rural resources and provide for innovation in the design of a project within the Rural Preservation district. Overall density does not change in a cluster development.

Cluster Development, Watershed: The grouping of lots in order to conserve land and open space and provide for innovation in the design of a project within the Watershed Protection Overlay. Overall density does not change in a cluster development.

College/University: An institution where students pursue an advanced degree and educational research.

Commercial Child Care Center: A licensed day care facility that provides non-medical care and supervision to more than 12 minor children for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: infant centers, nursery schools, preschools, after-school or extended day care, and school age child care centers. The term does not include:

a. an educational facility, whether private or public, which operates solely for educational purposes in grade one or above;
b. five-year-old kindergarten programs;

c. kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age;

d. facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis as defined in this chapter while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; however, these facilities must meet local fire and sanitation requirements and maintain documentation on these requirements on file at the facility available for public inspection;

e. school vacation or school holiday day camps for children operating in distinct sessions running less than three weeks per session unless the day camp permits children to enroll in successive sessions so that their total attendance may exceed three weeks;

f. summer resident camps for children;

g. bible schools normally conducted during vacation periods;

h. facilities for persons with intellectual disability;

i. facilities for the mentally ill;

j. childcare centers and group childcare homes owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive state or federal financial assistance for childcare services.

Community Facility: A non-commercial establishment intended primarily for the benefit and service of the general public of the community in which it is located. Examples include, but are not limited to, neighborhood clubhouses, community centers, and senior centers.

Conditional Zoning District: A district created through the approval of a zoning map amendment with a site-specific plan in which the uses are limited to those in the base zoning district and are subject to conditions imposed by the Town Council.

Conference/Convention Center: A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and other event venues for large-scale public gatherings.

Construction Trailer: A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

Contiguous: Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term “contiguous” shall also mean “abutting” or “adjacent”.

Correctional Institution: A facility operated that provides incarceration or related services including, but not limited to: prisons, detention facilities, temporary detention facilities, work camps, etc.

Country Club: A private recreational facility open to members and their guests. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned residential development.

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Cul-De-Sac: The turnaround at the end of a dead-end street.

Cultural Facility: An establishment providing for the display, preservation, and/or exhibition of objects of historical or cultural interest. Examples of this use include, but are not limited to, museums, libraries, historical sites, botanical gardens, nature exhibitions, environmental education facilities, and interpretive centers.

D

Daycare Center: A place where daytime care is provided to four (4) or more children, handicapped persons, or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

Debris, Construction and Demolition (C&D): Solid waste or debris resulting solely from construction, remolding, repair or demolition operations on pavement, buildings, or other structures. (Inert debris, land clearing debris, and yard trash are separately defined herein.)

Debris, Inert: Solid waste consisting solely of material that is virtually inert, that is likely to retain is physical and chemical structure under expected conditions of disposal, and that will not pose a threat to groundwater standards. Inert debris includes material such as concrete, brick, concrete block, uncontaminated soil, rock and gravel. Inert debris does not include manufactured products, appliances, and the like.

Debris, Land Clearing: Waste that is generated solely through land clearing activities; such waste includes stumps, trees, limbs, brush, grass, and other naturally occurring vegetative matter.

Density: The number of residential dwelling units per acre of land determined by dividing the total number of dwelling units by the total land area in the parcel to be developed. This total acreage is inclusive of all related infrastructure (e.g., streets and sidewalks) and other required improvements (e.g., open spaces and greenways).

Design Manual: The stormwater design manual approved for use by the North Carolina Department of Environment and Natural Resources for the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Design Manual are to the latest published edition or revision.

Design Review Board (DRB): A town appointed board that reviews and/or approves proposed multi-family and non-residential building facades as prescribed in this Ordinance. In addition, the DRB approves alternative landscaping plans

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development, Watershed: Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development, Existing: 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 based on at least one of the following criteria:

- substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- having an outstanding valid building permit as authorized by the General Statutes (G.S. 160A-385.1), or
- having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160A-385.1).

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

Distribution Terminal: An establishment such as a freight terminal or logistics company engaged in the storage or movement of goods, such as manufactured products, supplies, equipment, or food. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

Drive-Through/Drive-In Facility: Facilities where food or other products may be purchased or services may be obtained by motorists without leaving their vehicles and by maneuvering around the building in a dedicated lane. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, photo stores, pharmacies, bank teller windows and ATMs, dry cleaners, etc., but do not include gas station or other vehicle services which are separately defined under "Vehicle Sales and Services" and curb-side services where patrons park and goods are brought to them.

Duplex: A building or portion thereof containing 2 attached dwelling units horizontally arranged where each unit has a separate entrance from the outside and at least one wall is shared. Dwelling

Dwelling Unit/Housing Unit: A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for (1) family on a long-term basis. The term "dwelling" shall not be deemed to include a motel, hotel, bed and breakfast inn, manufactured home or other structure designed for transient residence. See also Residential.

E

Educational Campus: A separate facility or campus of buildings for elementary, secondary, post-secondary, technical, and vocational education in dedicated facilities as a standalone building or as a part of a campus. Includes business, secretarial, and vocational school, computers and electronics school, driver education school, establishments providing courses by mail, language school, professional school (e.g., law, medicine, etc.), religious ministry training facilities, technical colleges; elementary, middle and junior high schools, secondary and high schools, and facilities that provide any combination of those levels. Satellite programs offered in multi-tenant structures are considered professional offices.

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

Encroachment: The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Engineering Documents: The drawings necessary to prepare a site for construction, guide the construction of improvements, and complete the site following construction of improvements. These plans may include an overall site plan, grading plan, soil and erosion control plan, landscaping plan, lighting plan, site details, street cross sections, storm water detention details, etc.

Entertainment, Indoor: An establishment providing indoor amusement and entertainment services for a fee or admission charge, including: Movie theaters, live performance theaters, bowling alleys, coin-operated amusement arcades, electronic game arcades (video games, pinball, etc.), ice skating and roller skating, pool and billiard rooms as primary uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premises where 50 percent or more of the floor area is occupied by electronic games or amusement devices; three or fewer machines or devices are not considered a use separate from the primary use of the site. Does not include Adult Establishments.

Entertainment, Outdoor: A facility for outdoor recreational activities where a fee may be charged for use. Examples include outdoor theaters/ amphitheaters, amusement and theme parks; campgrounds, and picnicking areas; go-cart tracks; golf driving ranges; miniature golf courses; outdoor pools, and water slides. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses.

Equestrian Centers: An establishment where horses are boarded and cared for, and where instruction in riding, jumping and showing and/or the hiring of horses for riding is offered.

Essential Services Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds one hundred (100) feet in height. Essential Services are divided into the following three classes:

- Class 1 Transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; telephone switching facilities (up to 100 square feet gross floor area).
- Class 2 Elevated water storage tanks; booster stations, telephone switching facilities (over 100 square feet gross floor area), substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities.
- Class 3 Generation, production, or treatment facilities such as power plants, water treatment plant, sewage treatment plants (including package treatment plants), radio and television transmission towers, or similar utilities; microwave towers; cellular telephone communication towers; septic tank waste disposal facilities.

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

F

Façade: The vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback lines, openings, recess lines, and transition lines.

Family: An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit, exclusive of household servants; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit.

Family Campgrounds: Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes.

Fairgrounds: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for the county fair, as well as utilized as a meeting hall, an event venue for sporting events and activities, fundraising activities, educational programs, agricultural expositions, and other similar or compatible itinerant or special events.

Family Care Home: A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons, as defined by NCGS, 168-21(2). This includes adult care homes, group homes, residential care homes, child or adolescent care homes, and health care homes.

Family Child Care Home: A licensed facility in a private home where an occupant of the residence provides family day care for up to 6 minor children for periods of less than 24 hours per day for any client. Facilities include but are not limited to: infant centers, nursery schools, preschool, afterschool or extended day care, and school age child care centers.

Farm Products: Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and fish.

Farmer's Market: An outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more Producers, at which a) at least 75% of the products sold are Farm Products or Value-Added Farm Products and b) at least 75% of the vendors regularly participating during the market's hours of operation are Producers, or family members or employees of Producers.

Final Plat: See Plat, Final

Flag: A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: • the overflow of inland or tidal waters; and/or • the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance: The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS): An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

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

Floodplain: Any land area susceptible to being inundated by water from any source.

Floodplain Administrator: The individual appointed to administer and enforce the floodplain management regulations.

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

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

Floodplain Management Regulations: The Flood Damage Prevention Overlay Section, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor Area Ratio: The gross floor area of all buildings and structures on a lot divided by the lot area. When computing this figure, the gross floor area of all enclosed parking deck buildings shall be excluded.

Footcandle: A unit measuring the illuminance from a light source. Originally the footcandle was the illuminance at one foot from a standard candle. It was then defined as the illuminance produced by one lumen of "luminous flux" evenly distributed over a square foot. Though not an SI unit, footcandles are widely used to set lighting levels.

Forest Management Plan: A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. A forest management plan shall include silvicultural practices that both ensure optimal forest productivity and environmental protection of land by either commercially growing timber through the establishment of forest stands or by ensuring the proper regeneration of forest stands to commercial levels of production after the harvest of timber.

Forestry: Also referred to as "bona fide forestry operations," such activities shall mean that the property is eligible for, and actually used for forestry or timber operations, and written application has been approved by the County Assessor for the special assessment for agricultural use for the property in question pursuant to NC G.S. § 105-275, and other applicable statutes, rules, and regulations.

Forestry Activity: Any activity associated with the growing, managing, harvesting, and related transportation, reforestation, or protection of trees and timber, provided that such activities comply with existing State rules and regulations pertaining to forestry.

Freeboard: The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.

Frontage: The lot boundary along a public street.

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

Funeral Homes/Crematoria: Establishments for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

G

Gardens (Community and Private): A site used for growing plants for food, fiber, herbs, and flowers and shared and maintained by community residents.

Gas/Fueling Station: Establishment that primarily retails automotive fuels and related accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Car washes and other minor automobile self-services shall be incidental to the gas station. Convenience stores and related retail shall be considered General Commercial uses.

Gated Community: A residential development that is entirely surrounded by a wall or fence with restricted access at entrance gates.

General Commercial: Stores and shops intended to serve as destination retail, convenience shopping, and provision of general services. Examples of these stores, lines of merchandise, and services include: Art galleries; retail; art supplies, including framing services; books, magazines, and newspapers; cameras and photographic supplies; clothing, shoes, and accessories; collectibles (cards, coins, comics, stamps, etc.); drug stores and pharmacies; dry goods; fabrics and sewing supplies; furniture and appliance stores; hobby materials; home and office electronics; jewelry; luggage and leather goods; musical instruments; neighborhood markets; parts; accessories; small wares; grocery store; specialty shops; sporting goods and equipment; stationery; toys and games; variety stores; videos, DVD's, records, and CD's, including rental stores. May include sales of materials produced on the premises.

General Commercial – Use Greater than 100,000 sf: General commercial uses whose total tenant space is greater than 100,000 square feet in total floor area.

Golf Course: A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

Government Facility: A facility operated by a public agency including town hall and general government offices, courthouses, fire stations, other fire preventive and fire-fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch on the same site.

Grade of Street: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

Gross Floor Area: The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

Ground Covers: Low growing plants such as grasses, ivies, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.

Group Child Care Home: A licensed day care facility that provides non-medical care and supervision to 7-12 minor children for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: infant centers, nursery schools, preschools, after-school or extended day care, and school age child care centers. However, an occupied residence in which care is provided only for a child or children related to the resident caregiver or only for the child or children of one unrelated family or only for a combination of these children is not a family childcare home.

Group Home (>9 residents): A home serving more than nine mentally or physically handicapped persons provided the home provides care on a twenty-four-hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose.

Group Home (<9 residents): A home serving nine or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four-hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose. This use shall be considered as a single-family dwelling, in terms of applicable building form standards. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 9.

H

Hazardous Material Use/Storage: The manufacturing or processing of resources that includes any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances) or the storage on-site thereof.

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

Halfway House: A facility providing care and treatment in a protective living environment for persons residing voluntarily, by court placement, or under protective control of federal, state, county, or town governance including, without limitation, post-correctional facilities, temporary detention facilities, chronically ill tenants, domestic violence victims, outpatient clients, and developmentally disabled.

Health Care Facilities (Hospital, Inpatient Facilities): 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, medical offices, and outpatient surgery centers.

Heavy Equipment/Manufactured Home Rental/ Sales: Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, or construction equipment.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure: Historic structure means any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) Individually listed on a state inventory of historic places; or (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of Interior; or directly by the Secretary of Interior in states without approved programs.
Some structures or districts listed on the state or local inventories may not be historic as cited in subsections (3) and (4) of this definition but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the historic structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the state department of archives and history has individually determined that the structure or district meets DOI historic structure criteria.

Home Occupation: An occupation, profession, or trade customarily carried on by an occupant in a dwelling unit, accessory structure as a secondary use or in live-work units, which is clearly incidental to the dwelling unit for residential purposes for the transaction of business, the supply of professional services, artisan workshops, artist studios, and similar uses and activities.

Homeless Shelter: A supervised publicly or privately operated shelter and services designed to provide temporary living accommodations to individuals or families who lack a fixed, regular and adequate nighttime residence.

Hospital: An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, and staff offices.

Hotel: A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreation facilities. Access to all guest rooms is from an interior corridor.

Hosting Platform: A person or entity that provides a means through which an owner may offer a residential unit for tourist or transient use. This service is usually, though not necessarily, provided through an online platform and generally allows an owner to advertise the residential unit through a website provided by the Hosting Platform and provides a means for potential tourist or transient users to arrange tourist or transient use and payment, whether the tourist or transient pays rent directly to the owner or to the Hosting Platform.

Hotel/Extended Stay (No Room Limit): A lodging establishment of 25 or more rooms in a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities.

I

Impervious Surface: Any material which reduces and prevents absorption of storm water into previously undeveloped land. This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc. Items not considered to be "impervious" include the water area of a swimming pool and wooden slatted decks.

Impervious Surface Ratio: The gross area of all impervious surfaces on a lot divided by the lot area.

Industrial Development: Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Infill: The development of new buildings on vacant sites in a primarily built-up area.

Infrastructure and Utilities: Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground; utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations.

Inn A building or group of buildings used as a lodging establishment having 6 to 24 rooms providing overnight accommodations and which may provide meals to transient guest.

Institutional Use: A use of a semi-public nature that typically serve community needs including but not limited to daycares, colleges, private schools, hospitals, research facilities, museums, assisted living facilities, residential care facilities, and other long-term medical care facilities.

Internet Sweepstakes Café: 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 sweepstakes, video sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

J

Junk: Any manufactured item which may include, but not limited to motor vehicles, appliances, scrap materials, or items that are in a condition which prevents the use for the purpose for which it was originally manufactured.

Junkyard: Any lot, land, parcel, building or structure, or part thereof, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard for a period of 15 days or more.

> **Automobile Graveyard**
> Any tract of land, establishment, or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts and shall include any tract of land, establishment or place of business upon which two (2) or more such motor vehicles, which cannot be operated under their own power, are not being restored to an operable condition, and which are kept or stored for a period of 15 days or more.

K

Kennels, Outdoor: 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. Includes commercial outdoor pens.

Kitchen, Limited: An area used or designed for the preparation of food and containing a sink, refrigerator and an electrical outlet, which may be used for a microwave oven. No 220V outlet for a range or oven is provided.

L

Landfill, Beneficial: Property available for development which requires clean fill dirt from an off-premise source to improve land use potential.

Landfill, Construction and Demolition (C&D): A facility for the land disposal of construction and demolition (C &D) debris, and wastes acceptable for disposal in a LCID Landfill; it is designed to meet the minimum standards of the State of North Carolina by utilizing acceptable landfill engineering technology.

Landfill, Land Clearing and Inert Debris (LCID): A facility for the land disposal of land clearing debris and inert debris, as defined herein. It is designed to meet standards of the State of North Carolina by utilizing acceptable technology for landfilling land clearing and inert debris. A clean fill operation which is conducted to improve or re-contour land, using only soil, is not construed to be such a landfill.

Landfill, LCID On-site: An LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.

Landfill, LCID Off-site: An LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Landfill, Sanitary: A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by the State standards is disposed of by utilizing acceptable landfill engineering technology.

Landowner: An owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. “Landowner” may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site-specific development plan or a phased development plan pursuant to this ordinance.

Laundry, Dry Cleaning Plant: A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry-cleaning pick-up stores without dry cleaning equipment, see “Personal Services”.

Light Manufacturing Workshops: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building or a residentially-scaled garage. These typically involve the work of artisans or craftsman. The facility may incorporate all aspects of beer production including aging, storage, bottling, wholesale sales, warehousing, and administrative office functions. Retail sales, tasting facilities, and event facilities may be permitted as part of the facility operations.

Live-Work Unit: An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the Building Code; and Working space reserved for and regularly used by one or more occupants of the unit. Workspace is limited to a maximum fifty percent (50%) of the structure and located on the first floor with living located to the rear or above. Uses and activities are limited to those uses and activities that are permitted in the underlying Zone in which the Live/ Work unit is located.

Livestock, Keeping of: The care and feeding of domesticated farm animals such as cows, horses, and pigs for food or money.

Loading Space, Off-Street: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area: The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street.

Lot, Corner: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred and thirty-five (135) degrees with each other.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Flag: A lot having no frontage or access to a street or place except by a narrow strip of land.

Lot, Interior: A lot other than a corner lot.

Lot, Through (Double Frontage): An interior lot having frontage on two streets.

Lot Line: A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.

Lot Line, Front: The lot line separating a lot from a street right-of-way.

Lot Line, Interior: A lot line which does not have street frontage.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. Lot Line, Side: Any lot line abutting another lot and which is not a front or rear lot line.

Lot of Record (Existing Lot): A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Iredell County or a lot described by metes and bounds, the description of which has been so recorded. For the purpose of Watershed Protection, a lot which is part of a plat that has been recorded in the Office of the Register of Deeds prior to October 1, 1993 of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to October 1, 1993.

Lot, Through: A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Width: The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line.

Lowest Adjacent Grade: The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

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

M

Major Infrastructure/Utilities: Utility facilities that provide jurisdiction-wide or regional service. Examples include above-ground public utility lines; landfills; public utility substations; water towers; waste treatment plants; and solar energy system – large installation.

Manufactured Home: Factory-built, single-family structures that meets the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code but is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of one or more components, each of which was assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. This term does not include a recreational vehicle but includes mobile homes.

Manufactured Home Park or Subdivision: Any site or parcel of land under single ownership where land is rented, and utilities are provided for the installation or placement of two or more manufactured homes.

Manufactured Home Space: Any premises within a manufactured home park used or intended to be used or occupied by one manufactured home, together with automobile parking space, utility structures, and other required facilities incidental thereto.

Manufactured/Modular Home Services: Establishments which may have showrooms, facilities and/or open sales lots for selling, renting, or servicing manufactured or modular homes.

Manufacturing, Heavy: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, health or safety hazards, or uses that otherwise do not constitute "light manufacturing workshops," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing exceeds 25 percent of the floor area of all buildings on the lot. "Heavy manufacturing" shall include, but not be limited to, the following: enameling, lacquering, or the plating or galvanizing of metals; foundries or mills producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stonecutting; tire recapping and retreading; tobacco products manufacture; tobacco stemming and redrying plants. This shall include resource extraction and recycling and salvage operations.

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

Materials Recovery & Waste Transfer Facilities: A site, location, tract of land, installation, or building that is used for the purpose of transferring solid wastes and recyclables that are generated "off-site" in the local community from vehicles or containers into other vehicles or containers for transport to a regional waste collection and recycling facility.

Mean Sea Level: For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

Medical Clinic/Urgent Care: Facilities which provide medical treatment, preventative care, and/or outpatient physical or mental health care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, psychiatrists, or similar practitioners licensed by the State of North Carolina. Retail sales do not comprise more than an ancillary aspect of the primary activity of a medical office.

Mini-Warehouse: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis that does not include outdoor storage.

Mixed Use Building: A minimum of a two-story building in which the ground floor contains a commercial enterprise and at least one of the floors above contains residential units.

Minor Infrastructure/Utilities: Utility facilities that need to be located in or near the area where the service is provided. Examples include underground public utility lines; water towers, water and sewage pump stations; public utility substations, soil and water conservation; stormwater retention and detention facilities, and solar arrays less than 1 acre in total coverage.

Mobile Food/Retail Vendor: A retail establishment that sells food or non-food items and services to an end user consumer from a movable vehicle or trailer that routinely changes locations.

Mobile Home: See Manufactured Home.

Modular Home: A dwelling unit which is constructed in compliance with the North Carolina Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Modular Home, Off-frame: A dwelling unit which is constructed in compliance with the North Carolina Building Code and is brought to the site and set in place on a permanent foundation by a crane. A steel frame is not used for the support of the structure.

Modular Home, On-frame: A dwelling unit which is constructed in compliance with North Carolina Building Code on a steel frame and is brought to the site on steel frames and the axles are removed. The steel frame is used to support the structure on top of a permanent foundation.

