

TOWN OF ATLANTIC BEACH



UDO UPDATE

MODULE 3: STANDARDS

Staff Review Draft

April 11, 2017

ACKNOWLEDGEMENTS



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¹ This document does not include Appendix B (plant list) from the current ordinance, nor does it include the various submittal requirements (e.g., Section 6.39.3, Section 8.7.B, Section 14.4.1.B, Section 15.2.A & E, Section 15.4.A & B, and Section 16.8.A & B). These are intended for relocation to an outside document like a procedures manual, to be prepared by staff.

TABLE OF AMENDMENTS²

TABLE OF AMENDMENTS

This table identifies the amendments that have been made to the UDO since adoption

ORDINANCE #	DATE ADOPTED	TITLE	AFFECTED UDO SECTION(S)	DESCRIPTION

² This is a table included for the Town's use following adoption of the UDO.

**ARTICLE 18-5. DEVELOPMENT
STANDARDS**

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KEY CHANGES IN UPDATED UDO

- Property address numbers now have a timing requirement (prior to occupancy)
- The CIR district standards related to sight distance triangles from driveway entrances to be applied everywhere
- Multi-use paths may be provided in lieu of or in addition to sidewalks
- The off-street parking standards are revised to recognize the new line-up of uses, greater detail on configuration, simplification in space size calculation, and more robust parking flexibility requirements
- Changes of use and expansions are subject to parking requirements
- Clarified that screening is to be provided between refuse collection facilities and equipment areas and streets, single-family detached residential, and duplex dwellings
-

ARTICLE 18-5. DEVELOPMENT STANDARDS

18.5.1. PROPERTY ADDRESS NUMBERS

A. APPLICABILITY

1. All principal structures located on lots within the Town of Atlantic Beach shall display property address numbers in accordance with the standards in this section.
2. Accessory structures and structures owned or operated by the Town shall be exempted from these requirements.

B. ASSIGNMENT

Required property address numbers shall be assigned by the Carteret County Emergency Management Department and shall be maintained on file in the appropriate County office.

C. LOCATION

Required property address numbers shall be displayed in a conspicuous location that is visible from the street fronting the lot.

D. CONFIGURATION

Required property address numbers shall be at least four inches high but no more than seven inches high, and at least one-half ($\frac{1}{2}$) inch thick.

E. TIMING

1. Principal structures subject to the standards in this section shall display required property address numbers prior to issuance of a certificate of occupancy, or prior to habitation in cases where no certificate of occupancy is required.
2. All waterfront properties containing a structure for which a property number can be obtained from the Carteret County Emergency Management Office shall install required property addresses, in accordance with the standards in this section, by August 24, 2010.

F. STRUCTURES ON THE WATERFRONT

1. All structures located on the waterfront (including the sound, oceanfront, and canals) shall display property address numbers on the waterfront side of the property in addition to the street side.
2. Property address numbers shall be placed in a location visible from the adjacent watercourse or beachfront, such as on a dock, pier, structure facade, or other location approved by the UDO Administrator.
3. Lots with an undevelopable lot or parcel located between the lot line and the water shall be considered to be on the waterfront for the purposes of this section.

¹⁰² This section carries forward the standards from Section 2.24 of the current code with no substantive changes with the addition of a timing provision.

18.5.2. ACCESS AND CIRCULATION

A. PURPOSE AND INTENT

The purpose of this section is to support the creation of a highly connected transportation system within the Town in order to provide choices for drivers, bicyclists, and pedestrians. More specifically, these standards are intended to:

1. Promote walking and bicycling;
2. Connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers;
3. Reduce vehicle miles of travel and travel times;
4. Improve air quality;
5. Reduce emergency response times;
6. Increase effectiveness of municipal service delivery; and
7. Free up arterial capacity to better serve regional long distance travel needs.

B. APPLICABILITY

The construction of any vehicular, bicycle, and pedestrian circulation systems shall comply with all applicable Town standards and the requirements of this section.

C. STREET ARRANGEMENT¹⁰⁴

1. Generally

All public and private streets shall comply with applicable state and local fire codes or deviations, as approved by the North Carolina State Fire Marshal.

2. Minimum Points of Access

Any development of more than 100 residential units, or additions to existing developments that result in the total number of units exceeding 100 shall be required to provide vehicular access to at least two public streets, unless deemed impractical by the UDO Administrator due to topography, natural features, or the configuration of adjacent developments.

3. Continuation

Where new development is adjacent to vacant land likely to be divided in the future, all streets, bicycle paths, and pedestrian access ways in the development's proposed circulation system shall continue to the boundary lines of the area under the same ownership so as to provide for the orderly subdivision of adjacent land and the transportation and access needs of the community.

4. Termination

- a. In general, permanent cul-de-sacs and dead-end streets are discouraged in the design of street systems, and should only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.
- b. Where culs-de-sac or dead-end streets are unavoidable, site and/or subdivision plans shall incorporate provisions for future vehicular connections to adjacent, undeveloped properties.
- c. Permanent dead-end streets or cul-de-sacs shall comply with the length limits and design standards set forth by the Town, and shall be provided with a turnaround at the closed street end.

5. Retrofitting

All redevelopment and street improvement projects shall take advantage of opportunities for retrofitting existing streets to provide increased vehicular and pedestrian connectivity.

¹⁰³ This section carries forward the standards in Section 2.20 of the current code with no substantive changes.

¹⁰⁴ This section carries forward the standards in Section 7.4, Connectivity.

D. DRIVEWAYS ACCESSING PUBLIC STREETS¹⁰⁵

1. General Requirements

- a. Driveways accessing public streets shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highways" adopted by the North Carolina Department of Transportation (NCDOT), as amended.
- b. All driveways connecting to NCDOT-maintained roads must be approved by NCDOT.

2. Required Spacing

- a. No portion of any driveway leading from a public street shall be closer than 25 feet to the corner of any intersection measured from the right-of-way line.
- b. No two driveways accessing a public street shall be located within 25 feet of each other measured along the right-of-way.

3. Configuration

- a. No surface parking or circulation driveway is permitted within any required landscaping area, but driveways may be installed across these areas.
- b. Driveways shall be as nearly perpendicular to the street right-of-way as possible.
- c. Driveways shall line up with other driveways across the street and be shared between adjacent uses, wherever possible.

4. Width Requirements

The following width provisions shall apply to multi-family, nonresidential, and mixed use development.

a. Minimum Width

Driveways shall be not less than ten feet wide for one-way traffic and 18 feet wide for two-way traffic.

b. Marginal Width

Driveways of 12 feet in width are permissible for two-way traffic when:

- i. The driveway is not longer than 50 feet; and
- ii. The driveway provides access to not more than six parking spaces; and
- iii. Sufficient turning space and stacking area is provided so that vehicles need not back into a public street.

c. Maximum Width

The width of any driveway accessing a public street shall not exceed 36 feet at its intersection with the right-of-way, except as required by NCDOT.

5. Additional Standards in the CIR District

In addition to the standards in this section, development within the CIR district shall also comply with the applicable standards in Section <>, District-Specific Standards.

E. VISIBILITY AT INTERSECTIONS¹⁰⁶

Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a public or private street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in the intersection. Required sight distance triangles shall be configured in accordance with the following standards:

1. Roadway Intersections

a. Intersections with State-maintained Roadways

- i. In cases where a roadway intersects a state-maintained roadway, the required

¹⁰⁵ These standards consolidate the provisions in Section 2.20 and 9.4 of the current ordinance.

¹⁰⁶ This section consolidates and re-words the standards in Section 2.18, Visibility at Intersections and the standards in Section 6.8.6.D.6 pertaining to sight distance triangles from parking lots.

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.2. Access and Circulation

Subsection F. Standards for Pedestrian Facilities

sight distance triangle shall be an area between a point at the edge of the state-maintained road right-of-way located 70 linear feet from the intersection and a second point at the edge of the opposing road right-of-way located ten feet from the intersection.

