VILLAGE OF LAKE PARK

UNIFIED DEVELOPMENT ORDINANCE

Effective July 1, 2013

As Amended Through January 22, 2020

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ARTICLE 1
GENERAL PROVISIONS

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1.1 Title

This document shall officially be known as the "Unified Development Ordinance of the Village of Lake Park, North Carolina" and may be referred to throughout the document as the "UDO" or the "Ordinance".

1.2 Authority

This Ordinance consolidates the Village's land use regulatory authority as authorized by the North Carolina General Statutes, and is adopted pursuant to the authority granted to the Village of Lake Park by Chapter 160A, Article 19, of the North Carolina General Statutes.

1.3 Effective Date

This Ordinance shall become effective on July 1, 2013.

1.4 Jurisdiction

The provisions of this ordinance apply to the use and development of all public and private lands within the corporate limits of the Village of Lake Park, North Carolina unless such regulation is preempted by state or federal law.

1.5 Purpose and Intent

The purpose of this Ordinance is to protect the health, safety, and general welfare of the citizens of the Village of Lake Park. The intent of this Ordinance is more specifically to:

1.5.1 Preserve the overall quality of life for the residents of the Village;

1.5.2 Protect the character and quality of established residential neighborhoods;

1.5.3 Promote economically vibrant and aesthetically attractive commercial areas;

1.5.4 Promote economic development and expand the range of employment opportunities for the residents of the Village of Lake Park;

1.5.5 Lessen congestion and ensure safe and functional streets through the provision of a well-designed and interconnected street network.;

1.5.6 Promote pedestrian and non-vehicular transportation;

1.5.7 Preserve vital natural resources and protect the environmental quality of the Village and the surrounding area;

1.5.8 Ensure the provision of adequate open space; and

1.5.9 Ensure the availability of a range of housing options.

1.6 General Rules of Interpretation

1.6.1 Literal Interpretation

The language of this Ordinance must be read and interpreted literally. Regulations contained within this Ordinance are no more or less strict than stated.

1.6.2 Rules of Language and Construction

For the purposes of interpreting the general language and sentence construction of this Ordinance, the following rules of construction apply unless the context clearly indicates otherwise:

1.6.3 Meaning of Words

Words listed in Appendix A, Definitions, have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined are given their common meaning.

1.6.4 Tense

Words used in the present tense include the future tense. The reverse shall also apply.

1.6.5 Singular and Plural

Words used in the singular include the plural. The reverse shall also apply.

1.6.6 Mandatory Terms

The words “shall”, “will”, “must” and “may not” are mandatory or compulsory in nature, implying an obligation or duty to comply with the particular provision.

1.6.7 Gender

Words used in the male gender include the female gender. The reverse shall also apply.

1.6.8 Days

Any reference to "days" means calendar days unless otherwise specified.

1.6.9 Reference

Any reference to an Article, Section or Paragraph means an Article, Section or Paragraph of this Ordinance, unless otherwise specified.

1.6.10 Tables, Figures and Illustrations

Tables, figures and illustrations are provided for reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any table, figure or illustration, the text shall govern.

1.6.11 Current Versions and Citations

All references to other Village , County, State or Federal regulations in this Ordinance are intended to be references to the most current versions and citations of those regulations, unless otherwise expressly indicated. When referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

1.6.12 Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as" or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

1.6.13 Delegation of Authority

Whenever a provision appears requiring a specific officer or employee of the Village to perform an act or duty, that provision will be construed as authorizing the officer or employee to delegate that responsibility to others over whom he has authority. Delegation of authority is not allowed when the provisions of this Ordinance or other laws or regulations expressly prohibit such delegation.

1.6.14 Calculations and Rounding

Unless otherwise specified within this Ordinance, all calculations that result in a part or fraction of a whole number must be rounded up to the next highest whole number.

1.7 Conflicting Provisions

1.7.1 Conflict with State or Federal Regulations

If any provisions of this Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions shall govern unless the State or Federal regulation is intended to preempt the local regulation. The more restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this Ordinance, no land may be developed or used, and no structure may be erected or maintained in violation of any State or Federal regulation.

1.7.2 Conflict with Local Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the Village , the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

1.7.3 Conflict with Private Agreements and Contracts

This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law. The Village has no responsibility for monitoring or enforcing private agreements or contracts.

1.8 Official Zoning Map

1.8.1 General

The Official Zoning Map designates the location and boundaries of the zoning districts established by this Ordinance. The Official Zoning Map shall be kept on file in the office of the Village Clerk, and is available for public inspection during normal business hours. The official version of the map shall be certified by the Mayor, Village Clerk and Ordinance Administrator. It shall be the final authority as to the status of the current zoning district classification of land within the Village's jurisdiction, and shall only be amended in accordance with the provisions of this Ordinance.

1.8.2 Incorporation by Reference

The Official Zoning Map is hereby incorporated by reference and made part of this Ordinance.

1.8.3 Interpretation of District Boundaries

(A) A boundary shown on the map as approximately following the centerline of a

street, highway or alley is construed as following such centerline.

(B) A boundary shown on the map as approximately following a property boundary is construed as following the property boundary as it actually existed at the time the zoning boundary was established.

(C) A boundary shown on the map as approximately following the centerline of a river, stream, lake or other watercourse is construed as following the actual centerline of the watercourse.

(D) A boundary shown on the map as approximately following the corporate limits of the Village is construed as following that boundary.

1.9 Transitional Provisions

1.9.1 Effect on Valid Building Permits and Vested Rights

Unless the property owner consents, this Ordinance does not apply to the completion of the development of buildings or uses for which either:

(A) Building permits have been issued pursuant to NCGS 160A-417 prior to July 1, 2013 so long as the permits remain valid and unexpired pursuant to NCGS 160A-418 and unrevoked pursuant to NCGS 160A-422; or

(B) A vested right has been established pursuant to NCGS 160A-385.1 and such right remains valid and unexpired pursuant to NCGS 160A-385.1.

1.9.2 Other Approvals Granted Prior to the Effective Date

Variances, special use permits, subdivision plats, site plans and other similar development approvals that are valid on July 1, 2013 will remain valid until their expiration date if applicable. Development may be completed in accordance with such approvals even if such building, development or structure does not fully comply with the provisions of this Ordinance. If development is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of any re-application.

1.9.3 Applications in Process Prior to Effective Date

Applications for building permits, variances, special use permits, subdivision plats, site plan approvals and other similar development approvals that were submitted in complete form and are pending approval on June 30, 2013 must be reviewed wholly under the terms of the Ordinance in effect on June 30, 2013. Any re-application for an

expired approval must meet the standards of this Ordinance in effect at the time of re-application.

1.9.4 Violations Continue

Violations of the previous Ordinance which are in violation of this Ordinance will continue to be a violation and will be subject to penalties and enforcement action under Article 4, Enforcement. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previous Ordinances.

1.10 Severability

Should any Article, Section, clause, phrase or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or the United States, such decision does not affect, impair or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

ARTICLE 2
ADMINISTRATION

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2.1 General Administrative Provisions

2.1.1 Administrative Bodies

The following elected and appointed bodies and Village staff members shall have powers and responsibilities in administering this Ordinance and for reviewing and making decisions on applications for development approval, appeals and amendments to the Ordinance:

(A) Village Council

(B) Planning Board

(C) Board of Adjustment

(D) Ordinance Administrator

2.1.2 Organization

With the exception of the Village Council, each of the Boards provided for by this Ordinance must adopt rules and maintain records in conformance with the following:

(A) Rules of Conduct

Each Board must adopt rules necessary to conduct its affairs and to establish Board organization, procedures and the conduct of its meetings.

(B) Conformance of Rules

The rules adopted by a Board must be in accordance with State law and the provisions of this Ordinance.

2.1.3 Election and Terms of Officers

Each Board shall elect a Chairman and Vice Chairman from its membership. These officers shall serve for a term of one year, or until the expiration of the term of their appointment to the Board on which they serve.

2.1.4 Record of Meetings

Each Board must keep accurate minutes of its proceedings and the actions taken in its meetings. When holding a quasi-judicial hearing, the Board of Adjustment shall keep a full transcript of the meeting and maintain a record of all evidence presented in the course of the hearing.

2.1.5 Temporary Disqualification

(A) A Village Council member shall not vote on any Zoning Map or Unified Development Ordinance amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (NCGS 160A-381D)

(B) Members of appointed boards providing advice to the Village Council shall not vote on recommendations regarding any Zoning Map or Land Development Ordinance amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (NCGS 160A-381D)

(C) A member of the Board of Adjustment or any other body exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (NCGS 160A-388(e2))

2.2 Village Council

2.2.1 Organization

Unless specifically modified in this Ordinance, the Village Council must conform to the rules and procedures that it utilizes during the conduct of its regular business.

2.2.2 Powers and Duties

In the application and enforcement of this Ordinance, the Village Council has the following powers and duties:

2.2.3 Final Approval Authority

The Village Council shall have final approval authority for the following:

(A) Unified Development Ordinance Text Amendments

(B) Zoning Map Amendments

(C) Subdivision Preliminary Plats

(D) Subdivision Final Plats

(E) Stormwater Management Permits

(F) Establishment of Vested Rights

2.3 Planning Board

2.3.1 Authority and Establishment

The Village of Lake Park Planning Board is hereby established pursuant to the authority of NCGS 160A-361,

2.3.2 Membership and Term of Appointment

The Planning Board shall consist of five (5) members. These members shall be residents of the Village of Lake Park and shall be appointed by the Lake Park Village Council. Upon the effective date of this ordinance, the terms of the current members of the Village of Lake Park Planning Board shall continue until the date of expiration as set forth in their initial appointment. Future appointments to the Planning Board shall be for a term of three (3) years, with the exception of appointments for unexpired terms, which shall end upon the date of expiration as set forth in the appointment of the member whose seat is being filled.

2.3.3 Quorum

Three (3) or more members of the Planning Board shall constitute a quorum.

2.3.4 Powers and Duties

In the application and enforcement of this Ordinance, the Planning Board has the following powers and duties:

(A) Final Approval Authority

The Planning Board shall have final approval authority for the following:

(1) Site Plans

(B) Review and Recommendation

The Planning Board has review and recommendation responsibility for the following:

(1) Unified Development Ordinance Text Amendments

(2) Zoning Map Amendments

(3) Major Subdivision Preliminary Plats

(4) Major Subdivision Final Plats

(5) Establishment of Vested Rights

2.3.5 Voting

(A) Final Approval

An affirmative vote of the majority of the members present and not otherwise disqualified from voting shall be required to grant approval to any matter with which the Planning Board is vested with final approval authority. Any vote resulting in a tie shall constitute a grant of approval.

(B) Recommendation

An affirmative vote of the majority of the members present and not otherwise disqualified from voting shall be required to make a favorable recommendation regarding any matter which the Planning Board is vested with the responsibility of reviewing and providing a recommendation to the Village Council. Any vote resulting in a tie shall constitute a favorable recommendation on the matter before the Board.

(C) Vote of the Chairman

The Chairman of the Planning Board, or Vice Chairman serving in that role in his absence or temporary disqualification, shall vote as any other member of the Board.

2.4 Board of Adjustment

2.4.1 Authority and Establishment

The Village of Lake Park Board of Adjustment is hereby established pursuant to the authority of NCGS 160A-388.

2.4.2 Membership

The Board of Adjustment shall consist of five (5) members. These members shall be residents of the Village of Lake Park and shall be appointed by the Lake Park Village Council. Upon the effective date of this ordinance, the terms of the current members of the Village of Lake Park Board of Adjustment shall continue until the date of expiration as set forth in their last appointment. Appointments to the Board of Adjustment shall be for a term of three (3) years, with the exception of appointments for unexpired terms, which shall end upon the date of expiration as set forth in the appointment of the member whose seat is being filled.

2.4.3 Quorum

A quorum of the Board shall consist of three (3) members.

2.4.4 Powers and Duties

In the application and enforcement of this Ordinance, the Board of Adjustment has the following powers and duties:

(A) Final Approval Authority

The Board of Adjustment is the approving authority for the following:

(1) Variances

(2) Special Use Permits

(3) Appeals of Administrative Actions and Decisions

2.4.5 Voting

(A) The concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to grant a Variance from the provisions of the Ordinance.

(B) The concurring vote of a majority of the members of the Board shall be required to decide on the granting of a Special Use Permit, to determine an appeal made in the nature of certiorari, or to issue a formal interpretation of the Ordinance.

(C) For the purposes of this Section, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite majority. (NCGS 160A-388(e))

2.4.6 Decisions

The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Village Clerk. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made. (NCGS 160A-388(e2)(1))

2.5 Ordinance Administrator

2.5.1 Appointment

The Village Council shall appoint an Ordinance Administrator who shall be charged with administering and enforcing the provisions of this Ordinance. The Ordinance Administrator may delegate any authority or duties prescribed to him in order to ensure the efficient administration of the Ordinance.

2.5.2 Powers and Duties

In the application and enforcement of this Ordinance, the Ordinance Administrator has the following powers and duties:

(A) Review and Recommendation

The Ordinance Administrator has review and recommendation responsibility for the following:

(1) Unified Development Ordinance Text Amendments

(2) Zoning Map Amendments

(3) Concept Plan – Special Use Permit

(4) Subdivision Preliminary Plats

(5) Subdivision Final Plats

(6) Establishment of Vested Rights

(7) Stormwater Management Permits

(B) Final Approval

The Ordinance Administrator has final approval authority for the following:

(1) Zoning Permits

(2) Concept Plan – Subdivision

(3) Concept Plan – Site Plan

(4) Floodplain Development Permits

(C) Additional Duties

The Ordinance Administrator has the following additional duties:

(1) Establish application content requirements and a submission schedule for review of applications and appeals.

(2) Maintain the Official Zoning Map and related materials

(3) Enforce the regulations contained within this Ordinance.

(4) Maintain the official copy of the Unified Development Ordinance and ensure that it is updated upon the approval of a text amendment.

(5) Maintain a record of all permits and approvals.

2.6 Summary of Review and Approval Authority

The following table summarizes review and approval authority under this Ordinance:

APPLICATION TYPE	REVIEWING / DECISION-MAKING BODY			
	ORDINANCE ADMINISTRATOR	PLANNING BOARD	BOARD OF ADJUSTMENT	VILLAGE COUNCIL
Unified Development Ordinance Text Amendment	R	R		D
Zoning Map Amendment	R	R		D
Subdivision Preliminary Plat	R	R		D

Subdivision Final Plat	R	R		D
Variance			D	
Special Use Permit			D	
Zoning Permit	D		A	
Site Plan	R	D		
Concept Plan – Subdivision	D			
Concept Plan – Site Plan	D			
Concept Plan – Special Use Permit	R			
Stormwater Management Permit	R			D
Floodplain Development Permit	D		A	
Administrative Appeal			D	
R – Review / Recommendation D – Decision A – Hears Appeal of Decision				

ARTICLE 3
REVIEW AND APPROVAL PROCEDURES

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3.1 Common Review Procedures

Applications for development approval shall utilize the procedures set forth in this Section.

3.1.1 Authority to File Applications

(A) General

Applications submitted under this Ordinance in accordance with Section 3.1.5, Application Submission, shall be submitted by the landowner or a person acting on the behalf of the landowner with their authorization and consent.

(B) Applicant not the Owner

If the applicant is not the owner (or sole owner) of the land, or is a contract purchaser of the land, a form supplied by the Village and signed by the owner(s) consenting to the submission of the application shall be submitted along with all the required application information. Applications to amend the Official Zoning Map initiated by the Village Council, Planning Board or Ordinance Administrator are not subject to this requirement.

3.1.2 Application Content

The Ordinance Administrator shall establish the requirements for the general form and content of applications required by this Ordinance. These shall be in addition to any specific application content requirements established by the Ordinance.

3.1.3 Fees

The Village Council shall establish, and may modify from time to time, a schedule of fees that must be paid in full prior to the review of any submitted application.

3.1.4 Submission and Review Schedule

The Ordinance Administrator shall establish a submission and review schedule (including time frames for review) for development applications. This schedule may be amended and updated as determined necessary.

3.1.5 Application Submission

All applications shall be submitted to the Ordinance Administrator on such forms and in such numbers as have been established for that type of development application. Applications which do not meet the requirements of Section 3.1.6, Determination of

Completeness, shall be considered incomplete, and their review deferred until such time that all requirements of that Section have been fulfilled.

3.1.6 Determination of Completeness

(A) Review for Completeness

Upon the receipt of an application, the Ordinance Administrator shall review the application for completeness. A complete application is one that:

(1) Contains all information and materials established by the Ordinance Administrator, or set forth elsewhere in the Ordinance, for the particular type of development application;

(2) Is in the form established by the Ordinance Administrator for the particular type of development application;

(3) Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate standards of this Ordinance;

(4) Includes a stamped survey showing property boundaries, any and all setbacks, proposed location of development, and any additional information as requested by the Ordinance Administrator; and

(5) Is accompanied by the fee established for the particular type of application.

(B) Incomplete Applications

If the application is determined to be incomplete, the Ordinance Administrator shall notify the applicant of the deficiencies within five (5) business days following submittal. Following notification, the applicant may correct the deficiencies and resubmit the application for review.

3.1.7 Final Approval by the Ordinance Administrator

When an application that is subject to final approval by the Ordinance Administrator is submitted and determined to be complete, he shall review the application and approve or deny it based on the standards set forth in the Ordinance. Following his approval or denial of the application, the Ordinance Administrator shall notify the applicant of his decision within the time period set forth in the submission and review schedule.

3.1.8 Preparation of Staff Report

(A) When an application which will be considered by a reviewing/recommending or decision-making body is submitted and determined to be complete, the

Ordinance Administrator shall review the application and prepare a written staff report.

(B) The staff report shall be addressed to the reviewing or decision-making body as appropriate, and shall state whether the application complies with all appropriate standards of this Ordinance and all other applicable policy documents.

(C) The Ordinance Administrator may, at his discretion, include a recommendation for approval or denial of the application in the staff report. Proposed conditions of approval may also be included in the report if the Ordinance Administrator determines that such conditions may be necessary to mitigate any potentially adverse impacts of the proposed development

3.1.9 Public Hearings

The Ordinance Administrator shall be responsible for scheduling public hearings for all applications for which one is required. The hearing may be scheduled for either a regular meeting or a special called meeting of the decision-making body which is responsible for holding the hearing. Hearings shall be scheduled in a manner that will allow sufficient time for public notice to be given in accordance with statutory requirements.

3.1.10 Public Notification

(A) Content

All public notices required under this Ordinance shall comply with NCGS 160A-364, 160A-384 and NCGS 160A-388(a2) as applicable. Additionally, all notices, except for posted notices shall:

(1) Identify the date, time and location of the meeting or public hearing.

(2) Identify the property involved by the street address (if applicable) or by the legal description and/or parcel identification number (PIN). Large areas or multiple properties may be identified by a general description of the location if necessary for brevity.

(3) Describe the nature and scope of the proposed action.

(4) Indicate that interested parties may appear at public hearings and speak on the matter.

(5) Indicate how additional information on the matter can be obtained.

3.1.11 Published Notice

When published notice is required to be given for a public hearing or other meeting pursuant to NCGS 160A-364, the Ordinance Administrator shall publish a notice of the meeting or public hearing once a week for two successive weeks in a newspaper having general circulation in the Village. The first notice shall be published not less than 10 days nor more than 25 days prior to the date fixed for the hearing or meeting. In computing such period, the day of publication is not included but the day of the hearing or meeting shall be included.

3.1.12 Mailed Notice

(A) When mailed notice is required to be provided pursuant to NCGS 160A-384 or 160A-388(a2), the Ordinance Administrator shall prepare a notice of the public hearing or meeting and deliver the notice via first class mail to the following persons:

(1) The applicant;

(2) Listed property owner(s) directly affected by the proposed action if the applicant is not the owner;

(3) Listed owners of adjacent property; and

(4) Mailed notices shall be deposited in the mail no fewer than 10 days and no more than 25 days prior to the date of the public hearing or meeting.

(B) The Ordinance Administrator shall certify to the body holding the hearing that the required mailed notice procedures have been followed. This certification shall be conclusive evidence that the terms of this Subsection have been met.

(C) Mailed notice shall not be required when an application to amend the Official Zoning Map includes more than 50 different lots or tracts, owned by at least 50 different landowners, provided that the Village publishes a notice (occupying at least one-half of a newspaper page) in a newspaper of general circulation once a week for two consecutive weeks beginning at least 10 but not more than 25 days prior to the public hearing date. Affected landowners residing outside of the Village's jurisdiction or the newspaper's circulation area shall be notified via first class mail in accordance with the procedures set forth in subsections (1) and (2) above.

3.1.13 Posted Notice

(A) When notice of a public hearing or other meeting is required to be posted pursuant to NCGS 160A-384(C) or 160A-388(a2), the Ordinance Administrator shall post the notice on the subject property at least 10 days, but no more than

25 days, prior to the first public hearing or meeting for which it is required. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Village shall post sufficient notices to provide reasonable notice to interested persons. In computing such period, the day of the posting shall not be counted, but the day of the hearing shall be counted. Posted notices shall remain in place until such time that the approving authority has rendered its final decision on the matter.

(B) If no part of the subject property is visible from a public right-of-way, the notice shall be posted along the nearest street in the public right-of-way in such a manner as to ensure consistency with the intent of this Subsection.

3.1.14 Constructive Notice

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

(1) Errors in legal descriptions; or

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

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

(B) If question arises at the hearing or meeting regarding the adequacy of the notice, the reviewing or decision-making body shall direct the Ordinance Administrator to make a formal finding as to whether there was substantial compliance with the notice requirements of this Ordinance, and such findings shall be made available to the reviewing or decision-making body prior to further action being taken on the request.

3.1.15 Conditions of Approval

(A) General

When a decision-making body may, according to the express terms of this Ordinance, approve a development application with conditions, such body may impose reasonable and appropriate conditions or restrictions on the approval. Such conditions may, as appropriate, ensure compliance with the general goals and policies of this Ordinance, or with particular standards of this Ordinance, in

order to prevent or minimize adverse effects from the proposed development on surrounding properties.

(B) Limitations

(1) The restrictions and conditions imposed must be directly related, in both type and scope, to the impact that the proposed development would have on the public and surrounding lands.

(2) All conditions imposed shall be set forth in the motion by the decision making body to approve the development application.

3.1.16 Deferral of Application

(A) Request Prior to Publication of Notice

An applicant may request that a decision-making body's consideration of an application at a hearing or meeting be deferred by submitting a written request for deferral to the Ordinance Administrator prior to the publication of notice for the hearing. The date of the new hearing at which the application will be heard shall be set at the time the deferral is granted.

(B) Request After Publication of Notice

If a request for deferral of consideration of an application by a decision-making body is submitted following the publication of the required notice, the request for deferral shall be placed on the agenda and acted upon by the decision-making body. The date of the new public hearing at which the application will be heard shall be set at the time the deferral is granted. If a deferral is granted, the application shall be subject to additional fees to reimburse the Village for the costs of republishing the required notices. Such additional fees shall be paid to the Village prior to the re-advertisement of the public hearing notice.

3.1.17 Changes to Applications

(A) Clerical Errors

Minor additions, deletions, or corrections constituting clerical errors in an application may be made without referral of the amended application to the Ordinance Administrator or Planning Board for review, as applicable.

(B) Major Changes

No substantive changes to a development application related to allowed uses, density or intensity of development, street layout, driveway access, open space

configuration or other major element shall be made following review and recommendation by the Planning Board or notification of public hearing. Major changes proposed by the applicant after Planning Board review or notification of public hearing require that the original application be withdrawn and a new application be submitted along with all required fees. The resubmitted application must go through the entire review process as if it were a new application in order to ensure the proper review of all changes.

(C) Changes in Proposed Conditions of Approval

Proposed changes in conditions of approval may be considered by the approving body without referral of the application back to the Ordinance Administrator or Planning Board, as applicable.

3.1.18 Withdrawal of Application

(A) Submission of Request

Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Ordinance Administrator, or shall be made through a verbal request at the public hearing for which the application has been scheduled.

(B) Prior to Notice of Public Hearing

The Ordinance Administrator shall approve a request for withdrawal of an application if it has been submitted prior to public notification of the application.

(C) Subsequent to Notice of Public Hearing

If the request for withdrawal of an application is submitted subsequent to public notification, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the decision-making body.

(D) Fees

Fees shall not be refunded for withdrawn applications.

(E) Waiting Period

No more than two (2) withdrawals of the same type of development application for the same property may be filed within any single 12 month period, and no similar type of application may be filed for the same land within one (1) year following the second withdrawal.

3.1.19 Lapse of Approval

Lapse of approval (also referred to as "expiration") shall occur as provided by this Ordinance for the various types of development permits and approvals. If no provision for lapse is given by this Ordinance for a particular type of development permit or approval, and if no lapse period is imposed as part of an approval by the decision-making body, lapse shall occur if development is not commenced or a subsequent permit authorized by that approval is not obtained within two years.

3.1.20 Examination of Application and Supporting Documents

At any time upon reasonable request and during normal business hours, any person may examine an application, a finalized staff report and materials submitted in support of or in opposition to an application in the office of the Village Clerk. Copies of such materials shall be made available at cost.

3.2 Zoning Map Amendment

3.2.1 Purpose

The purpose of this Section is to provide a uniform means for amending the Official Zoning Map.

3.2.2 Authority

The Village Council may amend the Official Zoning Map in accordance with the provisions of this Section.