Motel A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreation facilities. Direct access to each guest room is usually from an exterior door.

Multifamily Dwelling (5+ units/bldg.): A structure containing five or more dwelling units on a single lot. A building or portion thereof containing 5 or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. Dormitories, rooming and boarding facilities, and convents/monasteries are considered multi-family dwellings. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

Museum: A nonprofit institution that is open to the public and acquires, conserves, researches, and exhibits artifacts for the education and entertainment of the public.

N

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

Nightclub: An establishment that is either public or private in which people gather for dancing and/ or listening to taped or live music and there is the sale and consumption of alcoholic beverages on premises.

Noncommercial Copy: A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

Nonconforming Lot: Any lot of record which does not meet the minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto

Nonconforming Sign: A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

Nonconforming Structure: Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

Nonconforming Use: Any use lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any amendment thereto rendering such use nonconforming, which does not comply with all the regulations of these regulations or any amendment thereto, whichever might be applicable.

Non-Encroachment Area: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Nonprofit Organization: An organization that operates in accordance with state law and does not operate for profit.

Nursery: A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes. Nurseries may also be known as garden centers.

O

Office Use: Professional occupations within a building or buildings which do not generally involve the on-site sale of goods to customers.

Open Air Retail: A retail sales establishment operated substantially in the open air including, but not limited to: flea markets, trading posts, roadside stands, beach recreation and rental, and the like. Does not include community farmer's markets (see "Community Farmer's Market"), Vehicle Sales and Rental (see "Vehicle Sales and Rental"), industrial or agricultural equipment sales and rental (see "Agricultural Support Services"), home or garden supplies and equipment, or plant nurseries.

Open Space: Any area which does not consist of streets, right of ways, parking, or easements, and serves as a passive or active recreational area, as conservation land for important vistas and topographic features, or as pervious area for watershed requirements. This area provides, or has the potential to provide, environmental, social and/ or economic benefits to the community whether direct or indirect. Open space is categorized by type and includes playgrounds, plazas, squares, parks, greens, greenways, greenbelts, and nature preserves.

Open Space, Common: Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Open Space, Improved Common: Common open space which has been improved with recreational areas and amenities such as, but not limited to, ballfields, tennis courts, swimming pools, nature trails, clubhouses, etc. Not all of these uses may be appropriate in developments which lie in a Water Supply Watershed where there are restrictions on the amount of impervious surface area.

Open Space, Undisturbed: Open Space maintained in a natural, undisturbed, or revegetated condition or enhanced for the purposes of natural resource preservation.

Open Storage: An unroofed storage area, whether fenced or not.

Outdoor Kennel: A commercial enterprise that involves the containment of animals in an enclosure such as a pen outside a permanently constructed building for an extended period of time. This does not include fenced areas for brief animal exercise.

Outdoor Storage: The storage of goods, products, or vehicles as an ancillary use by their owner or on a commercial basis outside of a permanently constructed building.

Outparcel: A portion of land in a subdivision, shopping center, or other development that does not contain the primary building associated with the development, and that is intended for development of one or more smaller independent buildings usually located adjacent to a development's street frontage. Outparcels are typically smaller than the parent parcel and may not be contiguous to the parcel containing the primary building or buildings.

Outside or Display Sales: The display and/or sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, clothing on racks, landscape materials, lawn and garden supplies, and produce.

P

Package Treatment Plant: A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

Palmistry/Palm Reading/Fortune Tellers/Psychic Services: Services by a person who claims to use extrasensory techniques to perform unexplained services for an individual.

Parapet: That portion of a building wall that extends above the roof line.

Parking Bay: A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

Parking Lot/Structure – Principal Use: Parking lots or structures operated by the jurisdiction or a private entity, providing parking either for free or for a fee. Does not include towing impound and storage facilities.

Parking of Commercial and Recreational Vehicles: Parking areas for Commercial Vehicles used for business, industrial, office or institutional purposes or having painted thereon or affixed thereto a sign identifying a business, industry office of institution or a principal product or service of such that exceed seven (7) feet in height or twenty-four (24) feet in length or Recreational Vehicles.

Parking Space, Off-Street: An area located outside of any street right-of-way which is designed to accommodate the parking of vehicles which meets all parking requirements of this Ordinance.

Parks and Playgrounds: An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, ponds, lakes, and open space areas for both passive and active assembly, recreation, sport, and ecotourism.

Permanent Resident: A person who occupies a residential unit for at least 60 consecutive days with intent to establish that unit as his or her primary residence. A Permanent Resident may be an owner or a lessee.

Permit, Building: Written permission by the County Building Department issued for the construction, repair, alteration or addition to a structure.

Permit, Zoning: Written permission issued by the Town Zoning Administrator or his designee for the construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.

Person: An individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by North Carolina laws.

Personal Services: Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons, tattoo artistry, and body piercing. These uses may also include accessory retail sales of products related to the services provided.

Phased Development Plan: A development plan (site plan or subdivision plan) submitted to the Town by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site-specific development plan.

Photometric: Data regarding the luminous intensity of light sources on a particular site.

Pitch, Roof: The slope of a roof expressed as rise over run. (i.e. for a roof that rises four inches vertically for every 12 inches it runs horizontally the pitch is 4:12)

Plan, Concept: A site specific plan for Conditional Zonings, Development Agreements, Special Use Permits, and Vested Rights.

Plan, Improvement: A plan that shows how a developer will install, bond, or guarantee improvements for a development (i.e. roads, turn lanes, water, sewer, etc.).

Plan, Site: A site specific plan for a building, addition, or disturbed land area. This does not include single-family detached residential uses.

Plan, Site Specific: A scaled drawing depicting the location and size of proposed buildings, parking areas, landscaping, and other information necessary to meet the requirements of this Ordinance.

Plan, Sketch: A working drawing depicting proposed development.

Plat, Final: A map of all or a portion of a subdivision that is the legal instrument for recordation. Final plats shall be consistent with the approved Preliminary Plat and be reviewed and recorded following Engineering Document and/or Improvement Plan approval.

Plat, Preliminary: A map indicating the layout of a subdivision submitted after Sketch Plan approval and prior to or simultaneously with Engineering Documents.

Post-FIRM: Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM: Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

Premises: A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

Principal Building: A building in which is conducted the principal use on the lot on which said building is situated. In any residential zoning district, any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located. Piers may be considered a principal structure.

Principal Use: The primary or predominant use of any lot.

Principally Above Ground: At least 51% of the actual value of the structure is above ground.

Produce Stand: The sale of any form of agricultural or horticultural products at a retail stand located on the same site where the products are grown. Off-site produce stands shall be considered temporary uses and shall meet the requirements of such.

Producer: A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.

Professional Services: Use of a site for business, professional, or administrative offices, excluding medical offices. Typical uses include real estate, insurance, management, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, urban design, accounting or other professional offices. Retail sales do not comprise more than an ancillary aspect of the primary activity of a general office.

Protected Area: The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as extending five (5) miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first); or ten (10) miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of five (5) or ten (10) miles. In some cases, the protected area will encompass the entire watershed.

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

Q

Quasi-judicial: The process by which the Board of Adjustment reviews requests for Variances, Appeals Special Use Permits, adjustments of nonconformity, and certain temporary uses. Sworn testimony is given during the public hearing and an evidentiary record is kept and voted upon based on specified findings of fact.

R

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 but does not include facilities smaller than 2500 square feet in total area located in community centers, neighborhood amenity buildings, or similarly-scaled structures.

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, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

Recreation Facility, Private: A privately owned area of land that is developed for active and/or passive recreational pursuits with various manmade features and is designed to serve the immediate neighborhood in which it is located, or can be regional in scope, serving several neighborhoods. This includes private golf courses, country clubs, and community swimming pools.

Recreation Facility, Public: A publicly owned area of land that is developed for active and/or passive recreational pursuits with various man-made features and is designed to serve the immediate neighborhood in which it is located, or can be regional in scope, serving several neighborhoods.

Recreation Vehicle: A vehicular-type unit without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, watercraft, and self-propelled motor homes. A recreation vehicle shall not be considered as being a single-family dwelling.

Recreational Vehicle Park: A nonresidential use of a parcel of land for temporary overnight use by recreational vehicles for which a fee may be charged. Recreational vehicle camping areas may involve site improvements, such as concrete pads, parking areas, or fire pits, and may include permanent utility hookups.

Recycling Collection Stations: A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

Redevelopment: Any development on previously developed land, other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

Reference Level: The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

Regulatory Flood Protection Elevation: 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.

Religious Uses: 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.

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

Research Facilities: A center designated for the research and application of specified studies.

Residential Care Facilities: A facility which offers room and board and which, unlike a boarding house, provides/coordinates a degree of personal care for a period of time in excess of 24 consecutive hours for two or more persons, 18 years old or older, not related to the licensee within the third degree of consanguinity. It is designed to accommodate residents' changing needs and preferences, maximize residents' dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. Included in this definition is any facility (other than a hospital), which offers or represents to the public that it offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities. Congregate care, assisted living, nursing homes, and continuing care retirement communities fall under this definition.

Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residential, Multi-family: The development of three (3) or more attached dwelling units. This includes condominiums, townhomes, apartments, quadraplexes, triplexes, and more than one duplex (two-family dwelling).

Residential, Single-Family: Any development where every dwelling unit is on a separate lot and no lot contains more than one dwelling unit.

Residential, Single-Family Attached: A development where every dwelling unit is on a separate lot of record, no lot contains more than one dwelling unit, and three or more dwelling units share one or more walls. (i.e., townhomes.)

Residential, Single-Family Detached: A development where every dwelling unit is on a separate lot of record, no lot contains more than one dwelling unit, no dwelling unit shares a wall with another dwelling unit, and each dwelling unit is surrounded on all sides by yard.

Residential, Two-Family Attached: A development where two dwelling units share a wall and are located on the same lot of record. (i.e. duplexes.)

Restaurant: An establishment where gross receipts from food and nonalcoholic beverages are not less than 30 percent of the total gross receipts from food, nonalcoholic beverages and alcoholic beverages that may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated.

Retail Uses: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Rezoning: See Amendment, Zoning Map.

Right of Way: A type of easement granted or reserved over the land for transportation purposes, this can be for a highway, public footpath, railway, canal, as well as electrical transmission lines, oil and gas pipelines.

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road, Private: See Street, Private.

Road, Public: See Street, Public.

Road, Frontage: See Street, Frontage.

Roadside Stand/Farmer's Market: A temporary, semi-permanent, or permanent location where one or more farmers, growers of fruits and vegetables sell their fresh or processed products or related products.

Roof Line: The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Rural Cluster Development: See Cluster Development, Rural.

S

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

Schools: Any institution that provides instruction. Public schools are those that are maintained by public funding and constitute a free education for primary and secondary schools. Private schools are maintained by an individual entity.

Screening: A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Service Uses: Uses that include the provision of work that does not typically result in ownership of physical goods and that create benefits by facilitating a change in customers, a change in their physical possessions, or a change in their intangible assets. (i.e. beauty shops, dry cleaning, appliance repair, check cashing, etc.) This does not include automotive/boat/heavy equipment/manufactured home services, tattoo/body piercing establishments, or palmistry/ palm reading/ fortune tellers/ psychic services.

Setback: A distance measured inward from a property line which shall remain unoccupied by structures and parking areas except as permitted by this Ordinance.

Setback, Building: A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

Setback, Front: The required distance from the fronting or primary street right-of-way to a structure or parking area. Driveways may be located in this area unless otherwise specified by this Ordinance.

Setback, Rear: The required distance from the rear property line to a structure or parking area. Driveways may be located in this area unless otherwise specified by this Ordinance.

Setback, Side: The required distance from the side property line to a structure or parking area. Driveways may be located in this area unless otherwise specified by this Ordinance.

Setback, Side Corner: The required distance from the non-fronting or non-primary street right of way to a structure or parking area. Driveways may be located in this area unless otherwise specified by this Ordinance.

Setback, Sign: The required distance from the property line or right-of-way to the nearest point of the sign or its supporting member.

Sewer, Public: Any package treatment plant or other sewage treatment facility serving two or more sources not connected to individual or public systems and having a design capacity or greater than 3,000 gallons daily and/or a discharge to surface water, as permitted by the State of North Carolina. In addition, the definition shall include all connections to such a system.

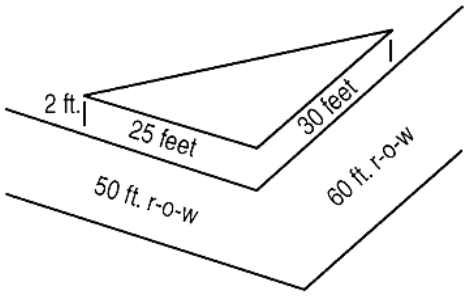
Shopping Center: A group of three (3) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Short Term Rental: The leasing or rental of an entire or extra dwelling unit by a Permanent Resident typically using a Hosting Platform in increments of less than one month.

Shrub: An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting.

Sight Distance Triangle: The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or driveway). No structure or planting taller than 3 ½ feet shall be placed in this area. The following are distances used to establish a sight triangle as measured from an intersecting right-of-way:

Right-Of-Way Width	Distance
50’	25’
60’	30’
70’	35’
80’	40’
90’	45’



Sign: Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term “sign” does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Advertising: A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy.

Sign, Awning: A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

Sign Area: The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

Sign, Billboard: A large off-premises advertising sign.

Sign, Campaign or Election: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy and Awning: A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Sign, Changeable Copy: A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

Sign, Construction: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign, Crown: A wall sign located on the upper horizontal band of a building at least 55 feet or 4 stories in height.

Sign, Directional: A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall be visible to the motorist at the location at which the sign is placed.

Sign, Directory: A sign on which the names and locations of occupants or the use of a building or property is identified.

Sign, Flashing: A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

Sign, Free-Standing: Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

Sign, Illuminated: A sign lit from either an internal or external light source.

Sign, Incidental: A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Sign, Instructional: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, “One-Way”, or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Monument: A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

Sign, Neighborhood Identification: A sign which displays only the name of a recognizable community or subdivision.

Sign, Off-Premises: A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. This includes billboards.

Sign, On-Premises: A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

Sign, Placard: A small sign attached to a wall face near the building entrance which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of the occupant or building.

Sign, Pole: A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign shall be greater than three and one-half (3-1/2) feet from the ground directly beneath the sign.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; or umbrellas used for advertising.

Sign, Projecting: Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted and has two sign faces perpendicular or close to perpendicular to the wall face.

Sign, Public Interest: A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as “Warning” and “No Trespassing” signs.

Sign, Real Estate: A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, Shingle: A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.

Sign, Vehicular: Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said business. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

Sign, Wall: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

Sign, Window: Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or public right-of-way.

Single Family Dwelling: 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.

Site Specific Development Plan: A development plan submitted to a local governing body by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals: subdivision plat; preliminary or general development plan; variance; special use permit plan; conditional zoning plan; or other land-use approval designations as are used by the Town.

Small Equipment Repair/Rental: The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/ van.

Solar Energy System (SES) – Large Installations: Solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems that exceed the definition of a Solar Energy System - Small Installation (e.g., solar farm) in area or impact.

Solar Energy System (SES) – Small Installations: Solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems mounted to a roof or otherwise integrated into a building, covering a parking lot, or covering ½ acre or less of a residential lot or 10 acres or less of a mixed-use/ commercial/industrial lot.

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

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

Special Event: Any organized assemblage, not meeting the criteria for a facilities use permit, of persons at any private or public property or public park which is to gather for a common purpose under the direction and control of a person; or any other organized activity conducted by a person or group for a common or collective use, purpose or benefit which involves the use of, or has an impact on, other public property or facilities and the provision of town public safety services in response thereto. Examples of special events include but not limited to filming, concerts, parades, circuses, fairs, festivals, block parties, community events, mass participation, sporting competition such as, marathons and running events, bicycle races or tours, or spectator sports such as, football, basketball and baseball games, or golf tournaments.

Special Exception: Use of property granted only by review and approval of the Board of Adjustment, subject to the terms and conditions set forth in the zoning ordinance and as determined by the Board.

Special Flood Hazard Area (SFHA): The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 8.3 of this ordinance.

Special Use: A use that is permitted in a zoning district subject to the issuance of a Special Use Permit by the Board of Adjustment.

Special Use Permit: A special authorization for a conditional use which may be subject to any specific restrictions or conditions on its size, location, intent, character of use, etc. as determined by the Board of Adjustment.

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.

Storage - Outdoor Storage Yard: An outdoor storage area for storage of large equipment, vehicles, and/or other common materials used by the municipality and/or master developer for maintenance of public/private infrastructure; storage of scrap materials used for repair and maintenance; tow yards, and buildings or structure for uses such as repair facilities. May include an accessory office.

Storage – Self-Service: Structures containing generally small, individual, compartmentalized stalls or lockers offered for rent or lease to the general public as individual storage spaces and characterized by low parking demand. Premises may include retail or wholesale sales related to storage (e.g., boxes, locks, tape, protective material, etc.) and the screened storage of vehicles and boats.

Street: A dedicated and accepted public right-of way for vehicular traffic which affords the principal means or access to abutting properties.

Street, Frontage: A street which is in close proximity to and parallels a limited access street and is designed to provide access to streets which abut said limited access street.

Street, Private: Any right-of-way used for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity. The creation of new private streets in Troutman's jurisdiction is limited to streets in the Rural Preservation district.

Street, Private Rural Preservation: Any right-of-way having a width of eighteen (18) feet or greater used for purposes of motor vehicle travel which will never be accepted for maintenance or ownership purposes by a public entity unless such private street is brought into compliance with the public street construction standards of that public entity.

Street, Public: A public right-of-way not less than thirty (30) feet in width set aside for public travel and either which has been accepted for maintenance by the State of North Carolina, has been established as a public street prior to the date of adoption of this Ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision with the County Register of Deeds Office.

Street Right-of-Way: An area of land occupied or intended to be occupied by a public street, for such purpose, areas claimed by a municipality or the State of North Carolina for such purposes, or actually used for such purposes.

Structural BMP: A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural BMP" is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this ordinance.

Swimming Pools-Private Accessory Use: Any outdoor enclosure located at a private residence intended or used for the containment of water above or below ground level.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a more or less permanent location on the ground. This includes a gas, liquid, or liquefied gas storage tank that is principally above ground.

Structure, Accessory: See Accessory Structure.

Structure, Principal: See Principal Building.

Studio – Art, dance, martial arts, music: Facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, such as the arts.

Subdivision: For the purposes of this Ordinance in accordance with North Carolina General Statute 160A-376, "Subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the Dedication of a new Street or a change in existing Streets; but the following shall not be included within this definition nor be subject to the regulations of this Ordinance; provided, however, that any document or plat to be recorded pursuant to any such exclusion shall bear the notation "no approval required" and the signature of the Subdivision Administrator for her/ his designated agent before being presented for certification by the County Review Officer:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance.
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of the streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots or tracts, where no street right-of-way dedication is involved or proposed, and where the resultant lots are equal to or exceed the standards of this Ordinance.

Subdivision Administrator: See Zoning Administrator.

Subdivision, Major: A major subdivision is defined as a subdivision where any one or more of the following conditions exist:

1. Dedication of public street(s) or other public tracts; or,
2. The development is inconsistent with all adopted plans of the Town of Troutman; or,
3. The resultant subdivision will produce more than five (5) lots.

Subdivision, Minor: A minor subdivision is defined as a subdivision where all of the following conditions exist:

1. No new public streets are required;
2. No new off-site easements or improvements are required;
3. The design and layout of the subdivision shall conform to all requirements of the Unified Development Ordinance;
4. The subdivision results in five (5) or fewer lots; and
5. Utility extensions shall be allowed under a minor plat. Such extension shall require a right-of-way or easement.

Substantial Damage: Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

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

T

Tattoo/Body Piercing Establishment: Any place or premises where the practices of body art, tattooing, and/or body piercing are performed.

Technical Review Committee (TRC): A staff level committee that reviews and/or approves proposed developments as prescribed in this Ordinance. The TRC may meet in person or through electronic means. The TRC shall consist of the following persons or their designees:

1. Planning Director
2. Town Engineer
3. Public Works Manager

Other agencies (i.e., fire department, police department, county soil and erosion officials, county building inspectors, utility companies, North Carolina Department of Transportation, Iredell-Statesville Schools, etc.) will serve as advisers.

Temporary Uses: Unless otherwise specified by this ordinance, something intended to, or that does, exist for fewer than 90 days.

Theater, Drive-In: A specialized outdoor theater for showing movies or motion pictures on a projection screen where patrons view movies from their vehicles.

Townhome: A building or portion thereof containing 3 or more attached dwelling units horizontally arranged where each unit has a separate entrance from the outside and at least one wall is shared.

Tree, Large Maturing: A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which, at maturity, can be expected to reach a height of more than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper of at least two and a half (2-1/2) inches at the time of planting measured six (6) inches up from the highest root of the tree. Also known as a canopy tree.

Tree, Small Maturing: A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which at maturity, can be expected to reach a height less than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper at the time of planting of at least two and one-half (2-1/2) inches measured six (6) inches up from the highest root of the tree. Also known as an ornamental or understory tree.