- ii. Nothing shall prohibit the NCDOT from requiring an alternative sight distance triangle configuration.

b. Intersections w All Other Roadways

- i. In cases where a roadway intersects another roadway not maintained by the state, the required sight distance triangle shall be an area between a point at the edge of one road right-of-way and a second point at the edge of the opposing road right-of-way, each point being a distance of 20 linear feet from the intersection.
- ii. Alternative sight distance triangles may be approved by the UDO Administrator, if designed and sealed by a registered engineer.

2. Points of Ingress or Egress on a Roadway

Lots with a driveway serving a parking lot of four or more off-street parking spaces shall incorporate a sight distance triangle that includes an area between one point at the edge of the road right-of-way located 15 feet from the edge of the driveway and a second point at the edge of the driveway located ten feet from the edge of the road right-of-way.

3. Limitations on Obstructions within Required Sight Distance Triangles

- a. No planting, structure, fence, wall, slope, embankment, parked vehicle, or other obstruction to vision between the heights of two-and-one-half (2½) feet and ten feet above the centerline grades of intersection streets or accessways may be located within a required sight distance triangle.
- b. No structure or object, regardless of its size, which obstructs visibility within a required sight distance triangle to the detriment of vehicular or pedestrian traffic shall be permitted.

F. STANDARDS FOR PEDESTRIAN FACILITIES¹⁰⁷

Except where exempted, new residential and nonresidential development shall comply with the following pedestrian circulation standards.

1. Sidewalks

a. Where Required

- i. Sidewalks shall be installed along the frontage of all new development or redevelopment within the MHI, CIR, COR, and CPY districts.
- ii. Unless determined impractical by the UDO Administrator, residential developments with cul-de-sacs or dead-end streets shall include a sidewalk or multi-use path from the dead end or cul-de-sac to the closest local street, collector street, or to a cul-de-sac in an adjoining subdivision.

b. Configuration

All sidewalks shall be designed to comply with Town standards, as determined by the Public Services Director.

2. Multi-Use Paths

- a. Subject to the prior approval of the Town Council, multi-use paths may be proposed in lieu of sidewalks in cases where sidewalks are not present or where the existing sidewalk system is not well connected. If provided, multi-use shall be configured in

¹⁰⁷ This section carries forward the standards in Section 7.4.5 of the current ordinance with minor revision for clarity, but with no substantive change.

accordance with the following standards:

i. Locations

- a). All paths shall be located in corridors that serve origin and destination points such as residential areas, schools, shopping centers, parks, or similar features.
- b). All paths shall be built in locations that are visible and easily accessible, for the personal safety of users.
- c). All multi-use paths shall connect to the street system in a safe and convenient manner.
- d). All path connections shall include destination and directional signing.
- e). Whenever possible, paths shall be designed in such a manner that motor vehicle crossings can be eliminated or significantly minimized. Where crossings exist, they must be carefully designed to ensure the safety of the users.

ii. Easements Required

All multi-use paths shall be located in easements dedicated to pedestrian and bicycle access by members of the general public.

iii. Configuration

- a). Multi-use paths shall be at least six feet in width.
- b). Where multiple uses are intended (i.e., shared pedestrian and bicycle traffic) the path shall be ten feet wide, to the maximum extent practicable.
- c). All paths shall be constructed of durable, low-maintenance materials, with sufficient width and clearance to allow users to proceed at reasonable speeds.
- d). Asphalt paths shall be one and one-half (1½) sf 9.5A underlain by four inches CABC.¹⁰⁸
- e). Asphalt paths shall only be permitted parallel to roadways where there are a limited number of driveway and street crossings and where the path is offset a minimum of 12 feet from the back of the curb.

iv. Maintenance Required

Paths shall be maintained in usable condition throughout the year depending on level of use, including snow removal, as appropriate.

- b). Nothing shall prohibit the provision of multi-use paths in addition to the provision of sidewalk facilities, provided the multi-use paths comply with the standards in this section.

3. On-site Pedestrian Circulation

Pedestrian walkways shall form an on-site circulation system that minimizes conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances, and shall be configured in accordance with the following standards:

- a). Pedestrian walkways shall connect building entrances to one another and building entrances to public sidewalk connections.
- b). All developments containing more than one principal building shall provide pedestrian walkways between the primary entrance of each principal building.
- c). Pedestrian walkways shall be provided to any pedestrian access point or any parking space that is more than 50 feet from the building entrance or principal on-site destination.

¹⁰⁸ NOTE TO STAFF: This sentence makes no sense.

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.2. Access and Circulation

Subsection G. Standards for Bicycle Facilities

- d. All non-residential buildings set back more than 100 feet from the public right-of-way shall provide for direct pedestrian access to buildings on adjacent lots.

G. STANDARDS FOR BICYCLE FACILITIES¹⁰⁹

Sidewalks are not acceptable as substitutes for bike lanes, and bicycle lanes shall be provided in accordance with the following standards:

1. Where Required

Bicycle lanes or wide outside lanes shall be incorporated in the design of all minor collectors.

2. Configuration

Bike lanes shall be a minimum of four feet in width (excluding adjacent curb and gutter, if present).

3. Signage

Development shall provide appropriate bicycle amenities to encourage cyclists. Signage indicating the presence and location of such amenities shall be scaled for easy reading by bicyclists and pedestrians as well as motorists.

¹⁰⁹ NOTE TO STAFF: This section carries forward the standards in Section 7.4.6 of the current code, but additional discussion is needed regarding the development activities subject to the requirements to provide bike lanes.

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.3. Off-Street Parking and Loading

Subsection C. Off-Street Parking Requirements for Vehicles

18.5.3. OFF-STREET PARKING AND LOADING

A. PURPOSE AND INTENT

The purpose and intent of this section is to ensure the provision of safe off-street parking and loading facilities for development allowed by this Ordinance. The standards in this section are intended to avoid requiring an over-supply of parking that pose economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods.

B. APPLICABILITY

1. General

The standards in this section shall apply to all development in the Town.

2. Additions and Expansions

Whenever a building or open air use of land is constructed, enlarged, or increased in capacity, the development shall meet the requirements of this section unless the total number of off-street parking spaces required after the addition or expansion is less than four.

3. Changes in Use

If the principal use changes, then the new principal use shall meet the requirements of this section, except that if the use change results in an increase of less than five percent in the required number of parking spaces, or less than four additional parking spaces, no additional parking spaces are required.

4. CIR District

Development located in the CIR district shall comply with the applicable parking standards in Section <>, District-Specific Standards, in addition to these standards. In cases where the standards conflict, the CIR district standards shall control.

C. OFF-STREET PARKING REQUIREMENTS FOR VEHICLES

1. Parking Plan Required

Every application for a site plan, building permit, or zoning permit, shall ensure that adequate off-street parking is provided for the uses or buildings contained in the application. Off-street parking must be provided to meet the parking demand without use of public streets, except as specifically allowed by this section.

2. Minimum Off-Street Parking Spaces Required

The minimum number of off-street parking spaces required for development shall be in accordance with Table <>, Minimum Off-Street Parking Spaces Required. Nothing shall prohibit the provision of off-street parking spaces in amounts exceeding the minimum requirements.