3.2.3 Initiation

An application to amend the Official Zoning Map may be initiated by the Village Council, the Planning Board, the Ordinance Administrator or any person residing or owning property within the corporate limits of the Village of Lake Park.

3.2.4 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Review and Recommendation by Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and make a written recommendation

which he shall present to the Planning Board during the meeting at which it considers the application.

(C) Review and Recommendation by the Planning Board

Following the review by the Ordinance Administrator the application shall be forwarded to the Planning Board for its review and recommendation. The Planning Board shall consider the application, relevant supporting materials and the Ordinance Administrator's recommendation, if any. Within 45 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Village Council. In making its recommendation, the Planning Board shall include a written statement summarizing the amendment's consistency with any adopted plans having applicability to the proposed amendment in accordance with NCGS 160A-383.

(D) Review and Action by Village Council

Following the receipt of a recommendation from the Planning Board, the Village Council shall conduct a public hearing to review and consider the application, the relevant supporting materials, the Ordinance Administrator's recommendation, the recommendation of the Planning Board and the comments given during the hearing . Following the close of the public hearing, the Village Council shall take one of the following actions:

(1) Approve the amendment as requested.

(2) Approve the amendment with a reduction in the size of the area requested.

(3) Approve an alternate amendment to a more restrictive base zoning district.

(4) Deny the amendment.

(5) Remand the application back to the Planning Board for further consideration.

Regardless of the decision rendered, the Village Council shall adopt statements regarding both the proposed amendment's consistency with any adopted plans having applicability to the proposed amendment, as well as the reasonableness of the amendment and how the action furthers the public interest in accordance with NCGS 160A-383.

3.3 Unified Development Ordinance Text Amendment

3.3.1 Purpose

The purpose of this Section is to provide a uniform means for amending the text of the Ordinance.

3.3.2 Authority

The Village Council may adopt amendments to the text of the Land Use and Development Ordinance upon compliance with the provisions of this Section.

3.3.3 Initiation

An application to amend the text of the Unified Development Ordinance may be initiated by the Village Council, the Planning Board, the Ordinance Administrator, a resident of the Village of Lake Park, or any other person having a financial or other interest in land or business located within the Village's zoning jurisdiction.

3.3.4 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Review and Recommendation by Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and make a written recommendation which he shall present to the Planning Board.

(C) Review and Recommendation by Planning Board

Following the review and recommendation by the Ordinance Administrator the application shall be forwarded to the Planning Board for its review and recommendation. During the meeting the Planning Board shall consider the application, relevant supporting materials and the Ordinance Administrator's recommendation. Within 45 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Village Council. In making its recommendation, the Planning Board shall include a written statement summarizing the amendment's consistency with any adopted plans having applicability to the proposed amendment in accordance with NCGS 160A-383.

(D) Review and Action by Village Council

Following the receipt of a recommendation from the Planning Board, the Village Council shall conduct a public hearing to review and consider the application, the relevant supporting materials, the recommendations of the Ordinance Administrator and Planning Board, and the comments given during the hearing (if any). Following the close of the public hearing, the Village Council, shall take one of the following actions:

(1) Approve the amendment as proposed;

(2) Approve a revised amendment;

(3) Remand the application back to the Planning Board for further consideration; or

(4) Deny the proposed amendment.

Regardless of the decision on the application, the Village Council shall adopt statements on both the proposed amendment's consistency with any adopted plans having applicability to the proposed amendment, as well as the reasonableness of the action and how the action furthers the public interest in accordance with NCGS 160A-383.

3.4 Special Use Permit

3.4.1 Purpose

Special Uses are land uses that are generally compatible with the other uses permitted in a zoning district, but require individual review of their location, design, configuration, density or intensity of use, and may require the imposition of conditions to ensure the compatibility of the use with the surrounding area.

3.4.2 Authority

The Board of Adjustment is authorized to review and decide applications for Special Use Permits in accordance with this Section. Only those uses identified as Special Uses in Tables 8-1 and 8-2, Tables of Permitted Uses, are authorized to be considered as Special Uses under this Section. The designation of a use as a Special Use does not constitute an authorization that such use shall be approved through a Special Use Permit in accordance with this Section. Rather, each proposed Special Use shall be evaluated by the Board of Adjustment for compliance with the standards set forth in this Section.

3.4.3 Initiation

Application for a Special Use Permit may only be initiated by the owner(s) or contract purchaser(s), of the property for which the Special Use Permit is designated in accordance with Section 3.1.1.

3.4.4 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Concept Plan Required

A Concept Plan must be submitted as part of the application for a Special Use Permit.

(C) Action by Board of Adjustment

After notification and scheduling of a hearing, the Board of Adjustment shall conduct a quasi-judicial hearing on the application. At the hearing, the Board of Adjustment shall consider the application, the relevant supporting materials, the Concept Plan and all other testimony and evidence presented at the quasi-judicial hearing. After the close of the hearing, the Board of Adjustment shall, in consideration of the record from the hearing, make findings of fact, as set forth in Section 3.4.4(D), and either approve, approve with conditions, or deny the application based upon the results of the Board's findings.

(D) Required Findings of Fact

(1) That the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity.

(2) That the proposed use is in compliance with all applicable standards of the Ordinance.

(3) That the proposed use is compatible with the character of surrounding property and uses permitted in the zoning district(s) of surrounding property.

(4) That the proposed use is configured in a manner to minimize any potentially adverse impacts on surrounding property.

(5) That the proposed use will not be detrimental to the value of adjacent or

nearby property.

(6) That the proposed use is in full compliance with all other relevant Village laws and ordinances, State and Federal laws, and regulations.

(E) Conditions of Approval

In approving a Special Use Permit, the Board of Adjustment may impose additional conditions on the permit approval in accordance with NCGS 160A-381. All additional conditions imposed must be accepted by the applicant.

(F) Effect of Approval

Issuance of a Special Use Permit shall authorize only the particular Special Use that is approved in the permit. All subsequent development and use of the property must be in accordance with the approved Special Use Permit and conditions (if applicable). Nothing in this Subsection shall prevent the establishment of a different use of land, provided such use is established in accordance with the requirements in this Ordinance.

(G) Recordation

When the Board of Adjustment approves a Special Use Permit, the Village shall, at the applicant's expense, record the Special Use Permit in the office of the Register of Deeds of Union County within 30 days of its issuance. The permit shall be indexed to the property subject to the Special Use Permit, as shall any revocations or expirations of the permit.

(H) Subsequent Development

Development authorized by the Special Use Permit shall not be carried out until the applicant has secured all other permits required by this Ordinance. A Special Use Permit does not ensure that the applicant shall receive subsequent approvals unless the relevant and applicable portions of this Ordinance are met.

(I) Expiration

(1) General

The Board of Adjustment may prescribe a time limit within which development activity shall begin or be completed under the Special Use Permit, or both. Failure to begin or complete such development activity within the time limit specified shall void the Special Use Permit. Unless specified otherwise by the Board of Adjustment, a Special Use Permit shall automatically expire two years from the date of its issuance if:

(1) The development authorized by the permit has not commenced, and no substantial construction, alteration, demolition, excavation or other similar work required by the permit is completed; or

(2) The development approved by the Special Use Permit is discontinued and not resumed for a period of one year.

(2) Extension

Upon written application submitted at least 30 days prior to the expiration of the permit, and upon a showing of good cause, the Board of Adjustment may grant one extension, for a period not to exceed six months. Failure to submit an application for an extension within the time limits established by this Section shall result in the expiration of the Special Use Permit.

(J) Minor Deviation

Minor field alterations or minor revisions to approved Special Use Permits may be approved by the Ordinance Administrator if the Special Use still meets the intent of the standards established with the original approval. Minor field alterations and revisions include, but are not limited to, small shifts in the location of structures, parking areas, landscaping, utilities, driveways and other site features in order to accommodate the existence of circumstances found during construction that could not have been anticipated in advance. Any other change shall be considered as an amendment.

(K) Amendment

A Special Use Permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

3.5 Variance

3.5.1 Purpose

The purpose of a Variance is to allow certain deviations from the standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards), when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in unnecessary hardship to the landowner and the deviation would not be contrary to the public interest. Variances to the

standards established in Article 13, Flood Damage Prevention, shall be subject to additional requirements as set forth in Section 3.5.5(J).

3.5.2 Authority

The Board of Adjustment shall review and decide any applications for Variances from the requirements of this Ordinance in accordance with this Section.

3.5.3 Initiation

Application for a Variance may only be initiated by the owner(s) or contract purchaser(s), of the property for which the Variance is designated in accordance with Section 3.1.1.

3.5.4 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Action by Board of Adjustment

After public notification and the scheduling of a hearing, the Board of Adjustment shall conduct a quasi-judicial hearing on the application. At the hearing, the Board of Adjustment shall consider the application, the relevant support materials and the evidence and sworn testimony given at the hearing. Following the close of the hearing, the Board of Adjustment shall approve, approve with conditions, or deny the application based on the standards in Section 3.5.4(C), Required Findings of Fact.

(C) Required Findings of Fact

The Board of Adjustment may only grant a Variance after having first made the following affirmative findings of fact in accordance with NCGS 160A-388(d):

(1) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of a Variance, no reasonable use can be made of the property; and

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance; and

(3) The hardship did not result from actions taken by the applicant or the

property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

(4) The requested Variance is consistent with the spirit, purpose and intent of this Ordinance, such that public safety is secured and substantial justice is achieved.

(D) Insufficient Justification for Variance

The following circumstances do not constitute grounds for a Variance:

(1) The existence of other nonconforming or conforming uses of land or structures in the same or other districts;

(2) The request for a particular use expressly prohibited in the district; or

(3) Economic hardship, or the fact that property may be utilized more profitably with a Variance.

(E) Conditions of Approval

In approving a Variance, the Board of Adjustment may impose additional conditions, provided that such conditions are reasonably related to the Variance.

(F) Recordation

When the Board of Adjustment grants a Variance, the Village shall, at the applicant's expense, record the written decision on the Variance in the office of the Register of Deeds of Union County within 30 days of its issuance.

(G) Subsequent Development

Development authorized by the Variance shall not be carried out until the applicant has secured all other permits required by this Ordinance. A Variance does not ensure that the use shall receive subsequent permit approvals unless the relevant and applicable portions of this Ordinance are met.

(H) Variance Runs with the Land

A Variance is not a personal right, but runs perpetually with the land for which the Variance has been granted. As such, the provisions of an approved Variance shall continue with the transfer of ownership of the land.

(I) Appeals

Appeals of decisions of the Board of Adjustment shall be subject to the provisions for judicial review as set forth in NCGS 160A-388(e2).

(J) Additional Standards for Floodplain Variances

(1) Additional Information Required

Applications for a Floodplain Variance shall include a written report evaluating the following factors. The contents of such report shall be considered by the Board of Adjustment as it makes its ruling on the Floodplain Variance.

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of a waterfront location for the facility, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(2) Certain Variances Prohibited

Floodplain Variances within a floodway or non-encroachment area which would have the result of increasing the flood height during base flood discharge shall be prohibited.

(3) Additional Notice Requirements

(1) 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 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) The Ordinance Administrator shall report all Floodplain Variance approvals to the Federal Emergency Management Agency and the NC Department of Crime Control and Public Safety.

3.6 Concept Plan

3.6.1 Purpose

The purpose of this Section is to establish a procedure for the review of a Concept Plan by the Ordinance Administrator prior to the submittal of an application for Site Plan approval or Subdivision Preliminary Plat approval, or as part of an application for a Special Use Permit. The intent of the Concept Plan procedure is to allow the Village to consider the general design and configuration of a development proposal, and any applicant sponsored conditions, for general compliance with the requirements of this Ordinance prior to the consideration of a Special Use Permit or the preparation of highly technical and detailed plans required for a Site Plan or Subdivision Preliminary Plat approval.

3.6.2 Applicability

Submittal of a Concept Plan shall be required prior to the consideration of approval of a Site Plan, Subdivision Preliminary Plat or Special Use Permit.

3.6.3 Procedures

(A) Preliminary Procedures

The preliminary procedures for submission and review of a Concept Plan are established in Section 3.1, Common Review Procedures.

(B) Concept Plan – Site Plan or Subdivision Preliminary Plat

In the case of a Concept Plan submitted for review in association with a Site Plan or Subdivision Preliminary Plat, the Ordinance Administrator shall review the Concept Plan for compliance with the applicable standards set forth in the Ordinance. Following his review he shall submit his comments in writing to the applicant, who may then begin the preparation of the Site Plan or Subdivision Preliminary Plat.

(C) Concept Plan – Special Use Permit

(1) Review by Ordinance Administrator

In the case of a Concept Plan submitted in association with an application for a Special Use Permit, the Ordinance Administrator shall review the Concept Plan for compliance with the applicable standards set forth in the Ordinance and the contents of Section 3.6.3(D), Concept Plan Content Standards, and submit his comments to the Board of Adjustment for consideration as it makes its decision on the Special Use Permit Application.

(2) Review and Action by Board of Adjustment

Following the receipt of comments from the Ordinance Administrator, the Board of Adjustment shall review the Concept Plan as part of the Special Use Permit application process.

(D) Effect

Following the review of the Concept Plan by the Ordinance Administrator, the applicant may:

(1) Proceed with the preparation of a Site Plan or Subdivision Preliminary Plat in cases where Concept Plan review is required as part of an application for Site Plan or Subdivision Preliminary Plat approval; or

(2) Proceed with consideration of the Concept Plan and conditions of approval by the Board of Adjustment when the Concept Plan was submitted as part of an application for a Special Use Permit.

(E) Amendment

A Concept Plan may only be amended or modified in accordance with the procedures set forth for its initial approval.

3.7 Site Plan

3.7.1 Purpose

The purpose of this Section is to establish the procedures and standards for the review and approval of a Site Plan that depicts site and building related details and engineered drawings.

3.7.2 Applicability

All development, unless exempted in accordance with Section 3.7.3, Exemptions, shall be required to have a Site Plan approved in accordance with this Section prior to the issuance of a Zoning Permit.

3.7.3 Exemptions

The following development activity shall be exempted from the requirements of this Section:

(A) Internal or external construction that does not increase gross floor area, building height, the density or intensity of use, or affect parking requirements;

(B) The construction of a single family dwelling on an individual lot;

(C) The construction or placement of an accessory structure associated with a single family dwelling; and

(D) Changes in use where there is no associated change in landscaping, buffering, off street parking requirements, lot coverage or other external site characteristics.

3.7.4 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Site Plan are established in Section 3.1, Common Review Procedures.

(B) Review of Concept Plan

The review of a Concept Plan, in accordance with Section 3.6, shall be required prior to the consideration of a Site Plan.

(C) Review by Ordinance Administrator

Following the review and approval of a Concept Plan, the applicant shall prepare a Site Plan. Following the submission of a Site Plan by an applicant, the Ordinance Administrator shall review the site plan and prepare a staff report addressing the compliance of the proposed site plan with the Site Plan Standards set forth in Section 3.7.5.

(D) Review and Action by Planning Board

Following the Ordinance Administrator's review of the Site Plan, he shall forward the plan, his staff report and any recommendation to the Planning Board for review and consideration. Following its review, the Planning Board shall, within 45 days of the first hearing on the matter, either approve, conditionally approve or deny approval of the proposed Site Plan based on its compliance with the standards set forth in Section 3.7.5.

3.7.5 Site Plan Standards

A Site Plan shall be approved only upon a finding that it adequately depicts the precise design, location and profile of all structures, site features and public facilities proposed for development, as well as all other technical considerations. In addition, the Site Plan shall demonstrate that all of the following standards are met:

(A) The use is allowed in the zoning district in accordance with Tables 8-1 or 8-2, Tables of Permitted Uses, as evidenced by the issuance of a Special Use Permit if required;

(B) The proposed Site Plan complies with all development, architectural and environmental standards in this Ordinance, as applicable; and

(C) The development complies with all other applicable Village, State or Federal rules and regulations.

3.7.6 Effect of Approval

The approval of a Site Plan allows the applicant to apply for a Zoning Permit to initiate land development activities in accordance with the approved Site Plan.

3.7.7 Expiration

Site Plan approval shall automatically expire at the end of two years following initial approval if a Building Permit has not been issued and construction pursuant to that permit has not commenced for at least one (1) structure in the proposed development. A change in ownership shall not affect this time frame.

3.7.8 Amendments

A Site Plan may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

3.8 Subdivision

3.8.1 Purpose

The purpose of this Section is to establish clear standards for the subdivision of land within the Village of Lake Park.

3.8.2 Applicability

Unless exempted in accordance with Section 3.8.3, Exemptions, all divisions of land or other activity that results in the establishment or relocation of property or right-of-way lines shall be subject to these regulations.

3.8.3 Exemptions

The following actions shall be exempt from the requirements of this Section:

(A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased, and where the lots are equal to or exceed the standards set forth in this Ordinance.

(B) The public acquisition of land for public use by purchase of strips of land for the widening or opening of streets, placement of utilities or establishment of park land or greenway trails.

(C) The division of land into parcels greater than ten (10) acres in size where no street right-of-way dedication is involved.

(D) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Village as set forth in this Ordinance.

Plats for subdivisions which are exempt from the requirements of this Section shall be submitted to the Ordinance Administrator who shall sign a Certificate of Exemption on the plat. This certificate must be signed prior to recordation of the exempt subdivision plat with the Union County Register of Deeds.

3.8.4 Preliminary Plat

(A) General

A Preliminary Plat establishes the general layout and design for the subdivision. Upon the approval of a Preliminary Plat, applicants may begin to install streets, public utilities and other infrastructure. Following installation and approval of all required infrastructure, applicants may submit an application for a Subdivision Final Plat. Building Permits may not be issued before approval and recordation of a Subdivision Final Plat.

(B) Applicability

The Preliminary Plat procedures shall be utilized for the subdivision of land where any of the following apply:

(1) New public or private streets are proposed;

(2) Changes to existing public or private rights-of-way are proposed;

(3) New public utilities are required to serve the proposed lots;

If the proposed subdivision does not meet these standards, it shall be processed under the Final Plat procedures.

(C) Preliminary Plat Content Standards

The required contents of a Preliminary Plat are shown in Appendix B.

(D) Review and Approval Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Preliminary Plat are established in Section 3.1, Common Review Procedures.

(2) Review of Concept Plan

The submittal and review of a Concept Plan in accordance with the standards in Section 3.6, shall be required prior to the consideration of a Preliminary Plat

(3) Review and Recommendation by Ordinance Administrator

Following the review of a Concept Plan, the applicant shall prepare a Preliminary Plat that reflects the configuration depicted in the finalized Concept Plan along with any other required information. Once the complete application and Preliminary Plat are submitted, the Ordinance Administrator shall review the application and submit his recommendation and comments to the Planning Board prior to the meeting at which they will review the application.

(4) Review and Recommendation by Planning Board

Following the receipt of comments and a recommendation from the Ordinance Administrator, the Planning Board shall review the proposed Preliminary Plat. The Planning Board shall review the application for consistency with the standards of this Ordinance and with the finalized Concept Plan that was reviewed by the Ordinance Administrator. Within 45 days following its initial review, the Planning Board shall make a recommendation to the Village Council to approve, conditionally approve or deny approval of the Subdivision Preliminary Plat.

(5) Review and Action by Village Council

Following the receipt of a recommendation from the Planning Board, the Village Council shall review and make its decision on the submitted Preliminary Plat. During its review the Village Council shall makes its decision to approve, conditionally approve, or deny approval of the Preliminary Plat based on the standards in Section 3.8.4(E), Standards for Approval.

(E) Standards for Approval

A Subdivision Preliminary Plat shall only be approved upon finding that the application complies with the standards in Article 11, Subdivision Regulations, all other relevant provisions of this Ordinance, and all other relevant Village ordinances, plans and regulations.

(F) Effect of Approval

Approval of a Preliminary Plat shall constitute approval of the development with the general lot shapes and alignments of streets identified in the phases depicted on the approved Preliminary Plat. Phases not depicted on an approved Preliminary Plat shall not have Preliminary Plat approval. Approval of a Preliminary Plat allows the subdivider to proceed with the installation of the required infrastructure and utilities. Approval of a Preliminary Plat does not constitute or guarantee approval of a Final Plat. The approval of a Preliminary

Plat is not a personal right, but one which runs with the land, and, therefore, changes in ownership of the subject property shall not alter the effect of the approval.

(G) Amendment

A Subdivision Preliminary Plat may be amended or modified only in accordance with the procedures and standards established for its original approval.

(H) Installation and Inspection of Required Improvements

Following the construction of all required improvements, or the posting of a Performance Guarantee for required improvements that are not installed or completed, the subdivider shall submit a written request for inspection of those improvements. When all required public improvements and/or Performance Guarantees have been approved by the Village, the subdivider may apply for Subdivision Final Plat Approval.

(I) Performance Guarantees

In lieu of meeting the requirement for the completion, installation, and dedication of any and all public infrastructure improvements (e.g., underground utilities, streets, sidewalks, storm drainage, trees, landscaping, buffer plantings, street lights, etc.) prior to Subdivision Final Plat approval, the Village may accept a performance guarantee in accordance with the standards in this Section.

(J) Form of Performance Guarantee

Where required, the owner/developer shall furnish a performance guarantee in any form acceptable to the Village Attorney. Performance guarantees may be either of the following:

(1) Surety Performance Bond(s)

The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina, and approved by the Village Council. The bond shall be payable to the Village of Lake Park (or its authorized agent) and shall be in an amount equal to 1.25 times the entire cost, as a certified estimate by a licensed design professional and verified by the Village Engineer, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Village. Any expenses associated with the cost verification by the Village shall be paid entirely by the subdivider.

(2) Cash or Equivalent Security

The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the

Village (or its authorized agent) or in escrow with a financial institution designated as an official depository of the Village. The amount of deposit shall be equal to 1.25 times the entire cost, as certified and estimated by a licensed design professional, and verified by the Village Engineer, of installing all required improvements.

(K) Escrow Guarantee

If cash or other instrument is deposited in escrow with a financial institution, then the developer shall file with the Village of Lake Park (or its authorized agent) an agreement with the financial institution guaranteeing the following:

(1) Immediate Release of Funds

That in case of a failure on the part of the subdivider to complete the guaranteed improvements, the financial institution shall, upon notification by the Village of an estimate of the amount needed to complete the improvements, immediately pay to the Village the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Village any other instruments fully endorsed or otherwise made payable in full to the Village; and

(2) Exclusivity of Funds

That the escrow amount will be held in trust until released by the Village and may not be used or pledged by the subdivider in any other transaction during the term of the escrow.

(L) Default

Upon failure on the part of the subdivider to complete the required improvements in the time required by this Ordinance or as spelled out in the performance bond or escrow agreement, the surety, or financial institution holding the escrow account, shall, if required by the Village, pay all or any portion of the bond or escrow fund to the Village of Lake Park up to the amount required to complete the improvements based on an estimate by the Village. Upon payment, the Village, in its discretion, may expend such portion of these funds, as it deems necessary to complete all or any portion of the required improvements. The Village shall return to the subdivider any funds not spent in completing the improvements.

(M) Release of Security Guarantee

The Village may release a portion of any security posted after the improvements are completed and recommended for approval by the Ordinance Administrator. The Village Council shall approve or disapprove the improvements within 30 days

upon receiving the Ordinance Administrator's recommendation. When the Village Council approves the improvements, it shall immediately release the portion of the security posted which covers the cost of the improvements that were approved, as shown in the detailed cost estimate prepared by the Village Engineer.

(N) Expiration of Approval

Preliminary plat approval shall be valid for a period of 12 months from the date of approval of the plat by the Village Council unless an extension of time is applied for and granted by the Village Council, or unless a longer time period is established under applicable vested rights provisions. Preliminary plats whose approval has expired shall be resubmitted in accordance with the provisions of this Section.

3.8.5 Final Plat

(A) General

The Final Plat approval process is used both for reviewing and approving those classes of subdivisions that do not meet the requirements for filing of a Preliminary Plat, as well as finalizing the approval of subdivisions for which a Preliminary Plat was required.

(B) Required Contents of Final Plat

The required contents of a Subdivision Final Plat are shown in Appendix B, Subdivision Plat Content Standards.

(C) Review and Approval Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Subdivision Final Plat are established in Section 3.1, Common Review Procedures.

(2) Review by Ordinance Administrator

Following the submission of a complete application for Final Plat Approval, the Ordinance Administrator shall review the application and submit his recommendation to the Planning Board prior to the meeting at which they will review the application.

(3) Review and Recommendation by Planning Board

Following the receipt of a recommendation from the Ordinance Administrator, the Planning Board shall review the proposed Subdivision Final Plat. The Planning Board shall review the application for consistency with the standards of this Ordinance and with the approved Preliminary Plat (if required). Within 45 days following its initial review, the Planning Board shall make a recommendation to the Village Council to approve, conditionally approve or deny approval of the Subdivision Final Plat.

(4) Review and Action by Village Council

Following the receipt of a recommendation from the Planning Board, the Village Council shall review and make its decision on the submitted Subdivision Final Plat. During its review the Village Council shall makes its decision to approve, recommend modification of, or deny approval of the Final Plat based on the standards in 3.8.5(D), Standards for Approval.

(D) Standards for Approval

A Subdivision Final Plat shall only be approved if the Village Council finds the following:

(1) The Final Plat complies fully with the standards in Article 11, Subdivision Regulations;

(2) The Final Plat is in substantial conformity with the approved Subdivision Preliminary Plat, if applicable;

(3) The Final Plat indicates the installation, or financial guarantee of the installation, of all required improvements, if applicable; and

(4) The Final Plat contains all required certificates, signed by the appropriate authorities.