V

Value-Added Farm Product: Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

Variance: Permission granted on the basis of proof of physical hardship by the Board of Adjustment following quasi-judicial proceedings to depart from or relax the literal requirements of this Ordinance relating to dimensional requirements such as setbacks, side yards, street frontage, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.

Variance, Floodplain: A grant of relief from the requirements of Section 8.3 of this Ordinance.

Variance, Major Watershed: A variance that results in any one or more of the following:

1. The complete waiver of a management requirement;
2. Any request to increase the amount of built-upon area or density above that which is allowed in that particular WS district;
3. The relaxation, by a factor of more than ten percent (10%) of any other management requirement contained in this Ordinance that takes the form of a numerical standard.

Variance, Minor Watershed: A variance that does not qualify as a major watershed variance.

Vehicle Rental/Leasing/Sales: Establishments which may have showrooms or open lots for selling, renting or leasing automobiles, light trucks, motorcycles, boats, and ATVs.

Vehicle Services: Incidental minor repairs to include replacement of parts and service to passenger cars (e.g., tire repair/replacement, oil changes); general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.

Vested Right: The right to undertake and complete a development or use of property under the terms and conditions of an approved Site-Specific Plan currently in effect or as otherwise allowed by law.

Violation, Floodplain: 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 Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

Veterinary Services: Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; indoor boarding services for pets; and grooming.

W

Warehouse Use: A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both, with access to contents only through management personnel.

Warehousing: Facilities for the storage of furniture, household goods, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include storage, or mini-storage facilities offered for rent or lease to the general public (see "Storage-Self Service, Indoor"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight.

Water, Public: Any water system defined as such by the North Carolina Division of Health Services which complies with the regulations of the North Carolina Division of Health Services.

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

Water/Marine-Oriented Facilities: A not-for-profit or for-profit marina for on-water storage, servicing, fueling, berthing, securing, loading and unloading of boats, and other marine related activities including: recreational and charter fishing, boat and watercraft rentals, and marine related retail (bait and tackle, marine supplies, etc.)

Water-Borne Structure: Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

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

Watershed: The entire land area contributing surface drainage to a specific point where there is water supply intake.

Wholesale Trade: A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

Winery: A manufacturing facility or establishment engaged in the processing of grapes to produce wine or wine-like beverages as defined by the North Carolina General Statutes. Such facilities may include distribution facilities, tasting rooms, restaurants, site tours, and other related uses and activities.

Wireless Telecommunications Facility (Non-Tower): A Wireless Telecommunication Facility not located on a structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

Wireless Telecommunications Tower: A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment, including but not limited to cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or any form or type of wireless communications or service, including but not limited to commercial radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

Y

Yard: An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

Yard, Front: An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house. In instances where the street right-of-way line goes to the centerline of the street, the front setback shall be measured at a point thirty (30) feet from the centerline.

Yard, Rear: An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

Yard Sale: An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants. Yard sales shall also be in compliance with Section 3.4.38 of this Ordinance.

Z

Zoning Administrator: The appointed Town staff member that administers this Ordinance and their staff as appropriate.

Zoning Permit: See Permit, Zoning.

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APPENDIX A CONDITIONAL DISTRICTS

FALLS COVE AT STREAMWOOD, PHASE 2 (RS-CZ-CC-01) (*Falls Cove @ Lake Norman)

All requirements of the Town's Ordinances shall be met in addition to the supplemental conditions listed below. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town Board.

A. Size: 370 acres
B. Total Density Not to Exceed: 1.9 units per acre
C. Lot Dimensions (Interior)
   1. Minimum Lot Width: 60 ft at the building line
   2. Minimum Front Yard Setback: 20 ft
   3. Minimum Corner Yard Setback: 10 ft
   4. Minimum Side Yard Setback:

Lot Width	Setback
60 ft – 69 ft	6 ft
70 ft – 79 ft	7 ft
80 ft – 89 ft	8 ft
90 ft +	10 ft

   5. Minimum Rear Yard Setback: 30 ft
D. Lot Dimensions (Exterior): Side and rear yard setbacks for the underlying district will remain the same against adjoining properties that are not inclusive of the subdivision unless a minimum twenty-five (25) feet wide buffer is provided. If lots for the underlying district adjoin the rear of adjoining properties, the rear yard setbacks will match unless above stated buffer is provided. If lots for the underlying district adjoin the side of adjoining properties, the side yard setbacks will match unless buffer is provided.
E. Accessory Structures:
   1. Minimum Front Yard Setback: No accessory structures shall be located in the front yard.
   2. Minimum Corner Yard Setback: 5 ft
   3. Minimum Side Yard Setback 5 ft
   4. Minimum Rear Yard Setback: 10 ft

5. Maximum Size: The total area of all accessory structures shall not exceed 25% of the parcel. A site plan shall be required for accessory structures 600 sq ft or greater.

F. Open Space
   1. Minimum Nature Preserve/Passive: 35% (to include a 50-ft. green belt surrounding entire Tract, and nature preserves that may include natural walking trails and BMPs).
   2. Minimum Planned Open Space/Active: 5% (as shown on concept plan)
   3. Maintenance and Ownership: A Homeowners or Property Owners Association will be setup to own and maintain the open space in perpetuity.
   4. Owners within Phase 1 (Streamwood) and Phase 6 (Parkwood) will have access to the future amenity center located in the future phases of Falls Cove.

G. Design Requirements
   1. Minimum House Size: minimum 1,700 Square Foot for all one story (ranch) house plans and 2,000 Square Foot for all two-story house plans.
   2. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, fiber-cement/cementious siding, or similar materials. Vinyl siding will not be allowed as a main siding material however, vinyl soffit, vinyl windows and other trim materials may be constructed of vinyl products. In addition, aluminum exterior trim may be used. 25% of a home's exterior surface area shall be covered by brick and/or stone; or incorporate a minimum of 3 architectural features on the front façade from the following list:

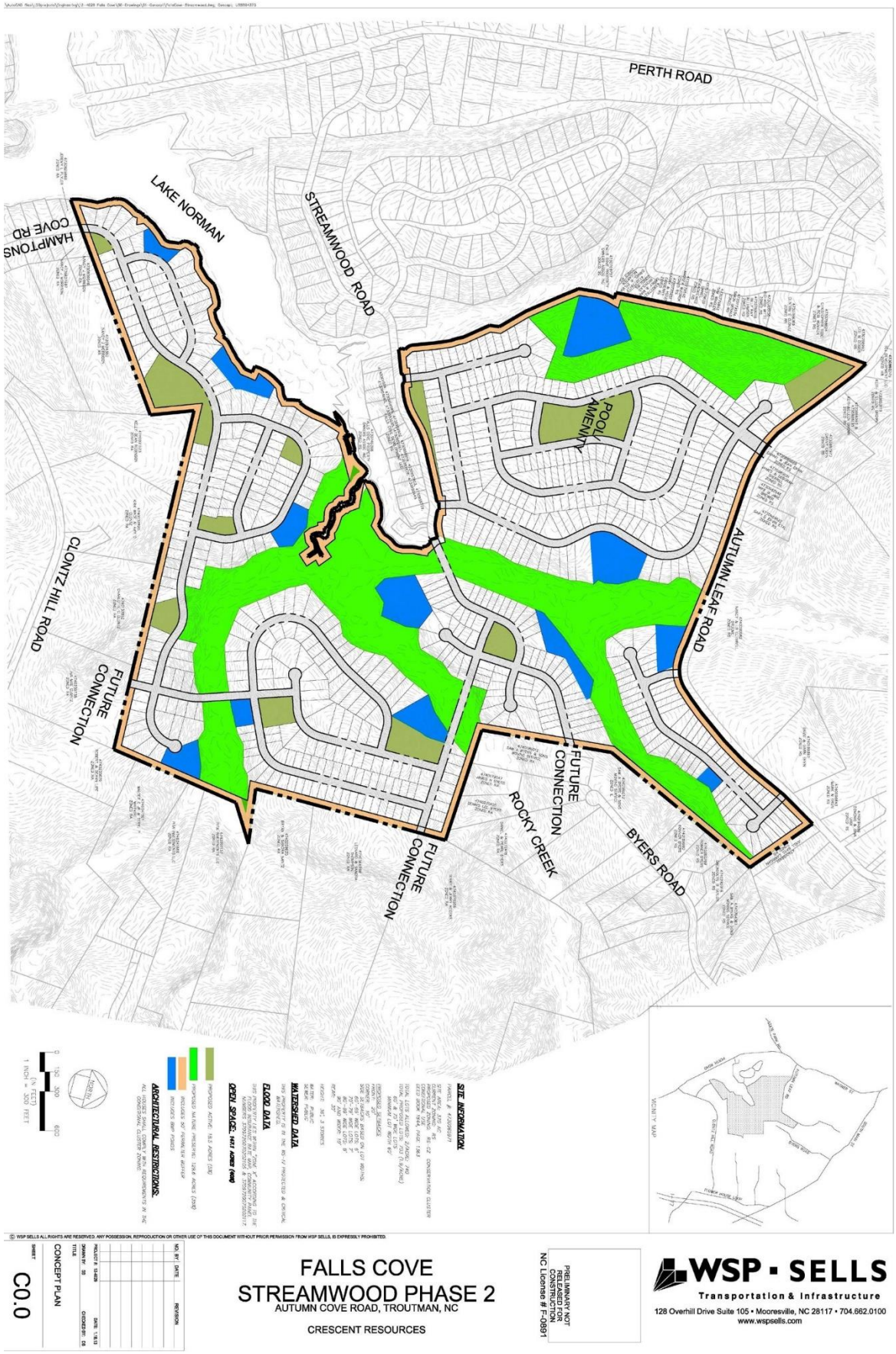
a. reverse gable, 2 or more roof planes, or a hip roof
b. covered porch or veranda
c. at least 2 feet of relief at one or more points along the front face (excludes garage bump outs)
d. accent siding (i.e. cedar shakes, fiber-cement siding, half-rounds, etc.)
e. decorative trim detail
f. decorative front door (i.e. sidelights, window panes, stained glass, etc.)

   3. Crawl space or raised slab; or if on slab shall have a minimum four course exposed brick masonry veneer skirt (of standard brick size), stone, parging, or other similar materials extending up the face of the slab on all sides.
   4. Front-loading garages shall not protrude more than 4 feet from the front façade of the house. Garages with two or more bays shall be designed with two single doors (and have side entry if possible) or if using a single door must be decorative in nature. All single bay doors must be decorative. Main roofs shall have a pitch between 7:12 and 12:12. Roof materials shall be 25-year minimum architectural/dimensional asphalt shingles, standing seam metal, slate, or similar materials. Side and corner loaded garages may extend to the setback line.
   5. Front building elevations shall be dispersed throughout the neighborhood. The same front building elevation is not allowed on adjacent property. Right- and left-hand versions shall be considered the same exterior building elevation.
   6. Accessory structures shall be similar in appearance and color to the principal structure.
   7. Underground wiring for street lights to be installed with lease agreement with local utility Company.

H. Landscaping:
   1. Each home must have a minimum of a 3 ft landscaped area along the front perimeter of each home containing a minimum of 10 plantings (6 such plantings shall be evergreen or perennial shrubs) at the time a Certificate of Compliance is issued from the Town of Troutman. The Town shall have no further responsibility for enforcement of this landscaping provision.
   2. Each home must have at least 1 deciduous tree in addition to required street trees.

I. Permitted Uses:
   1. Single Family Residential (Detached)
   2. Accessory Structures (Residential)
   3. Home Occupations
   4. Essential Services (i.e. systems for the distribution of gas, electricity, water, sewer, etc.)
   5. Parks
   6. Parking of Commercial and Recreational Vehicles on Individual Lots
   7. Recreational Facilities/Swimming Pools
   8. Temporary Uses (i.e. construction trailers)
   9. Yard Sales

J. Additional Site-Specific Conditions:
   1. Prior to recordation of the first Final Plat, a Traffic Impact Analysis (TIA) shall be completed and approved by NCDOT. The timing of any required traffic improvements shall be determined by the TIA as approved by NCDOT.
   2. Trees will be cleared only where required for detention ponds, infrastructure development, and building lots. When practical and possible existing trees will be used in the 50 ft buffer around the entirety of Phase 2 and in the preserved/passive open space areas.
   3. At the time of preliminary plat submittal, the developer shall present plan for timing of amenity center.


PERTH ROAD
LAKE NORMAN
STREAMWOOD ROAD
HAMPTONS COVE RD
POOL AMENITY
AUTUMN LEAF ROAD
CLONTZ HILL ROAD
FUTURE CONNECTION
FUTURE CONNECTION
ROCKY CREEK
FUTURE CONNECTION
BYERS ROAD
SITE INFORMATION
WATERSHED DATA
FLOOD DATA
OPEN SPACE
ARCHITECTURAL RESTRICTIONS
VICINITY MAP
FALLS COVE
STREAMWOOD PHASE 2
AUTUMN COVE ROAD, TROUTMAN, NC
CRESCENT RESOURCES
PRELIMINARY NOT RELEASED FOR CONSTRUCTION
NC License # F-0891
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Transportation & Infrastructure
128 Overhill Drive Suite 105 • Mooresville, NC 28117 • 704.662.0100
www.wspsells.com
CONCEPT PLAN
C0.0

SUTTERS MILL 1 (RT-CZ-CC-02)

All requirements of the Town's Ordinances shall be met in addition to the supplemental conditions listed below. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town Board.

A. Size: 105.82 Acres
B. Total Density Not to Exceed: 255 single family homes
C. Lot Dimensions (Interior)
    1. Min. Lot Width: 51'
    2. Min. Front Yard Setback: 25' (20' for porches)
    3. Min. Corner Yard Setback: 12'
    4. Min. Side Yard Setback: 5'
    5. Min. Rear Yard Setback: 20'
D. Lot Dimensions (Exterior): Side and rear yard setbacks for the underlying district will remain the same against adjoining properties that are not inclusive of the subdivision unless a minimum twenty-five (25) feet wide buffer is provided. If lots for the underlying district adjoin the rear of adjoining properties, the rear yard setbacks will match unless above stated buffer is provided. If lots for the underlying district adjoin the side of adjoining properties, the side yard setbacks will match unless buffer is provided.
E. Accessory Structures:
    1. Min. Front Yard Setback: Not allowed.
    2. Min. Corner Yard Setback: 10'
    3. Min. Side Yard Setback: 5'
    4. Min. Rear Yard Setback: 5'
    5. Max. Size: The total area of all accessory structures shall not exceed 25% of the parcel. A site plan shall be required for accessory structures 600 sq ft or greater.
F. Common Open Space (COS)
    Minimum COS Required: 40% (42.33 Acres)
    Common Open Space Provided: 46.31% (49 Acres)
    1. Min. Nature Preserve/Passive: 50% of Required COS (21.17 Acres)
    2. Trail along Weather's Creek shall be dedicated to the Town for use by the public.
    3. Maximum Passive Open Space utilized for BMP's 10% (2.11 Acres)
    4. Min. Planned Open Space/Active: 5.3 Acres (Including community gardens, fitness trails, walking trails & community playground)
G. Design Requirements
    1. Housing Types
        a. Single story homes shall be a minimum of 1,600 sf
        b. Two Story homes shall be a minimum of 2,000 sf
        c. All homes shall by design include 2 car attached garages.
        d. All homes shall have driveways providing off-street parking for 2 vehicles.
    2. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, fiber-cement/cementious siding, vinyl siding, or similar materials. 25% of a home's exterior surface area shall be covered by brick and/or stone; or incorporate a minimum of 3 architectural features on the front façade from the following list:
        a. reverse gable, 2 or more roof planes, or a hip roof
        b. covered porch or veranda
        c. at least 2 feet of relief at one or more points along the front face (excludes garage bump outs)

d. accent siding (i.e. cedar shakes, fiber-cement siding, half-rounds, etc.)
e. decorative trim detail
f. decorative front door (i.e. sidelights, window panes, stained glass, etc.)

3. Crawl space or raised slab; or if on slab shall have a minimum 16" skirt (of standard brick size), stone, parging, or other similar materials extending up the face of the slab on all sides.
4. At least 50% of the homes shall have recessed garages. 50% may be protruding garages or inline garages; however, the maximum protrusion shall be 4'. Garages with two or more bays shall be designed with two single doors (and have side entry if possible) or if using a single door must be decorative in nature. All single bay doors must be decorative.
5. Roofs shall have a pitch between 4:12 and 12:12. Roof materials shall be asphalt shingles, standing seam metal, slate, or similar materials.
6. Exterior house plans shall be dispersed throughout the neighborhood. The same house plan is not allowed on adjacent property. Right- and left-hand versions shall be considered the same exterior house plan.

H. Landscaping & Buffering

1. Landscaping
   a. Common Areas to be landscaped with 2.5" caliper street trees spaced 40' on center.
   b. Each home to be landscaped with:
      i. 1 street tree 2.5" caliper or larger.
      ii. Corner lots to have a 2nd side yard street tree 2.5" caliper or larger.
      iii. 1 ornamental tree
      iv. 10 shrubs planted along the front foundation
      v. Lots adjacent to Westmorland Rd. and Houston Rd. shall provide (2) additional shade trees 2.5" caliper or larger.
      vi. Individual lot landscaping shall be reviewed by the Town prior to releasing a Certificate of Compliance for each home. The Town shall have no further responsibility for enforcement of this landscaping provision.
2. Buffer: Minimum 25' wide buffer around entirety of property (as shown on concept map). Trees along Westmoreland Rd will be saved for buffering when practical and reasonable.
3. Fences. No fencing shall be installed on any Lot without the prior review and approval of the HOA Architectural Control Committee. The Committee shall have approval on all aspects of any proposed fencing, including but not limited to size, location, height and composition. Fencing guidelines are as follows:
   a. General Guidelines: The following guidelines are applicable to all Lots within the Development:
      i. Approvals. Any fencing shall be subject to the prior approval of the HOA Architectural Control Committee.
      ii. Fencing Types and Materials. All fencing shall be constructed of white vinyl, white picket style (3' to 4' in height vinyl or painted wood), black wrought iron style materials, or wood fencing. For purposes of the Declaration, the terms "picket style" shall mean a 3' to 4' in height vinyl or painted wood fence where there exists between 2" and 3" of space between the vertical slats of such fence. Wood fencing is permitted in most locations; however, the ACC Committee reserves the right to approve certain fence types on perimeter and highly visible lots within the community (See section (d) (ii) below). Chain link and barbed wire fencing is prohibited.
      iii. Fencing Colors. Fencing shall be white, off-white, neutral, or earth toned colors. All wooden fencing must be waterproof, stained and/or painted. Wrought iron must be black. Such stain or paint must be uniform for an entire fence and maintained in good condition.

iv. Fencing Height. Fencing shall not exceed six (6) feet in height; provided that a decorative cap or top (lattice work or other approved decorative detail) may be installed thereon so long as the aggregate height of the entire structure shall not exceed seven (7) feet.

v. Use of Professional Installer. A professional fencing contractor must be hired by the Owner, at such Owner's cost, to install approved fencing for such Owner.

vi. Declarant Installed Fencing. No fencing shall connect to or otherwise interfere with any fencing originally installed by the Declarant. Any fencing installed by Declarant shall not be subject to these standards.

vii. Landscape Easements. Except as installed by Declarant or the Association, no improvements or permanent structures, including without limitation, fences, shall be erected or maintained in or upon Landscape Easements.

viii. Fencing within Easements: Fencing which is installed within any easement affecting a Lot shall be subject to the risk of removal without notice by the Association or any other entity or entities which have access rights, if any work or repairs are to be done within the easement area(s). The Owner of such Lot shall be responsible for any and all costs relating to the removal of such fencing and for the subsequent replacement of any approved replacement fencing.

ix. In addition, fencing must not impede surface drainage and must be installed to be a minimum of three (3) inches off the ground (fence posts must not obstruct any drainage, i.e. rear swale).

b. Location of Fencing on Conventional Lots: In addition to the guidelines under other subsections herein, the following guidelines are applicable to all Lots within the Development:

   a. Fencing shall not extend forward beyond a point, which is ten (10) feet behind the front corner of the residence; and

   b. Fencing on any corner Lot shall be at least five (5) feet from the sidewalk.

c. Additional Fencing Guidelines. Fencing for Lots along highly visible locations (such locations and shall be subject to the following additional restrictions:

   i. Westmorland Rd and Houston Rd frontage Lots: The developer shall install a 4 board equestrian style fence along the rear lot line of lots: 1-10, 199-121 and 117 –137. Homeowner's on these lots shall be permitted to connect side yard fences to the developer installed fence. Homeowner's shall not be permitted to install fencing parallel to the rear property line.

   ii. Stream Lots: Lots which are adjacent to or which abut a stream or detention pond are subject to the following restrictions:

      - Fencing shall not exceed four (4) feet in height; provided that in the discretion of the Committee, the portion of such fence closest to the rear side of the residence may be the five (5) feet in height, and have a decorative cap (not to exceed six (6) feet aggregate); provided further that such higher section shall not extend more than ten (10) feet from the rear corner(s) of the residence, subject to (B), below. In exercising its discretion under this provision, the Committee shall take into account the affect such proposed fence would have on the use and enjoyment of the lake or pond areas by other Owners.
      - Fencing shall not be constructed within twenty-five (25) feet of the shoreline of any Lake or detention pond.

iii. Perimeter Lots and Highly Visible Lots: With respect to a Lot where either (A) the rear yards are highly visible from public streets (within the neighborhood or surrounding the neighborhood), or (B) the Lot abuts a Common Area, the Committee may require fencing for such Lot to be consistent in material, height, and style to that of previously approved fencing for any other Lot which is on and along such street or Common Area. Such restrictions shall be disclosed to buyers in the Common Interest and Community Information Disclosure.

iv. Dog Runs and Similar Enclosures. No enclosures, structures or "runs" which are designed primarily for the outside keeping of pets or other animals and which are made in whole or part from chain link fencing material, including but not limited to dog runs, kennels, or other similar enclosures, shall be permitted; provided, however, the Committee shall have the discretion to approve such an enclosure or structure if such is surrounded by a fence which is consistent with the foregoing restrictions and minimizes the visibility of such structure by adjoining property owners.