TABLE <>: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE CLASS	USE CATEGORY	PRINCIPAL USE TYPE	REQUIRED NUMBER OF OFF-STREET PARKING SPACES [1]
RESIDENTIAL	Household Living [2]	Single-family detached dwelling	2 per dwelling
		Duplex	2 per dwelling
		Triplex	5 + 1 guest space
		Quadplex	7 + 2 guest spaces
		Townhouse	2 per dwelling + 1 guest space for every four units
		Multi-family	1.5 per dwelling
		Upper-story residential	1 per dwelling
		Manufactured home	2 per dwelling
		Manufactured home park	2 per dwelling + 1 guest space for every four units

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.3. Off-Street Parking and Loading

Subsection C. Off-Street Parking Requirements for Vehicles

TABLE <>: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE CLASS	USE CATEGORY	PRINCIPAL USE TYPE	REQUIRED NUMBER OF OFF-STREET PARKING SPACES [1]
	Group Living	Group Home	1 space per bedroom + 1 guest space
INSTITUTIONAL	Day Care	Day Care	1 per employee + 2
	Education	Educational facility	1 per employee + 1 per classroom
	Government	Government facility, major	1 space per vehicle + 1 per employee
		Government facility, minor	1 per employee + 1 per every 250 square feet
	Health Care	Health care facility, major	1 per bed + 1 per employee
		Health care facility, minor	1 per every 200 square feet; minimum of 5
	Institutions	Institutions, major	Greater of: 1 per every 6 seats, or 1 per every 50 square feet of seating area in main assembly room
		Institutions, minor	
	Parks and Open Space	Parks & open spaces	1 per employee
	Utilities	Utilities, major	1 per every 2 employees
		Utilities, minor	None required
		Wireless telecommunications facility, major	0.5 per wireless service provider up to 3
		Wireless telecommunications facility, minor	None required
COMMERCIAL	Adult Entertainment	Adult entertainment	1 per every 200 square feet
	Animal Care	Animal care, major	1 per every 400 square feet
		Animal care, minor	
	Automotive	Automotive, major	1 per every 400 square feet of sales and office area; minimum of 5
		Automotive, minor	
	Eating Establishment	Eating establishment, major	1 per every 100 square feet
		Eating establishment, moderate	1 per every 150 square feet
		Eating establishment, minor	1 per every 200 square feet
	Maritime	Maritime, major	1 per employee
		Maritime, minor	1 per every 200 square feet
		Marina	1 per every two berths + 1 per employee + spaces for any associated use (e.g., eating establishment, retail sales, etc.)
	Office	Office, major	1 per every 100 square feet
		Office, moderate	1 per every 200 square feet
Office, minor		1 per every 300 square feet	
Parking	Parking, commercial	1 per employee; Otherwise, none required	
Personal Services	Personal services, major	1 per every 300 square feet	
	Personal services, minor	1 per every 200 square feet	

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.3. Off-Street Parking and Loading

Subsection D. Parking Lot Configuration

TABLE <>: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE CLASS	USE CATEGORY	PRINCIPAL USE TYPE	REQUIRED NUMBER OF OFF-STREET PARKING SPACES [1]
	Recreation/ Entertainment	Tattoo/body piercing establishment	1 per every 200 square feet
		Commercial recreation, indoor	1 per every 200 square feet + 1 per employee
		Commercial recreation, outdoor	1 per every 400 square feet of recreation-related area + 1 per employee
	Retail Sales	Event venue	1 per every 100 square feet
		Retail sales, major	1 per every 400 square feet
		Retail sales, moderate	1 per every 300 square feet
	Accommodations	Retail sales, minor	1 per every 200 square feet
		RV park	1 per every RV space + 1 per employee + 5
		Visitor accommodations, major	1 per room + 1 per employee + spaces for any associated use (e.g., eating establishment)
	INDUSTRIAL	Industrial	Visitor accommodations, minor
Light industrial			1 per employee
		Heavy industrial	1 per every two employees

NOTES:

[1] "Square feet" refers to the gross floor area of a building and also includes any outdoor use areas.

[2] Home occupation uses shall provide off-street parking spaces in accordance with Section <>, Home Occupation. Home day care accessory uses shall provide off-street parking spaces in accordance with Section <>, Home Day Care.

3. Uses Not Listed

For uses that do not correspond to the use types listed in Table <>, Minimum Off-Street Parking Spaces Required, the UDO Administrator shall determine the minimum parking space requirement. In such instances, the application shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed and hours of operation.

4. Other Vehicles Located Off-Street

The following vehicles are not included in Table <>, Minimum Off-Street Parking Spaces Required, and shall be parked or located outside required parking spaces and any public street right-of-way in accordance with this Ordinance:

- a. Vehicles for sale or lease;
- b. Vehicles being stored, serviced or repaired; or
- c. Vehicles belonging to the use, such as company vehicles.

5. Multiple Use Development

Development containing more than one principal use shall provide parking spaces in an amount equal to the total of all individual principal uses, except as allowed in Section <>, Parking Alternatives.

6. Driveways Used to Meet Requirements

Except for multi-family dwellings, driveways may be used to meet the minimum off-street parking space requirements for all use types in the Household Living use category, provided that sufficient space is available to meet the standards of this section.

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.3. Off-Street Parking and Loading

Subsection D. Parking Lot Configuration

D. PARKING LOT CONFIGURATION¹¹⁰

All parking lots comprised of four or more parking spaces shall comply with the following standards:

1. General

- a. All required off-street parking and loading spaces shall be located on the same lot as the principal use they serve, except as allowed in Section <>, Parking Alternatives.
- b. All required off-street parking and loading spaces shall not be used for any other purpose, including, but not limited to the storage or display of goods or the sale, lease, storage, or repair of vehicles.
- c. Required off-street parking shall be maintained for the duration of the principal use and shall not be reduced unless the principal use ceases or changes.
- d. Off-street loading spaces shall be not be located in any required parking space or protrude into any public street.

2. Easements

A parking lot shall not be located within an easement without approval of the easement holder.

3. Parking Space Access¹¹¹

All off-street parking spaces shall be accessed directly from drive aisles or private driveways and not directly from public streets.

4. Vehicle Backing

- a. Vehicular use areas shall be designed so that a vehicle is not required to back onto a public street to enter or exit the parking lot, a parking space, or a stacking space.
- b. Except in the CIR district, off-street loading shall be designed so that no backing into or from a public street is necessary.

5. Dimensional Standards for Parking Spaces¹¹²

Standards parking spaces and parking aisles shall comply with the minimum dimensional standards established in Table <>, Dimensional Standards for Off-Street Parking Spaces.

TABLE <>: DIMENSIONAL STANDARDS FOR OFF-STREET PARKING SPACES						
PARKING SPACE ANGLE	MINIMUM PARKING SPACE WIDTH (FEET) [1]		MINIMUM PARKING SPACE DEPTH (FEET)		MINIMUM BACK-UP MANEUVERING AREA (FEET) [3]	
	STANDARD	COMPACT [2]	STANDARD	COMPACT [2]	STANDARD	COMPACT [2]
Parallel (0°)						
	9	8	20	16	N/A	
Angled (30°)						
	9	8	17.8	15.1	12	13
	9.5		18.2			
	10		18.7			
Angled (45°)						
	9	8	20.5	18.3	15	13
	9.5		20.9		14	

¹¹⁰ NOTE TO STAFF: these are new standards and proposed to replace the standards in Section 9.1.1 of the current ordinance.

¹¹¹ NOTE TO STAFF: Additional discussion about this proposed standard is needed. This is an important standard for safety, but could render many nonresidential sites nonconforming.

¹¹² NOTE TO STAFF: this table is new and simplifies the table in Section 9.2 of the current ordinance. The current table lists two differing space widths and lengths, which is very confusing.