(E) Certification

No Subdivision Final Plat may be recorded unless all relevant certificates, as identified in Appendix B, have been signed by the appropriate officials.

(F) Recordation

The subdivider shall file the approved Subdivision Final Plat with the Union County Register of Deeds, and shall provide proof of recordation to the Ordinance Administrator within 30 days after the date of approval or the Final Plat shall be null and void.

3.9 Zoning Permit

3.9.1 Purpose

A Zoning Permit shall be required in accordance with the provisions of this Section in order to ensure that proposed development and land use activity complies with the standards of this Ordinance, and to otherwise protect the public health, safety, and welfare of the residents of the Village.

3.9.2 Applicability

The provisions of this Section shall be applicable to all development and other land use activity within the Village's jurisdiction. No activity subject to regulation by this Ordinance, including any land development, building or construction activity, architectural changes to existing structures, or the change, expansion or enlargement of any use of land or structures, may commence prior to the issuance of a Zoning Permit in accordance with this Section.

3.9.3 Procedure

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Zoning Permit Application are established in Section 3.1, Common Review Procedures.

(B) Review and Action by Ordinance Administrator

The Ordinance Administrator shall review and approve or deny an application for a Zoning Permit in accordance with the standards in Section 3.9.3(C), Zoning Permit Standards. If the application is denied, the reasons for denial shall be provided to the applicant in writing.

(C) Zoning Permit Standards

A Zoning Permit shall be approved upon a finding by the Ordinance Administrator that the application fully complies with all relevant standards of this Ordinance, as well as all other applicable Village requirements and applicable conditions of approval if any were imposed as part of a preceding approval for the proposed development.

(D) Appeals

The appeal of a decision by the Ordinance Administrator on the issuance of a Zoning Permit shall be heard by the Board of Adjustment in accordance with Section 3.12, Appeals of Administrative Decisions.

(E) Expiration

(1) For development activity that requires a Building Permit, the Zoning Permit issued for that activity shall expire and be void six months after the date of its issuance if a Building Permit has not yet been issued.

(2) For other activity that does not require a Building Permit, the Zoning Permit shall expire and be void unless the activity authorized by the Zoning Permit has commenced within six months of the date of its issuance.

3.10 Floodplain Development Permit

3.10.1 Purpose

The purpose of this Section is to establish the review and approval procedures for Floodplain Development Permits in order to ensure that development occurs in compliance with the requirements of Article 13, Flood Damage Prevention.

3.10.2 Applicability

All land development activities proposed for lands which lie within a Special Flood Hazard Area must obtain a Floodplain Development Permit prior to application for a Zoning Permit.

3.10.3 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Floodplain Development Permit are established in Section 3.1, Common Review Procedures.

(B) Review and Action by Ordinance Administrator

Following the receipt of a complete application for a Floodplain Development Permit, the Ordinance Administrator shall review the application and either approve, approve with modifications or deny approval of the application based on the standards in 3.10.3(C) Standards for Approval. If the application is denied, the Ordinance Administrator shall state the reasons for denial in writing.

(C) Standards for Approval

The Ordinance Administrator shall only approve an application for a Floodplain Development Permit if he finds that it meets all of the standards set forth in Section 13.2, Provisions for Flood Hazard Reduction.

(D) Required Contents of Floodplain Development Permit Application

All applications for Floodplain Development Permits shall be accompanied by the following specific information:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(2) 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;

(3) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 13.1.5, or a statement that the entire lot is within the Special Flood Hazard Area;

(4) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 13.1.5;

(5) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 13.1.5;

(6) The Base Flood Elevation (BFE), where provided, as set forth in Section 13.1.5, or 13.2.4 as appropriate.

(7) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(8) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(9) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(10) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

(11) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(12) 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.

(13) 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:

(1) 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);

(2) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance Section 13.2.3(D) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;

(3) Usage details of any enclosed areas below the lowest floor.

(4) 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;

(14) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(15) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sections 13.2.3(F) and 13.2.3(G) of this Ordinance are met.

(16) 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) Floodplain Development Permit Contents

Floodplain Development Permits shall include the following information:

(1) A description of the development to be permitted under the floodplain development permit.

(2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 13.1.5.

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(4) The regulatory flood protection elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(7) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(F) Required Certifications

(1) Elevation Certificates

(1) 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 Ordinance Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Ordinance 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.

(2) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Occupancy issuance. It shall be the duty of the permit holder to submit to the Ordinance Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Ordinance 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 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 Occupancy.

(2) Floodproofing Certificate

(1) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Ordinance Administrator a certification of the floodproofed design elevation of the reference level and all attendant

utilities, in relation to mean sea level. Flood proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Ordinance 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 Occupancy.

(2) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required.

(3) 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) Certification Exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this Subsection:

(1) Recreational Vehicles meeting requirements of Section 13.2.3(F);

(2) Temporary Structures meeting requirements of Section 13.2.3(G); and

(3) Accessory Structures less than 150 square feet meeting requirements of Section 13.2.3(H).

3.11 Stormwater Management Permit

3.11.1 Purpose

The purpose of this Section is to set forth the procedures and requirements for the review and approval of a Stormwater Management Permit that establishes compliance with the standards of Article 14, Stormwater Management.

3.11.2 Applicability

All land development activities within the Village of Lake Park must have an approved Stormwater Management Permit unless specifically exempted by the development thresholds or general exemption established in Section 14.1.3(B).

3.11.3 Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Stormwater Management Permit Application are established in Section 3.1, Common Review Procedures.

(B) Review by Ordinance Administrator

Following the submission of a complete Stormwater Management Permit Application, the Ordinance Administrator shall, in consultation with the Village Engineer, review the submitted application for compliance with the applicable standards of this Ordinance. If he finds that the submitted application meets the standards set forth in Section 3.11.4, Standards for Approval, he shall transmit his recommendation for approval and concurring recommendation from the Village Engineer to the Planning Board for review. If he finds that the submitted application does not meet the applicable standards of the Ordinance, he shall transmit his determination, accompanied by a statement from the Village Engineer detailing the deficiencies, to the applicant for revision and resubmittal. Permit applications that do not receive a recommendation from the Ordinance Administrator and Village Engineer shall not proceed to the review stage by the Planning Board.

(C) Review and Approval by Village Council

Following the receipt of a positive recommendation from the Ordinance Administrator, the application shall be forwarded to the Village Council for final approval. The Village Council shall review the Stormwater Management Permit for compliance with the Standards for Approval in Section 3.11.4, and in reliance upon the Village Engineer's recommendation, shall approve the submitted application if it is found to meet the requisite standards.

3.11.4 Standards for Approval

The Stormwater Management Permit application shall detail how post-development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of Section 14.2, Stormwater Management Standards. All such plans shall be prepared by a qualified registered North Carolina professional engineer,

who shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the Stormwater BMP Design Manual, and that the designs and plans ensure compliance with this Ordinance.

3.11.5 Effect of Approval

Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

3.11.6 Certification and "As Built" Plans

(A) Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved Stormwater Management Permit and designs established therewith, and shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed.

(B) The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this Ordinance.

3.11.7 Expiration

(A) An approved plan shall become null and void if the applicant fails to make substantial progress on the site within one year after the date of approval. The Ordinance Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved permit.

(B) In granting an extension, the Ordinance Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

3.12 Appeals of Administrative Decisions

3.12.1 Right of Appeal

Any aggrieved party affected by a decision or interpretation of the Ordinance Administrator or other administrative official may appeal such decision or interpretation to the Board of Adjustment in accordance with the provisions of this Section.

3.12.2 Procedure

(A) Initiation

An appeal taken in accordance with this Section may be initiated by filing a written Notice of Appeal with the Village Clerk in accordance with the standards set forth in NCGS 160A-388(b1).

(B) Contents of Appeal

The written Notice of Appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of that decision or interpretation, and all supporting materials related to the decision.

(C) Record

Upon receipt of the written Notice of Appeal, the official who made the decision shall transmit all of the papers, documents, and other materials relating to the decision or interpretation appealed to the Board of Adjustment, the appellant and the owner of the property that is subject to the appeal, if applicable and different than the appellant. These materials shall constitute the record of the appeal.

(D) Schedule of Notice and Hearing

Upon receipt of a Notice of Appeal, the Clerk to the Board of Adjustment shall schedule a hearing, and provide public notification in accordance with the standards in Section 3.1, Common Review Procedures. The Board of Adjustment shall hear the appeal at its next regularly scheduled meeting, based upon established scheduling policy, or as soon as is reasonably possible.

(E) Hearing and Decision by Board of Adjustment

At the hearing, the person making the appeal may appear in person or by agent or attorney, and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The official who made the

appealed decision shall be given an opportunity to respond, as well as any other Village staff or other person the Board of Adjustment deems necessary. In making its determination, the Board of Adjustment shall consider the application, the relevant support materials and the testimony given at the public hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

3.12.3 Effect of Appeal

A pending appeal stays all proceedings in furtherance of the action appealed, unless the Ordinance Administrator certifies to the Board of Adjustment after the Notice of Appeal is filed, that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court.

3.12.4 Judicial Review of Decisions

Appeals of decisions of the Board of Adjustment shall be subject to the provisions for judicial review as set forth in NCGS 160A-388(e2).

3.13 Establishment of Vested Rights

3.13.1 Purpose

The purpose of this Section is to implement the provisions of NCGS 160A-385.1 for the establishment of a statutory zoning vested right upon the approval of a Site Specific Development Plan.

3.13.2 Applicability

A statutory Vested Right shall only be available to a landowner with a legally established and approved Site Specific Development Plan. For the purposes of this Subsection, a Site Specific Development Plan shall include the following:

(A) Development subject to an approved Special Use Permit

(B) Development subject to an approved Subdivision Preliminary Plat

(C) Development subject to an approved Site Plan

3.13.3 Procedure

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(B) Review and Recommendation by Ordinance Administrator

Following the receipt of a complete application for the Establishment of Vested Rights, the Ordinance Administrator shall review the application for compliance with the applicable standards for the Establishment of Vested Rights set forth in this Ordinance and by the NC General Statutes. In his staff report to the Planning Board he shall comment on the eligibility of the application for approval based on those standards, and recommend either concurrence with the proposed length of vesting that is requested or recommend and alternate period of vesting based on the type and scope of the project.

(C) Review and Recommendation by Planning Board

Following review by the Ordinance Administrator, the application shall be referred to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant support materials and the recommendation of the Ordinance Administrator. Within 45 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Village Council. In addition to making a recommendation as to approval or denial of the application and the appropriate period of time to vest a Site-Specific Development Plan, the Planning Board may also recommend the imposition of conditions on the approval in accordance with Section 3.1.11, Conditions of Approval. In no case shall the application proceed to the public hearing before the Village Council without a recommendation by the Planning Board.

(D) Review and Decision by Village Council

After the receipt of a recommendation from the Planning Board, public notification, and the scheduling of a public hearing, the Village Council shall conduct a public hearing on the application. At the public hearing, the Village Council shall consider the application, the relevant supporting materials, the recommendation of the Planning Board and the comments given at the public hearing. After the close of the public hearing, the Village Council shall vote to approve, approve with conditions, or deny the application based on the standards in Section 3.13.3(E), Vested Rights Standards. In the event the application is approved, the Village Council shall establish the vesting period, which shall not exceed a maximum of five years from the date of approval of the Establishment of Vested Rights.

(E) Vested Rights Standards

The Village Council shall only grant vested rights in accordance with this Section after making the following findings of fact:

(1) The Site Specific Development Plan was lawfully established and approved in the appropriate manner by the appropriate decision-making body;

(2) The Site Specific Development Plan has not expired;

(3) All required Variances, if any, included as a condition of the approval of a Site Specific Development Plan have been obtained; and

(4) The Site Specific Development Plan provides sufficient information to establish the types and intensity of proposed development with reasonable certainty.

In approving the Establishment of Vested Rights, the Village Council may extend the two-year vested rights period to a period of up to five years, where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, economic cycles, and market conditions.

ARTICLE 4
ENFORCEMENT

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4.1 Purpose

This Article establishes the procedures through which the Village seeks to ensure compliance with the provisions of this Ordinance. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this Article are intended to encourage the voluntary correction of violations, where possible.

4.2 Compliance Required

Compliance with all of the procedures, standards and other provisions of this Ordinance is required by all persons owning, developing, managing, using or occupying land or structures within the Village's jurisdiction.

4.3 Violations

4.3.1 Violations Generally

(A) Failure to Comply with Ordinance Provisions or Terms or Conditions of Approval Constitutes Ordinance Violation

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance.

(B) Permits or Development Approvals only Authorize Specific Development

Permits or development approvals issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development activity set forth in such permits or development approvals.

4.3.2 Specific Violations

It shall be a violation of this Ordinance to undertake any land development activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

(A) Developing land or a structure without first obtaining the appropriate permit or permit approval.

(B) Occupying or using land or a structure without first obtaining the appropriate permit or permit approval.

(C) Subdividing land without first obtaining the appropriate permit or permit approval required to engage in the subdivision.

(D) Excavate, cut, clear or undertake any land disturbing activity without first obtaining all appropriate permits and permit approvals, and complying with their terms and conditions.

(E) Alter any architectural characteristic of a structure that is regulated by this Ordinance.

(F) Install, create, erect, alter or maintain any sign without first obtaining the appropriate permit or permit approval.

(G) Fail to remove any sign installed, created, erected, altered or maintained in violation of this Ordinance, or for which the permit has expired.

(H) Create, expand, replace or modify any nonconformity except in compliance with this Ordinance.

(I) Reduce or diminish the requirements for development, design or dimensional standards below the minimum requirements of this Ordinance.

(J) Increase the intensity or density of development, except in accordance with the standards of this Ordinance.

(K) Through any act or omission, fail to comply with any other provisions, procedures or standards required by this Ordinance.

4.4 Responsible Persons

Any person, firm, corporation or other legal entity that violates the provisions of this Ordinance shall be subject to the remedies and penalties set forth in this Article.

4.5 Enforcement Generally

4.5.1 Responsibility for Enforcement

The Ordinance Administrator shall be responsible for enforcing the provisions of this Ordinance in accordance with NCGS 160A-174, 160A-175 and 160A-193

4.5.2 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint either verbally or in writing. The complaint, stating fully

the cause and basis therefore, shall be made to the Ordinance Administrator, who shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

4.5.3 Enforcement Procedures

(A) Notice of Violation

When the Ordinance Administrator finds that a violation of this Ordinance has occurred, he shall take appropriate action to remedy the violation consistent with Section 4.6, Remedies and Penalties. The Ordinance Administrator shall notify, in writing, the person violating this Ordinance. Such notification shall indicate:

(1) The nature of the violation(s);

(2) The necessary action to correct or abate the violation; and

(3) The deadline for correcting the violation

(B) Application of Remedies and Penalties

If the owner, occupant, or person responsible for the violation fails to comply with the Notice of Violation, from which no appeal has been taken within 30 days, as provided in the notification, the Ordinance Administrator shall take appropriate action, as provided in Section 4.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

4.6 Remedies and Penalties

Any of the following remedies and enforcement powers may be used to administer and enforce this Ordinance following a Notice of Violation as described in Section 4.5.3, Enforcement Procedures. While the Village may exercise any of the following remedies or penalties at any point following issuance of a Notice of Violation and the required correction period, the following remedies and penalties are listed in their general order or sequence of application.

4.6.1 Civil Penalty

(A) In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statutes Section 160A-175, the standards in this Ordinance may be enforced through the issuance of civil penalties by the Ordinance Administrator.

(B) Subsequent citations for the same violation may be issued each day by the

Ordinance Administrator following the initial issuance of a civil penalty unless the offender has sought an appeal to the decision of the Ordinance Administrator.

(C) Civil penalties shall be issued in the amount of $200 per day per violation.

(D) If the offender fails to pay the civil penalty within 15 days after having been cited, the Village may recover the penalties in a civil action in the nature of debt.

4.6.2 Stop Work Order

Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Ordinance Administrator may order the revocation of the Zoning Permit for such work (if one was issued) and request a Stop Work Order be issued by the Union County Building Inspections Department. 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.

4.6.3 Revocation of Zoning Permit

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

4.6.4 Injunction

When a violation occurs, the Ordinance Administrator may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

4.6.5 Order of Abatement

In addition to an injunction, the Village 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:

(A) Buildings or other structures on the property be closed, demolished or removed;

(B) Fixtures, furniture or other movable property be moved or removed entirely;

(C) Improvements, alterations or repairs be made; or

(D) Any other action be taken that is necessary to bring the property into compliance with this Ordinance.

4.6.6 Equitable Remedy

The Village may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Village's application for equitable relief.

4.6.7 Criminal Penalties

Pursuant to NCGS 14-4, any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined an amount not to exceed five hundred dollars ($500).

4.6.8 Denial or Withholding of Permits

The Ordinance Administrator may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation and associated civil penalty related to such land, use, or development is corrected.

4.6.9 Cumulative Penalties

The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

4.6.10 Continuing Violations

Each day that a violation continues shall be considered as a separate and distinct offense, and may be enforced as such at the discretion of the Ordinance Administrator.

ARTICLE 5
NONCONFORMITIES

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5.3 Nonconforming Structures 5-3
5.4 Nonconforming Lots of Record 5-4
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5.1 General

5.1.1 Purpose and Intent

(A) In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and site features that were lawfully established before this Ordinance was adopted or amended, that now, due to its adoption, do not conform to its terms and requirements. The purpose and intent of this Article is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any subsequent amendments.

(B) It is the intent of this Ordinance to permit most of these nonconformities to continue until they are removed, but not to encourage their continuance except under the limited circumstances established in this Article. The provisions of this Article are designed to curtail substantial investment in nonconformities.

5.1.2 Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this Article, and are encouraged to receive routine maintenance as a means of preserving safety and appearance.

5.1.3 Determination of Nonconforming Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the alleged nonconformity is located.

5.1.4 Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, or sign. For the purposes of this Section, "minor repair or normal maintenance" shall mean:

(A) Maintenance of Safe Condition

Repairs that are necessary to maintain a nonconforming use, structure or sign in a safe condition; and

(B) Maintenance of Land for Safety

Maintenance of land areas to protect against health hazards and promote the safety of surrounding land, structures and uses.

(C) Maintenance of Appearance

Repairs and maintenance to ensure that a structure maintains an appearance that contributes to the aesthetic quality of the Village.

5.2 Nonconforming Uses

5.2.1 General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.

5.2.2 Change of Use

A nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use has ceased operation, or has been discontinued for a period of 180 days or longer, it shall only be replaced with a conforming use.

5.2.3 Expansion and Enlargement

Except in accordance with this Subsection, a nonconforming use shall not be enlarged, expanded in area or intensified. An existing nonconforming use may be enlarged into any portion of the structure in which it is located provided the area proposed for expansion was designed and intended for such use prior to the date the use became a nonconformity.

5.2.4 Discontinuance

A nonconforming use shall not be reestablished after discontinuance for a period of 180 consecutive calendar days. An effort to renovate the structure housing the use is not considered a vacancy, abandonment, or discontinuance, provided all appropriate development approvals are obtained, and provided the renovation is completed within 180 days from its commencement, and the use is re-established within 30 days from the time the renovation is completed. Failure to complete the renovation within 180 days or reestablish the use within 30 days following renovation shall constitute discontinuance, and a nonconforming use shall not be reestablished in the structure.

5.2.5 Reestablishment after Casualty Damage

(A) Destruction or Damage Beyond 50 Percent of Value

In the event a structure housing a nonconforming use is damaged or destroyed, by any means, to an extent of more than 50 percent of its structural replacement cost at the time of damage or destruction, the nonconforming use may not be reestablished following reconstruction.

(B) Damage of 50 Percent or Less of Value

(1) In the event a structure housing a nonconforming use is damaged, by any means, to an extent of 50 percent or less of its structural replacement cost at the time of damage, it may be repaired to its previous form, and the nonconforming use reestablished, if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and the repair or restoration is completed within one year of obtaining the Building Permit.

(2) In no case shall a different nonconforming use be established in the place of the nonconforming use that was housed in the structure at the time of casualty damage.

5.3 Nonconforming Structures

5.3.1 Continuation

Normal repair and maintenance may be performed to allow the continued use of nonconforming structures.

5.3.2 Enlargement

A nonconforming structure shall not be enlarged or expanded in any way that increases the degree of nonconformity. (For example, a structure that has a five-foot side yard setback where the Ordinance requires a ten-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.) Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

5.3.3 Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location within the Village's jurisdiction, on or off the parcel of land on which it is presently located, unless upon relocation it conforms to the requirements of this Ordinance.

5.3.4 Reconstruction After Casualty Damage

(A) Destruction or Damage Beyond 50 Percent of Value

(1) In the event a nonconforming structure (or portion of a structure) is damaged or destroyed, by any means, to an extent more than 50 percent of its structural replacement cost at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance.

(2) New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance.

(B) Damage of 50 Percent or Less of Value

(1) In the event a nonconforming structure is damaged, by any means, to an extent of 50 percent or less of its structural replacement cost at the time of damage or destruction, it may be rebuilt to its previous form if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and repair or restoration is completed within one year of obtaining the Building Permit.

(2) In no event shall the repair or restoration increase the degree of nonconformity.

5.4 Nonconforming Lots of Record

No use or structure shall be established on a nonconforming lot of record except in accordance with the standards in this Section.

5.4.1 Status of Nonconforming Lots

(A) Conforming structures legally established on nonconforming lots of record prior to the effective date of this Ordinance may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance.

(B) Nonconforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance may be continued, enlarged, or redeveloped only in accordance with the standards in Section 5.3, Nonconforming Structures.

5.4.2 Development of Unimproved Lots

(A) Residential Districts

In residential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family detached dwelling and customary accessory structures may be developed on any single lot of record existing on the original date of adoption of this Ordinance. This provision applies even if the lot of record fails to comply with the lot standards in Section 7.2, Dimensional Standards for Lots and Principal Structures. Development of a single-family detached dwelling on the lot of record shall comply with all relevant setback standards in 7.2, Dimensional Standards for Lots and Principal Structures.

(B) Nonresidential Districts

In nonresidential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a structure may be developed on any single nonconforming lot of record existing on original date of adoption of this Ordinance subject to the approval of a Special Use Permit. This provision shall apply even though the lot of record fails to comply with the standards for lot area that are applicable in the zoning district. In considering the application for a Special Use Permit, the Board of Adjustment shall ensure the design and location of the proposed use is compatible with surrounding uses. Development of the structure on the lot of record shall comply with all other standards in 7.2, Dimensional Standards for Lots and Principal Structures, to the maximum extent practicable.

5.4.3 Redevelopment of Improved Lots in Residential Districts after Casualty

If a legally established single-family dwelling is destroyed by casualty on a nonconforming lot in a residential zoning district that was part of a subdivision or other division of land evidenced by plat or deed, or both, recorded prior to the original date of adoption of this Ordinance, the structure may be rebuilt on the nonconforming lot of record within the same footprint of the previously existing structure.

5.4.4 Government Acquisition of Land in a Residential District

The acquisition of a portion of a lot for a public purpose by a unit of government or other entity with the power of eminent domain that results in a reduction in lot width and/or lot area below that required in 7.2, Dimensional Standards for Lots and Principal Structures, shall not render the lot nonconforming.

5.4.5 Change of Nonconforming Lots

A nonconforming lot may be increased in area, width and/or depth through a lot line adjustment to make the lot less nonconforming.

5.5 Nonconforming Site Features

5.5.1 General Standards

(A) Nonconforming site features, such as architectural details, signs, parking areas, landscaping and similar features, may only be altered, repaired or maintained in accordance with the standards of this Section.

(B) A nonconforming site feature may not be altered or replaced except to bring the site feature into conformity with this Ordinance. Once a nonconforming site feature is removed from the premises or otherwise altered, the feature may only be replaced with a feature which is in conformance with this Ordinance.

5.5.2 Routine Repairs and Maintenance

Repairs and maintenance of nonconforming site features, such as parking areas, outdoor lighting, waste disposal areas and similar features shall be permitted, provided such activities are completed in accordance with the requirements of this Ordinance, and provided that the cost of repairs do not exceed 50 percent of the replacement value of the feature.

5.5.3 Reconstruction After Casualty Damage

(A) Damage or Destruction Beyond 50 Percent of Value

In the event that a nonconforming site feature is destroyed, or damaged to an extent that exceeds 50 percent of its value, then the site feature shall only be restored, repaired, or reconstructed in accordance with the standards this Ordinance.

(B) Damage or Destruction Less Than 50 Percent of Value

In the event a nonconforming site feature is damaged to an extent less than 50 percent of the feature's value, the site feature may be repaired in accordance with Section 5.5.2, Routine Repairs and Maintenance.

ARTICLE 6
ZONING DISTRICTS

6.1 Zoning Districts Established 6-1
6.2 Base Zoning Districts ..... **Error! Bookmark not defined.**1
6.3 Overlay Districts 6-2

6.1 Zoning Districts Established

The zoning districts set forth in this Article are hereby established in the furtherance of the purpose and intent of the Unified Development Ordinance.

6.2 Base Zoning Districts

6.2.1 Residential Zoning Districts

(A) Garden District (GD)

The purpose of the Garden District is to provide for an area of the Village of Lake Park that permits the use and development of detached single family residences with rear alley access at a density of 13 dwelling units per acre in an urban setting.

(B) Village Homes District (VH)

The purpose of the Village Homes District is to provide for the use and development of a mixture of attached and detached single family dwellings on narrow lots with rear alley access in an urban setting that is in close proximity to the Village Center.