I. Permitted Uses:
   1. Single Family Residential (Detached)
   2. Home Occupations
   3. Essential Services (i.e. systems for the distribution of gas, electricity, water, sewer, etc.)
   4. Parks
   5. Parking of Recreational and Commercial Vehicles on Individual Lots
   6. Lots backing up to Westmorland Rd. and Houston Rd. shall be restricted from parking recreational vehicles on the lot. This restriction applies to lots 1-10, 199-121 and 117 –137 totaling 54 lots.
      a. The off-site parking area will provide a paved area of 76'x 72' = 5472 sf of area (12 spaces) meeting the requirement provided in the UDO.
      b. Interior lots shall not have the parking restriction.
      c. Commercial vehicles parked on an overnight basis shall be limited to cars, vans, and pick-up trucks.
      d. The developer may provide at his discretion additional 76'x 72' = 5472 sf of area (12 spaces) of RV parking although not required by the UDO.
      e. The entire Storage area shall be completely enclosed with Type A Landscaping (buffer with opaque screen).
      f. The developer will construct the street from the intersection past the storage area to the path. Right of Way will be dedicated to our property line as shown for future connection by adjoining landowners.
      g. The entire storage area will be constructed with same stone & asphalt cross section as the streets within the community. There will be curb at the radii turning into the private drive for the storage area.
   7. Recreational Facilities/Swimming Pools
   8. Temporary Uses (i.e. construction trailers)
   9. Yard Sales

J. Additional Site-Specific Conditions:
   1. Underground wiring provided to serve the development including street lighting.
   2. All homes shall be served by municipal water and sewer.
   3. No wells shall be utilized for irrigation or other purposes.
   4. Westmorland Road will be widened and paved in along the project's frontage. Design will be in accordance with NCDOT requirements and subsequently, permitted by NCDOT.
   5. The applicant agrees to honor prior agreements made in writing between the prior landowner Sutter's Mill LLC and the adjoining property owner Mr. Darrin Lee Witherspoon.

6. The applicant shall provide Covenants, Conditions, and Restrictions (CCRs) to the Town prior to recordation of the final plat to ensure consistency with commitments and approvals.
7. Maintenance and ownership of trail along Weather's Creek shall be by the Town. Maintenance and ownership of all other trails shall be determined at time of preliminary plat. Homeowner's Association shall own and maintain all other common open space areas; including but not limited to, active/preserved open space, boat/recreational vehicle storage, and community fencing along Westmoreland Rd and Houston Rd lots.

PRELIMINARY SITE PLAN
CONSERVATION CLUSTER BCD
SUTTER'S MILL
TOWN OF TROUTMAN, NC
PRELIMINARY NOT FOR CONSTRUCTION
C-2.0
DEVELOPMENT DATA
SITE LEGEND
GRAPHIC SCALE

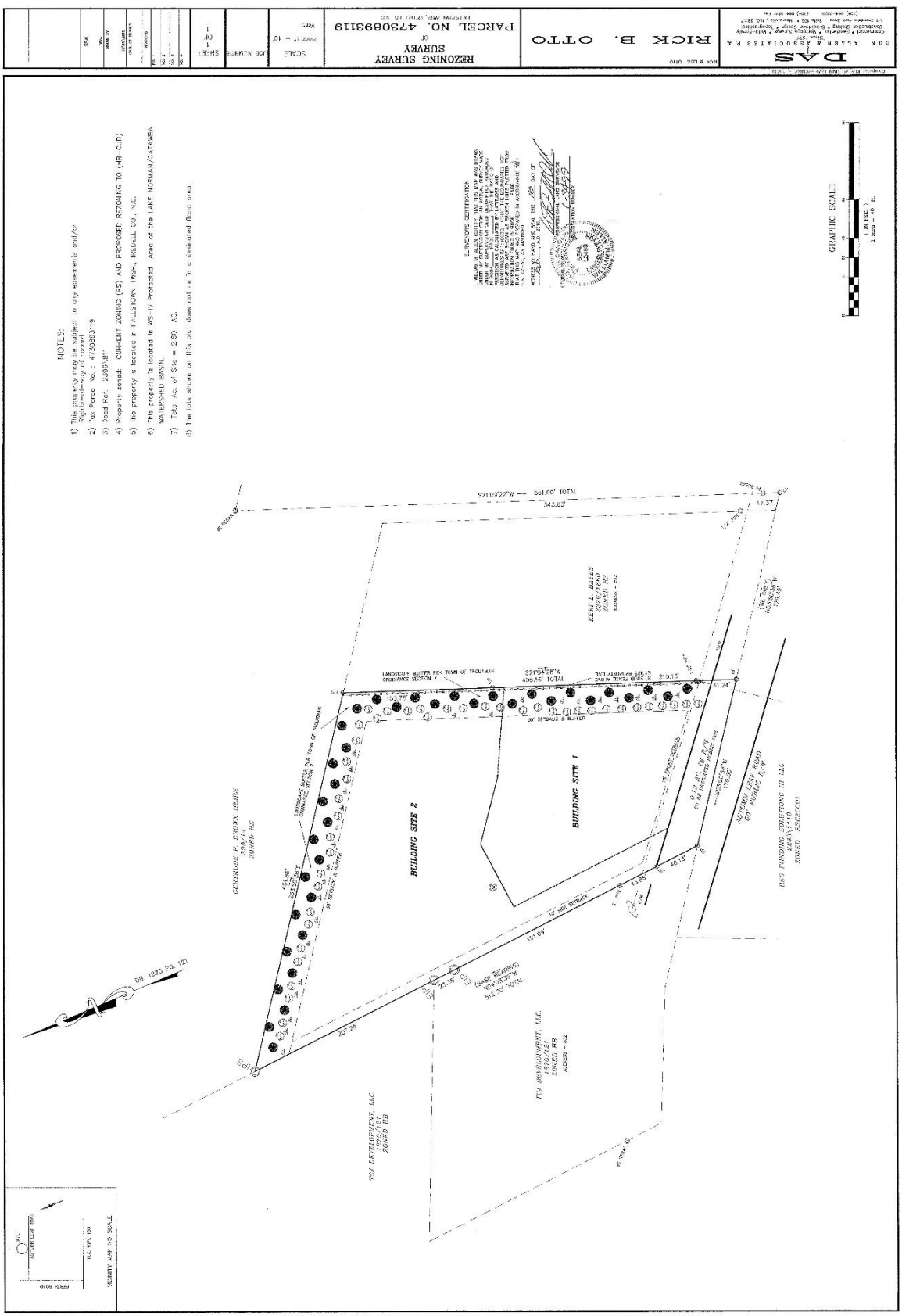
A.1.3 OTTO DEVELOPMENT (RT-CZ-HB-16-01)

A. Permitted Uses:

1. Residential Uses
   a. Mixed use buildings (upper story residential);
   b. Multi-family developments;
   c. Single family attached
2. Civic Uses
   a. Government buildings
   b. Non-profit organizations
   c. Religious uses
3. Institutional
   a. Daycare centers
   b. Museums
   c. Private schools
   d. Instructional schools
   e. Research facilities-SUP only
4. Office & Service
   a. Animal services (no outdoor kennels)
   b. Office uses (up to 30,000 sq ft)
   c. Office uses (greater than 30,000 sq ft)- SUP only
   d. Service uses (up to 15,000 sq ft)
   e. Service uses (15,001 sq ft)-SUP only
5. Retail
   a. Farmers Markets
   b. Restaurants (part of a multi-tenant building or freestanding)
   c. Retail uses (up to 30,000 sq ft)
   d. Drive Thrus-SUP only
   e. Nurseries-SUP only
6. Manufacturing
   a. Warehousing (accessory use)
   b. Metal Fabrication
7. Other
   a. Essential services Class 1 & 2
   b. Public parks
   c. Parking of commercial and recreational vehicles
   d. Recreational facilities (public and private)
   e. Temporary uses (A-D)
   f. Entertainment uses-SUP only

B. Uses Expressly Prohibited: Adult Establishments; Animal Services (with outdoor kennels); Automotive Sales & Services; Bars & Night Clubs; Boat Services; Cemeteries; Colleges & Universities; Essential Services Class 3; Hazardous Material Storage; Heavy Equipment Sales & Services; Hospitals; Hotels & Motels; Keeping of Livestock; Landfills; Manufactured/Modular Home Sales & Services; Outdoor Sales & Storage; Palm Reading/Fortune Tellers; Parking (off-street principal use); Public Schools; Residential Care Facilities; Shopping Centers; Tattoo & Body Piercing Establishments; Temporary Uses E (yard sales);

C. Conditions:
   1. Building lot 1 shall be restricted to one (1) story commercial/non-residential uses; however, up to two (2) additional stories may be added for residential uses.
   2. Concept plan (attached).


DAS
DAN ALLEN & ASSOCIATES P.A.
RICK B. OTTO
REZONING SURVEY
OF
PARCEL NO. 4730893119
SCALE
JOB NUMBER
SHEET
NOTES:
1) This property may be subject to any easements and/or Right-of-way of record.
2) Tax Parce No.: 4730893119
3) Deed Ref. 2398\81
4) Property zoned: CURRENT ZONING (RS) AND PROPOSED RZTONING TO (HB-OLD)
5) The property is located in FIRM\ 1\ 1\ 1\ NUMBER 1\ 1\ 1\

BROOKESIDE (RT-CZ-RM-17-01)

All conditions of Ordinance 15-17 shall be met. Any item(s) not specifically addressed in this Ordinance, shall meet the requirements of the Town's Unified Development Ordinance. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town.

A. Total Density Not to Exceed: 137 lots or 2.38 dwelling units per acre
B. Lot Dimensions (Interior):
    1. Minimum Lot Width: 52 ft x 120 ft for all non-cul-de-sac lots. All cul-de-sac lots will measure 52 ft wide at the minimum building setback line and overall be a minimum of 120 ft in depth.
    2. Minimum Front Setback: 20 ft
    3. Corner Yard Setback: 10 ft
    4. Minimum Rear Yard Setback: 15 ft
    5. . Minimum Side Yard Setback: 5 ft
C. Lot Dimensions (Exterior):
    1. Minimum Lot Width: 52 ft x 120 ft for all non-cul-de-sac lots. All cul-de-sac lots will measure 52 ft wide at the minimum building setback line and overall be a minimum of 120 ft in depth.
    2. Minimum Front/Corner Yard Setback: 10 ft
    3. Minimum Rear Yard Setback: 15 ft, plus 25' landscaped buffer (see concept map)
    4. Minimum Side Yard Setback: 5 ft, plus 25' landscaped buffer (see concept map)
D. Common Open Space:
    1. A minimum of 33.2% (19.10 acres) will be provided as minimum open space with a minimum of 4.31 acres provided as active open space.
    2. A minimum 10 ft wide paved greenway along Big Branch Creek will be constructed by issuance of the 70th Certificate of Occupancy. Exception: Boardwalks may be used to cross wetland areas, poorly drained area, environmentally sensitive areas, creeks/streams, or ravines. Greenway will be dedicated to the Town of Troutman and upon acceptance will be properly maintained by the Town of Troutman.
E. Permitted Uses:
    1. Accessory Structures
    2. Bed & Breakfast Inns
    3. Essential Services Class 1 & 2
    4. Family Care Homes
    5. Home Occupations
    6. Parks
    7. Private Swimming Pools
    8. Residential Care Facilities
    9. Single Family Detached Homes
    10. Temporary Uses
F. Design Requirements:
    1. Housing Types:
        a. Single Story Homes: All homes located to the north of Big Branch Creek will be limited to one story. Such homes shall be a minimum of 1,348 heated sq ft and include at minimum a 2-car garage.
        b. Two Story Homes: Two (2) story homes will be permitted, but not required, located to the south of Big Branch Creek. Such homes shall be a minimum of 1,440 heated sq ft and include at minimum a 2-car garage. Homes for the two (2) lots on Georgie St shall be two (2) stories.

c. Exterior house plans shall be dispersed throughout the neighborhood. The same house plan is not allowed on adjacent property. Right- and left-hand versions shall be considered the same exterior house.

2. Materials:
   a. Front facades will be limited to brick, stone, or fiber cement siding; no vinyl. A minimum of two materials will be used in combination on all front facades; unless all brick or stone front facades. Vinyl will only be permitted on side and rear elevations, in addition to its use in minority elements such as window trim, soffits, etc.
3. Landscaping & Buffering: Each home shall be landscaped with a minimum of 1 canopy tree. When practical and possible existing trees will be used in the 25' perimeter buffer. Any buffer cleared during the construction process shall be replanted with canopy trees at a rate of 1 tree per 40 linear feet. At the time of planting trees shall be a minimum of 2.5" in caliper. Individual lot landscaping shall be reviewed by the Town prior to releasing a Certificate of Occupancy for each home. The Town shall have no further responsibility for enforcement of this landscaping provision.
4. Lighting: Underground wiring to serve the development including street lighting.

G. External Sidewalk (Georgie & Massey Streets): If public street right-of-way is available along the north side of Massey Street between the proposed Massey Street road connection and Georgie Street and west side of Georgie Street between Massey Street and Elliot Drive, the Petitioner will coordinate with the Planning Department and Town Engineer to construct a 5-foot sidewalk along the above referenced areas. If the Planning Department and Town Engineer approve the placement and construction of the sidewalks, they will be installed when Site access (road connection) to Massey Street occurs. If public street right-of-way is not available along the above referenced areas, as determined by the Planning Department and Town Engineer, the sidewalks will not be installed. If the sidewalks are not installed, the Petitioner agrees that a sidewalk bond or other surety will be provided to the Town for future construction of the sidewalks once public street right-of-way becomes available.

   External Sidewalk (York Road): If public street right is available along the north or south side of York Road between the proposed site and Stratford Road, the Petitioner will coordinate with the Planning Department and Town Engineer to construct a 5-foot sidewalk along the above referenced area. If the Planning Department and Town Engineer approve the placement and construction of the sidewalk, it will be installed when Site access (road connection) to York Road occurs. If public street right-of-way is not available along the above referenced areas, as determined by the Planning Department and Town Engineer, the sidewalk will not be installed. If the sidewalk is not installed, the Petitioner agrees that a sidewalk bond or other surety will be provided to the Town for future construction of the sidewalk once public street right-of-way becomes available.

H. The concept map below shall be substantially adhered to in development of the preliminary and final plats.

SITE DEVELOPMENT DATA
EXISTING ZONING: RT
PROPOSED ZONING: RM (CONDITIONAL)
DEVELOPMENT SITE AREA: +/- 57.51AC
PARCEL ID#: 4731-72-3355, 4731-72-3753, 4731-72-6156, 4731-72-0230, 4731-73-5031
TOTAL PROPOSED LOTS: 137 LOTS
TARGET LOT SIZE: 52' x 120'
PROPOSED DENSITY: 2.38 DU/AC
Note: See P 02 for conditional notes pertaining to the plan.
NORTH
0 50 100 200
BRIAR CLIFF ROAD
STRATFORD ROAD
QUEENSBURY ROAD
YORK ROAD
ROAD 6 - 60' R.O.W.
ROAD 4 - 60' R.O.W.
ROAD 5 - 60' R.O.W.
ROAD 1 - 60' R.O.W.
ROAD 2 - 60' R.O.W.
ROAD 3 60' R.O.W.
MASSEY STREET
GEORGE STREET
WAGNER STREET
BROOKESIDE
674 GEORGIE STREET
TROUTMAN, NC 28166
CONDITIONAL REZONING PLAN
07.07.17
P
01
McADAMS

SUTTER'S MILL 2 (RT-CZ-CC-17-02)

All requirements of the Town's Ordinances shall be met in addition to the supplemental conditions listed below. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town Board.

A. Size: 99.05 acres
B. Total Density Not to Exceed: 189 single family homes
C. Lot Dimensions (Interior)
    1. Min. Lot Width: 51'
    2. Min. Front Yard Setback: 25' (20' for porches)
    3. Min. Corner Yard Setback: 12'
    4. Min. Side Yard Setback: 5'
    5. Min. Rear Yard Setback: 20'
D. Lot Dimensions (Exterior): Side and rear yard setbacks for the underlying district will remain the same against adjoining properties that are not inclusive of the subdivision unless a minimum twenty-five (25) feet wide buffer is provided. If lots for the underlying district adjoin the rear of adjoining properties, the rear yard setbacks will match unless above stated buffer is provided. If lots for the underlying district adjoin the side of adjoining properties, the side yard setbacks will match unless buffer is provided.
E. Accessory Structures:
    1. Min. Front Yard Setback: Not allowed.
    2. Min. Corner Yard Setback: 10'
    3. Min. Side Yard Setback: 5'
    4. Min. Rear Yard Setback: 5'
    5. Max. Size: The total area of all accessory structures shall not exceed 25% of the parcel. A site plan shall be required for accessory structures 600 sq ft or greater.
F. Minimum COS Required: 40%
    1. Common Open Space Provided: 50% (49.53 acres)
    2. Min. Nature Preserve/Passive: 45.59 acres. Includes 4.13 acres utilized for BMP's.
    3. Trail along Weather's Creek shall be dedicated to the Town for use by the public.
    4. Min. Planned Open Space/Active: 3.47 acres
G. Design Requirements
    1. Housing Types
        a. Single story homes shall be a minimum of 1,600 sf
        b. Two Story homes shall be a minimum of 2,000 sf
        c. All homes shall by design include 2 car attached garages.
        d. All homes shall have driveways providing off-street parking for 2 vehicles.
    2. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, fiber-cement/cementious siding, vinyl siding, or similar materials. 25% of a home's exterior surface area shall be covered by brick and/or stone; or incorporate a minimum of 3 architectural features on the front façade from the following list:
        a. reverse gable, 2 or more roof planes, or a hip roof
        b. covered porch or veranda
        c. at least 2 feet of relief at one or more points along the front face (excludes garage bump outs)
        d. accent siding (i.e. cedar shakes, fiber-cement siding, half-rounds, etc.)
        e. decorative trim detail

f. decorative front door (i.e. sidelights, window panes, stained glass, etc.)

3. Crawl space or raised slab; or if on slab shall have a minimum 16" skirt (of standard brick size), stone, parging, or other similar materials extending up the face of the slab on all sides.
4. At least 50% of the homes shall have recessed garages. 50% may be protruding garages or inline garages; however, the maximum protrusion shall be 4'. Garages with two or more bays shall be designed with two single doors (and have side entry if possible) or if using a single door must be decorative in nature. All single bay doors must be decorative.
5. Roofs shall have a pitch between 4:12 and 12:12. Roof materials shall be asphalt shingles, standing seam metal, slate, or similar materials.
6. Exterior house plans shall be dispersed throughout the neighborhood. The same house plan is not allowed on adjacent property. Right- and left-hand versions shall be considered the same exterior house plan.

H. Landscaping & Buffering:

1. Landscaping

a. Common Areas to be landscaped with 2.5" caliper street trees spaced 40' on center.

b. Each home to be landscaped with:

i. 1 street tree 2.5" caliper or larger.

ii. Corner lots to have a 2nd side yard street tree 2.5" caliper or larger.

iii. 1 ornamental tree

iv. 10 shrubs planted along the front foundation

v. Individual lot landscaping shall be reviewed by the Town prior to releasing a Certificate of Compliance for each home. The Town shall have no further responsibility for enforcement of this landscaping provision.