TABLE <>: DIMENSIONAL STANDARDS FOR OFF-STREET PARKING SPACES						
PARKING SPACE ANGLE	MINIMUM PARKING SPACE WIDTH (FEET) [1]		MINIMUM PARKING SPACE DEPTH (FEET)		MINIMUM BACK-UP MANEUVERING AREA (FEET) [3]	
	STANDARD	COMPACT [2]	STANDARD	COMPACT [2]	STANDARD	COMPACT [2]
	10		21.7			
Angled (60°)						
	9	8	21.8	19.8	18	15
	9.5		22.1			
	10		22.3			
Perpendicular (90°)						
	9	8	20	18	24	20
	9.5				23	
	10				22	
<p>NOTES:</p> <p>[1] "Standard" means a typical or standard parking space; "compact" means a parking space designated solely for a compact car.</p> <p>[2] A maximum of 25 percent of the total number of required spaces may be provided as compact spaces.</p> <p>[3] The drive aisle width may be credited toward this requirement.</p>						

6. Dimensional Standards for Parking Aisles

Drive aisles within parking lots shall be configured with the following minimum widths:

a. One-way Traffic

Parking lot aisles serving one-way traffic shall be at least 15 linear feet in width.

b. Two-way Traffic

Parking lot aisles serving two-way traffic shall be at least 20 linear feet in width.

c. Minimum Back-up Area

Regardless of minimum aisle width requirements, parking lot aisles shall be configured to accommodate the minimum back-up maneuvering area required in **Table <>, Dimensional Standards for Off-Street Parkign Spaces.**

7. Handicapped Accessibility

Handicapped parking spaces are required for all forms of development except single-family detached dwellings, and shall meet the following criteria:

a. Configuration

- i.** Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act.
- ii.** All handicapped spaces shall be identified by pavement markings and by appropriate signage approved by the NC Department of Transportation.
- iii.** Handicapped parking spaces shall be located in the closes proximity to major building entrances, but in no event shall handicapped parking spaces be located more than 100 feet from a major building entrance.
- iv.** Handicapped parking spaces shall be a minimum of eight feet wide by 20 feet in depth and shall have an adjacent access aisle that has a minimum width of five feet.
- v.** Two accessible parking spaces may share a common access aisle.
- vi.** The first one out of every eight accessible parking spaces shall be a van

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.3. Off-Street Parking and Loading

Subsection D. Parking Lot Configuration

accessible space with an adjacent access aisle at least eight feet wide and a vertical clearance of at least eight feet along the vehicular route to the parking space.

- vii. All handicapped parking spaces shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.
- viii. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

b. Number Provided¹¹³

Handicapped parking spaces shall be provided in accordance with the standards in **Table <>, Accessible Parking Spaces:**

TABLE <>: ACCESSIBLE PARKING SPACES	
TOTAL NUMBER OF OFF-STREET PARKING SPACES (#) [1]	MINIMUM NUMBER OF REQUIRED HANDICAPPED PARKING SPACES (#)
Up to 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 or more	2% of the total number of off-street parking spaces

NOTES:
[1] Not including minimum number of required handicapped spaces.

8. Pedestrian Connections

Pedestrian connections between the principal buildings on a development site and a public street(s) shall be provided in accordance with **Section <>, Access and Circulation**. Parking spaces shall be designed to ensure vehicles do not encroach into the walkways.

9. Stacking Spaces¹¹⁴

a. General

Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with this section. Such uses include but are not limited to: restaurants with drive-through, convenience store with fuel sales, and other uses with service bays or drive-throughs.

b. Design

¹¹³ NOTE TO STAFF: this section carries forward the standards in Section 9.1.4.E of the current code. Some communities simply reference the State Building Code requirements instead, which avoids the need to keep up with changes in the standards.

¹¹⁴ NOTE: these are new standards for the Town’s consideration.

Stacking spaces are subject to the following design and layout standards:

- i. Size**
Stacking spaces shall be a minimum of 9 feet wide and 16 feet long.
- ii. Traffic Movements**
Stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.
- iii. Bicycle and Pedestrian Movement**
Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements, whether on-site or off-site.
- iv. Separation**
Stacking spaces shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

10. Bicycle Parking¹¹⁵

Bicycle parking shall be provided for all developments with ten or more off-street parking spaces, in accordance with the following standards:

- a.** A bicycle rack or other device shall be provided to enable bicycles to be secured.
- b.** Bicycle parking shall be located where it does not interfere with pedestrian traffic and is protected from conflicts with vehicular traffic.
- c.** Bicycle parking should be accessible to the primary entrances of the development and in a visible, well-lit area.
- d.** Bicycle parking may be accommodated within street setback areas.

11. Surface Materials¹¹⁶

- a.** All required parking spaces, drives, and loading spaces in a parking lot shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as provided in this section.
- b.** The use of pervious or semi-pervious materials may be approved as an alternate means of paving provided it is demonstrated that the materials will function in a similar fashion as required materials.
- c.** Except for required parking facilities for the disabled, required parking may be constructed with gravel or other approved comparable all-weather surface for:
 - i.** Parking used on an irregular basis for religious institutions, private minor assembly uses, and other similar nonprofits organizations;
 - ii.** Parking for residential uses or a bed and breakfast establishment where 6 or fewer spaces are required; and
 - iii.** Parking for an office use converted from a single-family detached dwelling where 4 or fewer spaces are required.

12. Grading and Drainage

- a.** The vehicular use area shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.
- b.** Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement unless alternative provisions for drainage are proposed and accepted by the UDO Administrator.

13. Curb and Gutter

¹¹⁵ NOTE TO STAFF: This section builds on the bike parking standards in Section 9.1.1.O of the current ordinance.

¹¹⁶ NOTE TO STAFF: These are new comprehensive surfacing standards for the Town's consideration.

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.3. Off-Street Parking and Loading

Subsection F. Parking Alternatives

Where vehicular use areas are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the area.

14. Markings

All spaces and lanes in vehicular use areas shall be clearly delineated with paint lines, curbs, or other treatment, whether the vehicular use area is paved or unpaved.

15. Curbs and Wheel Stops

All parking spaces provided shall have curbs or wheel stops located so that no part of the parked vehicle will extend onto a sidewalk, walkway, adjacent property or landscape area, whether the vehicular use area is paved or unpaved.

16. Exterior Lighting

Exterior lighting in parking lots shall be designed to prevent glare or illumination exceeding maximum allowable levels on adjacent land and shall comply with the standards of **Section <>, Exterior Lighting**, as appropriate.

17. Landscaping

Landscaping shall be provided in accordance with **Section <>, Landscaping**.

E. PARKING LOT CROSS-ACCESS¹¹⁷

1. All non-residential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets and/or driveways.
2. A minimum distance of 100 feet shall be required between a cross-access way and an intersection or driveway entrance.
3. When cross-access is deemed impractical by the UDO Administrator on the basis of topography, the presence of natural features, or vehicular safety factors, this requirement may be waived.
4. A cross access easement must be recorded prior to issuance of a certificate of occupancy for the development.

F. PARKING ALTERNATIVES¹¹⁸

1. On-Street Parking

If on-street parking is available for use immediately adjacent to a proposed project site, the parking requirement may be reduced by a percentage equivalent to the number of spaces available.

2. Off-Site Parking

The required off-street parking for a use may be met off-site in accordance with the following standards:

- a. The off-site parking is located within 1,000 feet as measured from the entrance of the use to the nearest shared parking space.
- b. A sidewalk or pedestrian accessway is provided to the shared parking area from the use.
- c. A off-site parking plan is a written agreement allowing the off-site location of parking, and shall be executed by the owners involved and filed with the UDO Administrator prior to the use of off-site parking facilities.
 - i. The agreement must guarantee the long-term availability of parking.
 - ii. Should the agreement cease, then the use shall be considered to contain nonconforming site conditions and future expansions of the use shall be

¹¹⁷ NOTE TO STAFF: This section is proposed to replace the standards in Section 9.1.6 of the current ordinance.

¹¹⁸ This section has been re-written to consolidate all parking alternatives into one location. The standards are essentially the same except that shared parking must be located within 1,000 feet of uses served, and shared and off-site parking requires execution of a parking agreement.

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.3. Off-Street Parking and Loading

Subsection G. Off-Street Loading Requirements

prohibited unless the use is brought into compliance with the minimum parking requirements of this section.