(C) Multifamily District (MF)

The purpose of the Multifamily District is to provide for the use and development of townhomes, condominiums and apartments in close proximity to the Village Center.

(D) R-6 District

The purpose of the R-6 District is to provide for the use and development of detached single family residences at a density of up to 7 dwelling units per acre.

(E) R-10 District

The purpose of the R-10 District is to provide for the use and development of detached single family residences at a density of up to 4 dwelling units per acre.

(F) R-17 District

The purpose of the R-17 District is to provide for the use and development of detached single family residences at a density of less than 3 dwelling units per acre.

(G) R-25 District

The purpose of the R-25 District is to provide for the use and development of detached single family residences on large lots at a density of less than 2 dwelling units per acre.

6.2.2 Nonresidential Zoning Districts

(A) Community Services District (CS)

The Community Services District is intended to accommodate a wide range of government and institutional uses that provide services to the community, including, churches, schools, day care centers, parks and government offices.

(B) Village Commercial District (VC)

The Village Commercial District is intended to accommodate small-scale commercial uses, including retail, office and service uses, in the Village Center.

(C) General Business District (GB)

The General Business District is intended to accommodate large-scale and more intensive commercial uses, including automobile oriented uses that are not appropriate for the Village Commercial District.

(D) Industrial District (I)

The Industrial District is intended to accommodate existing industrial land uses and to provide for appropriately regulated transitions to other industrial or similarly intensive land uses in the future.

6.3 Overlay Districts

Overlay district regulations contain standards that apply in addition to base district zoning standards in order achieve a specific land use objective or regulation that, by its nature, is applicable to an area without regard to the underlying zoning designation. The provisions of overlay districts are also applicable to conditional zoning districts.

6.3.1 Flood Damage Prevention Overlay District (FDPO)

The Flood Damage Prevention Overlay District is established to protect life and property within the Village's jurisdiction from the hazards associated with flooding.

ARTICLE 7
DIMENSIONAL STANDARDS

7.1 Measurement and Computation of Dimensional Standards**Error! Bookmark not defined.**

7.2 Dimensional Standards for Lots and Principal Structures 7-3

7.3 Dimensional Standards for Accessory Structures.. **Error! Bookmark not defined.**

7.1 Measurement and Computation of Dimensional Standards

7.1.1 Lot Measurement

(A) Lot Area

Lot area is the total area defined by the boundaries of a lot, excluding street right-of-way.

(B) Lot Width

Lot width is the distance from side lot line to side lot line measured at the minimum front street setback (parallel to the front property line). For lots along circular turnarounds (cul-de-sacs), the lot width may be measured at a front street setback of up to 50 feet from the street right-of-way. On circular turnarounds, the point where lot width is measured is considered the minimum front setback line for establishing a minimum building line.

(C) Lot Depth

Lot depth is the distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

7.1.2 Setbacks

(A) Street Setbacks and Build-to Lines

Street setbacks and build-to lines are established by measuring perpendicularly from the street right-of-way line to the nearest part of the applicable building, structure, sign or activity.

(1) Front Setbacks and Build-to Lines

The front setback is any setback from a street right-of-way line other than a side street setback. A through lot, other than a through lot with access to an alley, has 2 front street setbacks. The property owner shall designate the front and side street setback on a corner lot.

(1) Prevailing Street Setbacks

The prevailing street setback of existing single family residential structures shall be used to establish a build-to line along block faces with an established development pattern.

(2) Build-to Lines

Build-to lines are measured perpendicularly from the street right-of-way line. Such lines are computed by determining the average front street setback of the principal structures on the two closest developed lots on either side of the lot for which the line is being established. Developed lots used to compute the build-to line shall be on the same block face as the lot in question.

(2) Side Street Setback

A side street setback is a required street setback that is not a front street setback.

(B) Interior Setbacks

Interior setbacks are measured from any property line that does not run along a street right-of-way line.

(1) Rear Setback

Rear setbacks are measured perpendicularly from interior property lines lying on the opposite side of the lot from the front street setback.

(2) Side Setback

Side setbacks area measured perpendicularly from interior property lines other than rear setbacks.

7.1.3 Encroachments into Required Setbacks

The following are allowed in required setbacks provided that compliance is maintained with all other provisions and restrictions contained in this Ordinance:

(A) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.

(B) At-grade patios; play equipment; outdoor furniture; ornamental entry columns and gates; flagpoles; lampposts; address posts; HVAC equipment; mailboxes; outdoor fireplaces; public utility lines, poles, pumps, and boxes; wells; fences and similar structures.

(C) Cornices, overhanging eaves and gutters, window sills, bay windows, or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project up to 2.5 feet into any required setback, but must remain at least 3 feet from any property line.

(D) Porches and decks may encroach up to 5 feet into the required front and rear setbacks.

(E) Steps and ramps attached to above-grade structures may project anywhere within a street setback; and, if 4 feet or less above grade, may project into interior side or rear setback, but not within 3 feet of a side property line.

(F) Accessory structures established in accordance with the standards in Section 7.3.

(G) Waste handling facilities, including dumpsters, recycling bins, grease tanks, and similar accessory waste-handling facilities may be located in a required side or rear setback, but may not be located in a required street setback.

7.1.4 Structure Height

(A) Measurement

Structure height is the vertical distance measured from the highest elevation of the finished grade along the front building wall to the topmost section of the highest roof surface of any flat roof or the highest point of the highest pitched roof.

(B) Exceptions

The height limitations of this Ordinance do not apply to spires; belfries; cupolas or domes that are not intended for occupancy; roof appurtenances such as enclosures for elevators, stairwells, mechanical equipment, or similar structures, including parapet walls and other structures designed to screen such appurtenances that are no more than 4 feet in height; monuments; water, observation, clock, or power transmission towers; silos or grain elevators; chimneys or smokestacks; and derricks or conveyors, provided such structures meet the NC Building Code.

7.1.5 Lot Coverage

Lot coverage is the measurement of the aggregate area of the footprint of all structures on a lot, including both principal and accessory structures, expressed as a percentage of the total area of the lot.

7.2 Dimensional Standards for Lots and Principal Structures

The following tables establish the minimum dimensional standards for lots, including size, width, depth, setbacks, height and building coverage:

Table 7-1 Minimum Lot Dimensions for Single Family Residential Zoning Districts

DISTRICT	GD	VH	R-6	R-10	R-17	R-25
Minimum Lot Size (square feet)	3,350	2,000	6,000	10,000	17,000	25,000
Minimum Lot Width (feet)	33	20	60	74	90	125
Minimum Lot Depth (feet)	65	100	100	125	175	200

Table 7-2 Project Area and Density Standards for the Multifamily Residential District

DEVELOPMENT TYPE	Townhome	Condominium/Apartment
Minimum Land Area for First 3 Dwelling Units (square feet)	10,000	20,000
Minimum Land Area for Each Additional Dwelling Unit	2,500	2,000

Table 7-3 Minimum Lot Dimensions for Nonresidential Zoning Districts

DISTRICT	CS	VC	GB	I
Minimum Lot Size (square feet)	5,000	N/A	20,000	4 ac.
Minimum Lot Width (feet)	50	N/A	100	400
Minimum Lot Depth (feet)	65	N/A	200	400

Table 7-4 Setbacks, Height and Building Coverage Requirements

DISTRICT	GD	VH	R-6	R-10	R-17	R-25	MF	CS	VC	GB	I
Street Front Setback (feet)	5/P	10/P	20/P	30/P	40	50	0/P	30	0/P	5	50
Street Side Setback (feet)	5	5	10	15	20	25	10	10	0	5	50
Interior Side Setback (feet)	0	0	5	8	10	12	0	5	0	0	50
Rear Setback (feet)	5	10	20	30	40	40	10	20	0	25	50
Maximum Height (feet)	35	35	35	35	35	35	35	35	35	35	35
Maximum Lot Coverage (% of lot area)	70	80	50	40	30	30	90	50	100	50	25
P Indicates that prevailing setbacks are required.											

7.3 Dimensional Standards for Accessory Structures

Accessory structures shall be subject to the dimensional standards as set forth in this Section.

7.3.1 Lot Coverage

The aggregate lot coverage of all accessory structures on an individual lot may not exceed 30% of the aggregate lot coverage of the principle structure(s) on the lot.

7.3.2 Street Setbacks

(A) Accessory structures on lots containing single family dwellings shall be located to the rear of the front building line of the principal structure, and in no case shall be allowed in a required front or side street setback.

(B) Accessory structures associated with other development types may be located forward of the front building line of the principal structure(s) on the lot, but shall not encroach into a required front or side street setback.

7.3.3 Alley Setbacks

Accessory garages serving residential structures with alley loaded driveway access shall be set back a minimum of 5 feet from the right-of-way line of the alley.

7.3.4 Interior Setbacks

Accessory structures associated with single family dwellings shall be set back a minimum of 5 feet from side and rear property lines. Where the height of an accessory structure exceeds 15 feet, the required interior setback shall be a minimum of 10 feet. The principal structure setbacks shall apply for all other accessory structures.

7.3.5 Structure Separation

Accessory structures shall be separated by a minimum of 10 feet from any other principle or accessory structure on the lot.

7.3.6 Height

Accessory structures shall not exceed the height of the principal structure(s) with which they are associated, subject to the maximum height limit in the district.

ARTICLE 8
USE REGULATIONS

8.1 Use Categories 8-1
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8.3 Public and Civic Use Group 8-3
8.4 Recreational Use Group 8-8
8.5 Commercial Use Group 8-9
8.6 Industrial Use Group 8-13
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8.1 Use Categories

8.1.1 General

(A) The use categories found in the Table of Permitted Uses are set forth in this section. Specific uses may be further defined in Appendix A, Definitions.

(B) Any use not specifically listed in the use category in this section is prohibited, unless the Ordinance Administrator determines that the use is similar to a permitted use in that district. Where any similar permitted use is subject to additional use standards or special use permit approval, the proposed use is also subject to those standards or approval.

8.1.2 Basis for Classifications

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, the likely impact on surrounding properties, and site conditions. The use categories provide a systematic basis for assigning land uses to appropriate zoning districts.

8.1.3 Uses Not Specifically Listed

When a specific use type cannot be readily classified into a use category, or if it appears to fit into 2 or more use categories, the Ordinance Administrator is authorized to determine the most similar use category based upon similar functional, product and/or physical characteristics; potential noise, odor, light, traffic, and safety concerns may also be used for determination.

8.1.4 Developments with Multiple Principal Uses

Developments with multiple principal uses must conform to the following:

(A) When all principal uses of a development fall within one Use Category, the entire development is assigned to that Use Category; and

(B) When the principal uses of a development fall within different Use Categories, each principal use must be classified in the applicable Use Category and each use is subject to all applicable regulations for that Use Category.

8.1.5 Typical Uses

The "Typical Use Types" portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself.

8.1.6 Excluded Use Types

The "Excluded Uses Types" portion of each use category lists uses that may appear to be part of a particular category, but that are expressly included in a different use category.

8.2 Residential Use Group

8.2.1 Household Living

Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis.

(A) Typical Use Types

(1) Single-Family Detached Dwelling

(2) Single-Family Attached Dwelling (Duplex)

(3) Townhouse

(4) Multi-Family Dwelling

(5) Family Care Home

(6) Manufactured Home

(7) Upper Story Residential

(B) Excluded Use Types

The following are examples of uses that are not included under the household living use category:

(1) Assisted Living Facility (see Group Living)

(2) Bed and Breakfast, Hotel, Motel, Inn, Extended-Stay Lodging (see Overnight Accommodations)

(3) Group Care Facility (see Social Service Facilities)

(4) Nursing And Convalescent Home (see Group Living)

8.2.2 Group Living

Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or treatment.

(A) Typical Use Types

(1) Assisted Living Facility

(2) Nursing and Convalescent Homes

(B) Excluded Use Types

(1) Group Care Facility (see Social Service Facilities)

(2) Bed and Breakfast, Hotel, Motel, Inn, Extended-Stay Lodging (see Overnight Accommodations)

(3) Orphanages and Shelters (see Social Service Facility)

8.3 Public and Civic Use Group

8.3.1 Animal Shelters

A facility used to house stray, abandoned, and unwanted animals.

(A) Typical Use Types

(1) Animal Rescue

(2) Animal Shelter

(B) Excluded Use Types

(1) Kennel (see Personal and Professional Services)

(2) Pet Grooming (see Personal and Professional Services)

(3) Veterinary Service (see Personal and Professional Services)

8.3.2 Cemeteries

A tract of land used for burials, usually in a park-like setting. May be public or private.

(A) Typical Use Types

(1) Cemeteries, including Mausoleums, Columbarium's, and Memorial Parks

(B) Excluded Use Types

(1) Crematorium (see Personal and Professional Services)

(2) Funeral Home (see Personal and Professional Services)

(3) Religious Assembly

8.3.3 Cultural and Community

Uses providing ongoing entertainment, education, training, or counseling to the general public on a regular basis, without a residential component.

(A) Typical Use Types

(1) Art Gallery

(2) Auditorium

(3) Library

(4) Museum

(5) Community Center

(6) Senior Center

(B) Excluded Use Types

(1) Athletic Club (see Recreation)

(2) Church, Mosque, Synagogue, Temple (see Religious Assembly)

(3) Club and Lodge (see Indoor Recreation)

(4) Park (see Parks and Open Areas**)**

8.3.4 Day Care

Uses providing care, protection, and supervision for children or adults on a regular basis away from their primary residence.

(A) Typical Use Types

(1) Day Care Center, Child or Adult

(2) Preschool and Nursery Schools

(B) Excluded Use Types

(1) Orphanages and Shelters (see Social Service Facility)

(2) Nursing and Convalescent Homes (see Group Living)

(3) Assisted Living Facility (see Group Living)

8.3.5 Educational Facilities

Public and private schools at the primary, elementary, middle and high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree.

(A) Typical Use Types

(1) Colleges and Universities

(2) Dance, Art, and Music Studios

(3) Elementary and Secondary Schools

(4) Retreat Center

(5) Technical and Vocational School

(6) Training Center

(B) Excluded Use Types

(1) Preschool and Nursery Schools (see Day Care)

(2) Sports and Martial Arts Instruction (see Indoor Recreation)

8.3.6 Government Facilities

Offices, storage, and other facilities for the operation of local, state, or federal government.

(A) Typical Use Types

(1) Village, County, Regional, State, and Federal or Other Government Office

(2) Emergency Services, including EMS Facility, Fire Station, And Police Station

(3) Post Office

(B) Excluded Use Types

(1) Correctional Facilities

(2) Educational Facility (see Educational Uses)

(3) Maintenance Facility (see Industrial)

(4) Park (see Parks and Open Areas)

(5) Solid and Liquid Waste Transfer and Composting (see Waste-Related Service)

(6) Utility Facility (see Utilities)

8.3.7 Medical Facilities

Uses providing medical or surgical care to patients, which may offer overnight care.

(A) Typical Use Types

(1) Hospital

(2) Medical and Dental Offices

(3) Medical Service Facility, including Blood Donation Center, Medical Clinic, Rehabilitation Clinic, Kidney Dialysis Center

(4) Urgent Care and Emergency Medical Office

(B) Excluded Use Types

(1) Family Care Home (see Residential Uses)
(2) Group Care Facility (see Social Services)

8.3.8 Religious Assembly

Uses that provide meeting space for people to assemble for the purpose of engaging in religious practice and activities.

(A) Typical Use Types

(1) Church, Mosque, Synagogue, Temple, and similar places of Religious Assembly

(B) Excluded Use Types

(1) Cemetery, Columbarium, Mausoleum, Memorial Park (see Cemeteries)

(2) Educational Facility (see Educational Facilities)

(3) Community Center (see Cultural and Community)

(4) Senior Center (see Cultural and Community)

8.3.9 Social Service Facilities

Uses that primarily provide treatment of or services to those with psychiatric, alcohol, drug, or other conditions; orphanages, and transient housing related to social service programs.

(A) Typical Use Types

(1) Food Bank

(2) Group Care Facility for the treatment of psychiatric, alcohol, drug and other conditions, where patients are residents.

(3) Orphanage

(4) Shelter, Temporary or Emergency

(B) Excluded Use Types

(1) Assisted Living Facility (see Group Living)

(2) Cemetery, Columbarium, Mausoleum, Memorial Park (see Cemeteries)

(3) Educational Facility (see Educational Facilities)

(4) Family Care Home (see Household living)

8.3.10 Utilities

Public and private infrastructure serving the general community and possibly having on-site personnel.

(A) Typical Use Types

(1) Utility Equipment and Storage Yard

(2) Utility Lines

(3) Wireless Telecommunication Facilities

(4) Electrical Substation

(5) Communications Exchange

(6) Water and Wastewater Pump Station

(7) Water Towers and Tanks

(B) Excluded Use Types

(1) Maintenance Yard and Buildings (see Industrial)

(2) Utility Office (see Office)

8.4 Recreational Use Group

8.4.1 Indoor Recreation

Generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting.

(A) Typical Use Types

(1) Clubs and Lodges

(2) Recreation Center

(3) Physical Fitness Center

(4) Sports Instructional School, Gymnastic Facility, Martial Arts Academy

(5) Theaters

(B) Excluded Use Types

(1) Auditorium (see Cultural and Community)

(2) Bars and Nightclubs (see Eating and Drinking Establishments)

(3) Outdoor Entertainment (see Outdoor Recreation)

(4) Sexually Oriented Business (see Retail Sales and Services)

8.4.2 Parks and Open Space

Uses focusing on natural areas consisting of passive and active outdoor recreation areas.

(A) Typical Use Types

(1) Athletic Field

(2) Garden

(3) Park

(4) Playground

(B) Excluded Use Types

(1) Campground

(2) Firing range

(3) Clubs and Lodges (see Indoor Recreation)

8.5 Commercial Use Group

8.5.1 Food Service Establishments

Establishments that prepare and sell food for on- or off-premise consumption.

(A) Typical Use Types

(1) Bars and Nightclubs

(2) Coffee Shop

(3) Restaurant

(4) Special Event Facility

(5) Specialty Foods Shop

8.5.2 Office Uses

Activities conducted in an office setting and focusing on business, professional, and financial services.

(A) Typical Use Types

(1) Advertising, Auditors Consultant, Research, Finance, Real Estate, Insurance, Attorney, Accountant, Bookkeeper, Engineer, Architect, Sales Office, Travel Agency, and Utility Company Offices

(2) Business Incubator

(3) Philanthropic Institution

(4) Rehabilitation and Counseling Office

(B) Excluded Use Types

(1) Bank Branch (see Personal and Professional Services)

(2) Contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Industrial)

(3) Medical, Dental, and related Facilities (see Medical Facilities)

(4) Office/Warehouse (see Industrial)

(5) Retreat Center (see Educational Facilities)

(6) Urgent Care and Emergency Medical Office (see Medical Facilities)

8.5.3 Overnight Accommodations

Residential units arranged for short-term stays for rent or lease.

(A) Typical Use Types

(1) Hotel, Motel, Inn, Extended-stay Lodging

(2) Bed and Breakfast

(B) Excluded Use Types

(1) Campground, Recreational Vehicle Park

(2) Overnight Medical Accommodations (see Medical Facilities)

(3) Retreat Center (see Educational Facilities)

8.5.4 Personal and Professional Services

Companies or individuals providing personal or professional services to the general public.

(A) Typical Use Types

(1) Barber Shop, Beauty Shop, Massage Therapist, Tanning Salon

(2) Dry Cleaning / Laundry Service

(3) Funeral Home, Mortuary, Crematorium

(4) Kennel

(5) Pet Grooming

(6) Tailor and Shoe Repair

(7) Veterinary Service and Animal Hospital

(8) Bank, Savings & Loan, Credit Union Branches

(9) Photography

(10) Computer Service

(11) Courier Service

(12) Employment Agency

(13) Photocopying, Blueprint, and Duplicating Service

(14) Security Service

(B) Excluded Use Types

(1) Medical, Dental, and related Facilities (see Medical Facilities)

(2) Urgent Care and Emergency Medical Office (see Medical Facilities)

8.5.5 Retail Sales and Services

Companies or individuals involved in the sale, lease or rental of new or used products or repair to the general public.

(A) Typical Use Types

(1) Artisans

(2) Building Supply Sales

(3) Convenience Store

(4) Drug Store

(5) Food Products

(6) Garden Center, Garden Supplies, Nursery

(7) General Retail Sales of Household and Consumer Goods

(8) Sexually Oriented Business

(9) Household and Consumer Goods Repair

(10) Locksmith

8.5.6 Self-Storage Facilities

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

(A) Typical Use Types

(1) Mini-warehouse

(B) Excluded Use Types

(1) Rental of light or medium trucks (see Vehicle Sales and Service)

(2) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Industrial)

8.5.7 Vehicle Sales and Service

Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.

(A) Typical Use Types

(1) Automobile, Boat, and Motorcycle Repair Service

(2) Automobile Fuel Sales

(3) Automobile Towing And Storage Service

(4) Boat Sales, Leasing, And Rental

(5) Car Wash

(6) Motor Vehicle Sales, Leasing, And Rental; Light Truck And Utility Trailer Rental And Leasing, Motorcycle Sales, Leasing, And Rental

(B) Excluded Use Types

(1) Manufactured and Modular Home Sales

(2) Truck Tractor & Semi Rental & Leasing, Heavy, (see Industrial)

(3) Truck Wash (see Industrial)

8.6 Industrial Use Group

8.6.1 Light Industrial

Firms engaged in the sale, manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

8.6.2 Wholesale Trade

Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, and commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

8.6.3 Warehouse and Logistics

Firms involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers.

8.7 Permitted Use Tables

The following tables list principal uses and the districts in which they permitted to be established.

8.7.1 Types of Uses

(A) Permitted (P)

A “P” in the use table indicates that a use is allowed by right in the respective district.

(B) Special Use Permit Required (S)

An “S” indicates that a use is only allowed if approved through the approval of a Special Use Permit.

(C) Not Permitted (Blank Cell)

A blank cell in the use table indicates that a use is not allowed in the respective district.

8.7.2 Use Categories

The general characteristics and principal uses of the various use categories are found in Sections 8.2 to 8.6.

8.7.3 Mixed Uses

Two or more permitted uses may occupy the same principal structure or lot.

Table 8-1 Permitted Uses – Residential Zoning Districts

Use Category	NAICS[1]	Specific Use	GD	VH	R-6	R-10	R-17	R-25	MF
Residential Use Group									
Household Living		Single-Family Detached Dwelling	P	P	P	P	P	P	P
		Single-Family Attached Dwelling (Duplex)		P					P
		Townhouse		P					P
		Multi-Family Dwelling							P
		Family Care Home	P	P	P	P	P	P	P
		Manufactured Home						S	
Public and Civic Use Group									
Government Facilities	92[2]	Government Office			S	S	S	S	
	621910	Emergency Services			S	S	S	S	
Religious Assembly	813110	Religious Assembly				S	S	S	
Utilities	2731	Utility Lines	P	P	P	P	P	P	P
	2371	Water and Wastewater Pump Station			S	S	S	S	
	2371	Water Towers and Tanks				S	S	S	
Recreational Use Group									
Parks and Open Space	712130[3]	Garden	P	P	P	P	P	P	P
		Park	P	P	P	P	P	P	P
		Playground	P	P	P	P	P	P	P

Table 8-2 Permitted Uses – Nonresidential Zoning Districts

Use Category	NAICS	Specific Use	CS	VC	GB	I
Residential Use Group						
Household Living		Upper Story Residential		P	P	
Group Living	623312	Assisted Living Facility	P		P	
	623110	Nursing and Convalescent Homes	P		P	

[1] This table references NAICS for 2017. Please use the specific year references for all interpretations.
[2] Excludes Correctional Institutions - 922140
[3] Excludes zoological parks and parks with live animals

Public and Civic Use Group						
Use Category	**NAICS**	**Specific Use**	**CS**	**VC**	**GB**	**I**
Animal Shelters	812910[4]	All Animal Shelter Uses	S		S	
Cemeteries	812220	All Cemetery Uses	S			
Cultural and Community	712110	All Cultural and Community Uses	P		P	
Day Care	6244	All Day Care Uses	P	P	P	
Educational Facilities	6112/6113	Colleges and Universities	S		S	
	611610	Dance, Art and Music Studios	P	P	P	
	6111	Elementary and Secondary Schools	S			
	531120[5]	Retreat Center	P		P	
	611513/611519	Technical and Vocational School	P		P	P
	6114	Training Center	P	P	P	P
Government Facilities	92[6]	Government Office	P	P	P	P
	621910	Emergency Services	S		P	P
	92[4]	Post Office	P	P	P	
Medical Facilities	622	Hospital	S		S	
	621	Medical and Dental Offices	S	P	P	
	621-622	Medical Service Facilities	S	P	P	
	621	Urgent Care	S	P	P	
Religious Assembly	813110	All Religious Assembly Uses	P	P	P	
Social Services Facilities	624210	Food Bank	P		P	
	623990	Group Care	S		S	
	623990	Orphanage	S		S	
	624221	Shelter	S		S	

[4] Excludes boarding services, dog pounds, kennels, and pet boarding facilities
[5] Amusement facility, Banquet Hall, Conference center, Convention center, Dance hall, or Reception hall only
[6] Excludes Correctional Institutions - 922140

Use Category	NAICS	Specific Use	CS	VC	GB	I
Utilities		Utility Equipment and Storage Yards				P
		Utility Lines	P	P	P	P
		Wireless Telecommunication Facilities	S		S	S
	2371	Electrical Substation				P
		Communications Exchange	S		S	P
	2371	Water and Wastewater Pump Station	S		S	P
	2371	Water Towers and Tanks				S
Recreational Use Group						
Indoor Recreation	813410	Clubs and Lodges	P		P	
	713940	Recreation Center	P			
	713940	Physical Fitness Center	P	P	P	
	611620	Sports Instructional School	P		P	
	512131/711110	Theater			P	
Parks and Open Space		Athletic Field	P			
	712130[7]	Garden	P	P	P	
		Park	P	P	P	
		Playground	P		P	
Commercial Use Group						
Agricultural Uses	11	Farms				
Food Service Establishments	722410	Bars and Nightclubs			S	S
	722515	Coffee Shop		P	P	
	722511/722513	Restaurant		P	P	
	531120[8]	Special Event Facility	P		P	
	4452	Specialty Food Shop		P	P	

[7] Excludes zoological parks and parks with live animals
[8] Banquet Hall, Conference center, Convention center, Dance hall, or Reception hall only

Use Category	NAICS	Specific Use	CS	VC	GB	I
Office Uses		All Office Uses except as listed below		P	P	
	624190[9]	Rehabilitation and Counseling Office			P	
Overnight Accommodations	721110[10]	Hotels and Motels			S	
	721191	Bed and Breakfast		S	S	
Personal and Professional Services		All Personal and Professional Service Uses except as listed below		P	P	
	812210	Funeral Home	S		S	
	812910[11]	Kennel				P
	541940	Veterinary Service			S	
	522110/522120/522130	Bank Branch		S	P	
	561311	Employment Agency		S	P	
	561612/561621	Security Service			P	
	492110	Courier Service			P	
Retail Sales and Services		All Retail Sales and Service Uses except as listed below		P	P	
	444190	Building Supply Sales			S	P
	444220	Garden Center			P	P
		Sexually Oriented Business				S
Self-Storage Facilities	531130	All Self Storage Uses				S
Vehicle Sales and Service	8111	Vehicle Service Uses			S	P
	447110	Automobile Fuel Sales			S	
	488410	Automobile Towing and Storage				S
	441222	Boat Sales				S
	811192	Car Wash			S	
	441110/441120	Motor Vehicle Sales			S	

[9] Excludes Ex-offender and Offender organizations
[10] Excludes Ski resorts, Auto courts, Automobile courts, Motor hotels, Motor courts, Motor inns, and Motor lodges
[11] A kennel is defined as any structure housing five (5) or more dogs.