2. Buffer: Minimum 25' wide buffer around entirety of property (as shown on concept map). Trees will be saved for buffering when practical and reasonable.
3. Fences. No fencing shall be installed on any Lot without the prior review and approval of the HOA Architectural Control Committee. The Committee shall have approval on all aspects of any proposed fencing, including but not limited to size, location, height and composition. Fencing guidelines are as follows:

a. General Guidelines: The following guidelines are applicable to all Lots within the Development:

i. Approvals. Any fencing shall be subject to the prior approval of the HOA Architectural Control Committee.

ii. Fencing Types and Materials. All fencing shall be constructed of white vinyl, white picket style (3' to 4' in height vinyl or painted wood), black wrought iron style materials, or wood fencing. For purposes of the Declaration, the terms "picket style" shall mean a 3' to 4' in height vinyl or painted wood fence where there exists between 2" and 3" of space between the vertical slats of such fence. Wood fencing is permitted in most locations; however, the ACC Committee reserves the right to approve certain fence types on perimeter and highly visible lots within the community (See section (d) (ii) below). Chain link and barbed wire fencing is prohibited.

iii. Fencing Colors. Fencing shall be white, off-white, neutral, or earth toned colors. All wooden fencing must be waterproof, stained and/or painted. Wrought iron must be black. Such stain or paint must be uniform for an entire fence and maintained in good condition.

iv. Fencing Height. Fencing shall not exceed six (6) feet in height; provided that a decorative cap or top (lattice work or other approved decorative detail) may be installed thereon so long as the aggregate height of the entire structure shall not exceed seven (7) feet.

v. Use of Professional Installer. A professional fencing contractor must be hired by the Owner, at such Owner's cost, to install approved fencing for such Owner.

vi. Declarant Installed Fencing. No fencing shall connect to or otherwise interfere with any fencing originally installed by the Declarant. Any fencing installed by Declarant shall not be subject to these standards.

vii. Landscape Easements. Except as installed by Declarant or the Association, no improvements or permanent structures, including without limitation, fences, shall be erected or maintained in or upon Landscape Easements.

viii. Fencing within Easements: Fencing which is installed within any easement affecting a Lot shall be subject to the risk of removal without notice by the Association or any other entity or entities which have access rights, if any work or repairs are to be done within the easement area(s). The Owner of such Lot shall be responsible for any and all costs relating to the removal of such fencing and for the subsequent replacement of any approved replacement fencing.

In addition, fencing must not impede surface drainage and must be installed to be a minimum of three (3) inches off the ground (fence posts must not obstruct any drainage, i.e. rear swale)

b. Location of Fencing on Conventional Lots: In addition to the guidelines under other subsections herein, the following guidelines are applicable to all Lots within the Development:

i. Fencing shall not extend forward beyond a point, which is ten (10) feet behind the front corner of the residence; and

ii. Fencing on any corner Lot shall be at least five (5) feet from the sidewalk.

iii. Stream Lots: Lots which are adjacent to or which abut a stream or detention pond are subject to the following restrictions:

- Fencing shall not exceed four (4) feet in height; provided that in the discretion of the Committee, the portion of such fence closest to the rear side of the residence may be the five (5) feet in height, and have a decorative cap (not to exceed six (6) feet aggregate); provided further that such higher section shall not extend more than ten (10) feet from the rear corner(s) of the residence, subject to (B), below. In exercising its discretion under this provision, the Committee shall take into account the affect such proposed fence would have on the use and enjoyment of the lake or pond areas by other Owners.
- Fencing shall not be constructed within twenty-five (25) feet of the shoreline of any Lake or detention pond.

c. Perimeter Lots and Highly Visible Lots: With respect to a Lot where either (A) the rear yards are highly visible from public streets (within the neighborhood or surrounding the neighborhood), or (B) the Lot abuts a Common Area, the Committee may require fencing for such Lot to be consistent in material, height, and style to that of previously approved fencing for any other Lot which is on and along such street or Common Area. Such restrictions shall be disclosed to buyers in the Common Interest and Community Information Disclosure.

d. Dog Runs and Similar Enclosures. No enclosures, structures or "runs" which are designed primarily for the outside keeping of pets or other animals and which are made in whole or part from chain link fencing material, including but not limited to dog runs, kennels, or other similar enclosures, shall be permitted; provided, however, the Committee shall have the discretion to approve such an enclosure or structure if such is surrounded by a fence which is consistent with the foregoing restrictions and minimizes the visibility of such structure by adjoining property owners.

I. Permitted Uses:
   1. Single Family Residential (Detached)
   2. Home Occupations
   3. Essential Services (i.e. systems for the distribution of gas, electricity, water, sewer, etc.)
   4. Parks
   5. Parking of Recreational and Commercial Vehicles on Individual Lots
   6. Commercial vehicles parked on an overnight basis shall be limited to cars, vans, and pick-up trucks.
   7. Recreational Facilities/Swimming Pools
   8. Temporary Uses (i.e. construction trailers)
   9. Yard Sales

J. Additional Site-Specific Conditions:
   1. Underground wiring provided to serve the development including street lighting.
   2. All homes shall be served by municipal water and sewer.
   3. No wells shall be utilized for irrigation or other purposes.
   4. The applicant shall provide Covenants, Conditions, and Restrictions (CCRs) to the Town prior to recordation of the final plat to ensure consistency with commitments and approvals.
   5. Maintenance and ownership of trail along Weather's Creek shall be by the Town. Maintenance and ownership of any other trails shall be determined at time of preliminary plat. Homeowner's Association shall own and maintain all other common open space areas; including but not limited to, active/preserved open space, boat/ recreational vehicle storage, and community fencing.

K. The concept map below shall be substantially adhered to in development of the preliminary and final plats.

RJH
FOR INFORMATION ONLY
Legend
C2.1

CZ-RM-18-01: COLONIAL CROSSING

A. Size: 200.14 acres
B. Total Density Not to Exceed 1.83 units per acre
C. Lot Dimensions, Residential Principal Structures (Interior)
   1. Min. Lot Width: 60’
   2. Minimum Lot Depth: 130’
   3. Min. Front Yard Setbacks: 25’ (20’ setback for external lots with rear buffer)
   4. Min. Side Yard Setbacks: 5’
   5. Min. Rear Yard Setbacks: 25’
   6. Minimum Corner Side Yard Setbacks: 10’
   7. Max Building Height: 40’
   8. A buyer may purchase multiple adjacent lots, however, the terms and conditions of such a purchase are at the sole discretion of the developer/builder.
D. Accessory Structures
   1. Min. Front Yard Setback: Accessory structures may not be located in the front yard.
   2. Min. Corner Yard Side Setback: 50’
   3. Min. Side Yard Setback: 5’
   4. Min. Rear Yard Setback: 5’
   5. Max Size: The total area of all accessory structures shall not exceed 25% of the parcel. A site plan shall be required for accessory structures 600 sq ft or greater.
   6. Accessory buildings shall be clad in materials similar in appearance to the principal structure.
E. Open Space
   1. Min.: 60 acres of which a minimum of 15 acres shall be active open space.
      a. One active use amenity shall be constructed in Phase 1. Actual timing of open space improvements shall be determined at the time of preliminary plat approval.
      b. Additional Amenities as shown on the concept plan include two open space greens, walking trails with seating areas, and preservation to the greatest extent possible of the historical Sherrill’s Path.
   2. A 10’ wide trail within a 20’ easement shall be dedicated to the Town for use by the public in general conformance with the Town’s Pedestrian Plan. To the greatest extent possible, the location of the easement shall be congruent with the historical Sherrill’s Path. Maintenance and Ownership of the easement and trail shall be by the Town.
      a. Public parking for a minimum of four vehicles will be provided to allow visitors access to the trail. The location of the parking area will be determined by the time of preliminary plat approval.
   3. All open space other than the trail and easement described in E-b shall be owned and maintained by the Home Owners Association.
F. Residential (number of units): a. Single Family: 366 units (max)
G. Landscaping
   1. Prior to issuance of Certificate of Compliance by Town of Troutman, front yard shall be sodded to the back corner of the house.
   2. Minimum 75’ buffer area will surround the perimeter of the project as depicted on the Rezoning Site Plan. A 125’ buffer will be provided on a portion of the southern border of the property as depicted on the Rezoning Site Plan.
   3. The 75’ and 125’ perimeter buffers are to be tree preservation areas. The existing trees and natural vegetation within these perimeter buffers are to remain undisturbed. However, dead and diseased trees, and nuisance or invasive species such as kudzu, poison ivy, and brambles may be removed from the perimeter buffer/tree preservation area. Additionally, supplemental trees and shrubs may be planted in the tree preservation area.

4. Heritage Trees shall be protected to the greatest extent possible.
5. Two trees shall be provided for each lot, 2” caliper in size.
6. At least 10 - one to three-gallon shrubs will be provided per lot.
7. Fencing
    a. Fencing within the perimeter buffer &/or open space shall be constructed as depicted on this Rezoning Site Plan. This does not preclude constructing fences in additional areas.
    b. Fencing within the perimeter buffer &/or open space shall be either black chain link, or black powder coated aluminum with pickets spaced 4” or less apart and shall be a minimum of 4 feet in height (with the exception of the portion of the southern border along the buffer that is 125’ in width, which will be 6 feet in height). Fencing will be of a residential character. Alternate fence materials may be submitted to the Town of Troutman Planning Director for consideration, however, any alternate fence would need to prevent easy and direct pedestrian access to the adjacent open space/buffer, and vertical pickets must have a maximum separation of 4 inches (i.e. a split rail fence, for example, would not be acceptable). Maintenance of the fence within the perimeter buffer and open space will be the responsibility of the Home Owners Association.
    c. Fencing within the perimeter buffer will be installed after the clearing phase and prior to the issuance of the first Certificate of Compliance for lots bordering the proposed fence locations.
    d. Fencing within Common Open Space will be installed prior to the first Certificate of Compliance for the lots proposed on either side of the Common Open Space.
    e. Dedication of right-of-way for Sherrill’s Path and future street connectors shall be to the property line; however, clearing and opening the fence for access shall not occur until road or path connections from adjacent properties are needed.
    f. Perimeter fencing will be discontinued, as depicted on the Rezoning Site Plan, at stream locations as to not inhibit 100-year storm event flows &/or gather debris.

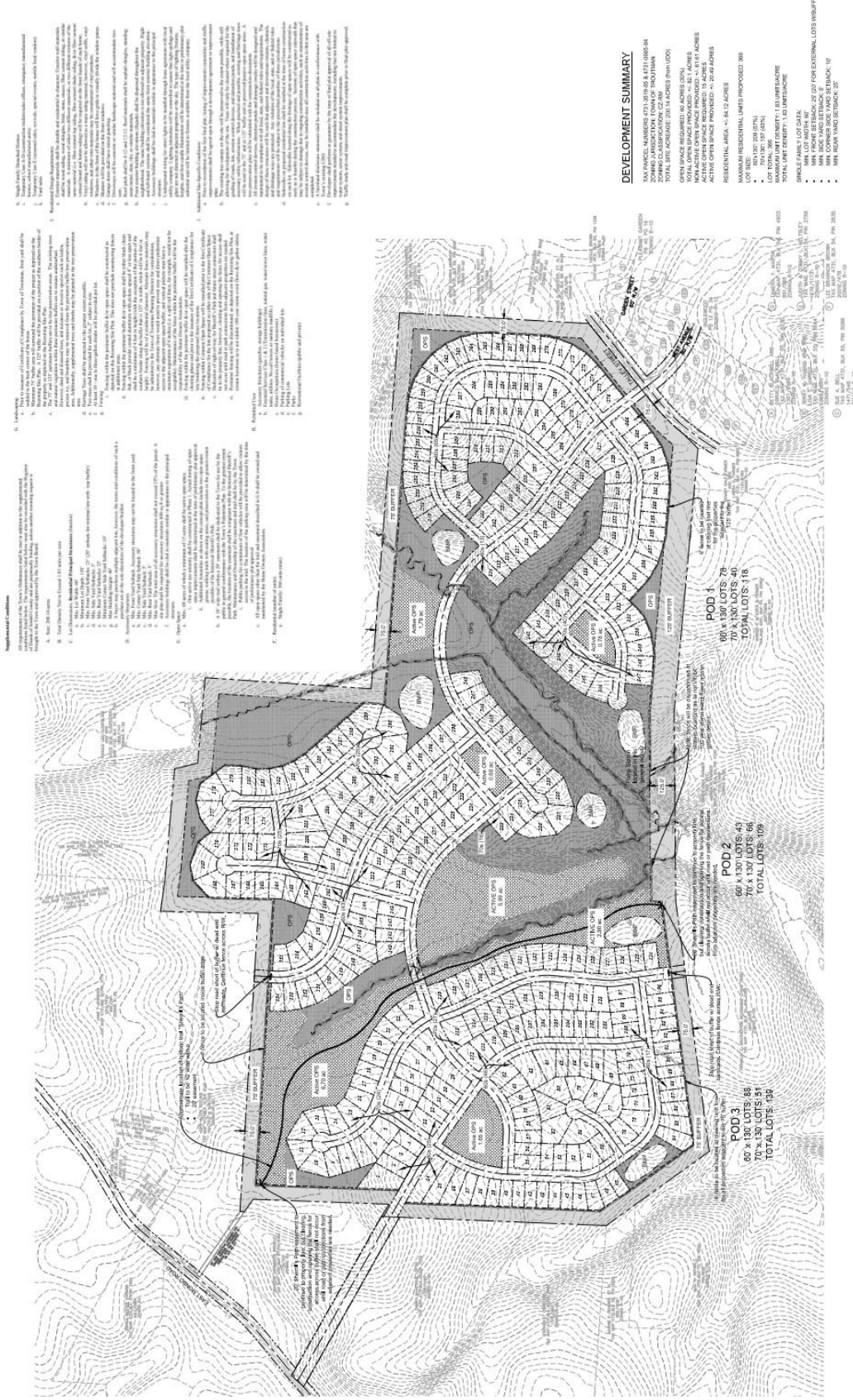
H. Permitted Uses
1. Accessory Structures (gazebos, storage buildings)
2. Essential Services Class 1 & 2 (Transmission lines, natural gas, water/sewer lines, water tanks, utilities. No cell towers or sanitary landfills.)
3. Home Occupations (home based businesses)
4. Parking of commercial vehicles on individual lots
5. Parking Lots
6. Parks
7. Recreational Facilities (public and private)
8. Single Family Detached Homes
9. Temporary Uses A-D (construction trailers/sales offices, emergency manufactured homes, school manufactured units)
10. Temporary Uses E (seasonal sales, revivals, special events, mobile food vendors)
11. Yard sales

I. Residential Design Requirements:
1. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, fiber cement siding, or similar materials. A minimum of either two different materials, or two different textures of the same material (i.e. fiber cement lap siding, fiber cement shake siding, &/or fiber cement vertical board and batten siding) will be required on the front façade of each home. b. Vinyl siding will not be allowed as a main siding material; however, vinyl soffit, vinyl windows, and other trim materials may be constructed of vinyl products.

2. Windows in the front of the house will have grids to visually divide the window panes.
3. Shutters will be provided on the front windows.
4. Garage doors shall have raised paneling.
5. Driveways will be concrete or similar hardscape material and will accommodate two cars.
6. Roof pitch shall between 4:12 and 12:12. Roof materials shall be asphalt shingles, standing seam metal, slate, tile, or similar materials.
7. Front exterior building elevations (façade) shall be dispersed throughout the neighborhood. The same building elevation is not allowed on adjacent property. Right and left-hand versions shall be considered the same front exterior building elevation.
8. Accessory buildings shall be clad in materials similar in appearance to the principal structure.
9. Underground wiring for street lights to be installed through lease agreement with local utility company. Lighting intensities will be controlled to assure that light spillage and glare are not directed at adjacent properties or the sky. The type of lighting fixtures, heights, and foot-candle illumination will be determined at the time of preliminary plat submittal and will be limited to fixtures available from the local utility company.

J. Additional Site-Specific Conditions:

1. Prior to recordation of the first final plat, timing of improvements (amenities and traffic improvements) shall be agreed upon through a development agreement or improvement plan.
2. The existing tree canopy on the site will be preserved to the extent possible, while still allowing for development of the site. Trees will only be cleared where required for the grading of roads, lots, erosion control devices, and detention ponds, and installation of necessary utility infrastructure. When practical and possible, existing and Heritage trees will be used in the 75’ and or 125’ buffer and in preserved/passive open space areas. A tree preservation plan will be submitted with the construction documents.
3. All erosion control devices, detention ponds and drainage swales will be designed and maintained to be compliant will all local, state, and federal rules and requirements. The design of these structures will be such that adjacent and downstream streams, channels, and drainage ways are protected. Any violation of the local, state, and or federal rules and requirements will be subject to the prescribed penalties of those jurisdictions.
4. Sidewalks on proposed residential lots shall be installed at the time of home construction on each lot. Sidewalks located along the frontage of open spaces will be constructed as early as is feasible during the construction process. Sections of open space sidewalk that may be subject to damage due to ongoing construction activities, such as maintenance of erosion control devices, may be installed once all construction activities in that area are completed.
5. A farmland disclosure statement shall be included on all plats in conformance with Town’s existing UDO.
6. Developer shall perform or guarantee by the time of final plat approval of all off-site improvements needed to accommodate the development, including but not limited to water system, sewer system, and street system improvements.
7. Traffic study and road improvement plan shall be complete prior to final plat approval.


DEVELOPMENT SUMMARY
TAX PARCEL NUMBERS: 0731.01-95-8.4131.0885-84
ZONING: LAKE WYLIE SPECIALTY MIXED (LWSMX)
ZONING CLASSIFICATION: CZ-RM
TOTAL SITE ACREAGE: 200.14 ACRES (from UDO)
OPEN SPACE REQUIRED: 40 ACRES (20%)
TOTAL OPEN SPACE PROVIDED: +/- 52.4 ACRES
NON-ACTIVE OPEN SPACE PROVIDED: +/- 51.61 ACRES
ACTIVE OPEN SPACE REQUIRED: 16 ACRES
ACTIVE OPEN SPACE PROVIDED: +/- 16.45 ACRES
RESIDENTIAL AREA: +/- 84.12 ACRES
MAXIMUM RESIDENTIAL UNITS PROPOSED: 368
LOT TYPES:
60'x130': 208 (57%)
70'x130': 157 (43%)
LOT TOTALS: 365
MAXIMUM UNIT DENSITY: 1.83 UNITS/ACRE
TOTAL UNIT DENSITY: 1.83 UNITS/ACRE
SINGLE FAMILY LOT DATA:
MIN. LOT WIDTH: 60' / 70'
MIN. FRONT SETBACK: 25' (20' FOR EXTERNAL LOTS IN BUFFER)
MIN. SIDE YARD SETBACK: 5'
MIN. STREET SIDE YARD SETBACK: 15'
MIN. REAR YARD SETBACK: 25'
POD 1
60' x 130' LOTS: 78
70' x 130' LOTS: 40
TOTAL LOTS: 118
POD 2
60' x 130' LOTS: 43
70' x 130' LOTS: 66
TOTAL LOTS: 109
POD 3
60' x 130' LOTS: 88
70' x 130' LOTS: 51
TOTAL LOTS: 139
Active OPS
OPS
BMP
70' BUFFER
125.0'
EMBLE STREET
GUNDY STREET
FORT MILL HIGHWAY

Geiger Property (Case No. CZ-HB-19-01; Ordinance No. 09-19)

Approximately 2.49 acres located at 533 Autumn Leaf Road belonging to Lee Geiger (PIN 4730-78-8993, DB 1536, P 117).

All conditions of Ordinance 09-19 shall be met. Any item(s) not specifically addressed in this Ordinance, shall meet the requirements of the Town's Unified Development Ordinance. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town.

A. Size: 2.49 acres

B. The current single-family residential structure may be continued in use as a single-family home.

C. Permitted Uses:
   a. Residential Uses:
      i. Mixed Use Buildings (upper floor residential)
      ii. Multi-Family Developments
      iii. Single-Family, attached (Conditional Zoning)
   b. Civic and Recreational Uses:
      i. Government Buildings
      ii. Parks (public/private)
      iii. Recreational Facilities (public/private)
      iv. Religious uses
      v. Schools (public/private) (subject to 2019 UDO §3.4.33)
   c. Institutional Uses:
      i. Daycare Centers (Permitted with additional standards)
      ii. Museums
      iii. Residential Care Facilities
   d. Office, Service and Lodging Uses:
      i. Animal Services (no outdoor kennels)
      ii. Automotive/Boat Services (requires a Special Use Permit)
      iii. Hotel/Inn (less than 20 rooms)
      iv. Office Uses (less than 5,000 s.f.)
      v. Office Uses (5,000 to 15,000 s.f.)
      vi. Service Uses (less than 5,000 s.f.)
   e. Entertainment and Retail Uses:
      i. Bar/Tavern/Microbrewery (Permitted with additional standards) (subject to UDO §3.4.38)
      ii. Entertainment Uses (Indoor) (PS-subject to UDO §3.4.14)
      iii. Restaurant (part of multi-tenant building)
      iv. Restaurant (free-standing)
      v. Retail Uses (less than 5,000 s.f.)

vi. Retail Uses (5,000 to 15,000 s.f.)

f. Industrial and Infrastructure Uses:
   i. Essential Services Class 1 & 2
   ii. Light Manufacturing Workshops
   iii. Warehousing (accessory use)

g. Accessory and Temporary Uses:
   i. Accessory structures (non-residential)
   ii. Swimming Pools (private accessory use)
   iii. Temporary Uses (A-D) (Permitted with additional standards) (subject to UDO §3.4.35)
   iv. Temporary Uses (E) (Permitted with additional standards) (subject to UDO §3.4.35)

D. Additional Site-Specific Conditions:

a. In order to maintain the residential character of the property, no new structure shall be placed on the property in front of the front façade of the existing single-family residential home structure.

b. No vehicles or materials associated with commercial use on the property shall be parked, stored or displayed outdoors on the property closer than the front façade of the existing single-family residential home structure.

c. Applicant shall dedicate adequate right-of-way along the property frontage of Autumn Leaf Road for the purpose of a future public sidewalk, to be consistent with Town plans to construct a sidewalk along Autumn Leaf Road. The property owner will coordinate with the Planning Department and Town Engineer to establish necessary documentation as to width and legal requirements to dedicate this right-of-way.