3. Shared Parking

The required off-street parking for a use may be met off-site with the required off-street parking spaces of another use in accordance with the following standards:

- a. The shared parking is located within 1,000 feet, as measured from the entrance of the use to the nearest shared parking space.
- b. A sidewalk or pedestrian accessway is provided to the shared parking area from the use.
- c. The uses served by the shared parking plan must have different peak parking demands, differences in hours or days of operation, or otherwise operate such that the uses have access to the required minimum parking spaces when in operation.
- d. The UDO Administrator may approve up to 100 percent of the minimum parking requirement of a use through a shared parking plan.
- e. A shared parking plan is a written agreement allowing the shared use of parking, and shall be executed by the owners involved and filed with the UDO Administrator prior to the use of shared parking facilities.
 - i. The agreement must guarantee the long-term availability of parking.
 - ii. Should the agreement cease, then the use shall be considered to contain nonconforming site conditions and future expansions of the use shall be prohibited unless the use is brought into compliance with the minimum parking requirements of this section.

4. Compact Car Parking Spaces

Up to 25 percent of the required off-street parking spaces may be provided as compact car spaces, provided the spaces comply with the standards in **Table <>, Dimensional Standards for Off-Street Parking Spaces**, and that compact car parking spaces are clearly marked or posted for compact cars only.

G. OFF-STREET LOADING REQUIREMENTS¹¹⁹

1. Applicability

- a. Use types including industrial uses, wholesale, retail, and other uses that receive or distribute merchandise by vehicles shall include designated off-street loading spaces configured in accordance with these standards.
- b. Uses that receive not more than one delivery and pickup during the normal business hours (e.g., retail trade, office, or institutional), shall also provide an off-street loading space, but it may be combined with an existing parking space on the premises.

2. Rate of Provision

Off-street loading spaces shall be provided in accordance with **Table <>, Required Off-Street Loading Facilities**.

TABLE <>, REQUIRED OFF-STREET LOADING FACILITIES	
TYPE OF USE	MINIMUM NUMBER OF REQUIRED LOADING FACILITIES
Retail	1 per every 5,000 square feet of floor area [1]
Wholesale and Industrial	1 per every 20,000 square feet of floor area
Office and Institutional	1 per every 10,000 square feet of floor area [1]

¹¹⁹ NOTE TO STAFF: This section carries forward the standards in Section 9.7 of the current ordinance with no substantive changes.

TABLE <>, REQUIRED OFF-STREET LOADING FACILITIES

TYPE OF USE	MINIMUM NUMBER OF REQUIRED LOADING FACILITIES
<p>NOTES: Off-street loading spaces may occupy an off-street parking space instead of being a designated loading facility for uses that receive no more than one delivery and pickup from a vehicle per day.</p>	

3. Configuration of Designated Loading Spaces

- a. Each designated loading space shall be at least 12 feet in width, 30 feet in length, and shall have a height clearance of at least 14 feet.
- b. Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises.
- c. All ingress and egress areas shall satisfy NCDOT requirements.
- d. Loading spaces must be designed so as to not interfere with the normal movement of vehicles and pedestrians on public rights-of-way.
- e. Off-street loading spaces shall be located in the rear yard.
- f. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking.

18.5.4. LANDSCAPING

[placeholder]

18.5.5. REFUSE COLLECTION FACILITIES AND MECHANICAL EQUIPMENT**A. PURPOSE AND INTENT**

These standards are intended to reduce the visual impact of refuse collection structures and service areas upon the public realm and adjacent lots as well as to enhance the aesthetics of development in the Town.

B. APPLICABILITY

1. Unless exempted in accordance with Section <>, Exemptions, the standards in this section apply to the following:
 - a. Principal buildings constructed or open uses of land established after (*insert the effective date of this Ordinance*);
 - b. Changes in use; and
 - c. Expansions of principal building floor area 1,000 or more square feet or expansions of off-street parking of 2,000 or more square feet.
2. For the purposes of this section, the site features subject to these standards include the following:
 - a. Refuse collection dumpsters, bins, and compactors;
 - b. Recycling facilities (including cardboard recycling);
 - c. Ground-based climate control equipment;
 - d. Ground-based mechanical equipment (including electrical generators);
 - e. Above ground storage tanks; and
 - f. Loading equipment.

C. EXEMPTIONS

Refuse collection facilities and mechanical equipment serving single-family detached and duplex dwellings shall be exempted from these standards, but these standards shall apply within manufactured home parks.

D. GENERAL STANDARDS

1. **Location**
 - a. Site features subject to these standards shall be located on the same lot as the principal use they serve unless otherwise approved by the Planning Board.
 - b. No site features subject to these standards shall be located between the principal structure and the street it fronts.
2. **Screening Required**

Site features subject to these standards shall be screened from view from streets, single-family detached residential dwellings, and duplex dwellings.

E. SCREENING METHODS

Site features subject to these standards that are required to be screened in accordance with Section <>, Screening, may be screened by any of the following methods, in single use or in combination:

1. Evergreen vegetation configured to provide a fully-opaque screen to a minimum height of six feet within three years of planting;
2. Vegetated berms meeting supplemented with plantings as necessary to provide a fully-opaque screen to a minimum height of six feet within three years of planting;
3. An opaque fence constructed of treated wood, rot-resistant wood (such as cypress or redwood), plastic, or vinyl;
4. A masonry wall constructed of brick, textured concrete masonry units, or stuccoed block; or

¹²⁰ This section carries forward and builds on the standards in Section 7.3 of the current ordinance.

5. Walls of a principal or accessory structure.

F. SPECIFIC STANDARDS FOR SOLID WASTE FACILITIES

1. All dumpsters and trash receptacles shall meet the minimum setback requirements of the underlying zoning district.
2. All required dumpster, recycling, and trash handling facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement, and will most facilitate the service of the facilities.
3. Space allocated to any trash handling facilities shall not be used to satisfy the space requirements for off-street parking or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.
4. All food-related businesses shall provide water quality treatment to mitigate runoff from trash handling facilities.

18.5.6. FENCES AND WALLS**A. APPLICABILITY**

The provisions of this section shall apply to all construction or replacement of all fences, screening walls, or retaining walls. A fence or wall may only be erected in accordance with this section and Section <>, Zoning Permit.

B. EXEMPTIONS

The following are exempted from the standards in this section:

1. Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.
2. The fence height limitations in this section shall not apply to fences built in conjunction with the following:
 - a. Electric or gas substations;
 - b. Water or sewage treatment facilities; or
 - c. Municipal water storage facilities.

C. LOCATIONAL STANDARDS**1. General**

No fence or wall shall:

- a. Be located within the public right-of-way (except as needed for retention of soil);
- b. Impede visibility of the required property address number;
- c. Block pedestrian access from doors or windows; or
- d. Be located within two feet or less of a building wall (except where a fence or wall originates or terminates at a fence or wall).

2. Easements

- a. Fences may be located within a required easement, subject to any additional restrictions imposed by the easement agreement. However, the landowner shall remain solely liable for any repair or replacement if any portion of the fence or wall is damaged during maintenance or construction activities within the easement by the easement owner or their agent.
- b. Walls shall not be placed within a required drainage, utility, or other easement unless specifically allowed by the easement agreement.

3. Block Drainage

Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.

4. Obstructions at Intersection

No fence or wall shall be located within a required sight distance triangle (see Section <>, Visibility at Intersections).

5. Required Setbacks

Fences or walls may be located within required setbacks, but shall not encroach into a lot under separate ownership.

6. Required Landscaping Areas

Fences or walls may be located in required landscaping areas, subject to the standards in Section <>, Landscaping.

D. HEIGHT

1. Maximum fence and wall height shall be in accordance with Table <>, Maximum Fence and

¹²¹ This section consolidates the standards from Sections 7.2 and 10.10.10 of the current code.

Wall Height:

TABLE <>: MAXIMUM FENCE AND WALL HEIGHT	
YARD TYPE	MAXIMUM HEIGHT (FEET) [1]
Front	4
Side and Rear	8 [2]
NOTES: [1] Fence height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops. [2] Retaining walls shall not exceed a maximum height of four feet, regardless of location	

2. Fence and wall height shall be measured in accordance with the standards in Section <>, Fence and Wall Height.

E. MATERIALS

1. Permitted Materials

The following fencing materials are permitted for fences:

- a. Masonry or stone;
- b. Ornamental iron, steel, or aluminum;
- c. Wood;
- d. Vinyl, plastic, or composite; or
- e. Chain-link, except where prohibited by this Ordinance.