Use Category	NAICS	Specific Use	CS	VC	GB	I
Industrial, Warehousing and Logistics Use Group						
Light Industrial Uses	31-33[12]	All Light Industrial Uses				S
Wholesale Trade	42	All Wholesale Uses				S
Warehouse and Logistics	493110	All Warehouse and Logistics Uses				S

8.8 Accessory Uses and Structures

Accessory structures and uses which are customarily associated with the principal use(s) on a lot shall be permitted in each zoning district provided that each accessory use and/or structure on a lot shall be clearly subordinate to the principal uses and structures on the lot with regard to structure size and/or intensity of use. The Ordinance Administrator shall determine the closest analogous permitted principal use or use category to establish whether a proposed accessory use is permitted in a particular base zoning district. Accessory which are determined to be not permitted in a particular underlying base zoning district shall be prohibited.

8.9 Temporary Uses and Structures

Temporary uses, such as festivals, the seasonal sale of agricultural products, or outdoor religious assemblies, and temporary structures, such as construction offices, tents and produce stands shall be permitted within zoning districts which allow similar permanent principal uses. In each case, the Ordinance Administrator shall determine the closest analogous principal use to the proposed temporary use to whether a proposed temporary use is permitted in a particular base zoning district. The following table establishes the maximum period of permitting for allowed temporary uses and structures.

Table 8-3 Temporary Use Standards

Use/Structure Type	Maximum Permit Length	Number of Permits Per Year Per Location
Special Events and Festivals	7 days	N/A
Agricultural Sales Stands	6 months	1
Yard/Sidewalk Sale	3 days	3
Temporary Construction Office	Expires on CO Approval	N/A

[12] Special Use Permit requirements: building footprint of 20,000 square feet or less, no slaughtering or livestock on premise, nor any toxic substance on site pre-, during, or post-production

ARTICLE 9
DEVELOPMENT STANDARDS

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9.1 Landscaping and Buffering

9.1.1 Applicability

The standards contained in this Section apply to all multi-family and non-residential development activity, including changes of use from single family to multi-family or nonresidential use, expansions of multi-family or nonresidential structures and the construction, expansion or alteration of parking areas associated with multi-family or nonresidential uses.

9.1.2 Standards for Landscaping Materials

The following minimum standards shall apply to all landscaping materials installed to comply with the requirements of this Section.

(A) Trees

(1) All trees planted to satisfy the requirements of this Section shall have a minimum caliper of 2 inches and be a minimum of 8 feet in height at the time of planting. Where multi-stem trees are proposed, such trees shall have a minimum of 3 stems and be a minimum of 8 feet in height at the time of planting.

(2) Canopy trees shall have a minimum mature height of 30 feet and a minimum crown diameter of 20 feet.

(3) Understory trees shall have a minimum mature height of less than 30 feet.

(4) Only understory trees may be utilized when tree planting is required within 20 feet of overhead utility lines.

(5) No more than 40% of the trees installed on a particular development site shall be of the same species.

(6) All trees must comply with the American Standard for Nursery Stock, published by the American Nursery and Landscape Association.

(B) Shrubs

(1) All shrubs planted to satisfy the requirements of this Section shall have a minimum height of 18 inches at the time of installation and shall have a minimum mature height of 36 inches.

(2) All *required* shrubs within buffer planting areas shall be evergreen.

(3) A minimum of 70% of the shrubs installed within each required landscaping area shall be evergreen.

(4) No more than 25% of the shrubs installed on a particular development site shall be of the same species.

(5) All shrubs shall comply with the American Standard for Nursery Stock, published by the American Nursery and Landscape Association.

9.1.3 Credit for Existing Vegetation

Existing vegetation located within the boundaries of required landscaping or buffering areas, or otherwise located in a manner that satisfies a planting requirement shall be counted toward the minimum requirements of this Section.

9.1.4 Maintenance

All landscaping materials installed to meet the requirements of this Section shall be maintained in good condition in perpetuity, including proper pruning and irrigation. Dead or diseased landscaping material shall be removed and replaced during the next planting season when such material may be successfully installed.

9.1.5 Street Planting Yards

(A) A street planting yard with a minimum width of 10 feet shall be required along all property boundaries adjoining a street right-of-way.

(B) Development within the VC district, multi-family development and areas along rights-of-way containing nonresidential structures located within 10 feet of the edge of the right-of way shall be exempt from the street planting yard requirement.

(C) The street planting yard shall be measured from the edge of the right-of-way.

(D) Each street planting yard shall contain a minimum of one (1) canopy tree or two (2) understory trees per 50 linear feet and 10 shrubs per 50 linear feet, excluding driveways.

(E) Street planting yards shall be planted with live groundcover, except that a maximum of 30% of the area of the yard may be covered with mulch, brick chips, pine straw, stone or similar landscaping materials.

(F) Landscaping materials installed to satisfy other requirements of this Section may be utilized to meet these standards

9.1.6 Parking Lot Landscaping

(A) Parking lots shall contain a minimum of one canopy tree per 10 parking spaces.

(B) Required canopy trees may be located either within a planting strip along the exterior of the parking lot or within the interior of the parking lot, and may be planted in islands or medians between rows of parking, or a combination of the two methods.

(C) Planting islands and medians shall have a minimum size of 180 square feet, and shall have a minimum width of 9 feet.

(D) Parking lot planting areas shall be planted with live groundcover, except that a maximum of 30% of the planting area may be covered with mulch, brick chips, stone or similar landscape materials.

(E) Exterior planting strips shall have a minimum width of 8 feet.

(F) Each parking space shall be located within 60 feet of the trunk of a required canopy tree

(G) Where a parking lot abuts an adjoining property that is either undeveloped or contains a use in the same use category as the subject property, a planting strip with a minimum width of 5 feet containing a minimum of 2 understory trees and 18 shrubs per 100 linear feet is required along the edge of the parking lot in that location.

(H) Landscaping materials installed to satisfy other requirements of this Section may be utilized to meet these standards.

9.1.7 Foundation Plantings

(A) A foundation planting area with a minimum width of 5 feet shall be required along each building wall.

(B) Development within the VC district shall be exempt from the foundation planting requirements.

(C) Foundation planting areas shall contain a minimum of one ornamental understory tree and 6 shrubs per 50 linear feet of building wall, excluding the width of entrances and building walls which do not face a street or parking lot.

9.1.8 Buffer Yards

(A) Buffer yards shall be required along the perimeter boundaries of parcels where

development of dissimilar intensity is present.

(B) Buffers shall not be required for development within the VC district or along property boundaries adjoining rights-of-way.

(C) The noted buffer type shall be required in the following circumstances:

(1) Nonresidential development adjoining residential development, with the exception of parks and similar public open spaces containing no athletic facilities or play areas, shall be required to provide a Type B buffer.

(2) Multi-family residential development adjoining single family residential development shall be required to provide a Type A buffer.

(3) Uses in the Utility use group shall be required to provide a Type B buffer in all cases.

(4) Uses in the Industrial, Warehousing and Logistics use group shall be required to provide a Type C buffer in all cases.

(5) Uses in the Commercial use group adjoining uses in the Public and Civic use group or Recreational use group shall be required to provide a Type A buffer.

(D) Buffer Types

(1) Type A Buffer

A Type A Buffer shall have a minimum width of 10 feet, and shall be planted with four understory trees and 20 shrubs per 100 linear feet.

(2) Type B Buffer

A Type B Buffer shall have a minimum width of 15 feet, and shall be planted with two canopy trees, four understory trees and 25 shrubs per 100 linear feet.

(3) Type C Buffer

A Type C Buffer shall have a minimum width of 30 feet, and shall be planted with four canopy trees, two understory trees and 30 shrubs per 100 linear feet.

(E) With the exception of public utilities, walking paths and fencing, buffer areas shall contain only live vegetation and other organic materials.

9.2 Screening

9.2.1 Applicability

The provisions of this Section shall apply to the development, redevelopment or alteration of any structure or site feature. Where provided, screening shall conceal the feature to be screened to the maximum extent practicable.

9.2.2 Where Screening is Required

Screening, in conformance with the standards of this Section shall be required for the following site features when such features are visible from a public right-of-way, parking area, internal driveway or adjacent property. These standards shall only apply to property used for single family residential purposes to the extent that such features shall be required to be screened from view of a public right-of-way.

(A) Ground or wall mounted mechanical, electric, hydraulic, gas, communications or similar equipment located outside of a public right-of-way.

(B) Storage and collection areas for solid and liquid waste and recycling materials.

(C) Outdoor equipment and material storage areas.

(D) Loading docks and service entrances.

9.2.3 Acceptable Screening Methods

Screening may be accomplished through one, or a combination, of the following methods:

(A) Fences or walls constructed of masonry or other high quality materials that are consistent in type, quality and color with the exterior wall cladding of the principal structure on the site.

(B) Earth berms planted with live ground cover. Berms shall have a maximum slope of 3:1.

(C) Evergreen shrubs with a minimum height of 3 feet, planted in a manner that will provide full concealment of the feature to be screened at the time of planting.

9.2.4 Prohibited Screening Method

The use of chain link fencing with vinyl or plastic slats is not permitted as a screening material.

9.3 Fences and Walls

9.3.1 Residential Fence and Wall Standards

(A) Applicability

The regulations contained in this section shall apply to all fences on lots containing residential uses, unless specifically exempted.

(B) Exemptions

The provisions of Section 9.3.1(D) shall not apply to fences within the Multifamily (MF) zoning district.

(C) Design

(1) Fences and walls may be constructed of vinyl, iron, anodized aluminum, brick, stone or wood.

(2) All other materials, including chain link, whether coated or uncoated, barbed wire, concertina wire, electrified fencing and chicken wire or other types of woven wire fencing are not permitted as either primary or secondary fencing materials.

(3) Wooden fencing must be site built, not assembled from prefabricated panels.

(4) Split-rail fence designs are permitted in rear yards only.

(5) Wooden fences shall be designed so that a minimum of 40% of the area of the fence is open to allow airflow (such as picket or shadowbox fence styles).

(6) Wooden fences are required to be sealed and either painted white or stained a natural brown or tan wood tone.

(7) Fences and walls shall be constructed with the finished side facing toward the exterior of the property unless the fence is designed in a manner that exposes the structural members equally on both sides.

(D) Height and Location

(1) Fences and walls located forward of the front building line of a dwelling may not exceed 42 inches in height.

(2) Fences enclosing rear yards may be a maximum of 6 feet in height. Such fencing shall not extend forward of the rear building line toward the street.

(3) On corner lots, fences along side property lines may not exceed 42 inches in height when located within the required principal building setback along a street right-of-way.

(4) Unless otherwise restricted, fences and walls may extend to property lines provided that they do not obstruct visibility at intersections or driveways.

9.3.2 Nonresidential Fence and Wall Standards

Fences and walls on lots containing nonresidential uses shall comply with the following standards;

(A) Design

(1) Fences and walls may be constructed of brick, stone, iron, anodized aluminum, architectural split faced block or wood.

(2) All other materials, including chain link, whether coated or uncoated, barbed wire, concertina wire, electrified fencing and chicken wire or other types of woven wire fencing are not permitted as either primary or secondary fencing materials.

(3) Wooden fences are required to be sealed and either painted white or stained a natural brown or tan wood tone.

(4) Fences and walls shall be constructed with the finished side facing toward the exterior of the property unless the fence is designed in a manner that exposes the structural members equally on both sides.

(5) Fences and walls shall have decorative columns or posts which extend a minimum of 6 inches and a maximum of 18 inches above the top of the structure that are separated by a minimum of 4 feet and a maximum of 6 feet along the length of the fence or wall.

(6) Fences and walls longer than 50 feet in length shall include either a break in the fence or wall for a distance of 5 feet per 50 feet of fence or wall, or changes in wall plane with a minimum depth of 2 feet cumulatively extending along 15% of the fence or wall.

(B) Height and Location

(1) Fences and walls located forward of the front building line may have a

maximum height of 4 feet.

(2) Fences located behind the rear building line may have a maximum height of 6 feet.

(3) Fences may extend to property lines provided that they do not obstruct visibility at intersections or driveways, or encroach into stormwater or utility easements.

9.3.3 Exceptions and Modifications for Fences and Walls

The following exceptions and modifications to the standards set forth in 9.3.2 shall be permitted for fences and walls within the Industrial District, as well as for uses classified in the Utilities Category in Section 8.3.10.

(A) In addition to the permitted materials specified in 9.3.2(A)(1), fences constructed of chain link (coated or uncoated) are permitted along side and rear property lines, provided that the buffer and/or required screening is in place and the fence is erected on the interior side of the buffer.

(B) In addition to the permitted materials specified in 9.3.2(A)(1), fences constructed of vinyl coated chain link (either black or dark green) are permitted along front property lines, provided that the required street yard landscaping is in place and the fence is on the interior side of the landscaped area.

(C) Fences are permitted to have a maximum height of eight (8) feet.

(D) Fences shall be of a uniform height along all property lines, except that fencing installed along a front property line or other street fronting property line may be shorter than fencing installed along side and rear property lines.

(E) Decorative columns or posts are not required for Industrial fences and walls, nor are breaks or changes in the wall plane required.

9.4 Outdoor Lighting

9.4.1 Applicability

The standards of this Section shall apply to all outdoor lighting on public and private property.

9.4.2 Exemptions

The following are expressly exempt from the outdoor lighting regulations of this Section:

(A) Security lights controlled and activated by motion sensor devices for a duration of 15 minutes or less;

(B) Outdoor lighting on properties used for single family residential purposes that is in compliance with the light trespass standards in Section 9.4.5.

(C) Temporary holiday light displays;

(D) Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps;

(E) Street lighting;

(F) Lighting of official government flags;

(G) Lights associated with outdoor recreation uses, which are subject only to the standards of 9.4.6.

(H) Construction and emergency lighting used by construction workers or police, firefighting, or medical personnel, provided the lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency requiring the lighting.

9.4.3 Prohibited Lighting

The following types of outdoor lighting are prohibited:

(A) Flashing, revolving, or intermittent exterior lighting visible from any property line or street.

(B) High-intensity light beams, such as outdoor searchlights, lasers or strobe lights.

9.4.4 Fixture, Shielding and Height Standards

(A) All outdoor light fixtures must be cut-off fixtures and have flat lenses and/or shielding. A cut-off light fixture emits 0% of its light above 90 degrees and no more than 10% above 80 degrees from horizontal.

(B) Light fixtures may have a maximum height of 30 feet above grade.

9.4.5 Light Trespass

All outdoor lighting must be located, angled, shielded or limited in intensity so as to cast no direct light or glare at any abutting residentially used property line or on adjacent streets.

9.4.6 Special Standards for Outdoor Recreation Uses

Lighting for outdoor recreation uses shall be designed and installed in a manner which directs lighting directly onto the fields for which it is intended and minimizes the spillover of light onto adjacent properties to the maximum extent practicable. Outdoor lighting associated with recreational uses may not be in operation between the hours of 10:00 p.m. and 7:00 a.m. each day, and shall be controlled with automatic timers to ensure compliance.

9.5 Parking and Loading

9.5.1 Applicability

The standards of this Section shall apply to the construction, reconstruction, alteration or change of use of any land, structure or parking facility within the Village of Lake Park.

9.5.2 Exemption

These standards shall not apply to nonresidential development or uses within the VC district.

9.5.3 Minimum Parking Standards

The following minimum parking standards shall apply unless a parking generation study is prepared by a licensed Professional Engineer for the use in question which demonstrates that an alternate minimum amount of parking is sufficient to serve the needs of the proposed use. The Ordinance Administrator shall have the authority to approve alternate minimum parking allowances only following his review and approval of a submitted parking generation study. Where no minimum is established in this section, no minimum parking requirement shall apply.

(A) Residential Uses

(1) All single family detached and attached (duplex/townhouse) development shall provide a minimum off street parking area for two vehicles on the lot outside of the street right-of-way or alley abutting the lot.

(2) Multi-family dwellings without individual driveway access for each unit shall provide off street parking at the following rate for each unit on the property:

(1) One space for each one bedroom unit;

(2) 1.5 spaces for each 2 bedroom unit;

(3) 2 spaces for each unit containing 3 or more bedrooms; and

(4) 1 visitor space for each 8 units on the property.

(B) Nonresidential Uses

(1) Assembly Uses

Assembly uses, such as religious assembly, clubs, special event facilities and auditoriums shall provide off street parking at a rate of one space per 5 fixed seats in the largest assembly room on the property or, where fixed seating is not provided in the largest assembly room, one space per 5 persons as established by the Fire Marshall for the maximum occupancy of the room.

(2) Educational Uses

Educational uses shall provide off street parking at a rate of 2 spaces per classroom and one space per 4 students in grades 9-12, based on capacity, and one space for each 2 seats per classroom for adult education students.

(3) Office, Personal and Professional Service Uses

Office, Personal and Professional Service uses shall provide off street parking at a rate of 5 spaces for the first 1,000 square feet of gross floor area and one space per 400 square feet for additional square footage over 1,000 square feet, excluding storage and service areas.

(4) Retail Uses

Retail uses shall provide off street parking at a rate of 5 spaces for the first 1,000 square feet of gross floor area and one space for each additional 300 square feet of gross floor area, up to 10,000 square feet, and one space per 500 square feet of gross floor area for additional square footage over 10,000 square feet, excluding storage and service areas.

(5) Overnight Accommodation Uses

Overnight Accommodation uses shall provide off street parking at a rate of one space per room that is available for occupancy by overnight guests.

(6) Food Service Uses

Food Service uses shall provide off street parking at a rate of one space per 3 fixed seats.

(7) Outdoor Recreation Uses

Outdoor Recreation uses with structured sports fields, such as baseball or soccer fields, shall provide a minimum of 15 spaces per field.

9.5.4 Location of Required Parking

Unless otherwise allowed, all minimum parking requirements shall be met through the provision of off-street parking areas on the same lot as the use for which they are required, except that up to 30% of the required parking for a use may be satisfied by demonstrating the presence of available on-street parking within 200 feet of the main entrance of the structure housing the principal use of the property. Shared parking may be allowed for uses with alternate parking demands, provided that shared parking must be located on an immediately adjoining lot, must be connected to the use with a pedestrian connection, such as a sidewalk, and a parking and access easement must be submitted with the zoning permit application demonstrating a legal right to use the shared parking.

9.5.5 Parking Lot Design Standards

(A) All off street parking areas shall comply with these and other applicable design standards, including all landscaping standards related to parking lots.

(B) All off-street parking areas shall be constructed of durable all weather materials such as asphalt or concrete. Stone and gravel are prohibited.

(C) Overflow parking areas used for special events are allowed for assembly and recreation uses, provided that such areas shall remain planted with live ground cover and maintained in good condition at all times. Overflow areas which are determined to be used on a regular basis, meaning more than 2 times per week shall be required to be improved to the standards of all other off street parking areas.

(D) All off street parking areas shall be designed and constructed with concrete curbing around all exterior portions of the parking area and around all landscaping areas.

(E) All parking spaces which do not adjoin a curb shall be provided with concrete wheel guards with a minimum height of 4 inches.

(F) Regular parking spaces shall have a minimum width of 9 feet and a depth of 18

feet. Spaces for compact cars may be provided for up to 25% of the total number of off street spaces in the lot. Compact car spaces shall have a minimum width of 8 feet 6 inches and a minimum depth of 16 feet. Compact and regular parking spaces shall not be mixed along an aisle without an intervening median, landscaping area or similar divider.

(G) Handicapped accessible parking spaces shall be provided in accordance with the North Carolina Building Code.

(H) Drive aisles shall be a minimum of 24 feet in width for 90 degree parking arrangements and all drive aisles which allow two-way traffic. Drive aisles shall have a minimum width of 12 feet for 30-45 degree angle parking, 18 feet for 50-65 degree parking and 22 feet for 70-85 degree parking.

(I) All parking spaces and traffic patterns shall be clearly marked with durable all-weather paint or other marking materials.

9.5.6 Loading Area Standards

All commercial uses containing more than 10,000 square feet of gross floor area shall provide a designated loading zone for delivery trucks. Loading areas shall be clearly identified with pavement markings and signage and shall have a minimum width of 12 feet and a minimum length of 55 feet

9.5.7 Use of Required Parking and Loading Areas

Off street parking and loading areas shall not be used for any purpose except for the parking of customer and employee vehicles and the loading and unloading of delivery vehicles.

9.5.8 Bicycle Parking

Bicycle parking racks or other facilities shall be provided at the rate of one rack space per 5 motor vehicle spaces provided, with a minimum of 4 rack spaces required per development regardless of the number of vehicle parking spaces provided.

9.6 Streets and Driveways

9.6.1 Street Standards

(A) Applicability

The standards in this Section shall apply to the construction, reconstruction or

alteration of all streets within the Village of Lake Park, other than those streets maintained by the North Carolina Department of Transportation.

(B) Street Design and Construction Standards

All streets shall be designed in accordance with the most recent version of the NCDOT *Complete Streets Planning and Design Guidelines* and constructed to the standards set forth in the most recent version of the NCDOT *Subdivision Roads Minimum Construction Standards*.

(C) Curb and Gutter Required

All streets shall be constructed with curb and gutter. Where new streets are constructed or streets are improved, the type of curbing present along the street adjoining or intersecting the construction area shall be continued along the new section of street.

(D) Storm Drainage

All storm drainage facilities associated with streets shall be designed in accordance with the most recent version of the NCDOT *Roadway Design Manual*.

(E) Alleys

All alleys shall have a minimum pavement width of 16 feet. Alleys shall be designed and constructed in accordance with the NCDOT *Traditional Neighborhood Development Guidelines.*

(F) Sidewalks

(1) All new streets shall be constructed with a pedestrian sidewalk on both sides of the street.

(2) The development of a vacant lot or redevelopment of a previously developed lot shall require the installation of a pedestrian sidewalk along all public rights-of-way adjacent to the site, if not fully in place at the time of development or redevelopment.

(3) The expansion or alteration of any structure or site that increases the size of the structure or the parking area by greater than 25%, or where such improvements exceed 10% of the value of the structure (for structural improvements) or land (for site improvements), shall require the installation of a pedestrian sidewalk along all public rights-of-way adjacent to the site, if not fully in place at the time of such expansion or alteration. When calculating the size or value of improvements, all improvement to structures or ancillary site features on a property made or proposed after

the effective date of this provision shall be cumulative.

(4) All pedestrian sidewalks and multi-use paths shall be constructed to NCDOT standards in effect at the time of development or redevelopment for the particular type of facility.

(5) The provisions of this Section shall not apply to the development, redevelopment, expansion or alteration of a single family dwelling on a lot which is adjacent to a street that was constructed prior to the effective date of this Ordinance.

(G) Street Signage

Street signage shall be installed along all newly constructed, reconstructed or altered streets in accordance with the most recent version of the *Manual on Uniform Traffic Control Devices*.

(H) ADA Compliant Facilities Required

All streets and adjoining pedestrian facilities, crossings and curb ramps shall be constructed in compliance with the Americans with Disabilities Act.