E. Recordation of Conditional Zoning District: The applicant will ensure that the UDO approving the CZ District is duly certified, and that the legal description and accompanying plan, is recorded in the office of the Register of Deeds of Iredell County. The applicant shall also record a deed restriction upon the subject property that requires compliance with the conditions attached to the CZ District Ordinance. The deed restriction is perpetually binding on the property, unless another rezoning request is brought to the Town and approved by the Town Council. The applicant must provide the Zoning Administrator a copy of the recorded notification, affixed with the Register's seal and date, book and page number of recording in order to receive approval of the application for a zoning permit. (2019 UDO §9.8.4(I))

(Place Site Plan Here Following Board of Adjustment Approval of Required Site Plan)

CALVIN CREEK (Case No CZ-RM-19-02; Ordinance No. 10-19)

Approximately 120.15 acres located on Autumn Leaf Road and Perth Road belonging to Gertrude Brown Heirs (PIN: 4730-89-6355, DB 399 Page 14) and Nancy B Broome + LB Cuthrell (PIN: 4740-09-0982, DB 94E Page737).

All conditions of Ordinance 10-19 shall be met. Any item(s) not specifically addressed in this Ordinance, shall meet the requirements of the Town's Unified Development Ordinance. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town.

F. Size: 120.15 acres

G. Total Density Not to Exceed: 1.87 units per acre (225 homes)

H. Lot Dimensions:

(55' Section)

a) Lot Width: 55' wide average (50' min.)
b) Min Lot Area: 8000 SF
c) Min Front Yard Setback: 20'
d) Min Corner Yard Setback: 10'
e) Min Side Yard Setback: 7'
f) Min Rear Setback: 25'

(70' Section)

a) Lot Width: 70' wide average (65' min.)
b) Min Lot Area: 9500 SF
c) Min Front Yard Setback: 20'
d) Min Corner Yard Setback: 10'
e) Min Side Yard Setback: 7'
f) Min Rear Setback: 25'

I. Accessory Structures

a. Accessory Structures shall follow the current standards of the Town of Troutman Unified Development Ordinance.

J. Common Open Space (COS)

a. Total Common Open Space Provided: 52 AC (44%)
   i. Minimum Passive: 10 % (to include a 25 ft green belt surrounding entire tract and nature preserves that include natural walking trails and BMP's)
   ii. Active: 1.7 Ac.
b. Maintenance and Ownership: A Homeowners or Property Owners Association will be setup to own and maintain the open space in perpetuity

K. Design Requirements:

a. Minimum House Size: minimum 1,500 Square Foot for all homes.

b. Roof materials shall be 25-year minimum architectural/dimensional asphalt shingles, standing seam metal, slate, tile, or similar materials.
c. Front elevations shall be dispersed throughout the neighborhood. Same front building elevation is not allowed on the adjacent property.
d. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, fiber cement/cementious siding, or similar materials. Vinyl siding will not be allowed as a main siding material however, vinyl soffit, vinyl windows and other trim materials may be constructed of vinyl products. In addition, aluminum exterior trim may be used.
e. Foundations shall be crawl space, slab, basement. No exposed concrete block or unfinished concrete is allowed. Monolithic slabs shall have minimum three course brick masonry veneer skirt, stone, parging, or other similar materials extending up the face of the slab on all sides.
f. All homes shall have driveways constructed of concrete and accommodate two cars. Each driveway shall be configured such that cars will not impede the public sidewalk.
g. Windows in the front of the house will have grids to visually divide the window panes.
h. Underground wiring for street lights to be installed with local utility provider.

L. Landscaping & Buffering:
a. Each home must have a minimum of a 3 ft landscaped area along the front perimeter of each home containing a minimum of 10 plantings (6 such plantings shall be evergreen or perennial shrubs) at the time a Certificate of Compliance is issued from the Town of Troutman. The Town shall have no further responsibility for enforcement of this landscaping provision.
b. Each home must have at least 1 deciduous tree in addition to required street trees.
c. A 25’ perimeter buffer will be saved for buffering when practical and reasonable. The existing trees and natural vegetation within these perimeter buffers are to remain undisturbed. However, dead and diseased trees, and nuisance or invasive species such as kudzu, poison ivy, and brambles may be removed from the perimeter buffer/tree preservation area.

M. Permitted Uses
a. Accessory Structures as allowed by the current Town of Troutman Unified Development Ordinance
b. Single Family Detached Homes
c. Home Occupations
d. Essential Services (i.e. systems for the distribution of gas, electricity, water, sewer, etc.)
e. Parks
f. Parking Lots
g. Recreational Facilities (public and private)
h. Temporary Uses (i.e. construction trailers, special events, sales offices)
i. Yard Sales

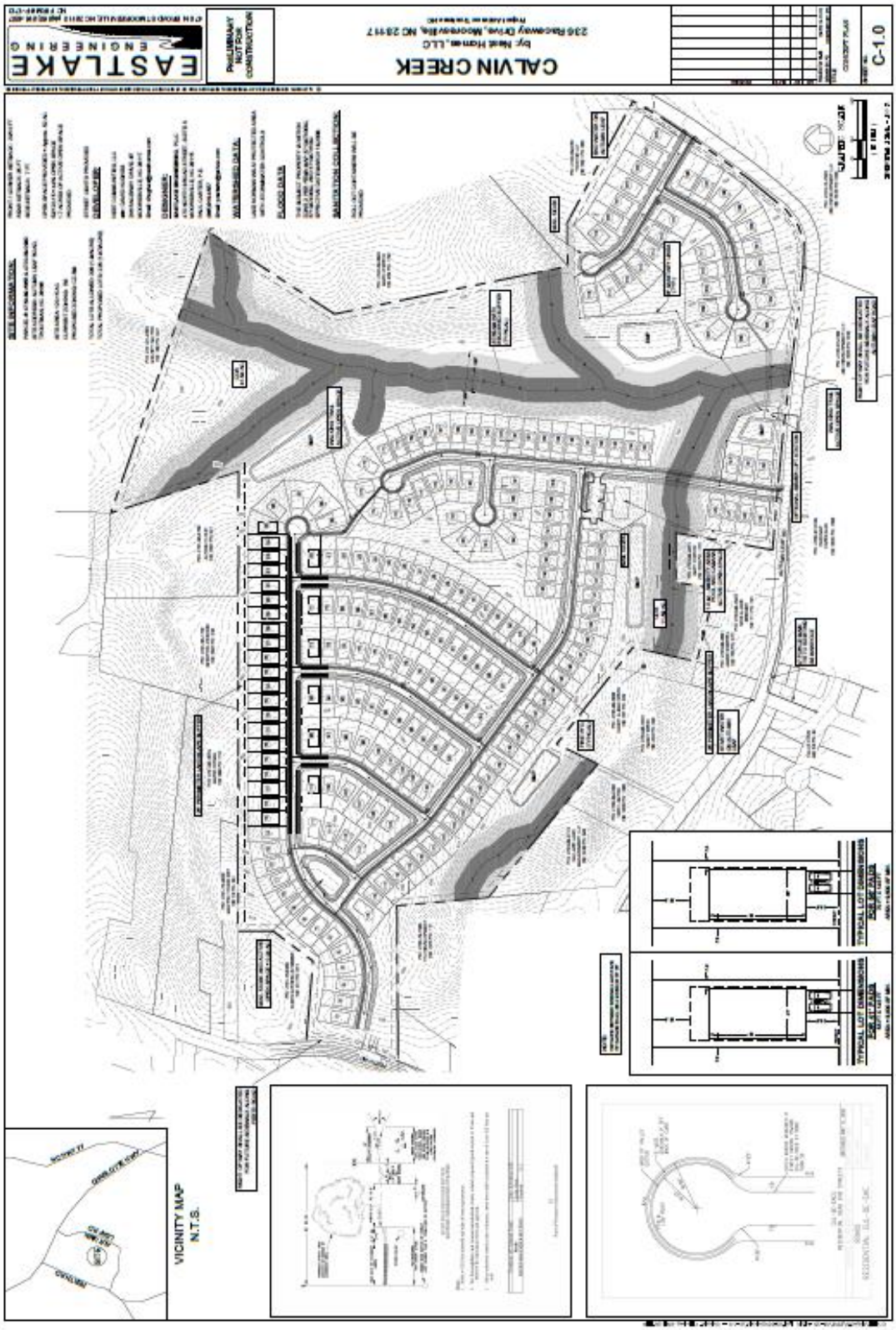
N. Additional Site-Specific Conditions:
a. All homes to be served by municipal water and sewer. Developer may install a sewer lift station if gravity sewer is not feasible.
b. Developer/Homeowner’s Association shall provide sewer easements within in its open space areas where possible to serve the northern properties for future extension of sewer. Specifically, Parcel ID #4740-09-8843, 4741-01-4288, and 4731-90-5709.

c. Prior to the recordation of the first Final Plat, a Traffic Impact Analysis or Traffic Technical Memorandum shall be completed and approved by NCDOT. The timing of any required traffic improvements shall be determined by the TIA as approved by NCDOT.
d. All erosion control devices will be designed and maintained to be compliant with all local, state, and federal rules and requirements.
e. Sidewalks shall be placed on both sides of the internal streets. Sidewalks on proposed residential lots shall be installed at the time of home construction on each lot. Sidewalks located along frontage of open spaces will be constructed as early as is feasible during the construction process.
f. Developer shall dedicate right of way along the property frontage of Autumn Leaf Road and Perth Rd for the purpose of a future standard width sidewalk.
g. Trees will be cleared only where required for detention ponds, infrastructure development, and building lots.
h. Homeowner's Association shall be setup with CCR's to ensure consistency with the zoning requirements.

O. Additional Site-Specific Conditions:
   a. Applicant shall dedicate adequate right-of-way along the property frontage of Autumn Leaf Road and Perth Road for the purpose of a future minimum 5-foot public sidewalk, to be consistent with Town plans to construct sidewalk along Autumn Leaf Road and Perth Road. The property owner will coordinate with the Planning Department and Town Engineer to establish necessary documentation as to width and legal requirements to dedicate this right-of-way.

P. Recordation of Conditional Zoning District: The applicant will ensure that the UDO approving the CZ District is duly certified, and that the legal description and accompanying plan, is recorded in the office of the Register of Deeds of Iredell County. The applicant shall also record a deed restriction upon the subject property that requires compliance with the conditions attached to the CZ District Ordinance. The deed restriction is perpetually binding on the property, unless another rezoning request is brought to the Town and approved by the Town Council. The applicant must provide the Zoning Administrator a copy of the recorded notification, affixed with the Register's seal and date, book and page number of recording in order to receive approval of the application for a zoning permit. (2019 UDO §9.8.4(I))

(Approved Site Plan on Following Page)


EASTLAKE
ENGINEERING
PRELIMINARY NOT FOR CONSTRUCTION
CALVIN CREEK
C-1.0
VICINITY MAP
N.T.S.

MARLEY JAYE VILLAGE (Case No CZ-RM-19-04; Ordinance No. 17-19)

Approximately 91.5 acres +/- located on Perry Road and Hoover Road
(PIN# 4741375279, DB 2160/DP 1045 and PIN# 4741477196, DB 2496/DP1428)
belonging to Bruce P. Murdock.

A. **All conditions of Ordinance 17-19 shall be met. Any item(s) not specifically addressed in this Ordinance, shall meet the requirements of the Town's Unified Development Ordinance. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town Council.**

B. **Parcel:**
1. Size: +/- 91.5 Acres
2. Zoning:
   a. Existing Zoning – RS
   b. Proposed Zoning – CZ-RM

C. Total Homes Not to Exceed:
1. 165 Single Family Homes

D. **Primary Building Placement:**
1. Front Setback – 25'
2. Corner Setback – 20'
3. Side Setback – 10'
4. Rear Setback – 25'
5. Side setbacks shall be 15' against adjoining properties that are not inclusive of the subdivision unless a minimum twenty-five (25) feet wide buffer is provided
6. Max primary building height – 2 stories (attic living area allowable)

E. **Lot Dimensions:**
1. Minimum Lot Size – 9,000 square feet
2. Minimum Lot Width – 75' (measured at front setback)
3. Minimum Lot Width at cul-de-sac – 40' (measured at right-of-way)

F. **Accessory Building Placement:**
1. Front Setback – accessory structures shall not be placed in the front setback
2. Corner Setback - 20'
3. Side Setback - 10'
4. Rear Setback - 10'
5. Max Accessory Building Height - 2 stories

G. **Open Space:**
1. Required Open Space – 10% (9.15 acres)

2. Provided Open Space – ±29.2 acres (± 31%)
   a. acres undisturbed nature preserve ±25.3
   b. acres neighborhood green ±3.9

H. **Permitted Uses (additional conditions may apply per RM zoning):**

1. single-family detached homes
2. accessory structures
3. home occupations
4. residential care facilities
5. bed & breakfast inns
6. short term rental
7. parks (public and private)
8. recreational facilities/swimming pools (public and private)
9. essential services class 1 & 2
10. parking lots associated with active open space
11. temporary uses a-d
12. yard sales

I. **Building Design Requirements:**

1. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood shingles, brick, stone, stucco, wood siding, fiber cement siding, or similar materials. Vinyl siding will not be allowed as a main siding material, however, vinyl soffit, vinyl window trim, and other trim materials may be constructed of vinyl products.
2. The front façade shall be two different materials or two different textures of the same material (lap siding, shake siding, and/or vertical board and batten siding) unless the front façade is all brick or stone.
3. Windows in the front of the house will have grids to visually divide the windowpanes.
4. Shutters will be provided on the front windows.
5. Garage doors shall have raised paneling.
6. Driveways will be concrete or similar hardscape material and will accommodate two cars.
7. Roof pitch shall between 4:12 and 12:12; roof materials shall be asphalt shingles, standing seam metal, slate, tile, or similar materials.
8. Front exterior building elevations (façade) shall be dispersed throughout the neighborhood. The same building elevation is not allowed on adjacent properties. Right and left-hand versions shall be considered the same building elevation.
9. Accessory buildings shall be clad in materials similar in appearance to the principal structure.

J. **Landscaping & Buffering:**

1. Prior to issuance of Certificate of Compliance by town of Troutman, the following landscaping shall be in place:
   a. front yard shall be sodded to the front corner of the house.

b. two trees (at least one deciduous), not including required street trees, shall be provided for each lot, 2.5” caliper in size.

c. at least six (6) - one to three-gallon shrubs will be provided per lot.

2. Existing trees and natural vegetation within the conservation open space are to remain undisturbed to the extent practical determined during the design phase and shall be delineated during construction with tree protection fence. However, dead, diseased, and nuisance or invasive vegetation such as kudzu, poison ivy, and brambles may be removed from the tree preservation area. Additionally, supplemental trees and shrubs may be planted in the tree preservation area.

3. Dedication of right-of-way for greenway trail and future street connectors shall be to the property line; however, removal of barricade for access shall not occur until road or path connections from adjacent properties are needed. Developer shall install street and greenway dead-end signs in accordance with the town's standards at street and greenway stubs.

4. Developer shall install a 10' wide soft-surface trail in 20' public access easement as generally depicted on rezoning plan. Maintenance and ownership of the soft-surface greenway trail shall be by the HOA until such time that a greenway trail from an adjacent parcel can connect to the trail. Upon connection to trail from adjacent parcel, maintenance of the trail shall be by the town.

5. Berms shall be installed as noted on the site plan and per the detail on this sheet.

K. **Additional Site-specific Conditions:**

1. Developer shall perform or guarantee by the time of final plat approval required off-site improvements needed to accommodate the development, including but not limited to water system, sewer system, and street system improvements.

2. Maintenance and ownership of the soft-surface greenway trail shall be by the HOA until such time that a greenway trail from an adjacent parcel can connect to the trail. Upon connection to trail from adjacent parcel, maintenance of the trail shall be by the town. Homeowner’s association shall own and maintain all other common open space areas; including but not limited to, active/preserved open space and community fencing.

3. Sidewalks on proposed residential lots shall be installed at the time of home construction on each lot. Sidewalks located along the frontage of open spaces will be constructed as early as is feasible during the construction process. Sections of open space sidewalk that may be subject to damage due to ongoing construction activities, such as maintenance of erosion control devices, may be installed once all construction activities in that area are completed.

4. Power service to the community shall be provided by underground wiring including street lighting.

5. The developer shall provide street lighting on all streets within the subdivision in accordance with Duke Energy's outdoor lighting product specifications. Street lighting intensities will be controlled to assure adequate community lighting and prevent light spillage and glare directed at adjacent properties or the sky. The type of lighting fixtures, heights, and foot-candle illumination will be determined at the time of construction document submittal and will be limited to fixtures available from the local utility company.

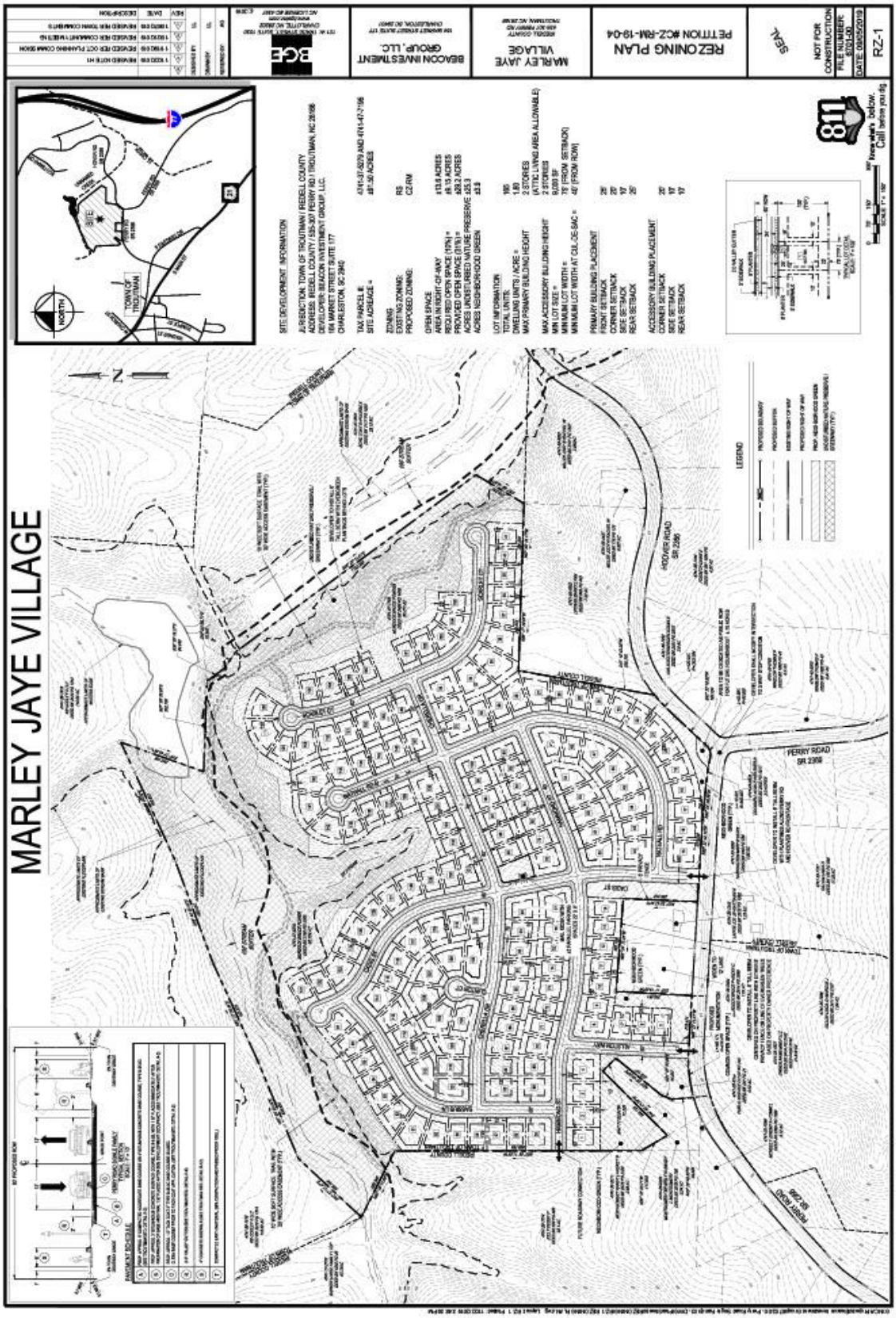
6. All homes shall be served by municipal water and sewer.