2. Restricted Materials

- a. Barbed wire, razor wire, concertina wire, and similar materials may only be used in the following instances:
 - i. Fences for public safety facilities, including potable water storage or treatment; or
 - ii. Fences enclosing livestock.
- b. Fences that carry an electrical current are allowed solely for the purposes of enclosing livestock (nothing shall prohibit below-ground electrical fences intended for the keeping of pets).

3. Prohibited Materials

Fences made of debris, junk, rolled plastic, sheet metal, untreated or unpainted plywood, readily flammable material, or waste materials, unless the materials have been recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

4. Materials for Temporary Fences

Temporary fences in place for up to 90 days may be comprised of any material approved by the UDO Administrator.

5. Wall Material Standards

- a. Walls shall be constructed of one or more of the following materials:
 - i. Stucco over concrete block;
 - ii. Exposed aggregate concrete;
 - iii. Brick, stone, or architectural block assembled in a structurally safe and attractive condition.
- b. No walls of exposed or painted-only, smooth-face concrete block shall be permitted.

- c. Alternative wall materials may be permitted by the UDO Administrator provided they provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development.

F. FINISHED SIDE

All fences or walls shall be configured so that the finished side faces outwards except when an alternative configuration is required by the State Building Code. For the purposes of this section, the finished side does not include any supporting members or bracing.

G. MAINTENANCE

1. Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal, or property is hereby deemed a nuisance.
2. If such conditions exist, the UDO Administrator shall require the owner or occupant of the property upon which the fence or wall is located to repair, replace, or demolish the fence or wall causing the nuisance.

18.5.7. EXTERIOR LIGHTING**A. PURPOSE AND INTENT¹²³**

The purpose of this section is to regulate exterior lighting to ensure the safety of motorists and pedestrians and to minimize adverse effects on adjacent land uses due to excessive light intensity or due to light trespass and glare.

B. APPLICABILITY

The provisions of this section shall apply to all development, unless exempted in accordance with Section <>, Exemptions.

1. General

- a. The provisions of this section shall apply to all multi-family, nonresidential, and mixed-use development.
- b. Review for compliance with the standards of this section shall occur as part of the review of an application for a site plan, zoning permit, or building permit, as appropriate.

2. Expansions

In the case of an expansion of an existing building, outdoor use area, or off-street parking lot, the following standards shall apply:

- a. For individual or collective expansions of 50 percent or less, the standards in this section shall apply only to the expanded portion; or
- b. For individual or collective expansions that exceed 50 percent, the standards in this section shall be applied to the entire zone lot.

C. EXEMPTIONS

The following activities are exempt from the requirements of this section.

1. Special events and holiday displays;
2. Exterior lighting used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the event or function meets all other applicable Ordinance requirements. Such lighting shall be located at least 50 feet from any adjoining residential district or use and shall not be illuminated except during the activity and brief periods immediately before and after the event.
3. FAA-required lighting on buildings, towers or other structures;
4. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
5. Public street lighting;
6. Lighting of official government flags;
7. Temporary lighting necessary for construction or emergencies, used by construction workers or emergency personnel; and
8. Exterior lighting associated with single-family detached, attached, and duplex dwellings, except that these forms of development shall be subject to Section <>, Prohibited Lighting.

D. PROHIBITED LIGHTING¹²⁴

The following forms of exterior lighting shall be prohibited:

1. Traffic Control Signal

- a. Lighting that imitates an official highway or traffic control light or sign;

¹²² This section replaces Section 9.13, Outdoor Lighting, of the current ordinance. The most basic standards are carried forward, but the language has been revised for greater clarity.

¹²³ This is a new purpose and intent statement

¹²⁴ This is a new section proposed for the Town's consideration.

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.8. Design Standards

Subsection I. Nonconforming Lighting

the permitted lamp types.

- d. The same lamp type must be used for the same or similar types of lighting on throughout a development.

4. Mounting

Exterior lighting shall be mounted and configured in such a manner so that the cone of illumination is contained on-site and does not cross any lot line around the perimeter of the site.

5. Appearance

- a. Exterior lighting fixtures shall be designed as an integral element that complements the design of the project through compatible style, material, and color.
- b. Exterior lighting fixtures shall be designed in a consistent and coordinated manner for the entire site.

G. LIMIT LIGHTING TO PERIODS OF ACTIVITY

The use of sensor technologies, timers, or other means to limit lighting to times when it is needed may be required by the UDO Administrator to conserve energy, provide safety, and promote compatibility between different land uses.

H. MAXIMUM ILLUMINATION LEVELS¹²⁵

Exterior lighting shall be designed and located such that the maximum illumination measured in footcandles at ground level at any lot line shall not exceed the standards in **Table <>, Maximum Illumination Levels.**

TABLE <>: MAXIMUM ILLUMINATION LEVELS	
TYPE OF ABUTTING USE OR ZONING DISTRICT [1]	MAXIMUM ILLUMINATION VALUE AT THE LOT LINE (FOOTCANDLES) [2]
Single-family residential or duplex use or vacant land zoned for single-family development	1.0
Multi-family or mixed-use development	1.5
Institutional use [3]	2.0
Commercial or industrial use or vacant land zoned for uses other than residential	2.5
Parking lots	2.5

NOTES:
[1] These are the kinds of uses or zoning districts that abut the development. So the maximum allowable illumination along any lot line shared with a single-family residential use is 1.0 footcandles, regardless of the type of use deploying the exterior lighting.
[2] In cases where a single development occupies multiple lots, the lot line shall be the lot line(s) around the perimeter of the project.
[3] Use types are organized by use classification in **Table <>, Principal Use Table.**

¹²⁵ NOTE TO STAFF: this approach is slightly different than the one in Section 9.18 of the current code. This approach establishes a single maximum threshold amount of illumination at the lot line which may not be exceeded. It does not regulate minimum, average, or maximum amounts of illumination within a site based on the type of lighting. The current approach is way too complicated since the primary focus is to prevent light trespass on adjacent lights, not regulate how sites are lit. The maximum thresholds contemplated in this draft are slightly higher than the Town’s current “excessive illumination” thresholds at lot lines – however, these thresholds seem very low relative to other communities. Additional discussion is needed.

ARTICLE 18-5. DEVELOPMENT STANDARDS

Section 18.5.8. Design Standards

Subsection I. Nonconforming Lighting

I. NONCONFORMING LIGHTING

1. Lighting fixtures that do not comply with these standards that were lawfully established as of August 24, 2009, may remain, and shall be considered nonconforming structures.
2. Any modifications, replacement, or expansions to the exterior lighting facilities serving a development shall conform to the standards of this Ordinance.

18.5.8. DESIGN STANDARDS

[placeholder]

18.5.9. SIGNAGE

[placeholder]

ARTICLE 18-6. ENVIRONMENT

6-1

18.6.1. Stormwater 6-1
18.6.2. Shoreline Stabilization 6-2
18.6.3. Flood Damage Prevention..... 6-3

KEY CHANGES IN UPDATED UDO

- Environmental standards are now consolidated into a single section
- The soil erosion and sedimentation standards have been renamed to shoreline stabilization provisions in accordance with their content
- The flood damage prevention standards have been revised for greater clarity of language
- Removal of the current language prohibiting habitation of an accessory structure in a special flood hazard area, as well as removal of standards pertaining to riverine flood-prone areas (since these are not relevant)
- Targeted additions to the flood damage prevention standards related to concrete surfacing, nonstructural fill, and pools and spas in coastal high hazard areas.