(I) Right-of-Way Dedication

All street rights-of-way shall be dedicated to the public and assumed for maintenance by the Village of Lake Park upon acceptance of the installed improvements.

9.6.2 Driveway Standards

These standards shall apply to the construction, reconstruction or alteration of all driveway access points.

(A) Driveway Standards for Residential Uses with Individual Driveway Access

(1) Only one driveway is permitted per dwelling.

(2) Driveways shall have a minimum width of 10 feet at the right-of-way line.

(3) Driveways may not exceed 22 feet in width at any point between the right-of-way and flare for a parking pad or garage.

(4) Where rear alley access is provided, front loaded driveways shall be prohibited.

(5) Driveways shall be located a minimum of 60 feet from street intersections,

and 10 feet from driveways on adjoining properties. This standard may be reduced to the minimum degree necessary to ensure driveway access to residential properties.

(6) Driveways may be paved with either concrete or masonry pavers. Bare earth, gravel, stone and live groundcover are prohibited for use as driveway materials.

(7) Driveways shall not interrupt or alter the grade of sidewalks. Where driveways cross public sidewalks, the sidewalks shall be installed to a minimum thickness of 6 inches.

(B) Driveway Standards for Nonresidential and Multi-Family Uses

(1) Driveways shall be not less than 10 feet in width for one-way traffic and 20 feet in width for two-way traffic.

(2) A 10 foot wide driveway is permissible for two-way traffic when:

(1) The driveway is no longer than 50 feet; and

(2) The driveway provides access to not more than five (5) parking spaces; and

(3) Sufficient turning space and stacking area is provided so that vehicles need not back into a public street.

(3) In no case shall a driveway width exceed 24 feet, except as required by NCDOT.

(4) Driveways may only be paved with asphalt or concrete.

(5) Driveways shall not interrupt or alter the grade of sidewalks. Where driveways cross public sidewalks, the sidewalks shall be installed to a minimum thickness of 6 inches.

(6) Only one (1) combined entrance and exit driveway is permitted where the street frontage is less than 300 feet. Lots with frontage greater than 300 feet may have two driveways on the same road frontage provided that they are separated by a minimum of 150 feet.

(7) Driveways shall be as nearly perpendicular to the street right-of-way as possible.

(8) Driveways shall line up with other driveways across the street and be shared between adjacent uses wherever possible.

(9) Driveways connected to state-maintained streets shall comply with all NCDOT standards.

(10) Driveways shall be separated by a minimum of 100 feet from driveways on adjacent properties and street intersections. This standard may be reduced to the minimum degree necessary to ensure driveway access.

(C) Clear Site Distance

Clear sight distance shall be maintained at the intersection of all streets and the intersection of driveways and streets in accordance with the following standards:

(1) At street intersections, a sight triangle shall be established and maintained which shall be formed by extending lines from the intersections of two streets (measured from the edge of the right-of-way) to points 25 feet from the corner of the rights-of-way of the intersecting streets and then connecting the two points.

(2) At the point of intersection of streets and driveways, a sight triangle measuring ten feet from the back of curb and extending 70 feet from the edge of each side of the driveway shall be required.

(3) Within the sight triangle, no materials which would impede traffic visibility shall be allowed. Structures, fences and plant materials that extend into the sight triangle between two and one half feet and eight feet in height, as measured from the grade of the street or drive, shall not be allowed.

9.7 Outdoor Storage

9.7.1 Applicability

The standards of this Section shall apply to the outdoor storage of materials, supplies and equipment, other than licensed motor vehicles in operating condition. Outdoor storage is allowed only in the GB, CS and I districts.

9.7.2 Exemption

These standards do not apply to the storage of items typically stored in an outdoor setting on residentially used properties.

9.7.3 Standards

(A) All outdoor storage areas must be screened in accordance with the standards in Section 9.2.

(B) In the GB and CS districts, outdoor storage areas may not exceed 10% of the gross floor area of the ground floor of the principal structure with which they are associated.

(C) In the GB and CS districts, outdoor storage areas must be located behind the rear building line at least 20 feet from adjoining property and right-of-way lines.

(D) In the I district, outdoor storage areas must be located at least 20 feet from street right-of way lines.

9.8 Solid Waste Facilities

9.8.1 Applicability

The standards of this section shall apply to all outdoor solid waste storage facilities and areas on both residential and nonresidential property.

9.8.2 Single Family Residential Standards

Outdoor solid waste storage facilities and areas shall be located behind the front building line and shall be screened in accordance with the standards in Section 9.2.

9.8.3 Multi-Family and Nonresidential Standards

(A) Where individual rollout carts and bins are utilized, outdoor storage areas for such containers shall be located behind the rear building line of the structure and shall be screened in accordance with the standards in Section 9.2.

(B) Where dumpsters are utilized, they must be enclosed entirely within a brick walled enclosure with a minimum height that extends at least one foot above the top of the concealed containers. Dumpster enclosures may not be located forward of the front building line, and shall be a minimum of 20 feet from adjoining property and right-of-way lines.

9.9 Utilities

9.9.1 Water and Sewer Utilities

(A) All water and sewer line extensions, connections and modifications shall be designed and constructed in accordance with the most recent version of the Union County Public Works *Sanitary Sewer and Water Specifications* or successor documents.

(B) All water and sewer line extensions, connections and modifications shall be subject to the approval of the Union County Director of Public Works or his designee.

9.9.2 Electric, Telecommunication and other Wire Utilities

All wire utilities shall be installed underground. Where existing wire utilities are pole mounted along a right-of-way or easement, utilities installed on a development site shall be required to be located underground from the pole to the structure(s) that they are serving. Transformer boxes shall be screened with masonry walls or landscaping materials in accordance with the screening standards in Section 9.2.

9.9.3 Telecommunications Facilities

The purpose of this section is to minimize the impacts of telecommunications facilities on surrounding areas by establishing standards for location, structural integrity and compatibility, encourage colocation of telecommunications equipment on existing structures thereby minimizing new impacts and to reduce the need for additional antenna-supporting structures, accommodate the growing demand for telecommunications services and resulting need for telecommunications facilities, establish the review procedures to ensure that applications for telecommunications facilities are reviewed and acted upon within a reasonable period of time or any specific period of time required by law, and to protect the unique aesthetics of the Village while meeting the needs of its citizens and businesses.

(A) It is not the purpose or intent of this section to prohibit or have the effect of prohibiting wireless communication services; unreasonably discriminate among providers of functionally equivalent wireless communication services; regulate the placement, construction or modification of wireless communications facilities on the basis of the environmental effects of radio frequency emissions where it is demonstrated that the wireless communications facilities does or will comply with applicable FCC regulations; or prohibit or effectively prohibit collocations or modification that the village must approve under state or federal law. The provisions of this section are in addition to, and do not replace, any obligations an applicant may have under any franchises, licenses, encroachments, or other permits issued by the Village.

(B) Siting

(1) New wireless support structures are prohibited in the Village right-of-way.

(2) The following list indicates the Village's preferences for facility locations, in descending order of preference:

i. Collocations on existing wireless support structures

ii. Concealed (Stealth) telecommunications facilities on existing building/structure

iii. New concealed (stealth) wireless support structure

iv. Non-stealth telecommunications facility on existing building/structure

v. New freestanding non-stealth wireless support structure – monopoles

vi. New freestanding non-stealth wireless support structure – lattice-type

(C) Compliance with law

Nothing in this ordinance shall be interpreted to excuse compliance with, or to be in lieu of any other requirement of state or local law, except as specifically provided herein. Without limitation, the provisions of this ordinance do not permit placement of telecommunications facilities on privately-owned poles or wireless support structures, or on private property, without the consent of the property owner or any person who has an interest in the property.

(D) Maximum tower height

Maximum tower height permitted in the CS, GB, and I districts are as follows:

(1) Non-stealth towers – 60 feet

(2) Stealth Towers – 80 feet

(E) Distance between communications towers

Communications towers shall be spaced from each other by a minimum of 1,200 feet.

(F) Minimum lot area

A tower and its related equipment must be located on a separate lot or leased portion of a larger lot and must meet setback and yard requirements of the appropriate district. Where a lattice tower is requested, the applicant must provide documentation, including site plan, from an engineer, outlining why a monopole is not possible. Minimum lot size for communications towers shall be as follows

(1) Monopole 100 x 100 feet
(2) Lattice 150 x 150 feet

(G) Required Screening and Landscaping

When a communications tower is requested, a buffer yard is required as per Section 9.1.8. The base of the wireless structure, and any guy anchors, shall be

surrounded by an opaque fence or wall at least eight (8) feet in height and follow all other fence guidelines in Section 9.3.

(H) Removal of towers, antennas, and equipment

Whenever a tower, or its antennas, and/or related equipment cease to be in active operation, they shall be removed within 120 days of inactivation. Notification in writing to the Village of the final date of operation shall include the anticipated date of removal of all antennas, towers, equipment, and other structures associated with that location. Notification shall be submitted within 30 days of the last day of operation. If these facilities are not removed, the Village may remove the antennas, towers, equipment, and other structures at the owners cost.

(I) Submission of zoning application

All communications towers, including collocations, shall submit a site plan and elevation of the proposed facility improvements as part of the special use application. The site plan shall include at a minimum

(1) Construction type of the tower and related equipment storage
(2) Total height, including antenna
(3) Whether the tower will include or allow for collocation
(4) Zoning of all adjacent lots
(5) The nearest residential zoned lots
(6) Lot boundaries or lease lines
(7) All existing or proposed buildings and structures on lot/parcel
(8) Copy of the executed lease
(9) Copy of the FCC license, or license from user of the facility
(10) Method of screening
(11) Vehicular access

If the request is denied, a written explanation for the denial or restriction shall be given in the minutes of the Board of Adjustments meeting where such a decision is made.

(J) Collocation

The Village encourages the installation of wireless facilities on existing structures to avoid unnecessary duplication of supporting structures. Collocated facilities and equipment may be separately owned and used by more than one entity.

9.9.4 Small Wireless Facilities (*per NC Session Law 2017-159, HB 310)*

It is not the purpose or intent of this section to prohibit or have the effect of prohibiting wireless communications services; unreasonably discriminate among providers of functionally equivalent wireless communication services; regulate the placement, construction or modification of wireless communications facilities on the basis of the environmental effects of radio frequency emissions where it is demonstrated that the small wireless facility does or will comply with applicable FCC

regulations; or prohibit or effectively prohibit collocations or modification that the Village must approve under state or federal law. The provisions of this Section 9.9.3 are in addition to, and do not replace, any obligations an applicant may have under any franchises, licenses, encroachments, or other permits issued by the Village.

(A) The standards established herein shall apply only to qualifying small wireless facilities. Nothing in this ordinance shall be interpreted to excuse compliance with, or to be in lieu of, any other requirement of state or local law, except as specifically provided herein. Without limitation, the provisions of this ordinance do not permit placement of small wireless facilities on privately-owned utility poles or wireless support structures, or on private property, without the consent of the property owner or any person who has an interest in the property.

(B) Collocation of small wireless facilities on land used as single-family residential property or vacation land that is zoned for single-family development, and any small wireless facility that extends more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated, are not permitted.

Collocations of qualifying small wireless facilities in Village right-of-way or outside of Village right-of-way on land that is in a non-residential zoning district or land that is used for non-single-family residential property, are subject to the following requirements:

(1) Applicants must complete an application as specified in form and content by the Village.

(2) Each new small wireless facility shall not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated.

(3) In order to protect public safety:

(a) Small wireless facilities shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.

(b) A structural engineering report prepared by an engineer licensed by the State of North Carolina, certifying that the host structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennae and other equipment, extensions, and appurtenances associated with the installation.

(c) A traffic and pedestrian management plan must be submitted for any installation that requires work in the public right-of-way

(d) No portion of a small wireless facility may be placed in the public right-of-way in a manner that obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals, interferes with access by persons with disabilities or involves the placement of pole-mounted equipment whose lowest point is lower than eight (8) feet above ground level.

(e) An abandoned small wireless facility shall be removed within 180 days of abandonment.

(C) Objective Design Standards

(1) No advertising signs or logos are permitted on small wireless facilities.

(2) Small wireless facilities shall be blended with natural surroundings as much as possible.

(3) Small wireless facilities shall be stealth facilities. Antenna and accessory equipment must be concealed.

(4) Ground equipment shall be screened in accordance with Section 9.2.

(D) Small wireless facilities located in designated historic districts or on property designated as a landmark shall be required to obtain a Certificate of Appropriateness as required.

(E) The placement of new utility poles is prohibited by the Village's underground requirements in Section 9.9.2.

(F) Generators may not be used as a primary electrical power source. Testing and maintenance shall only take place on weekdays between 8:30 am and 4:30 pm.

(G) A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licenses to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license.

9.10 Amplified Sound

Outdoor amplified sound systems shall not be installed for any nonresidential use except for emergency service uses, outdoor recreation uses and industrial uses. Amplified sound systems associated with outdoor recreation uses may only be operated during the hours of 7:00 a.m. and 10:00 p.m. each day.

9.11 Nonresidential Design Standards

9.11.1 Purpose

The purpose of these standards is to establish architectural design regulations for nonresidential structures within the Village of Lake Park that promote development that is compatible with existing nonresidential structures and the general architectural pattern within the Village. It is intended that these standards produce the highest quality nonresidential development possible in furtherance of the ongoing development of the Village.

9.11.2 Applicability

The standards contained in this section apply to the construction and reconstruction of all nonresidential structures, including those housing institutional uses and structures containing a mixture of residential and nonresidential uses. These standards do not apply to the routine repair or maintenance of exterior features that are nonconforming with regard to the standards of this section. For the purposes of this Section, routine repair and maintenance shall mean any maintenance or construction activity affecting an existing portion of a structure that does not exceed 20% of the tax value of the structure.

9.11.3 Exterior Building Materials

(A) Allowed Building Materials

All structures shall be required to have a minimum of 80% of their exterior wall area, exclusive of glazed (glass) wall area, clad in unpainted brick. The remaining 20% of the exterior wall area may contain accent materials that meet high quality standards such as:

(1) Native Stone (quarried within 100 miles of the Village of Lake Park)

(2) Integrally-colored, textured, or glazed concrete masonry units

(3) High-quality prestressed concrete systems

(4) Stucco

(5) Water-managed exterior installation finish systems (EIFS)

(B) Prohibited Building Materials

(1) Split shakes or rough-sawn siding board

(2) Vinyl siding

(3) Smooth-faced gray, painted or stained concrete block

(4) Field-painted or pre-finished standard corrugated metal siding

(5) Barrier-type exterior installation finish systems (EIFS)

(C) Exemption for Rear Facades

The rear façade of a structure which is not visible from a public street, internal driveway, parking area or walkway due to its orientation, and which is not visible from an adjacent property or development due to the presence of a vegetated buffer area with a minimum width of 20' on the property containing the structure in question may, alternatively, utilize standard concrete block on the rear façade, provided that it is painted or stained to match the color of the primary building material on the front façade of the structure.

9.11.4 Minimum Wall Articulation Standards

(A) All buildings walls shall consist of a building bay or structural building system that is a maximum of thirty feet (30') in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall plane, changes in texture or materials that are no less than 12 inches in width.

(B) Any wall exceeding 50 feet in length shall include at least one change in wall plane, such as projections or recesses, having a depth of at least three percent (3%) of the entire length of the façade and extending at least fifteen percent (15%) of the entire length of the façade.

(C) All building walls shall include materials and design characteristics consistent with those on the front façade.

9.11.5 Building Walls Facing Public Areas

Building walls that face streets or contain customer entrances shall be subdivided and proportioned using features such as windows, arbors, awnings, trellises, and similar

architectural details that define the human scale. Such features shall be located along a minimum of 30% of the linear footage of building walls subject to this regulation.

9.11.6 Base and Top Treatments

The composition of buildings shall present a clearly recognizable base, middle, and top, or a clearly-defined alternative building composition.

(A) A recognizable base may consist of, but is not limited to:

(1) Thicker walls, ledges, or sills;

(2) Integrally-textured materials such as stone or other masonry;

(3) Integrally-colored and patterned materials such as smooth-finished stone or tile;

(4) Lighter or darker colored materials.

(B) A recognizable top may consist of, but is not limited to:

(1) Cornice treatments, other than just colored stripes or bands, with integrally-textured materials such as stone or other masonry or differently colored materials;

(2) A sloping roof with overhangs and brackets;

(3) Stepped parapet walls.

9.11.7 Regulation of Building Color

(A) Color schemes shall tie building elements together, relate separate (freestanding) buildings within the same development to each other, and shall be used to enhance the architectural form of a building.

(B) All building projections, including, but not limited to, chimneys, flues, vents, and gutters, shall match or complement in color the permanent color of the surface from which they project.

(C) Intense, bright, black, white, fluorescent or primary (red, yellow, blue) colors may be used only as accents; such colors shall not be used as the predominant color on any wall or roof of any building.

9.11.8 Customer Entrances

Each principle building, regardless of size, shall have clearly-defined, highly-visible customer entrances featuring at least two (2) of the following:

(A) Canopies or porticos;

(B) Recesses/projections in wall plane;

(C) Raised corniced parapets over the door;

(D) Peaked roof forms;

(E) Outdoor patios with seating areas;

(F) Display windows;

(G) Alternate patterns or material usage in pedestrian walkways.

9.11.9 Roof Design

Roofs shall be designed utilizing the following standards:

(A) Parapet walls shall be utilized to conceal flat roofs and rooftop equipment such as HVAC units.

(1) The average height of parapet walls shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall.

(2) Parapet walls shall feature three dimensional cornice treatments;

(3) Parapet walls shall continue uninterrupted around the entire perimeter of the roof.

(B) Sloped roofs are permitted provided that they do not exceed the average height of the supporting walls, as measured along the front façade.

(1) Sloped roofs shall have a minimum pitch of 4:12 and a maximum pitch of 6:12.

(2) Sloped roofs shall have eaves that overhang a minimum of 12 inches from the building wall.

(3) Mansard roofs are prohibited.

9.11.10 Awnings

(A) Awnings shall be no longer than a single storefront.

(B) Canvas awnings with a matte finish are preferred. Awnings with high gloss finish and illuminated plastic awnings are prohibited.

(C) Awning colors shall be compatible with the overall color scheme of the façade from which it projects. Solid colors and subtle striped patterns are preferred.

(D) Awnings for rectangular openings shall be simple, shed shapes.

9.11.11 Glazing

(A) Each ground floor building façade facing a public street or parking area, other than a rear façade that does not contain a customer entrance, shall have glazing over a minimum of 20% of the exterior wall area on that façade.

(B) Each upper story building façade shall have glazing over a minimum of 10% of the exterior wall area on that façade per story.

9.12 Residential Solar Energy Panels

9.12.1 Purpose

The purpose of this section is to provide standards for the siting and installation of solar energy panels on lots used for residential purposes in order to protect the character of residential neighborhoods, as authorized by NCGS 160A-201.

9.12.2 Applicability

These standards shall apply to the siting and installation of solar energy panels on all property within the Village of Lake Park that is in use for residential purposes.

9.12.3 Compliance with Other Regulations

The siting and installation of solar energy panels shall comply with all other applicable standards of the UDO, including, but not limited to, the dimensional requirements for accessory structures when proposed solar energy panels are ground mounted.

9.12.4 Permitted Location

(A) Building Mounted Solar Energy Panels

Solar energy panels may be installed on the roof or building wall of a residential dwelling, provided that the panels are installed in a manner so that they are not visible from a public right-of-way, other than an alley. In those cases where each wall and portion of a roof on a residential structure is visible from a public right-

of-way, solar energy panels shall be permitted to be installed on the roof or building wall facing the rear lot line of the property.

(B) Ground Mounted Solar Energy Panels

Ground mounted solar energy panels shall be permitted to be installed in side and rear yards behind a line extending from the front building wall to each side lot line.

9.12.5 Additional Standards for Ground Mounted Solar Energy Panels

(A) Maximum Height

The maximum permitted height of a ground mounted solar panel installation (including panels and supporting structures) shall be eight (8) feet above the natural grade of the yard in which they are installed.

(B) Screening

Ground mounted solar panels shall be screened in accordance with the standard set forth in Section 9.2.3(C). The vegetation used for screening shall be planted in a manner that obscures the view of the solar energy panels from immediately adjacent public right-of-way and residential properties.

(C) Maximum Electric Generation Capacity

The electric generation capacity of solar energy panels shall not exceed 200% of the energy requirements for the residence with which they are aqssociated. Such capacity requirments shall be evidenced by the last two years of electric utility bills, and a licensed electrical contractor or electrical engineer shall certify that the capacity of the soalr panels do not exceed this limit.

(D) Site Plan Required

A Site Plan of the property depicting the location of proposed ground mounted solar panels, along with required screening materials, easements and setbacks is required with the Zoning Permit application.

ARTICLE 10
RESERVED

ARTICLE 11
SIGN REGULATIONS

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11.1 Purpose and Applicability

11.1.1 Purpose

The purpose of this section is to support and complement the various land uses allowed in the Village of Lake Park by the adoption of policies and regulations concerning the placement of signs. The outdoor placement of signs is a legitimate use of private property, but the erection of signs should be controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on roadways, as well as protect the public investment in such roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays, and devices. It is also the intent of this section to prevent signs from dominating the visual appearance of the area in which they are located and to enhance the aesthetic environment of the Village of Lake Park.

11.1.2 Applicability

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign, without first having obtained a permit for such sign from the Ordinance Administrator.

11.2 General Provisions

11.2.1 Sign Design Guidelines

(A) Materials, colors, and shapes of proposed signs should be compatible with the buildings and the surrounding area of its location.

(B) The sign shall not be the predominant feature of its location.

(C) 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.

11.2.2 Maximum Number of Signs Allowed

(A) Unless otherwise specified in this Article, no establishment shall have more than one primary identification sign.

(B) Corner lots are permitted to have one (1) of each permitted sign type (wall or freestanding) per street frontage, unless otherwise noted.

11.2.3 Sign Area

The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. In the case of signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of area. In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material is to be computed separately (according to the method described immediately above in this Section) as part of the total surface area of the sign. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

11.2.4 Sign Height

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps, spires, and finials shall not extend more than two (2) feet from the top of the sign. The use of berms or raised landscaping areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

11.2.5 Sign Setbacks

All permanent freestanding signs shall be set back a minimum five (5) feet from the right-of-way or utility easement of a public or private street or eight (8) feet from the edge of pavement, whichever is greater. The setback shall be measured from the leading edge of the sign (the edge closest to the right-of-way or property line). At intersections, no sign shall be in the sight triangle. No freestanding sign shall be located within 50 feet of any other freestanding sign unless the Administrator determines that practical difficulties exist for locating the sign elsewhere on the property.

11.2.6 Sign Illumination

Illuminated signs shall conform to the following:

(A) All illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.

(B) External light sources shall not be visible from the right-of-way nor cause glare hazards to pedestrians, motorists, or adjacent properties.

(C) Commercial signs located within 100 feet of an existing residential structure shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

11.2.7 Maintenance and Upkeep of Signs

All signs and all components thereof, including supports, braces, and anchors shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this Ordinance. Any sign which is determined by the Administrator or building inspector as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.

11.2.8 Removal of Signs on Public Property and Rights-of-Way

The Administrator or his designee may summarily remove any sign placed on Village-owned property or within the right-of-way of any public street maintained by the Village of Lake Park, including signs prohibited by Section 11.6.3 of the UDO .

11.3 Permanent Signs That Do Not Require a Permit

The following types of signs are exempt from permit requirements and may be placed in any zoning district. Such signs shall otherwise be in conformance with all applicable requirements contained in this Ordinance. All such signs (except government signs) shall be located outside of the street right-of-way and shall not be illuminated.

11.3.1 Flags

Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot.

Flags

Max. Area	15 square feet
Max. Height	20 feet above grade
Max. Number	4 per lot of record (only one pole allowed in residential districts)
Min. Setback	Outside of right-of-way

11.3.2 Government Signs

Signs posted or authorized by various local, state, and federal agencies in the performance of their duties including providing community information and facilitating economic development.

Government Sign

11.3.3 Regulatory Signs

Signs erected to comply with any law, statute or ordinance.

Warning Sign

Max. Area	8 square feet

11.3.4 Occupant/Address Number Signs

Signs erected in conformance with the North Carolina Fire Code standards for the display of a street address.

Address Number Sign

Max. Area	8 square feet
Max. Height	N/A (structure mounted)
Max. Number	1 per street frontage or entrance
Other	All such signs shall be placed in such a manner as to be visible from the street.

11.3.5 Incidental signs

Any sign that is smaller than two square feet in area or which is not legible off of the premises upon which it is placed.

Incidental Sign

11.4 Temporary Signs That Do Not Require A Permit

Temporary signs shall not be located within a public street right-of-way or sight triangle and shall not be attached to trees or utility poles or placed on publicly-owned property. Temporary signs shall not be illuminated. Temporary signs less than one square foot in area are permitted. Other temporary signs that do not fit into one of the following categories are not permitted.

11.4.1 Yard Signs

Small freestanding ground mounted signs typically displayed in the yard of a residence or business.

Yard Sign

Max. Area	6 square feet
Max. Height	4 feet tall
Max. Number	2 per street frontage per lot of record.

Beginning on the 30th day prior to the beginning of early voting for any scheduled primary or election, as established by the North Carolina Board of Elections, and ending the 10th day following the primary or election, the limit on the number of Yard Signs that may be displayed on a parcel containing a use in the Residential Use Group shall be increased to five (5) signs. All other regulations associated with such signage shall remain in effect during this period. Following the end of this period, the limit on the number of permitted Yard Signs shall be in force until the following qualifying period.