7. An HOA shall be established by the developer or builder and maintained by the community. The applicant shall provide covenants, conditions, and restrictions (CCRs) to the town prior to recordation of the final plat to ensure consistency with commitments and approvals.
8. Roadway improvements to Perry Road and Hoover Road shall comply with town UDO and the NCDOT approved Traffic Impact Analysis. Developer agrees to install a 3-way stop at the Perry Road and Hoover Road intersection and dedicate approximately 0.1 acres of right-of-way at this intersection to allow for future intersection improvements by the Town/NCDOT.
9. This development may be constructed in phases.

L. **Stormwater:**

1. This project shall comply with the flood damage prevention overlay district.
2. Erosion control and stormwater measures shall be designed and maintained to be compliant with local, state, and federal rules and requirements. The design of these structures shall be such that adjacent streams, channels, and drainage ways are protected.
3. This project is to be classified low-density based on NCDEQ regulations.

M. **Recordation of Conditional Zoning District:** The applicant will ensure that the UDO approving the CZ District is duly certified, and that the legal description and accompanying plan, is recorded in the office of the Register of Deeds of Iredell County. The applicant shall also record a deed restriction upon the subject property that requires compliance with the conditions attached to the CZ District Ordinance. The deed restriction is perpetually binding on the property, unless another rezoning request is brought to the Town and approved by the Town Council. The applicant must provide the Zoning Administrator a copy of the recorded notification, affixed with the Register's seal and date, book and page number of recording in order to receive approval of the application for a zoning permit. (2019 UDO §9.8.4(I)).


MARLEY JAYE VILLAGE
REZONING PLAN
PETITION #CZ-RM-19-04
MARLEY JAYE VILLAGE
BEACON INVESTMENT GROUP, LLC.
BCG
NOT FOR CONSTRUCTION
RZ-1
SITE DEVELOPMENT INFORMATION
JURISDICTION: TOWN OF TROUTMAN / IREDELL COUNTY
ADDRESS: IREDELL COUNTY / 535-307 PERRY RD / TROUTMAN, NC 28166
DEVELOPER: BEACON INVESTMENT GROUP, LLC.
164 MARKET STREET SUITE 177
CHARLESTON, SC 29402
TAX PARCEL #:
SITE ACREAGE =
ZONING
EXISTING ZONING:
PROPOSED ZONING:
OPEN SPACE
AREA IN RIGHT-OF-WAY
REQUIRED OPEN SPACE (10%) =
PROVIDED OPEN SPACE (10%) =
ACRES UNDISTURBED NATURE PRESERVE
ACRES NEIGHBORHOOD GREEN
LOT INFORMATION
TOTAL UNITS:
DWELLING UNITS / ACRE =
MAX PRIMARY BUILDING HEIGHT
MAX ACCESSORY BUILDING HEIGHT
MIN LOT SIZE =
MINIMUM LOT WIDTH =
MINIMUM LOT WIDTH AT CUL-DE-SAC =
PRIMARY BUILDING PLACEMENT
FRONT SETBACK
CORNER SETBACK
SIDE SETBACK
REAR SETBACK
ACCESSORY BUILDING PLACEMENT
CORNER SETBACK
SIDE SETBACK
REAR SETBACK
LEGEND
PERRY ROAD SR 2356
HOOVER ROAD SR 2355
Call before you dig.

Ordinance 13-20

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTY FROM IREDELL COUNTY RESIDENTIAL-AGRICULTURE (RA) TO TOWN OF TROUTMAN CONDITIONAL ZONING HIGHWAY BUSINESS (CZ-HB) KNOWN AS CZ-HB-20-01: SMITH VILLAGE HB

WHEREAS, the Applicant held a community meeting on August 6, 2020, The Town of Troutman did publish a legal notice in the *Statesville Record and Landmark* on August 26, 2020, 2020 and September 02, 2020, sent letters to all adjacent property owners on August 11, 2020, and placed notice on the property on July 31, 2020, setting forth that a public hearing for CZ-HB-20-01: Smith Village HB to be held on September 10, 2020, at 7:00 o'clock p.m., in the Troutman Town Hall, 400 North Eastway Drive, Troutman, North Carolina, for the purpose of rezoning the after-described property from Iredell County Residential-Agricultural (RA) to Town of Troutman Conditional Zoning-Highway Business (CZ-HB) CZ-HB-20-01: Smith Village HB.

WHEREAS, a public hearing was held regarding the proposed zoning classification pursuant to §160A-364.

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after-described as follows be changed to CZ-HB-20-01 with conditions as follows:

Approximately 38.67 acres located on the west side of US 21 (Charlotte Highway) approximately 2/10 mile from Interstate Exit 42.

Conditional Zoning-Highway Business CZ-HB-20-01: Smith Village HB

ALL CONDITIONS OF ORDINANCE 13-20 SHALL BE MET. ANY ITEM(S) NOT SPECIFICALLY ADDRESSED IN THIS ORDINANCE, SHALL MEET THE REQUIREMENTS OF THE TOWN'S UNIFIED DEVELOPMENT ORDINANCE. THE REQUIREMENTS LISTED BELOW MUST ALSO BE RECORDED WITH THE REGISTER OF DEEDS OF IREDELL COUNTY AND ARE PERPETUALLY BINDING, UNLESS ANOTHER REZONING REQUEST IS BROUGHT TO THE TOWN AND APPROVED BY THE TOWN.

A. TOTAL DENSITY NOT TO EXCEED: 175 LOTS OR 4.48 DWELLING UNITS PER ACRE

B. SINGLE-FAMILY ATTACHED LOT DIMENSIONS (INTERIOR):

a. MINIMUM LOT WIDTH: 24' FOR ALL NON-CUL-DE-SAC LOTS. ALL CUL-DE-SAC LOTS SHALL MEASURE 24' WIDE AT THE MINIMUM FRONT SETBACK LINE AS SHOWN ON THE LOT DETAIL ON SHEET 1 OF 5.
b. MINIMUM LOT DEPTH: 100' IN DEPTH
c. MINIMUM FRONT SETBACK: 20'
d. CORNER YARD SETBACK: 10'
e. MINIMUM REAR YARD SETBACK: 20'
f. MINIMUM SIDE YARD SETBACK: 10'

C. SINGLE-FAMILY ATTACHED LOT DIMENSIONS (EXTERIOR):

a. MINIMUM LOT WIDTH: 24' FOR ALL NON-CUL-DE-SAC LOTS. ALL CUL-DE-SAC LOTS SHALL MEASURE 24' WIDE AT THE MINIMUM FRONT SETBACK LINE AS SHOWN ON THE LOT DETAIL ON SHEET 1 OF 5.
b. MINIMUM LOT DEPTH: 100' IN DEPTH
c. MINIMUM FRONT SETBACK: 20'
d. CORNER YARD SETBACK: 10'
e. MINIMUM REAR YARD SETBACK: 20', PLUS 25' LANDSCAPED BUFFER (SEE REZONING PLAN)
f. MINIMUM SIDE YARD SETBACK: 10', PLUS 25' LANDSCAPED BUFFER (SEE REZONING PLAN)

D. COMMERCIAL/OFFICE/RETAIL STANDARDS (PRIMARY):

a. MINIMUM FRONT SETBACK: 10'
b. CORNER YARD SETBACK: 10'
c. MINIMUM REAR YARD SETBACK: 20'
d. MINIMUM SIDE YARD SETBACK: 10', 25' IF ADJACENT TO RESIDENTIAL.

E. COMMERCIAL/OFFICE/RETAIL STANDARDS (ACCESSORY):

a. MINIMUM FRONT SETBACK: 10'
b. CORNER YARD SETBACK: 10'
c. MINIMUM REAR YARD SETBACK: 20'
d. MINIMUM SIDE YARD SETBACK: 10', 25' IF ADJACENT TO RESIDENTIAL.

F. PERMITTED USES:

a. RESIDENTIAL USES
    i. MIXED USE BUILDINGS (UPPER STORY RESIDENTIAL)
    ii. MULTI-FAMILY DEVELOPMENTS
    iii. SINGLE FAMILY ATTACHED
b. CIVIC USES

i. GOVERNMENT BUILDINGS
ii. NON-PROFIT ORGANIZATIONS
iii. RELIGIOUS USES

c. INSTITUTIONAL
i. DAYCARE CENTERS
ii. MUSEUMS
iii. PRIVATE SCHOOLS
iv. INSTRUCTIONAL SCHOOLS
v. RESEARCH FACILITIES-SUP ONLY

d. OFFICE & SERVICE
i. ANIMAL SERVICES (NO OUTDOOR KENNELS)
ii. OFFICE USES (UP TO 30,000 SQ FT)
iii. OFFICE USES (GREATER THAN 30,000 SQ FT)- SUP ONLY
iv. SERVICE USES (UP TO 15,000 SQ FT)
v. SERVICE USES (15,001 SQ FT)-SUP ONLY

e. RETAIL
i. FARMERS MARKETS
ii. RESTAURANTS (PART OF A MULTI-TENANT BUILDING OR FREESTANDING)
iii. RETAIL USES (UP TO 30,000 SQ FT)
iv. DRIVE THRUS-SUP ONLY
v. NURSERIES-SUP ONLY

f. MANUFACTURING
i. WAREHOUSING (ACCESSORY USE)
ii. METAL FABRICATION

g. OTHER
i. ESSENTIAL SERVICES CLASS 1 & 2
ii. PUBLIC PARKS
iii. PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES
iv. RECREATIONAL FACILITIES (PUBLIC AND PRIVATE)
v. TEMPORARY USES (A-D)
vi. ENTERTAINMENT USES-SUP ONLY

G. DESIGN REQUIREMENTS:

a. RESIDENTIAL HOUSING TYPES:
i. TWO STORY HOMES
ii. THREE STORY HOMES
iii. ALL HOMES SHALL BY DESIGN INCLUDE ONE (1) CAR ATTACHED GARAGES.
iv. ALL HOMES SHALL HAVE DRIVEWAYS THAT PROVIDE OFF-STREET PARKING FOR ONE (1) VEHICLE.

b. RESIDENTIAL EXTERIOR MATERIALS:
i. EXTERIOR MATERIALS SHALL BE DURABLE AND RESIDENTIAL IN CHARACTER. EXTERIOR WALL MATERIALS SHALL BE WOOD SIDING, WOOD SHINGLES, BRICK, STONE, STUCCO, FIBER CEMENT SIDING, OR SIMILAR MATERIALS. A MINIMUM OF EITHER TWO DIFFERENT MATERIALS, OR TWO DIFFERENT TEXTURES OF THE SAME MATERIAL (I.E.

FIBER CEMENT LAP SIDING, FIBER CEMENT SHAKE SIDING, &/OR FIBER CEMENT VERTICAL BOARD AND BATTEN SIDING) SHALL BE REQUIRED ON THE FRONT FAÇADE OF EACH HOME.

ii. VINYL SIDING SHALL NOT BE ALLOWED AS A MAIN SIDING MATERIAL; HOWEVER, SOFFITS, WINDOWS, AND OTHER TRIM MATERIALS MAY BE CONSTRUCTED OF VINYL PRODUCTS.

iii. GARAGES SHALL COMPLY WITH TOWN OF TROUTMAN UNIFIED DEVELOPMENT ORDINANCE REQUIREMENTS OUTLINED IN SECTION 2.4.

c. COMMERCIAL/OFFICE/RETAIL EXTERIOR MATERIALS:

i. BUILDING WALLS VISIBLE FROM A PUBLIC STREET OR CIVIC SPACE SHALL BE PRIMARILY BRICK, STACKED STONE, STONE, OR STONE MASONRY UNITS, WOOD CLAPBOARD, CEMENTITIOUS FIBER BOARD, EXPOSED HEAVY TIMBER, OR ARCHITECTURAL CONCRETE MASONRY UNITS (CMU). GLASS CURTAIN WALLS MAY BE APPROVED SUBJECT TO DESIGN REVIEW TO ENSURE THE STYLING AND DETAILS ARE APPROPRIATE FOR THE CONTEXT. EXTERIOR INSULATION FINISHING SYSTEMS (EIFS) MAY BE USED ON FACADES NOT FACING A PUBLIC STREET OR CIVIC SPACE OR AS A SECONDARY BUILDING MATERIAL ONLY (LESS THAN 25% OF THE WALL AREA) ON PRIMARY FRONTAGE FACADES. UNDER NO CIRCUMSTANCES SHALL UNFINISHED CONCRETE BLOCK BE PERMITTED.

ii. WHEN 2 OR MORE MATERIALS ARE USED ON A FAÇADE, THE HEAVIER MATERIAL SHALL BE PLACED BELOW THE LIGHTER MATERIAL (E.G., SIDING OVER BRICK) TO GIVE THE SENSE OF SUPPORT AND GROUNDING.

d. LANDSCAPING & BUFFERING:

i. EACH HOME SHALL BE LANDSCAPED WITH A MINIMUM OF ONE (1) CANOPY TREE. WHEN PRACTICAL AND POSSIBLE EXISTING TREES SHALL BE USED IN THE 25’ PERIMETER BUFFER. ANY BUFFER CLEARED DURING THE CONSTRUCTION PROCESS SHALL BE REPLANTED WITH CANOPY TREES AT A RATE OF ONE (1) TREE PER 40 LINEAR FEET. AT THE TIME OF PLANTING TREES SHALL BE A MINIMUM OF 2.5” IN CALIPER. INDIVIDUAL LOT LANDSCAPING SHALL BE REVIEWED BY THE TOWN PRIOR TO RELEASING A CERTIFICATE OF OCCUPANCY FOR EACH HOME. THE TOWN SHALL HAVE NO FURTHER RESPONSIBILITY FOR ENFORCEMENT OF THIS LANDSCAPING PROVISION. UNLESS LISTED HEREIN, LANDSCAPING/SCREENING/BUFFERING SHALL ADHERE TO TOWN OF TROUTMAN UNIFIED DEVELOPMENT ORDINANCE STANDARDS.

e. LIGHTING:
   i. STREET LIGHTING SHALL BE PROVIDED BY THE DEVELOPER.

H. ADDITIONAL SITE-SPECIFIC CONDITIONS:

a. UNDERGROUND WIRING PROVIDED TO SERVE THE DEVELOPMENT INCLUDING STREET LIGHTING.
b. ALL HOMES SHALL BE SERVED BY MUNICIPAL WATER AND SEWER.
c. NO WELLS SHALL BE UTILIZED FOR IRRIGATION OR OTHER PURPOSES.
d. THE APPLICANT SHALL PROVIDE COVENANTS, CONDITIONS, AND RESTRICTIONS (CCRS) TO THE TOWN PRIOR TO RECORDATION OF THE FINAL PLAT TO ENSURE CONSISTENCY WITH COMMITMENTS AND APPROVALS.
e. PARKING SHALL BE PROHIBITED AT THE END OF ALL PROPOSED STUB CONNECTIONS AND CUL-DE-SACS. “NO PARKING” SIGNS SHALL BE PLACED IN THESE AREAS BY THE DEVELOPER.
f. AN 8’ SIDEWALK SHALL BE PROVIDED ALONG THE US 21 SITE FRONTAGE.
g. A CROSSWALK AND PEDESTRIAN SIGNAL SYSTEM SHALL BE PROVIDED AT THE INTERSECTION OF US 21/CROSSTIE LANE.

I. ALL OTHER REQUIREMENTS OF THE UDO SHALL ALSO BE MET.

J. The submitted Conditional Zoning Concept Plan shall be placed alongside all approved conditions in the Unified Development Ordinance.

K. Dedication of property to the Town of Troutman for the 0.75-acre parcel for public safety facility use shall be required at the time of initial final plat approval for lots (whether commercial or residential) in the project area approval for Case No. CZ-HB-20-01.

L. Sidewalks are required throughout the entirety of the project, as noted on the site plan and per the Unified Development Ordinance and Troutman Development Standards Design Manual.

M. The area designated on the Rezoning Plan as Weatherstone Lane shall be provided as an emergency ingress/egress roadway, sufficiently-sized, constructed and secured for Troutman Fire Department vehicles that may be required to serve the development. This roadway shall be constructed and maintained by the developer until the HOA/POA assumes ownership; and coordination with TFD shall be maintained in order to ensure sufficient access in event of emergency. This roadway, or a future roadway into/out of this project, shall be provided to ensure access to Flower House Loop.

N. Provide condition specifying that a Homeowners/Property Owners Association will be established and maintained for this residential development, including a second 'master' HOA/POA if desired.

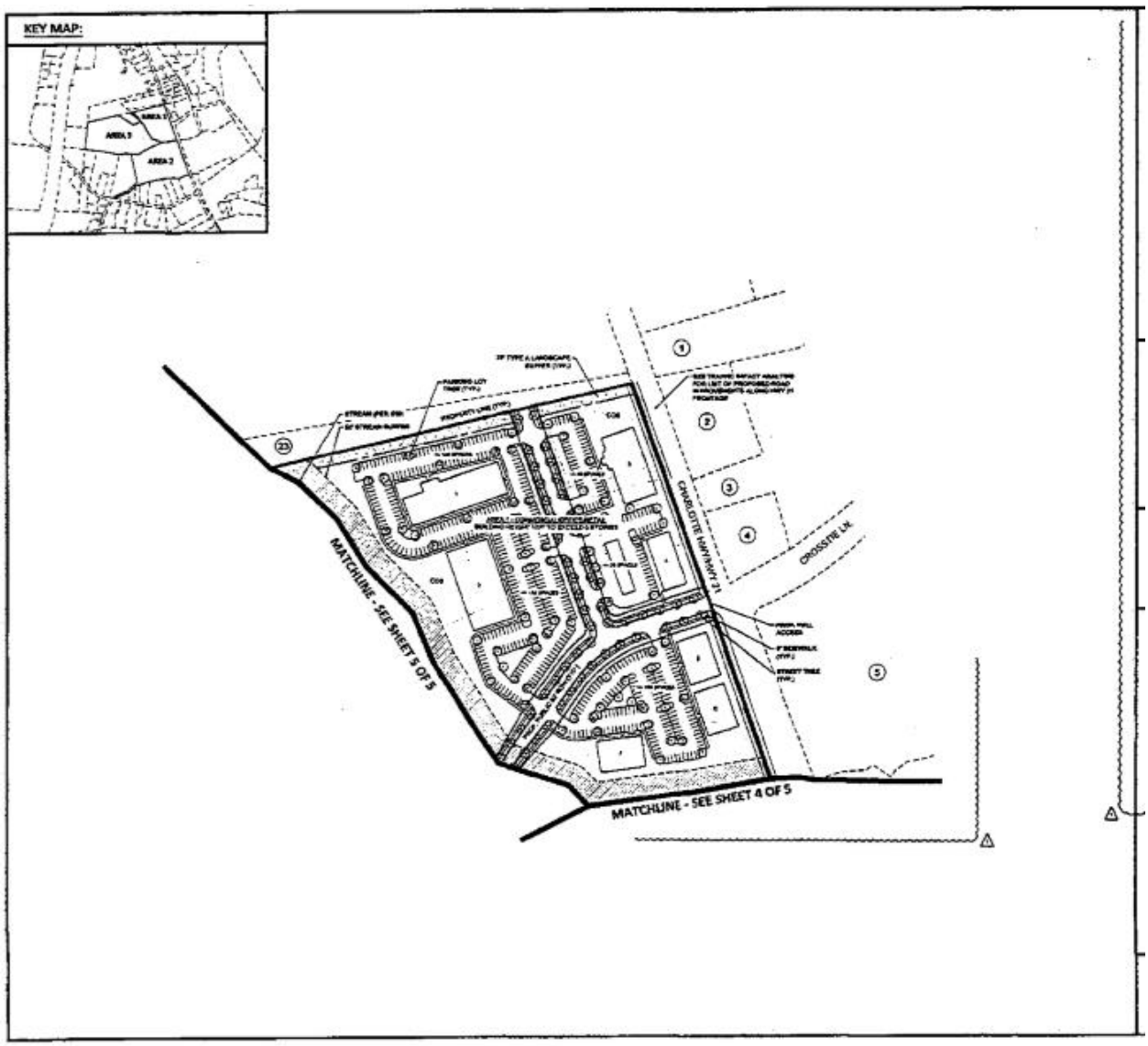
O. The applicant is responsible for complete implementation of all mitigation measures as a condition of development and driveway permit approval. All required transportation network mitigation measures required of the developer in TIA Project SC-2019-156R1 and contingent on approved NCDOT Driveway Permit shall be provided by the applicant. All improvements shall be completed or sufficiently bonded for completion prior to final plat approval. See NCDOT Division 12 District 2 Memo-Recommended Mitigation Measures for Smith Village (August 6, 2020)