ARTICLE 18-6. ENVIRONMENT

18.6.1. STORMWATER

A. DEVELOPMENT SUBJECT TO STATE STORMWATER REQUIREMENTS

1. Development activities requiring an erosion and sediment control plan or CAMA Major Permit shall be governed by the NC State Stormwater Regulations in _____ and shall obtain a State stormwater permit in accordance with Section _____.¹²⁷
2. Projects that secure a State stormwater permit shall be exempt from all Town of Atlantic Beach stormwater regulations including on-site stormwater requirements and the impervious surface coverage limits in Article 18-3: Districts.

B. ALL OTHER DEVELOPMENT

Development not requiring an erosion and sediment control plan or a CAMA Major Permit shall comply with the following stormwater standards:

1. Stormwater Management Plan Required

- a. A stormwater management plan shall be required prior to the issuance of any permits for new construction or renovation/expansion projects where the value of improvements exceeds 50 percent of a structure's value, as listed by the Carteret County Tax Office.
- b. The stormwater management system and plan shall be designed in accordance with the Town's Best Management Practice Manual, and shall be designed to retain the first two inches of stormwater runoff generated by a given rain event on-site.

2. Inspection Required

Installation of the designed system shall be inspected and approved by the designing engineer or other professional engineer licensed to practice in the State of North Carolina prior to issuance of a certificate of occupancy.

3. Additions and Expansions

Additions or expansions of impervious surface coverage on a lot subject to an approved stormwater management plan may be permitted subject to the following requirements:

a. Under 100 Square Feet

The addition of new impervious surfaces of up to 100 square feet is permissible without additional stormwater controls, provided the total amount of impervious surface on the lot remains below the maximum impervious surface coverage allowed by the zoning district where located.

b. Over 100 Square Feet

The addition of new impervious surfaces over 100 square feet is permissible, subject to the following:

- i. The total amount of impervious surface coverage on the lot remains below the maximum impervious surface coverage allowed by the zoning district where located; and
- ii. An approved Best Management Practice (BMP) device capable of efficiently controlling the runoff from the newly added impervious surface coverage is installed on the lot.
 - a). When the project adding impervious surfaces exceeds \$30,000.00 in value, the BMP shall be approved by a North Carolina professional

¹²⁶ This section carries forward the standards in Section 2.26 of the current ordinance with no substantive changes.

¹²⁷ NOTE TO STAFF: It would be helpful to enhance this section with a list of the kinds of development subject to these requirements, or at least to identify the location where a code user may find the State stormwater regulations.

ARTICLE 18-6. ENVIRONMENT

Section 18.6.2. Shoreline Stabilization

Subsection E. Appeal from Building Inspector

- engineer prior to issuance of a certificate of occupancy.
- b). When the project adding impervious surfaces is less than \$30,000.00 in value, the BMP may be approved by the UDO Administrator prior to issuance of a certificate of occupancy.

18.6.2. SHORELINE STABILIZATION

A. PURPOSE AND INTENT

The purpose of these standards is to maintain and protect existing shoreline areas from accelerated erosion. More specifically, these standards are intended to:

1. Maintain the location of existing shorelines, to the maximum extent practicable;
2. Prevent sedimentation of Town waters and waterways; and
3. Limit the further loss of soil and sand from upland areas.

B. APPLICABILITY¹²⁹

1. The standards in this section shall apply to development on lots abutting canals or waterways within the Town's planning jurisdiction that are or could be subject to significant erosion, as determined by the Building Inspector or UDO Administrator.
2. For the purposes of these standards, significant erosion means erosion resulting in the loss of six or more inches of shoreline per year.¹³⁰

C. STANDARDS

1. No building permit shall be issued for development upon any land subject to these standards until the landowner has taken the necessary steps to stabilize the land and prevent further significant erosion. Stabilization of the shoreline may be accomplished by the installation of any of the following:
 - a. Bulkheads;
 - b. Sloping rip-rap;
 - c. Gabions;
 - d. Vegetation; or
 - e. Other strategy as approved by the UDO Administrator or Building Inspector.
2. All shoreline stabilization activities shall comply with the Coastal Area Management Act and applicable regulations.

D. TIMING¹³¹

Upon receipt of notification of significant erosion by the Town, a landowner shall stabilize the shoreline in accordance with the standards in Section <>, Standards, within 90 days. Failure to stabilize the shoreline or appeal the Town's finding of significant erosion within 90 days shall be a violation of this Ordinance in accordance with Article 18-9: Enforcement.

E. APPEAL FROM BUILDING INSPECTOR

1. If the landowner objects to the requirements of the Building Inspector regarding stabilization of the shoreline, he may file and appeal within 30 days from the date of the Building Inspector's

¹²⁸ NOTE TO STAFF: This section is proposed to replace Section 2.27 of the current code (Soil Erosion and Sedimentation Control). The section has been modified for clarity, but additional discussion is needed.

¹²⁹ NOTE TO STAFF: Please clarify if these standards are applied as a matter of course to any development on a waterfront lot, or if they are only applied to lots subject to "significant erosion". Also, are there land disturbing or other activities on waterfront lots that do not trigger the application of these standards?

¹³⁰ NOTE TO STAFF: Can I perform shoreline stabilization activities without a finding of significant erosion? If so, how does that procedure work?

¹³¹ NOTE TO STAFF: I am troubled by these standards. I need to better understand the process. An applicant comes in for a building permit, and the Town says no permit until you stabilize? If this is how it works, why is there a 90-day rule?

ARTICLE 18-6. ENVIRONMENT

Section 18.6.3. Flood Damage Prevention

Subsection B. General Provisions

- requirements.
2. On receiving an appeal, the Board of Adjustment shall schedule a reasonable time and place for the hearing and shall notify the landowner and Building Inspector of the hearing date at least seven days prior to the hearing.
 3. The Chairman, or Acting Chairman, of the Board of Adjustment, is empowered to issue subpoenas to compel the attendance of witnesses and documents, to administer oaths and to secure a reporter to make a record of the hearing.
 4. Within 20 days following the hearing, the Board of Adjustment shall affirm the decision of the Building Inspector or reverse said decision, making specific recommendations as to the method of stabilization to be effected by the landowner.
 5. A decision of the Board of Adjustment may be appealed by the Building Inspector or the landowner to the Superior Court of Carteret County within 30 days after the Board of Adjustment's decision.

18.6.3. FLOOD DAMAGE PREVENTION¹³²

A. STRUCTURE OF THESE REGULATIONS

These flood damage prevention standards are organized into three main sections:

1. A set of general provisions which establish the standards and clarify their applicability;
2. A set of administrative or procedural provisions that explain how the standards are applied by the Town; and
3. The set of standards applied to particular types of development, organized into general and specific standards (based on location or type of building).

B. GENERAL PROVISIONS

1. Applicability

The standards in this section shall apply to all lands located within the special flood hazard areas in the Town's planning jurisdiction.

2. Basis for Establishing the Special Flood Hazard Areas¹³³

a. Lands Identified by FEMA

The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the cooperating technical state (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for the Town of Atlantic Beach dated July 16, 2003, which with accompanying supporting data, and any revision thereto, including letters of map amendment or revision, are adopted by reference and declared to be a part of this Ordinance.

b. Lands Identified Engineering Analysis

The special flood hazard areas also include lands defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data that results from:

- i. Data generated by the Floodplain Administrator through their regular course of

¹³² This section carries forward Article 13 of the current UDO. The language has been slightly modified for clarity in some places, but there are few substantive changes to the current standards proposed. Substantive changes that are proposed are made based on Town staff's review, and are indicated with a footnote.

¹³³ NOTE: Some communities include the idea of "freeboard" or an additional height of two feet above the base flood elevation for the lowest portion of the lowest structural member of habitable floor space. Use of freeboard improves public safety and increases a community's flood insurance rating, but can yield significant nonconforming development and costly retrofits. The current standards do not include freeboard. Addition of freeboard requirements is possible, but only after careful consideration by the community.