11.4.2 Banners

Temporary signs made of flexible (non-rigid) material displayed by a nonresidential use.

Banner

Max. Area	32 square feet
Other	May be erected by nonresidential uses only. Shall not be attached to a roof, fence, or existing sign. Maximum 15-day time period, no more than 4 times annually. The administrator must be notified prior to erecting a banner for tracking purposes.

11.4.3 A-frame Signs

Portable a-frame signs.

A-frame Sign

Max. Area	8 square feet (no more than 2 feet in width)
Max. Height	4 feet
Max. Number	1 per commercial establishment per street frontage
Min. Setback	Outside of street/parking area behind curb line.
Other	Shall be professionally made and constructed of weatherproof materials. Shall be weighed down to prevent the sign from being blown into the street. Shall not interfere with pedestrian or vehicular circulation or sightlines. Shall maintain at least 5 feet of continuous sidewalk clearance. Shall be removed at the close of business each day.

11.4.4 Window Signs (temporary)

Signs temporarily attached or temporarily painted to the inside of a window or door..

Temporary Window Sign

Max. Area	25 percent of window area
Other	Signs that exceed 25% of the area of said window shall be treated as wall signs.

11.5 Signs That Require a Permit

All of the signs enumerated in this section require a Zoning Permit prior to construction or alteration of a sign.

11.5.1 Signs Permitted by Zoning District

The table below indicates if specific sign type is allowed in each zoning district.

Sign Type	CS	VC	GB	I	Residential Districts
Neighborhood / Development Identification	PLX	PLX	PLX	PLX	PLX
Wall	PLX	PLX	PL	PL	CLX
Freestanding	PLX	PLX	PL	PL	CLX

P: Sign permitted C: Sign permitted for Civic uses only L: Illumination Allowed X: External illumination only

11.5.2 Sign Requirements by Type

(A) Development Entrance Sign

Development Entrance Sign

Max. Area	32 square feet
Max. Height	8 feet
Max. Number	1 per development entrance (max. area may be split for two signs on either side of entrance)
Min. Setback	5 feet from adjacent property lines and street right-of-way

(B) Wall Sign

Standard Wall Sign

(1) The following shall be included in the wall sign category:

(1) canopy & marquee signs

(2) awning signs

(3) projecting signs

Canopy Sign

Awning Sign

Projecting Sign

Max. Area	10 percent of the wall area of the ground floor
Max. Number	1 sign per wall per tenant space facing a street or parking area with a customer entrance.
Other	Wall signs shall front on a public street or face a parking lot where a main building entrance is located. Maximum projection is 18 inches from the wall face, except for projecting signs which may project up to four (4) feet. Wall signs shall be centered on the building wall and their length may not exceed 50% of the width of the building wall. Signs shall not extend above the parapet or eave of the building.

(C) Freestanding Sign

Freestanding Multi-Tenant Sign

Freestanding Monument Sign

Freestanding Arm Sign

Max. Area	32 square feet plus 8 square feet per tenant up to a maximum of 96 square feet
Max. Height	8 feet
Max. Number	1 per street frontage
Min. Setback	5 feet from adjacent property lines and street right-of-way
Other	Developments with two (2) or more tenants shall utilize a multi-tenant sign. All freestanding signs shall be monument or arm style signs.

11.6 Prohibited Signs

The following signs are prohibited:

11.6.1 Any sign which the Ordinance Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.

11.6.2 Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.

11.6.3 Any sign (other than a government sign), including signs defined by NCGS 136-32(C), placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public property, street or right-of-way, unless otherwise expressly permitted. The prohibition on signs in public rights-of-way shall apply only to street right-of-way maintained by the Village of Lake Park. Signs in state maintained rights-of-way shall comply with NCGS 136-32.

11.6.4 Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color.

11.6.5 Portable or temporary signs except as permitted by Section 11.4.

11.6.6 Facsimile signs, three-dimensional objects, or human figures which may or may not contain printed copy.

Facsimile Sign

11.6.7 Roof signs (any sign extending above the lowest point of a roof structure on a building).

Roof Sign

11.6.8 Rotating signs

Rotating Sign

11.6.9 Pole signs (any sign, other than an arm sign, which is erected on one or more poles or pylons), except as otherwise permitted in this Article.

Pole Sign

11.6.10 Parked vehicles with messages (exempting vehicles with commercial advertising which are used regularly and customarily to transport persons or property for business).

Vehicle Sign

11.6.11 Billboards.

Billboard

11.6.12 Inflatable signs including inflated balloons having a diameter of greater than two (2) feet.

Inflatable Sign

11.6.13 Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "freestanding" sign as herein defined.

Transportable Sign

11.6.14 All other signs not expressly permitted in this Ordinance.

ARTICLE 12
SUBDIVISION REGULATIONS

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12.1 Purpose and Applicability

In addition to promoting the general purposes of this ordinance, the subdivision design and improvement standards of this article are intended to:

12.1.1 Facilitate the creation of accurate and permanent public records of the separate interests created and conveyed by the subdivision of land, and in turn, help to protect private property rights and public property;

12.1.2 Promote the timely and coordinated provision of streets, sidewalks, utilities and other required facilities and improvements to serve new developments;

12.1.3 Ensure that proposed lots are capable of being built upon in accordance with applicable Village standards; and

12.1.4 Ensure subdivision designs and layouts that promote beneficial development of the community.

12.2 Subdivision Name

The name of a proposed subdivision or development may not duplicate or be so similar to the name of an existing subdivision or development that it is reasonable to conclude that the name will cause confusion for public safety and other parties. Proposed subdivisions or developments may have the same or similar name if they are an extension of an existing subdivision or development with the same or similar name. The Village Council has final authority to approve subdivision and development names.

12.3 Reasonable Relationship

All required improvements, easements, and rights-of-way (other than required reservations) must substantially benefit the development and bear a reasonable relationship to the need for public facilities and improvements attributable to the new development.

12.4 Streets

12.4.1 Traffic Movement and Pedestrian Circulation Principles

The street and pedestrian circulation layout in new subdivisions should be laid out and designed with due regard for topography and drainage and to the extent practicable:

(A) Create an integrated system of lots, streets and infrastructure that provides for efficient movement of pedestrians, bicycles and automobiles within the subdivision and to and from adjacent development;

(B) Provide for the efficient movement of through traffic by providing an interconnected hierarchy of streets in order to avoid isolation of residential areas and over-reliance on thoroughfares;

(C) Provide pedestrian routes to nearby pedestrian activity areas, as well as nearby shopping, public/civic, employment and recreation uses; and

(D) Provide a street network that helps emergency services, public services, and visitors find their way to their intended destinations.

12.4.2 Dedication of Right-of-Way

Right-of-way for public streets must be dedicated to the public pursuant to NCGS 160A, Article 19, Part 2 and other applicable state laws. When dedication cannot be required, the plat must show how the development accommodates any future street right-of-way indicated on adopted transportation plans.

12.4.3 Conformance with Thoroughfare and Collector Street Plans

The location and design of streets must be in conformance with adopted transportation plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

12.4.4 Street System Layout

(A) Streets must be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established in adopted transportation plans.

(B) Local streets must be laid out to conform as much as possible to topography, to provide for the efficient dispersal of internal traffic while discouraging high volumes of through traffic, and to permit efficient drainage and accommodate utility systems.

(C) The use of an interconnected street system must be used to broadly disperse internal traffic and provide maximum reasonable alternatives for access to property.

(D) Proposed streets must be extended (stubbed) to the boundary lines of the tract to be subdivided when necessary to afford desirable and safe street access to adjoining properties. The Village Council may waive the requirement for stub streets when topography, abutting development conditions, natural resources or other physical conditions make street extensions impractical and when the Village Council determines that an interconnected street network is unnecessary or undesirable.

12.4.5 Street Connectivity

An interconnected street system is necessary in order to promote orderly and safe development. This is done by ensuring that streets function in an interdependent manner, provide adequate access for emergency and service vehicles, enhance access by ensuring connected transportation routes, and provide continuous and comprehensible traffic routes.

12.4.6 Temporary Turnarounds

A temporary turnaround must be provided at the end of any stub street over 150 feet length or serving more than 4 lots. Temporary turnarounds must comply with the following:

(A) The turnaround must be constructed in a temporary easement or within the public right-of-way;

(B) The developer of the adjacent property making a road connection to the existing stub road is responsible for the removal of the turnaround for the restoration of the area at the time that the road connection is made, and any additional improvements required by the Village; and

(C) Temporary turnarounds may not be used for parking and/or driveways.

12.4.7 Reserve Strips

Reserve strips adjoining street rights-of-way that prevent access to adjacent property are prohibited.

12.4.8 Street Design Criteria

All proposed streets and street improvements related to the subdivision of land shall be designed and constructed in accordance with the standards established in Section 9.6 of this Ordinance and the following:

(A) Intersecting Street Angles

All streets must intersect at or as nearly as possible to 90 degrees, but in no case less than 75 degrees, within topographic and physical limits.

(B) Streets Crossing Natural Areas

All streets crossing natural areas, wetlands, or streams must cross at or as nearly as possible to 90 degrees, but in no case less than 75 degrees, within topographic and physical limits.

(C) Spacing Between Intersections

Offset intersections are prohibited, except in cases where topographic or natural features require an offset to be constructed. In such cases, the offset distance must be a minimum of 150 feet from the closest edges of the offset rights-of-way.

12.4.9 Street Names

All proposed street names shall be reviewed and approved by the Village Council following confirmation that no conflicts exist with existing street names by Union County E-911.

12.5 Lots

12.5.1 General

The size, shape, and orientation of lots must be appropriate for the location of the proposed subdivision and for the type of development contemplated. All lots must comply with the standards of this section, except as expressly provided in this Ordinance.

12.5.2 Compliance with Other Regulations

Every lot must have sufficient area, dimensions, and street access to permit the construction of a principal building in compliance with all applicable requirements of this ordinance.

12.5.3 Lot Depth-to-Width Ratio

Lots, excluding lots for townhomes, may not have a depth greater than 4 times their width (at the required front setback).

12.5.4 Side Lot Line Configuration

Side lines of lots should be at or near right angles or radial to street lines.

12.5.5 Lot Lines and Drainage

Lot boundaries must coincide with existing (natural and constructed) drainageways to the extent practicable. This provision is intended to avoid the creation of lots that can be built upon only by altering drainageways.

12.5.6 Access Requirements

All lots must have direct access to a public street with sufficient width to accommodate a conforming vehicular access driveway.

12.5.7 Flag Lots

(A) Flag lots are prohibited, except in the following cases:

(1) When reasonably necessary to eliminate access onto thoroughfares;

(2) When necessary to make reasonable use of parcels with severe topography or other physical constraints;

(3) When a flag lot would provide greater protection of natural resources areas (e.g., streams); or

(4) When necessary to accommodate the function of hiding or concealing a utility buildings or substation.

(B) Approved flag lots are subject to the following requirements:

(1) A flag lot may contain only one single-family dwelling, including any uninhabited accessory structures or a utility substation.

(2) The flagpole section of the lot may not exceed 100 feet in length.

(3) The flagpole section of the lot must have a width of at least 20 feet.

(4) The minimum lot area must meet the minimum lot area, width and depth standards in the base zoning district. The flagpole portion of the lot is not used to calculate lot area, lot width, lot depth, lot coverage or building setbacks, and the flagpole portion may not be used to provide off-street parking.

(5) Use of a single driveway to serve adjoining flag lots or to serve a flag lot and an adjoining conventional lot is permitted and encouraged. In the latter case, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

12.6 Utilities

12.6.1 Public Water and Sewer Construction Requirements

Water and sewer lines, connections, and appurtenances must be constructed in accordance with the standards established in Section 9.9.1 of this Ordinance

12.6.2 Water and Sewer Connection

All lots must be connected to public water and sewer utilities.

12.6.3 Other Utilities

All other utility lines and wires, such as electric and telecommunications lines, installed within major subdivisions must be underground.

12.6.4 Utility Easements

(A) Public Water and Sewer Easements

Easements for sanitary sewer and water lines shall be provided in accordance with the standards of the Union County Public Works Department.

(B) Other Utility Easements

Utility easements with a maximum width of 30 feet must be provided to accommodate electric, telephone, gas, and cable television services. The location and dimensional standards of such easements must be reviewed and approved by the Village, with advice from utility providers, before final plat approval.

12.7 Engineered Stormwater Controls

Engineered stormwater controls shall be provided in accordance with the standards established in Article 14 of this Ordinance.

12.8 Monuments

Permanent monuments must be installed in accordance with the *Standards of Practice for Land Surveying in North Carolina*, as adopted by the North Carolina state Board of Registration for Professional Engineers and Land Surveyors.

12.9 Condominium Development

Condominiums must be recorded in compliance with the North Carolina Condominium Act (NCGS §47C) or its successor(s).

12.10 Owners' Associations

12.10.1 Establishment

(A) Creation

An owners' association must be established to accept conveyance and maintenance of all common elements and facilities within a subdivision or development containing common elements. The owners' association must be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

(B) Conveyance

Where developments have common elements serving more than one dwelling unit, these common elements must be conveyed to the owners' association, in which all owners of lots in the development must be members. All common elements other than public street rights-of-way, other areas dedicated to the Village, and lots must be designated as common elements. In a condominium development the common element must be platted as common elements in accordance with the NC Condominium Act. In other developments, fee-simple title must be conveyed by the subdivider or developer to the owners' association when the plat is recorded.

(C) Subdivision or Conveyance of Common Elements

Common elements may not subsequently be subdivided or conveyed by the owners' association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

(D) Minimize Number of Associations

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

(E) When Owners' Association Not Required

A development involving only 2 units attached by a party wall (or 2 separate walls back-to-back) is not required to have common elements or an owners' association. Such developments without an owners' association must establish a maintenance agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance, subject to approval by the Village Council.

(F) Common Elements in Subdivision Phases

Common elements required by this ordinance must be provided within each phase of the subdivision in an amount proportional to the size of the phase under review. Common elements can be counted cumulatively, including all sections recorded to date.

12.10.2 Submission of Owners' Association Declaration

After preliminary plat approval, and before any subsequent development permit issuance, it is recommended that the subdivider submit for review and approval a draft of the declaration of the owners' association containing covenants and restrictions governing the owners' association, lots or units, and common elements. Prior to or concurrently with the submission of the final plat for review and approval, the subdivider must submit a copy of the final declaration for review and approval. The declaration must include provisions for the following:

(A) Membership

Membership in the owners' association is mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions must be made for the addition of owners in subsequent sections of the development.

(B) Responsibilities of Association

The declaration must state that the owners' association is responsible for:

(1) Payment of premiums for liability insurance and local taxes and fees;

(2) Maintenance of recreational, engineered stormwater control and/or other facilities located on the common elements; and

(3) Payment of assessments for all public and all private improvements made to or for the benefit of the common elements.

(C) Exterior Maintenance of Units

The owners' association must be made responsible for exterior maintenance of all attached units (whether they be dwelling units or nonresidential units); or each unit owner must be made responsible, with the owners' association granted authority to perform such exterior maintenance in the event the unit owner fails to do so in a prompt and satisfactory manner and to assess the cost of the maintenance against the unit.

(D) Default By Association

If the owners' association defaults on payments to the jurisdiction entitled to payments of any assessments for public improvements or ad valorem taxes levied against the common elements, and the default continues for a period of 6 months or more, each owner of a lot in the development must pay to the jurisdiction a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the jurisdiction by the total number of lots in the development. If the sum is not paid by the owner 30 days following receipt of notice of the amount due, the sum will become a continuing lien on the property of the owner, the owner's heirs, devisees, personal representatives, and assigns. The taxing or assessing jurisdiction may either bring an action at law against the owner personally obligated to pay, or may elect to foreclose the lien against the property of the owner.

(E) Powers of the Association

The owners' association is empowered to levy assessments against the owners of lots or units within the development. Such assessments must be for the payment of expenditures made by the owners' association for the items set forth in this section, and any assessments not paid by the owner against whom such assessments are made will constitute a lien on the lot of the owner.

(F) Easements

Easements over the common elements for access, ingress, and egress from and to public streets and walkways, and easements for enjoyment of the common elements and for parking, must be granted to each lot owner.

(G) Maintenance and Restoration

Provisions for maintenance and restoration in the event of destruction or damage must be established for common element improvements and party walls.

(H) Parking Allocation in Nonresidential Developments

In nonresidential owners' association developments, the declaration must contain the following provision: "Parking spaces must be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this ordinance for the use intended to be located therein. The owners' association must maintain a register listing the total number of parking spaces in the development and the number of spaces allocated to each lot or unit. A copy of this register must be available to the Ordinance Administrator upon request. The owners' association may not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the subject owner, and in no case may the number of parking spaces allocated to an individual lot or unit be reduced to a number below that required by the parking standards contained in Article 9.

ARTICLE 13
FLOOD DAMAGE PREVENTION

13.1 Introduction 13-1
13.2 Provisions for Flood Hazard Reduction 13-2

13.1 Introduction

13.1.1 Findings of Fact

(A) The flood prone areas of the Village are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) 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 hazard areas by uses vulnerable to floods or other hazards.

13.1.2 Statement of Purpose

The purpose of the Floodplain Damage Prevention Regulations is 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:

(A) 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;

(B) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(D) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

13.1.3 Objectives

The objectives of the Floodplain Damage Prevention Regulations are to:

(A) Protect human life, safety, and health;

(B) Minimize expenditure of public money for costly flood control projects;

(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) Minimize prolonged business losses and interruptions;

(E) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(F) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(G) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

13.1.4 Applicability

The regulations established in this Article shall apply to all property located within the Flood Damage Prevention Overlay District.

13.1.5 Basis for Establishing Special Flood Hazard Areas

(A) The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Union County dated October 16, 2008 which are adopted by reference and declared to be a part of this ordinance.

(B) The FIRM Panels covering the jurisdiction of the Village of Lake Park are Panels 5408, 5409, 5418 and 5419.

(C) The initial Flood Insurance Rate Maps for the Village of Lake Park are dated January 17, 1997.

13.2 Provisions for Flood Hazard Reduction

13.2.1 Establishment of Regulatory Flood Protection Elevation

(A) In Special Flood Hazard Areas where a Base Flood Elevation has been established, the Regulatory Flood Protection Elevation shall be the Base Flood Elevation plus three (3) feet.

(B) In Special Flood Hazard Areas where a Base Flood Elevation has not been established, the Regulatory Flood Protection Elevation shall be at least three (3) feet above the highest adjacent grade.

13.2.2 General Standards

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

(A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(D) 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.

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(F) 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.

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(H) 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.

(I) 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.

(J) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 3.10.3(F).

(K) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(L) 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.

(M) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(N) 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.

(O) 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.

(P) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

13.2.3 Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been established, the following provisions, in addition to the provisions of Section 13.2.2, are required:

(A) 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 established in Section 13.2.1.

(B) Non-Residential Construction

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 13.2.1. Structures located in A, AE, AO, and A1-30 Zones (as shown on the Flood Insurance Rate Map) may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 13.2.7. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 3.10.3, along with the operational plan and the inspection and maintenance plan.

(C) Manufactured Homes

(1) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Section 13.2.1.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(3) All enclosures or skirting below the lowest floor shall meet the requirements of Section 13.2.3(D).

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Ordinance Administrator and the local Emergency Management Coordinator.

(D) Elevated Buildings

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(2) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

(3) Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(1) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(2) 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;

(3) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(4) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

(5) 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

(6) 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.

(E) Additions and Improvements

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(1) 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.

(2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

(2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(F) Recreational Vehicles

Recreational vehicles shall either:

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

(2) Meet all of the requirements for new construction.

(G) 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:

(1) A specified time period for which the temporary use will be permitted. The time specified may not exceed three (3) months, renewable up to one (1) year;

(2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(3) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(5) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(H) 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:

(1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(2) Accessory structures shall not be temperature-controlled;

(3) Accessory structures shall be designed to have low flood damage potential;

(4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(5) Accessory structures shall be firmly anchored in accordance with the provisions of Section 13.2.2(A);

(6) All service facilities, such as electrical, shall be installed in accordance with the provisions of Section 13.2.2(D); and

(7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 13.2.3(D)(3).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 3.10.3(F).

13.2.4 Standards for Floodplains Without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 13.2.2, shall apply:

(A) 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.

(B) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

(1) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 13.2.2 and 13.2.3.

(2) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sections 13.2.3 and 13.2.6.

(3) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be utilized in implementing this ordinance.

(4) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Section 13.2.1. All other applicable provisions of Section 13.2.2 shall also apply.

13.2.5 Standards for Riverine Floodplains With Base Flood Elevations but Without Established Floodways or Non-Encroachment Areas.

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

(A) The standards of Sections 13.2.2 and 13.2.3

(B) 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.

13.2.6 Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 13.1.5. 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 Sections 13.2.2 and 13.2.3, shall apply to all development within such areas:

(A) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

(1) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or

(2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

(B) If Section 13.2.6(A) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(C) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(1) The anchoring and the elevation standards of Section 13.2.3(C); and

(2) The no encroachment standard of Section 13.2.6.(A).

13.2.7 Standards for Areas of Shallow Flooding

Located within the Special Flood Hazard Areas established in Section 13.1.5, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 13.2.2 and 13.2.3, all new construction and substantial improvements shall meet the following requirements:

(A) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of three (3) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.

(B) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 13.2.7(A) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 3.10.3(F) and.

(C) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 14
STORMWATER MANAGEMENT

14.1 Introduction ..... **Error! Bookmark not defined.**
14.2 Stormwater Management Standards ..... **Error! Bookmark not defined.**
14.3 General Standards for Maintenance 14-6

14.1 Introduction

14.1.1 Findings

It is hereby determined that:

(A) Development and redevelopment alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

(B) These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and

(C) These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.

14.1.2 Purpose

(A) General

The purpose of these regulations is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements to control the adverse effects of increased post-development stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment, as well as illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources.

(B) Specific

These regulations seek to meet their general purpose through the following specific objectives and means:

(1) Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;

(2) Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

(3) Establishing design and review criteria for the construction, function, and use of structural stormwater BMPs that may be used to meet the minimum post-development stormwater management standards;

(4) Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;

(5) Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural stormwater BMPs to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;

(6) Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

14.1.3 Applicability and Jurisdiction

(A) General

Beginning with and subsequent to their effective date, these regulations shall be applicable to all development and redevelopment activity within the territorial jurisdiction of this ordinance unless specifically exempted pursuant to Section 14.1.3(B).

(B) Exemptions

(1) Development that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance.

(2) Redevelopment that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance.

(3) Development and redevelopment that disturb less than one acre are not exempt if such activities are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.

(4) Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this ordinance.

14.1.4 Design Manual

(A) The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the most recent version of the *NC Division of Water Quality Stormwater BMP Design Manual* as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater BMPs.

(B) 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 standards of the Phase II laws.

14.2 Stormwater Management Standards

All development and redevelopment that are not specifically exempted from these regulations by Section 14.1.3(B) shall comply with the following standards.

14.2.1 Development Standards for Low Density Projects

Projects which do not exceed 24% built-upon area in any distinct drainage area within the project limits shall be considered low density projects, and shall comply with the following standards:

(A) Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.

(B) All built-upon area shall be a minimum of 30 feet landward of all perennial and intermittent surface waters. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the Union County Soil Survey Map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using approved methodology.

(C) The approval of the stormwater management permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

14.2.2 Development Standards for High Density Development

Projects which exceed the low density development threshold established in Section 14.2.1 shall be considered high density projects and shall comply with the following standards:

(A) Stormwater control measures shall control and treat runoff from the first inch of rain.

(B) All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS);

(C) Stormwater treatment systems shall be installed to control the difference in the stormwater runoff from the pre-development and post-development conditions for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.

(D) Peak control shall be installed to control the 1, 2, 10 and 25 year 24-hour storm events. The emergency overflow and outlet works for any pond or wetland constructed as a storm water BMP shall be capable of safely passing a discharge with a minimum recurrence frequency as specified in the Design Manual. For detention basins, the temporary storage capacity shall be restored within 72 hours. Requirements of the Dam Safety Act shall be met when applicable.

(E) All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. A surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using Division-approved methodology.

(F) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Design Manual;

(G) The approval of the stormwater management permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

14.2.3 Standards for Stormwater Control Measures

(A) Evaluation According to Contents of Design Manual

All stormwater control measures and stormwater treatment practices (also referred to as Best Management Practices, or BMPs) required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Design Manual. The Stormwater Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this ordinance.

(B) Determination of Adequacy; Presumptions and Alternatives

Stormwater treatment practices that are designed, and constructed, and maintained in accordance with the criteria and specifications in the Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

(C) Separation from Seasonal High Water Table

For BMPs that require a separation from the seasonal high-water table, the separation shall be provided by at least 12 inches of naturally occurring soil above the seasonal high-water table.

14.2.4 Dedication of BMPs, Facilities and Improvements

The Village of Lake Park may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

14.3 General Standards for Maintenance

14.3.1 Function of BMPs as Intended

The owner of each structural BMP installed pursuant to this ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed.

14.3.2 Annual Maintenance Inspection and Report

The person responsible for maintenance of any structural BMP installed pursuant to this ordinance shall submit to the Stormwater Administrator an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:

(A) The name and address of the land owner;

(B) The recorded book and page number of the lot of each structural BMP;

(C) A statement that an inspection was made of all structural BMPs;

(D) The date the inspection was made;

(E) A statement that all inspected structural BMPs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and

(F) The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification.