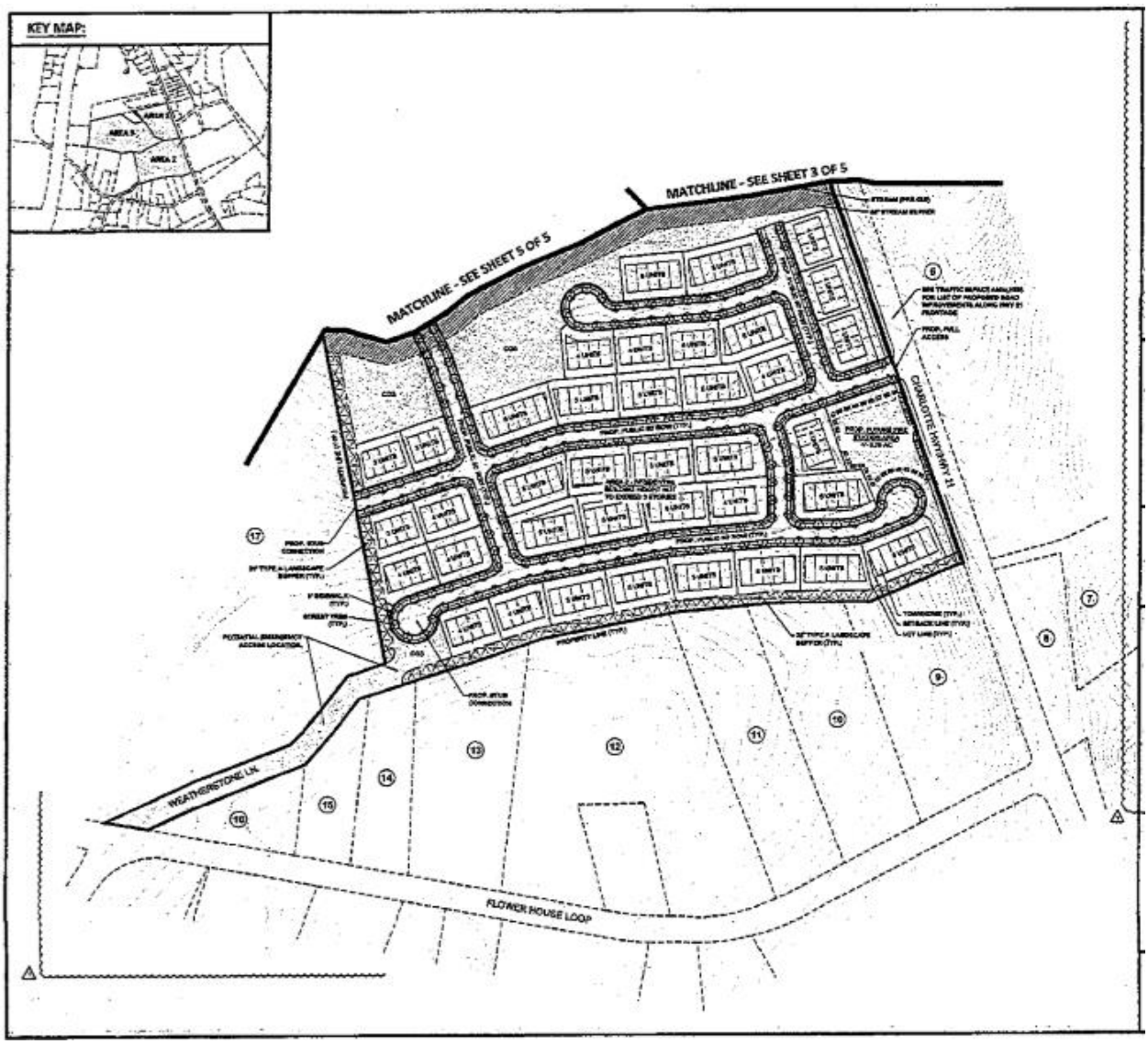
P. Recordation of Conditional Zoning District: The applicant will ensure that the UDO approving the CZ District is duly certified, and that the legal description and accompanying plan, is recorded in the office of the Register of Deeds of Iredell County. The applicant shall also record a deed restriction upon the subject property that requires compliance with the conditions attached to the CZ District Ordinance. The deed restriction is perpetually binding on the property, unless another rezoning request is brought to the Town and approved by the Town Council. The applicant must provide the Zoning Administrator a copy of the recorded notification, affixed with the Register's seal and date, book and page number of recording in order to receive approval of the application for a zoning permit. (2019 UDO §9.8.4(I)).

Adopted this 10th day of September, 2020.

_____
Teross W. Young, Jr., Mayor

_____
Kimberly H. Davis, Town Clerk


KEY MAP:
AREA 1
AREA 2
MATCHLINE - SEE SHEET 5 OF 5
MATCHLINE - SEE SHEET 4 OF 5
CHARLOTTE HWY/HWY 21
CROSSTIE LN.


KEY MAP:
MATCHLINE - SEE SHEET 3 OF 5
MATCHLINE - SEE SHEET 5 OF 5
CHARLOTTE HWY/MHY 21
WEATHERSTONE LN
FLOWER HOUSE LOOP

Ordinance 14-20

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTY FROM IREDELL COUNTY RESIDENTIAL-AGRICULTURE (RA) TO TOWN OF TROUTMAN CONDITIONAL ZONING MIXED RESIDENTIAL (CZ-RM) KNOWN AS CZ-RM-20-02: SMITH VILLAGE RM

WHEREAS, the Applicant held a community meeting on August 6, 2020, The Town of Troutman did publish a legal notice in the *Statesville Record and Landmark* on August 26, 2020 and September 02, 2020, sent letters to all adjacent property owners on August 11, 2020, and placed notice on the property on July 31, 2020, setting forth that a public hearing for CZ-RM-20-02: Smith Village RM to be held on September 10, 2020, at 7:00 o'clock p.m., in the Troutman Town Hall, 400 North Eastway Drive, Troutman, North Carolina, for the purpose of rezoning the after-described property from Iredell County Residential-Agricultural (RA) to Town of Troutman Conditional Zoning-Mixed Residential (CZ-RM) CZ-RM-20-02: Smith Village RM.

WHEREAS, a public hearing was held regarding the proposed zoning classification pursuant to §160A-364.

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after-described as follows be changed to CZ-HB-20-01 with conditions as follows:

Approximately 29.41 acres located on the west side of US 21 (Charlotte Highway) approximately 2/10 mile from Interstate Exit 42.

Conditional Zoning-Highway Business CZ-RM-20-02: Smith Village RM

ALL CONDITIONS OF ORDINANCE 14-20 SHALL BE MET. ANY ITEM(S) NOT SPECIFICALLY ADDRESSED IN THIS ORDINANCE, SHALL MEET THE REQUIREMENTS OF THE TOWN'S UNIFIED DEVELOPMENT ORDINANCE. THE REQUIREMENTS LISTED BELOW MUST ALSO BE RECORDED WITH THE REGISTER OF DEEDS OF IREDELL COUNTY AND ARE PERPETUALLY BINDING, UNLESS ANOTHER REZONING REQUEST IS BROUGHT TO THE TOWN AND APPROVED BY THE TOWN.

A. **TOTAL DENSITY NOT TO EXCEED:** 85 LOTS OR 2.93 DWELLING UNITS PER ACRE

B. **LOT DIMENSIONS (INTERIOR):**
   a. MINIMUM LOT WIDTH: 50' FOR ALL NON-CUL-DE-SAC LOTS. ALL CUL-DE-SAC LOTS SHALL MEASURE 50' WIDE AT THE MINIMUM GARAGE SETBACK LINE AS SHOWN ON THE LOT DETAIL ON SHEET 1 OF 5.

b. MINIMUM LOT DEPTH: 100’ IN DEPTH
c. MINIMUM FRONT SETBACK: 10’
d. MINIMUM GARAGE SETBACK: 20’
e. CORNER YARD SETBACK: 10’
f. MINIMUM REAR YARD SETBACK: 20’
g. MINIMUM SIDE YARD SETBACK: 7’

C. LOT DIMENSIONS (EXTERIOR):

a. MINIMUM LOT WIDTH: 50’ FOR ALL NON-CUL-DE-SAC LOTS. ALL CUL-DE-SAC LOTS SHALL MEASURE 50’ WIDE AT THE MINIMUM GARAGE SETBACK LINE AS SHOWN ON THE LOT DETAIL ON SHEET 1 OF 5.
b. MINIMUM LOT DEPTH: 100’ IN DEPTH
c. MINIMUM FRONT SETBACK: 10’
d. MINIMUM GARAGE SETBACK: 20’
e. CORNER YARD SETBACK: 10’
f. MINIMUM REAR YARD SETBACK: 20’, PLUS 25’ LANDSCAPED BUFFER (SEE REZONING PLAN)
g. MINIMUM SIDE YARD SETBACK: 7’, PLUS 25’ LANDSCAPED BUFFER (SEE REZONING PLAN)

D. ACCESSORY STRUCTURES

a. ACCESSORY STRUCTURES SHALL BE LOCATED A MINIMUM OF 15 FEET FROM ANY PROPERTY LINE.
b. ACCESSORY DWELLINGS SHALL BE LOCATED IN THE REAR YARD ONLY.
c. MAXIMUM SIZE: THE ACCESSORY STRUCTURE SHALL NOT HAVE A FLOOR AREA GREATER THAN 50% OF THE PRINCIPAL STRUCTURE OR EXCEED 800 HEATED SQUARE FEET.
d. ACCESSORY BUILDINGS SHALL BE CLAD IN MATERIALS SIMILAR IN APPEARANCE TO THE PRINCIPAL STRUCTURE.

E. COMMON OPEN SPACE:

a. MINIMUM COMMON OPEN SPACE REQUIRED: 10% (2.9 ACRES)
b. COMMON OPEN SPACE PROVIDED: 20% (5.8 ACRES)
c. MINIMUM PLANNED OPEN SPACE/ACTIVE: 1 ACRE

F. PERMITTED USES:

a. ACCESSORY STRUCTURES
b. ESSENTIAL SERVICES CLASS 1 & 2
c. HOME OCCUPATIONS
d. PARKING OF COMMERCIAL VEHICLES ON INDIVIDUAL LOTS
e. PARKING LOTS

f. PARKS
g. PRIVATE SWIMMING POOLS
h. RECREATIONAL FACILITIES
i. SINGLE FAMILY DETACHED HOMES
j. TEMPORARY USES
k. YARD SALES

G. DESIGN REQUIREMENTS:

a. HOUSING TYPES:
   i. SINGLE STORY HOMES
   ii. TWO STORY HOMES
   iii. ALL HOMES SHALL BY DESIGN INCLUDE TWO (2) CAR ATTACHED GARAGES.
   iv. ALL HOMES SHALL HAVE DRIVEWAYS THAT PROVIDE OFF-STREET PARKING FOR TWO (2) VEHICLES.
   v. EXTERIOR HOUSE PLANS SHALL BE DISPERSED THROUGHOUT THE NEIGHBORHOOD. THE SAME HOUSE PLAN IS NOT ALLOWED ON ADJACENT PROPERTY. RIGHT- AND LEFT-HAND VERSIONS SHALL BE CONSIDERED THE SAME EXTERIOR HOUSE.
b. EXTERIOR MATERIALS:
   i. EXTERIOR MATERIALS SHALL BE DURABLE AND RESIDENTIAL IN CHARACTER. EXTERIOR WALL MATERIALS SHALL BE WOOD SIDING, WOOD SHINGLES, BRICK, STONE, STUCCO, FIBER CEMENT SIDING, OR SIMILAR MATERIALS. A MINIMUM OF EITHER TWO DIFFERENT MATERIALS, OR TWO DIFFERENT TEXTURES OF THE SAME MATERIAL (I.E. FIBER CEMENT LAP SIDING, FIBER CEMENT SHAKE SIDING, &/OR FIBER CEMENT VERTICAL BOARD AND BATTEN SIDING) SHALL BE REQUIRED ON THE FRONT FAÇADE OF EACH HOME.
   ii. VINYL SIDING SHALL NOT BE ALLOWED AS A MAIN SIDING MATERIAL; HOWEVER, SOFFITS, WINDOWS, AND OTHER TRIM MATERIALS MAY BE CONSTRUCTED OF VINYL PRODUCTS.
   iii. GARAGES SHALL COMPLY WITH TOWN OF TROUTMAN UNIFIED DEVELOPMENT ORDINANCE REQUIREMENTS OUTLINED IN SECTION 2.4.
c. LANDSCAPING & BUFFERING:
   i. EACH HOME SHALL BE LANDSCAPED WITH A MINIMUM OF ONE (1) CANOPY TREE. WHEN PRACTICAL AND POSSIBLE EXISTING TREES SHALL BE USED IN THE 25’ PERIMETER BUFFER. ANY BUFFER CLEARED DURING THE CONSTRUCTION PROCESS SHALL BE REPLANTED WITH CANOPY TREES AT A RATE OF ONE (1) TREE PER 40 LINEAR FEET. AT THE TIME OF PLANTING TREES SHALL BE A MINIMUM OF 2.5” IN CALIPER. INDIVIDUAL LOT LANDSCAPING SHALL BE REVIEWED BY THE TOWN PRIOR TO RELEASING A CERTIFICATE OF OCCUPANCY FOR EACH HOME. THE TOWN SHALL HAVE NO FURTHER RESPONSIBILITY FOR ENFORCEMENT OF THIS LANDSCAPING PROVISION. UNLESS LISTED HEREIN,

LANDSCAPING/SCREENING/BUFFERING SHALL ADHERE TO TOWN OF TROUTMAN UNIFIED DEVELOPMENT ORDINANCE STANDARDS.

d. LIGHTING:
    i. STREET LIGHTING SHALL BE PROVIDED BY THE DEVELOPER.

H. ADDITIONAL SITE-SPECIFIC CONDITIONS:

a. UNDERGROUND WIRING PROVIDED TO SERVE THE DEVELOPMENT INCLUDING STREET LIGHTING.
b. ALL HOMES SHALL BE SERVED BY MUNICIPAL WATER AND SEWER.
c. NO WELLS SHALL BE UTILIZED FOR IRRIGATION OR OTHER PURPOSES.
d. THE APPLICANT SHALL PROVIDE COVENANTS, CONDITIONS, AND RESTRICTIONS (CCRS) TO THE TOWN PRIOR TO RECORDATION OF THE FINAL PLAT TO ENSURE CONSISTENCY WITH COMMITMENTS AND APPROVALS.
e. PARKING SHALL BE PROHIBITED AT THE END OF ALL PROPOSED STUB CONNECTIONS AND CUL-DE-SACS. “NO PARKING” SIGNS SHALL BE PLACED IN THESE AREAS BY THE DEVELOPER.

I. ALL OTHER REQUIREMENTS OF THE UDO SHALL ALSO BE MET.

J. The submitted Conditional Zoning Concept Plan shall be placed alongside all approved conditions in the Unified Development Ordinance.

K. Dedication of 40’ public Right-of-Way at western edge of Area 3 (Case No. CZ-RM-20-02) shall be required at the time of final plat approval of development phase of lots 43-37 unless sooner.

L. Sidewalks are required throughout the entirety of the project, as noted on the site plan and per the Unified Development Ordinance and Troutman Development Standards Design Manual.

M. The applicant is responsible for complete implementation of all mitigation measures as a condition of development and driveway permit approval. All required transportation network mitigation measures required of the developer in TIA Project SC-2019-156R1 and contingent on approved NCDOT Driveway Permit shall be provided by the applicant. All improvements shall be completed or sufficiently bonded for completion prior to final plat approval. See NCDOT Division 12 District 2 Memo-Recommended Mitigation Measures for Smith Village (August 6, 2020).

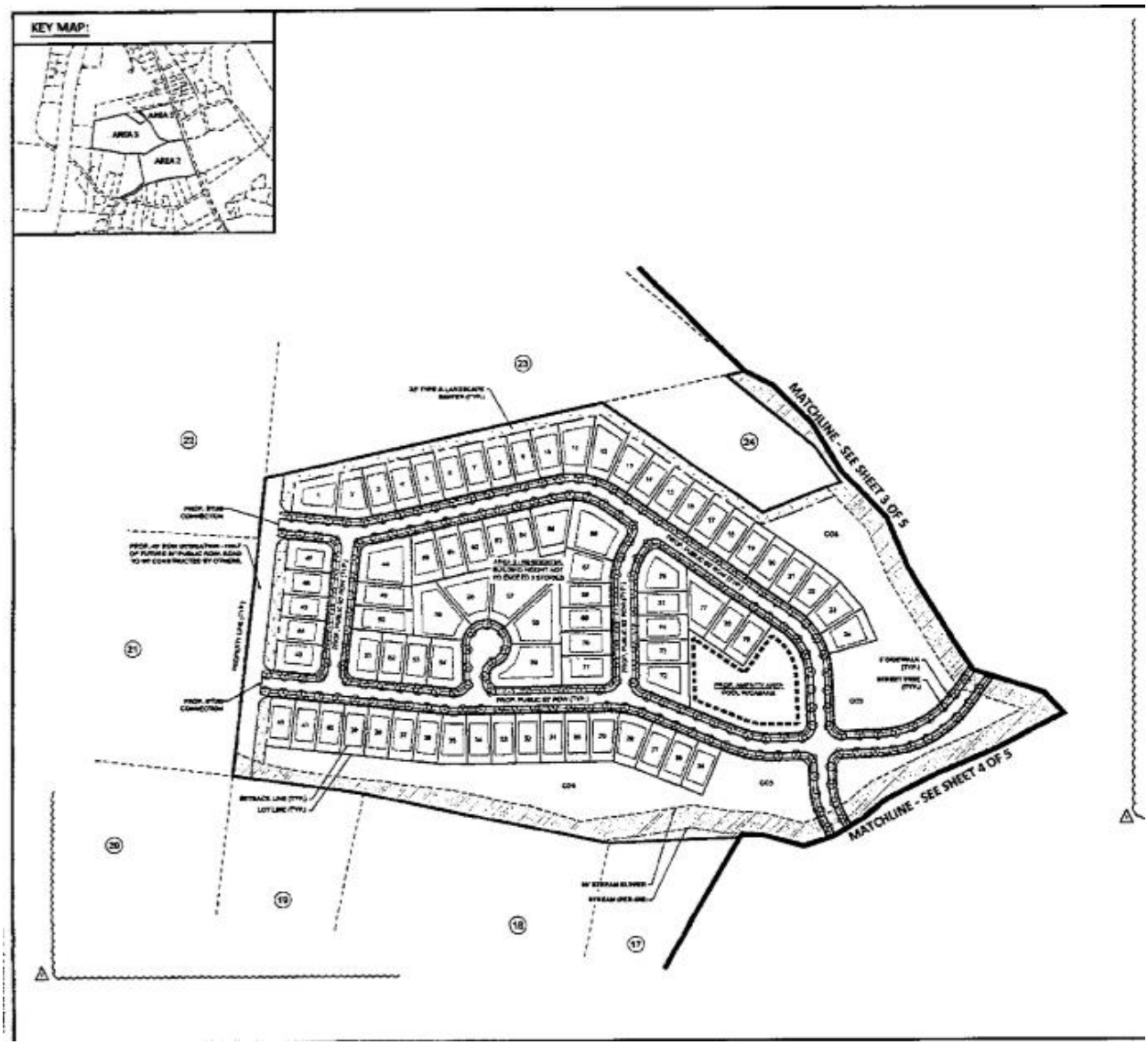
N. Recordation of Conditional Zoning District: The applicant will ensure that the UDO approving the CZ District is duly certified, and that the legal description and accompanying plan, is

recorded in the office of the Register of Deeds of Iredell County. The applicant shall also record a deed restriction upon the subject property that requires compliance with the conditions attached to the CZ District Ordinance. The deed restriction is perpetually binding on the property, unless another rezoning request is brought to the Town and approved by the Town Council. The applicant must provide the Zoning Administrator a copy of the recorded notification, affixed with the Register's seal and date, book and page number of recording in order to receive approval of the application for a zoning permit. (2019 UDO §9.8.4(I)).

Adopted this 10th day of September, 2020.

_____
Teross W. Young, Jr., Mayor

_____
Kimberly H. Davis, Town Clerk


KEY MAP:
AREA 1
AREA 2
AREA 3
MATCHLINE - SEE SHEET 3 OF 5
MATCHLINE - SEE SHEET 4 OF 5

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Revision Log

Revision Date	Case Number	Ordinance Number	Description
04-11-2019	TA-19-01	03-19	Amendment to Sec. 3.4.9, 3.4.20, & 3.3.1: Hotels, Motels, Inns, B&B's
07-11-2019	CZ-HB-19-01	09-19	Conditional Zoning District: Geiger
08-08-2019	CZ-RM-19-02	10-19	Conditional Zoning District: Calvin Creek
11-07-2019	TA-19-02	15-19	Amendment to Secs. 3.3.1, 3.4.351 & 13: Truck Parking & Maintenance Use, Process & Definition
11-07-2019	TA-19-03	16-19	Amendment to Sec. 6.2.3.A: Changeable Copy Signs
12-12-2019	CZ-RM-19-04	17-19	Conditional Zoning District: Marley Jaye Village
02-13-2020	TA-20-01	01-20	Amendment to Sec. 6.4.3 Campaign Signs
03-30-2020	TA-20-02	02-20	Amendment to Secs. 3.3.1, 3.4.351 & 13: Removal of Truck Parking & Maintenance Use, Process & Definition (see also Ord. 15-19)
07-09-2020	TA-20-03	09-20	Amendment to Secs. 6.2.3, 6.2.4 and 6.5 - Electronic Message Board panels
09-10-2020	CZ-HB-20-01	13-20	Conditional Zoning District: Smith Village
09-10-2020	CZ-RM-20-02	14-20	Conditional Zoning District: Smith Village