14.3.3 Operation and Maintenance Agreement

(A) Prior to the conveyance or transfer of any lot or building site to be served by a structural BMP pursuant to this ordinance, and prior to issuance of any permit for development or redevelopment requiring a structural BMP pursuant to this ordinance, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all subsequent owners of the

site, portions of the site, and lots or parcels served by the structural BMP. Until the transference of all property, sites, or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

(B) The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the structural BMP, and shall state the terms, conditions, and schedule of maintenance for the structural BMP. In addition, it shall grant to the Village of Lake Park a right of entry in the event that the Ordinance Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural BMP; however, in no case shall the right of entry, of itself, confer an obligation on the Village of Lake Park to assume responsibility for the structural BMP.

(C) The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the Union County Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Ordinance Administrator within fourteen (14) days following its recordation.

14.3.4 Special Requirement for Homeowners' and Other Associations

For all structural BMPs required pursuant to this ordinance and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

(A) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

(B) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the structural BMPs. If structural BMPs are not performing adequately or as intended or are not properly maintained, the Village of Lake Park, in its sole discretion, may remedy the situation, and in such instances the Village of Lake Park shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the structural BMPs, provided that the Village of Lake Park shall first consent to the expenditure.

(C) Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer shall pay into the escrow account an amount equal to fifteen (15) per cent of the initial construction cost of the structural

BMPs. Two-thirds (2/3) of the total amount of sinking fund budget shall be deposited into the escrow account within the first five (5) years and the full amount shall be deposited within ten (10) years following initial construction of the structural BMPs. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.

(D) The percent of developer contribution and lengths of time to fund the escrow count may be varied by the Village of Lake Park depending on the design and materials of the stormwater control and management facility.

(E) Granting to the Village of Lake Park a right of entry to inspect, monitor, maintain, repair, and reconstruct structural BMPs.

(F) Allowing the Village of Lake Park to recover from the association and its members any and all costs the Village of Lake Park expends to maintain or repair the structural BMPs or to correct any operational deficiencies. Failure to pay the Village of Lake Park all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. In case of a deficiency, the Village of Lake Park shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both.. Interest, collection costs, and attorney fees shall be added to the recovery.

(G) A statement that this agreement shall not obligate the Village of Lake Park to maintain or repair any structural BMPs, and the Village of Lake Park shall not be liable to any person for the condition or operation of structural BMPs.

(H) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Village of Lake Park to enforce any of its ordinances as authorized by law.

(I) A provision indemnifying and holding harmless the Village of Lake Park for any costs and injuries arising from or related to the structural BMP, unless the Village of Lake Park has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

14.3.5 Inspection Program

(A) Inspections and inspection programs by the Village of Lake Park may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies

inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.

(B) If the owner or occupant of any property refuses to permit such inspection, the Ordinance Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor.

14.3.6 Performance Security for Installation and Maintenance

(A) Requirement for Performance Guarantee

The Village of Lake Park may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the structural BMPs are:

(1) Installed by the permit holder as required by the approved stormwater management plan, and/or

(2) Maintained by the owner as required by the operation and maintenance agreement.

(B) Amount

(1) Installation

The amount of an installation performance security shall be the total estimated construction cost of the BMPs approved under the permit, plus 25%.

(2) Maintenance

The amount of a maintenance performance security shall be the present value of an annuity of perpetual duration based on a reasonable estimate of the annual cost of inspection, operation and maintenance of the BMPs approved under the permit, at a discount rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long-term inflation.

(C) Uses of Performance Security

(1) Forfeiture Provisions

The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to

initiate or maintain any actions which may be required of the applicant or owner in accordance with this ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

(2) Default

Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any structural BMP in accordance with the applicable permit or operation and maintenance agreement, the Ordinance Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the Village of Lake Park shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

(3) Costs in Excess of Performance Security

If the Village of Lake Park takes action upon such failure by the applicant or owner, the Village of Lake Park may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

(4) Refund

Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 25%) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one (1) year after installation for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

14.3.7 Notice to Owners

(A) Deed Recordation and Indications On Plat

The applicable operations and maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the Union County Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the Union County Register of Deeds so as to appear in the

chain of title of all subsequent purchasers under generally accepted searching principles.

(B) Signage

Where appropriate in the determination of the Ordinance Administrator to assure compliance with this ordinance, structural BMPs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

14.3.8 Records of Installation and Maintenance Activities

The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Ordinance Administrator.

14.3.9 Maintenance Easement

Every structural BMP installed pursuant to this ordinance shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.

14.3.10 Public Storm Drainage Easements

(A) It shall be the duty of each property owner, upon whose property a public storm drainage easement is present, to ensure that no fence, structure or other manmade impediment to the free flow of stormwater or entry by equipment for maintenance is placed or erected within the easement.

(B) Stormwater channels within public storm drainage easements shall not be filled or altered in course.

(C) It shall be the duty of each property owner, upon whose property a public storm drainage easement is present, to maintain the easement in a manner that ensures that vegetation, including grasses, shrubs and trees do not impede the flow of stormwater through the easement.

APPENDIX A
DEFINITIONS

A.1 Purpose ..... A-**Error! Bookmark not defined.**
A.2 Definitions ..... A-**Error! Bookmark not defined.**

A.1 Purpose

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 common meaning as determined by their standard definition.

A.2 Definitions

Accessory Structure
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 lot as the principal use or structure.

Accessory 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.

Alley
A public or private right-of-way which affords 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.

Appeal
A request by an applicant for the Board of Adjustment to review a decision or interpretation by the Administrator.

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.

Bar (Nightclub)
A commercial establishment in which the primary activity is the consumption of alcoholic beverages and the primary source of income is from the sale of alcoholic beverages.

Bed and Breakfast
A use which consists of renting one or more rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to the breakfast meal, available only to guests. The homeowner shall reside on site and employment shall not exceed two full-time employees, not including the owner(s).

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.

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 (Undisturbed 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.

Building
A permanent or temporary 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 Line
The line formed by the facades of buildings.

Building Permit
A permit obtained from the Union County Building Inspections Department which sets the inspection schedule and construction techniques for a project.

Build-to Line
The line at which construction of a building is to occur on a lot. A build to line runs parallel to the front property line and is established to create an even building facade line on a street.

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.

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 12 inches above the ground for trees larger than four (4) inches.

Canopy
A permanent structure other than an awning 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.

Certificate of Occupancy (CO)
A certificate issued by the Union County Building Inspections Department allowing the occupancy or use of a building.

Change of Use
Any use of a building or land that substantially differs from the previous use. Substantial difference shall mean a change from one land use category to another in the Tables of Permitted Uses, a large increase in the required parking for a use, or a use that requires a Special Use Permit.

Condominium
The ownership of single units in a multi-unit structure with common areas and facilities, real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Sources: Unit Ownership Act {NCGS 47A-3} & NC Condominium Act NCGS 47C-1-103)

Construction Office, Temporary
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".

Cul-De-Sac
A circular turnaround at the end of a dead-end street.

***Cut-off (Light Fixture)*.**
A light with elements such as shields, reflectors, or refractor panels that direct and cut off light at a cut-off angle that is less than 90°.

Dedication
A gift by the owner of a portion of his property to another party without any compensation being given for the transfer. Dedication typically refers to right-of-way for streets and utilities or open space dedication for parks, playgrounds, etc. The dedication is made by written instrument on a plat and is completed with an acceptance by the other party, typically a government body.

Development
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 (NCGS 160A-385.1), or
- having an approved site specific or phased development plan as authorized by the General Statutes (NCGS 160A-385.1).

Dwelling Unit
A building, or portion thereof, providing complete and permanent living facilities for one (1) family. 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.

Dwelling, Multi-family
Three (3) or more attached dwelling units, including condominiums and apartments.

Dwelling, Single-family (detached)
A separately owned residence for use by one family as a housekeeping unit with space for eating, living, cooking, and sanitation, where the 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.

Dwelling, Two-Family Attached (Duplex)
A building, or portion thereof, arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units located on the same lot of record and sharing a common wall.

***Easement*.**
A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Façade
The vertical surface of a building which is set along a Building Line. The elevation of a facade is the vertical surface area.

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 (6) resident handicapped persons, as defined by NCGS 168-21(2).

Fence
An artificially constructed barrier of wood, masonry, stone, metal, wire, and/or other manufactured or durable natural materials erected to enclose, screen, or separate areas, but not including hedges, shrubbery, trees, or other natural growth.

Flag
A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

Flood Damage Prevention Definitions

The following definitions shall apply to terms established in Article 13 of this Ordinance and other sections dealing with the administration and enforcement of Flood Damage Prevention regulations.

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

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

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of the FDP-O.

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

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

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

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

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

Building see Structure.

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

Development means 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.

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

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

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

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

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

(1) the overflow of inland or tidal waters; and/or
(2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by 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) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood Prone Area see Floodplain

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

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

Floodplain Development Permit means any type of permit that is required in conformance with the provisions of the FDP-O, prior to the commencement of any development activity.

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

Floodplain Management Regulations means the FDP-O and other zoning overlays, subdivision regulations, building codes, health regulations, special purpose overlays, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

Floodway means 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.

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

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

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

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

Historic Structure means any structure that is:

- 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;
- 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;
- individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or
- 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.

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

Lowest Floor means 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 the FDP-O.

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

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

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

Mean Sea Level means, for purposes of the FDP-O 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.

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

Non-Encroachment Area means 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.

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

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

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

Recreational Vehicle (RV) means 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 light duty truck; and
- designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Reference Level is the 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 means the Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In Special Flood Hazard Areas where no

BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

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

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

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

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

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

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one percent (1 %) or greater chance of being flooded in any given year.

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

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

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

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

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

(a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

Variance is a grant of relief from the requirements of the FDP-O.

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

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

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

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 Cover
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 Care (Use). An institutional facility maintained for the purpose of providing skilled rehabilitative, nursing care, medical care, or other supervisory care at a lower level than that available in a hospital to more than six (6) people. This category also includes halfway houses for persons adjusting to non-prison life or who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in NCGS 35A-1101, or antisocial or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Hotel/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.

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.

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 located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lines to the lot meet at an interior angle of less than 135°.

Lot, Flag An irregularly shaped lot where the building portion of the lot is connected to its street frontage by an arm or pole of the lot. The pole portion does not meet the minimum lot width of the district, but the building portion of the lot does.

***Lot Line*.** A line bounding a lot that divides one lot from another or from a street or any other public or private space.

***Lot Line, Front*.** In the case of an interior lot, the lot line separating said lot from the street; in the case of a corner lot or through lot, the lot line separating said lot from the street that is designated as the front street in the request for a permit.

***Lot Line, Rear*.** A lot line which is opposite and most distant from the front lot line, and in the case of an irregular or triangular-shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

***Lot Line, Side*.** Any lot line that is not a front lot line or rear lot line; a lot line separating a lot from a side street is an exterior lot line, while a lot line separating a lot from another lot, or lots, is an interior lot line.

Lot of Record
Any lot for which a plat has been recorded in the Register of Deeds Office of Union County, or described by metes and bounds, the description of which has been so recorded.

Manufactured Home
A dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

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 Structure
Any structure lawfully existing on the effective date of these regulations, or any amendment 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 non-conforming, which does not comply with all the regulations of these regulations or any amendment thereto, whichever might be applicable.

Nonprofit Organization
An organization that does not distribute its surplus funds to owners or shareholders, but instead uses

them to help pursue its goals.

Open Space
Any area which does not consist of buildings, 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.

Ordinance Administrator
The person appointed by the Village Council to Administer this Ordinance

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.

Overlay District
A set of regulations which add an additional layer of design provisions to an underlying regulating district.

Park
Areas developed either for passive or active recreational activities. Parks may include, but shall not be limited to walkways, benches, open fields, multi-use courts, playgrounds, swimming and wading pools, amphitheaters, etc. The term park shall not include zoos, travel trailer parks, amusement parks, or vehicle, equestrian or dog racing facilities.

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 area requirements contained in Article 8 of this Ordinance.

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)

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 the installation or guarantee of improvements.

Plat, Preliminary
A subdivision plan indicating the proposed layout of a subdivision and engineering documents prior to the installation of improvements.

Principal Structure
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.

Principal Use
The primary or predominant use of any lot.

Religious Assembly (Use)
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. Daycare centers (which have enrollment capacities in excess of 25 enrollees) and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

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.

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.

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.

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, 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.

Sexually Oriented Business
Any principal or accessory use of land which meets the definition of adult establishment as set forth in North Carolina General Statute Section 14-202.10,. Notwithstanding the definition of "adult bookstore" provided in G.S. 14-202.10(1), for purposes of this Ordinance "adult bookstore" means a retail establishment:

- which receives a majority of its gross income during any calendar month from the sale or rental of a) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities", as defined in G.S. 1-202.10(10), or "specified anatomical areas", as defined in G.S. 1-202.10(11); and/or b) merchandise that are "sexually or4iented devices", as defined in G.S. 1-202.10(9); or

- having as a preponderance of its publications and/or merchandise a) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", as defined in G.S. 1-202.10(10), or "Specified anatomical areas", as defined in G.S. 1-202.10(11), and/or b) merchandise that comprises "sexually oriented devices", as defined in G.S. 1-202.10(9).

Sexually oriented businesses may consist of, include, or have the characteristics of any or all of the following:

- Adult or Sexually Oriented Bookstore Sales and Distribution
- Adult or Sexually Oriented Paraphernalia Sales and Distribution
- Adult or Sexually Oriented Cabaret
- Adult or Sexually Oriented Mini Motion Picture Theater
- Adult or Sexually Oriented Motion Picture Theater

Sight Distance Triangle
The triangular area formed by a diagonal line connecting two (2) points located on intersecting property lines (or a property line and the curb or a driveway) within which no planting, structure, sign, fence, wall, or obstruction shall be placed or maintained.

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 works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

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.

Signs, Banner
Temporary signs advertising a special sale. event, or feature that are made of vinyl, fabric, or similar material.

Signs, Billboard
Large off-premises advertising signs.

Signs, Building Marker
A sign etched into masonry, bronze or similar material on a building that identifies the name of the building, designer, year constructed, or provides similar information.

Signs, Canopy and Awning
Signs 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.

Signs, Construction/Contractor's or Subdivision Project
Signs that identify future tenants, home builders, contractors, and architectural or engineering designers during the period of construction.

Signs, Directional (on-premises)
Signs that are located on the premise/property to provide directions for entrances and exits to the property. Such signs contain no copy other than directional information.

Sign, Directory
A sign on which the names and locations of occupants or the use of a building or property is identified.

Signs, Flashing
Signs that use an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

Signs, Freestanding
Signs that are not affixed to a building and is securely and permanently mounted in the ground.

Signs, Government
Signs posted or authorized by various local, state, and federal agencies in the performance of their duties including providing community information and facilitating economic development. Such signs include regulatory signs, traffic signs, welcome signs, bulletin boards, and wayfinding signs.

Signs, Illuminated
Signs lit from either internal or external light sources.

Signs, Incidental
Signs used in conjunction with equipment or other functional elements for a use or operation that cannot be read from the street right-of-way which inform or instruct customers or visitors on-site (i.e.

drive-through menu boards, gas pump signs, bulletin boards).

Signs, Legal and Warning
Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies; signs required for or specifically authorized for a public purpose by any law, statute or ordinance.

Signs, Monument
Free-standing permanent ground signs in which the bottom of the signs are no than three (3) feet from the ground.

Sign, Neighborhood Identification
Signs which display only the name of recognizable communities or subdivisions.

Signs, Occupant/Street Number
Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant.

Signs, Off-Premises
Signs that draw attention to or communicate information about businesses, services, commodities, that exist or are conducted, sold, offered, maintained or provided at locations other than the premises where the signs are located. This includes billboards.

Signs, On-Premises
Signs that draw attention to or communicate information about businesses, services, commodities, that exist or are conducted, sold, offered, maintained or provided on the premises where the signs are 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 is more than three (3) feet from the ground.

Signs, Political
Temporary signs displayed during a period prior to an election, primary, or referendum to advocate or denounce a particular candidate or cause.

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 or signs that stick in the ground on metal frames.

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, Roof
A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Signs, Special Event
Temporary signs promoting public events such as fund drives, fairs, festivals, sporting events, etc.

Sign, Temporary
A sign not permanently attached to the ground or to a building that is made out of plastic, vinyl, canvas, plywood or other non-permanent material.

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 and is parallel to the wall face. Signs directly painted on walls shall be considered wall signs.

Signs, Wayfinding (Village-sponsored)
Signs that direct travelers and tourists to points of interest including the Central Business District, government facilities, cultural arts facilities, galleries, accommodations, restaurants, and shops. This shall not include signs installed and maintained by NCDOT.

Signs, Yard Sale
Temporary signs displayed for the purpose of advertising yard sales.

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.

Split-Rail Fence
A fence consisting of vertical posts separated by a horizontal distance of greater than two (2) feet that are connected by horizontal or angled boards that are separated by a vertical distance of greater than 6 inches at any point along the fence.

Stealth or Concealed Wireless Support Structure
The support structure for a communications antenna which partially or wholly conceals the antenna or minimizes its appearance in relation to the principal use of the stealth structure. A stealth or concealed structure may also be a freestanding structure with no other use connection to the principal use on the site when it is designed to match features on the site, such as a "tree" structure within natural trees. A stealth structure shall visually blend in and fit with the overall activities and structures on the site. All appurtenances to the antenna are wholly concealed by the same structure or other structure in the immediate vicinity, except where a stealth

Stormwater Runoff
Rain which falls onto impervious surfaces and is not absorbed into the ground immediately. Stormwater runoff carries pollutants from paved surfaces into streams and rivers and causes flooding by speeding up the rate of water flow into streams and rivers.

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.

Street, Public
A public right-of-way set aside for public travel and either which has been accepted for maintenance by NCDOT or the Village, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the NCDOT or the Village for public travel by the recording of a plat of a subdivision with the County Register of Deeds Office.

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.

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 Ordinance Administrator for his designated agent before being presented for certification by the Union 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.

Telecommunication Tower
A tower which is principally intended to support communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operator equipment, as licensed by the Federal Communications Commission (FCC).

Townhome (Townhouse)
An individual dwelling unit constructed in a series of attached units separated by property lines that comprise a multi-family dwelling building. (Source: NC Building Code, Vol. 1, Section 201.3)

Tree, Canopy
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 35 feet under normal growing conditions in the local climate.

Tree, Understory
A tree, either single or multi-stemmed (i.e., in clump form) which is of a species which at maturity, can be expected to reach a height less than 35 feet under normal growing conditions in the local climate.

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.

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.

APPENDIX B
SUBDIVISION PLAT STANDARDS

B.1 Required Contents of Subdivision Plats B-1
B.2 Required Subdivision Plat Certificates B-3

APPENDIX B SUBDIVISION PLAT STANDARDS

B.1 Required Contents of Subdivision Plats

The following table demonstrates the required contents of subdivision plats submitted for review by the Village of Lake Park. Only those items which are applicable to a proposed subdivision, based upon its type, scope and location shall be required.

Sketch	Preliminary	Final / Minor	Information
A TITLE BLOCK CONTAINING			
X	X	X	Property designation
X	X	X	Name of property owner
X	X	X	Location
X	X	X	Date or dates survey was conducted and plat prepared
X	X	X	Scale in feet per inch in words or figures and a bar graph
	X	X	Name, address, registration number and seal of the registered land surveyor and/or engineer who prepared the plat
THE FOLLOWING DATA CONCERNING LOCATION AND LAND USE			
X	X	X	Sketch vicinity map showing the relationship between the proposed subdivision and surrounding area
X	X	X	Corporate limits
X	X	X	North arrow and orientation
X	X		The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distances shown
		X	The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands
	X	X	The names of owners of adjoining properties
	X	X	The name of any adjoining subdivision of record or those under review
	X	X	Minimum building setback lines
X	X		The zoning classifications of the tract to be subdivided and adjoining properties if applicable
X	X	X	Existing property lines on the tract to be subdivided
	X	X	Existing buildings or other structures, watercourses, railroads, bridges, etc.
X	X	X	Proposed lot lines, lot and block numbers and approximate dimensions

Sketch	Preliminary	Final	Information
	X	X	The lots numbered consecutively throughout the subdivision
X	X	X	Wooded areas, marshes, swamps, out-crops, ponds or lakes, streams or stream beds and other natural features affecting the site
	X	X	The exact location of the flood hazard areas from the Village's adopted FIRMs or other FEMA maps
	X	X	Base flood elevations
	X	X	404 Wetland boundaries
THE FOLLOWING DATA CONCERNING STREETS			
X	X		Proposed streets
X	X	X	Existing and platted streets on adjoining properties and in the proposed subdivision
	X	X	Right-of-way, locations and dimensions
	X		Pavement widths
	X		Approximate grades
	X	X	Design engineering data for all corners and curves
	X		Typical street cross sections
	X	X	Street names & evidence that names have been approved by E-911
		X	Street maintenance agreement
	X		Evidence that the subdivider has obtained approval on street design and driveway permits
	X	X	Utility and other easements
X	X	X	Natural buffers
	X	X	Greenways, sidewalks or bicycle paths
X	X	X	Parks and recreation areas with specific type indicated
X	X	X	Areas to be dedicated to or reserved for public use
X	X	X	Areas to be used for purpose other than residential with the purpose of each stated
	X	X	The future ownership (dedication or reservation for public use to government body, for owners to duly constituted homeowner's association or for tenants remaining in sub divider's ownership) of recreation and open space lands
PLANS FOR UTILITY LAYOUTS INCLUDING			
	X		Sanitary sewers

Sketch	Preliminary	Final	Information
	X		Storm sewers
	X		Other drainage facilities, if any
	X		Water distribution lines
	X		Natural gas lines
	X		Communications lines
	X		Electric lines
	X		Profiles based upon mean sea level datum for sanitary sewers and storm sewers.
	X		Illustration of connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves
SITE CALCULATIONS INCLUDING			
	X	X	Acreage in total tract to be subdivided
	X	X	Acreage in parks and recreation areas and other nonresidential uses
	X	X	Total number of parcels created
	X		Size of the smallest lot in the subdivision
	X	X	Linear feet in streets
		X	Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, right-of-way, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one one-hundredth of a foot and all angles to a minimum angular accuracy of the nearest minute.
		X	The accurate locations and descriptions of all monuments, markers and control points

B.2 Required Subdivision Plat Certificates

The following certificates, as applicable based on the type and scope of a proposed subdivision, are required to be shown upon final subdivision plats. Certificates, with the exception of the certificate of approval for recording shall be signed prior to submission of the final plat for review and approval.

A. Certificate of Ownership and Dedication

Certificate of Ownership and Dedication

The undersigned hereby certifies that the land shown hereon is owned by the undersigned, and hereby freely dedicates all rights-of-way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity.

_____ _____

Owner(s) Date

B. Certificate of Survey and Accuracy

Certificate of Survey and Accuracy

I _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book ___, Page ____, etc.) (other); that the ratio of precision is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____; that this plat was prepared in accordance with NCGS 47-30, as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D. 20___.

_____

Surveyor

Seal or Stamp

_____

Registration Number

C. Certificate of Approval For Recording

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Village of Lake Park Unified Development Ordinance and that this plat has been approved by the Lake Park Village Council for recording in the Office of the Register of Deeds.

_____ _____

Mayor, Village of Lake Park Date

D. Certificate of Land Use Regulation and Purpose of Plat

Certificate of Land Use Regulation and Purpose of Plat

I, _____, certify to one (1) of the following:

a. That this survey creates a subdivision of land within the area of a county or municipality that has an Ordinance that regulates parcels of land;

b. That this survey is located in a portion of a county or municipality that is unregulated as to an Ordinance that regulates parcels of land;

c. Any one (1) of the following:

1) That this survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;

2) That this survey is of an existing building or other structure, or natural feature, such as a watercourse; or

3) That this survey is a control survey.

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

e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in a) through d) above.

_____
Surveyor

Seal or Stamp

_____
Registration Number

E. Certificate of Exemption

Certificate of Exemption

I hereby certify that the division of land shown and described hereon is not a division of land subject to the Village of Lake Park Unified Development Ordinance due to its exclusion by NCGS 160A-376(a) from the definition of a Subdivision. No approval of this plat is required.

_____ _____
Ordinance Administrator Date

E. Certificate of approval of the design of streets shall read as follows:

Certificate of Approval of Proposed State Roads

I hereby certify that these roads as installed or as designed and guaranteed are in accordance with the minimum design criteria presently required by the North Carolina Department of Transportation, Division of Highways, for the acceptance of streets onto the State system for maintenance

_____ _____

District Engineer Date
North Carolina Department of Transportation
Division of Highways

AND/OR

Certificate of Approval of Proposed Village Streets

I hereby certify that these streets as installed or as designed and guaranteed are in accordance with the minimum design criteria presently required by the Village of Lake Park, for the acceptance of streets onto the Village system for maintenance.

_____ _____

Village Engineer Date
Village of Lake Park

F. The Certificate of approval for public water and / or sewer systems shall read as follows:

Certificate of Lots Served by Public Water and/or Sewer Systems

I hereby certify that the construction plans for the water system and/or sewer system have been approved for _____ (Name of Subdivision). The utilities have been constructed, or secured via a financial guarantee, to the standards established by the Union County Public Works Department.

_____ _____

Director, Union County Public Works Department Date

G. The Certificate of approval by the review officer shall read as follows :

Certificate of Review Officer

I, _____, Review Officer of Union County certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ _____

Review Officer Date