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duties identified in **Section <>, Duties and Responsibilities of the Floodplain Administrator;**

- ii. Preliminary FIRMs that are more stringent than the effective FIRM; or
- iii. Post-disaster flood recovery maps.

c. Lands Subject to Annexation

The special flood hazard areas identified by FEMA and/or produced under the CTS between the State of North Carolina and FEMA for unincorporated areas of Carteret County, with accompanying maps and other supporting data and any revision thereto, upon annexation by the Town or inclusion in the Town's ETJ.

3. Establishment of Floodplain Development Permit

A floodplain development permit shall be required in conformance with the provisions of these standards prior to the commencement of any development activities within special flood hazard areas as determined in **Section <>, Basis for Establishing the Special Flood Hazard Areas.**

4. Compliance Required

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

5. Abrogation and Greater Restrictions

These standards are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these standards conflict or overlap with other standards, the provisions that impose the more stringent restrictions shall control.

6. Interpretation

In the interpretation and application of these standards, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the Town; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

7. Warning and Disclaimer of Liability

- a. The degree of flood protection required by these standards is considered reasonable for regulatory purposes and is based on scientific and engineering consideration; larger floods can and will occur on rare occasions and actual flood heights may be increased by man-made or natural causes.
- b. These standards do not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages.
- c. These standards shall not create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on these standards or any administrative decision lawfully made in accordance with these standards.

8. Penalties for Violation

- a. Violation of the provisions of these standards or failure to comply with any of its requirements, including violation of conditions of approval shall constitute a misdemeanor.
- b. Any person who violates these standards or fails to comply with any of its requirements shall, upon conviction, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both.
- c. Each day a violation continues shall be considered a separate offense.
- d. Nothing shall limit the Town from taking any other lawful action necessary to prevent or remedy any violation of these standards.

9. Effective Date

The standards became effective on **[insert the date of adoption].**

10. Effect on Rights and Liabilities under the Prior Flood Damage Prevention Ordinance

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- a. These standards come forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted July 16, 2003, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced.
- b. The enactment of these standards shall not affect any action, suit, or proceeding instituted or pending.
- c. All provisions of the flood damage prevention ordinance of the Town of Atlantic Beach enacted on July 16, 2003 as amended, which are not reenacted herein are repealed.

11. Effect upon Outstanding Building Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator before the effective date of these standards; provided, however, that when construction is not begun within a period of six months subsequent to passage of these standards or any revision thereto, construction or use shall be in conformity with the provisions of these standards.

12. Adoption Certification

It is hereby certified that this is a true and correct copy of the flood damage prevention standards as adopted by the Town Council of the Town of Atlantic Beach, North Carolina, on [insert the date of adoption].¹³⁴

C. ADMINISTRATION

1. Designation of Floodplain Administrator

The Building Inspector is designated as the "Floodplain Administrator" and shall administer these provisions.

2. Floodplain Development Permit and Certification Requirements

a. Plans and Application Requirements

Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities proposed to be located within floodprone areas. The following information shall be included with the application:

- i. A plot plan, drawn to scale, which shall include, but shall not be limited to, the following specific details of the proposed development:
 - a). The nature, location, dimensions, and elevations of the area of development or disturbance;
 - b). Existing and proposed structures;
 - c). The location of utility systems;
 - d). Proposed grading or pavement areas;
 - e). Fill materials;
 - f). Storage areas;
 - g). Drainage facilities;
 - h). Other proposed development;
 - i). The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Section <>, Basis for Establishing the Special Flood Hazard Areas, or a statement that the entire lot is within the special flood hazard area;
 - j). Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section <>, Basis for Establishing the Special Flood Hazard Areas;

¹³⁴ NOTE TO STAFF: Not sure this section is needed.

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- k). The boundary of the floodway(s) or non-encroachment area(s) as determined in Section <>, Basis for Establishing the Special Flood Hazard Areas;
 - l). The base flood elevation (BFE) where provided as set forth in Section <>, Basis for Establishing the Special Flood Hazard Areas; Section <>, Duties and Responsibilities of the Floodplain Administrator, subsections (j) and (k); Section <>, Additions and Improvements to Pre-FIRM Structures; Section <>, Subdivisions, Manufactured Home Parks and Major Developments; and Section <>, Standards for Floodplains Without Established Base Flood Elevations; and
 - m). The old and new location of any watercourse that will be altered or relocated as a result of proposed development.
- ii. Proposed elevation, and method thereof, of all development within a special flood hazard area including, but not limited to:
 - a). Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - b). Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed;
 - c). Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 - iii. If floodproofing is proposed, a floodproofing certificate and back-up plans from a registered professional engineer or architect certifying that the nonresidential flood-proofed development will meet the flood-proofing criteria in Section <>, Nonresidential Construction, and Section <>, Subdivisions, Manufactured Home Parks, and Major Developments, subsection (b).
 - iv. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of these standards are met. Details shall include, but not be limited to:
 - a). Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, or open foundation on columns/piers);
 - b). Details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with Section <>, Enclosures Beneath Elevated Buildings, if solid foundation perimeter walls are proposed in floodplains other than coastal high hazard areas;
 - c). In coastal high hazard areas, the following items shall also be submitted, prior to floodplain development permit issuance:
 - ~~e)-i).~~ A V-zone certification form with accompanying plans and specifications verifying the engineered structure and breakaway wall designs as set forth in Section <>, Enclosures Beneath Elevated Buildings;
 - ~~i)-ii).~~ Plans for lattice work or decorative screening, if proposed; and
 - ~~i)-iii).~~ Plans for non-structural fill, if proposed;
 - v. Usage details of any enclosed space below the regulatory flood protection elevation;
 - vi. 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;
 - vii. Copies of all other local, State, and federal permits required prior to floodplain development permit issuance (e.g., wetlands, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.);

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- viii. If a floodplain development permit is issued for placement of recreational vehicles and/or temporary structures, documentation to ensure compliance with the standards in Section <>, Recreational Vehicles, and Section <>, Temporary Structures, shall be provided; and
- ix. If a watercourse is proposed to be altered and/or relocated the following shall be required:
 - a). A description of the extent of watercourse alteration or relocation;
 - b). 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
 - c). A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- b. **Floodplain Development Permit Data Requirements**

The following information, at a minimum, shall be provided on the floodplain development permit, to ensure compliance with these standards:

 - i. A description of the development to be permitted;
 - ii. The special flood hazard area determination for the proposed development per available data specified in Section <>, Basis for Establishing the Special Flood Hazard Areas;
 - iii. The regulatory flood protection elevation required for the reference level and all attendant utilities;
 - iv. The regulatory flood protection elevation required for the protection of all public utilities;
 - v. All certification submittal requirements, with timelines; and
 - vi. A statement clarifying that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.
- c. **Certification Requirements**
 - i. **Initial Certificate**¹³⁵

An elevation certificate (FEMA Form 086-0-33) or floodproofing certificate (FEMA Form 086-0-34), as appropriate, is required in accordance with the following standards, before construction commences.

 - a). The permit holder shall submit a certification of the elevation of the reference level, or floodproofed elevation (as applicable) in relation to mean sea level to the Floodplain Administrator prior to the initiation of construction.
 - b). The certification shall be prepared and certified by a registered land surveyor or professional engineer. When floodproofing is utilized, the certification shall be prepared and certified by a professional engineer or architect.
 - c). The Floodplain Administrator shall review the certificate data and any deficiencies shall be corrected by the permit holder prior to the commencement of any work.
 - ii. **Final Certificate**

A final as-built elevation certificate (FEMA Form 086-0-33) or floodproofing certificate (FEMA Form 086-0-34) is required after construction is completed and prior to issuance certificate of occupancy.

¹³⁵ NOTE: This section has been revised in accordance with staff recommendations. The current standards require an elevation certificate to be submitted within 21 days of identifying the reference level (with an allowance for construction to proceed at risk). These standards require the elevation certificate to be provided prior to commencement of construction.

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- a). The permit holder shall submit a certification of final as-built construction elevation, or floodproofed elevation of the reference level and all attendant utilities (as applicable).
 - b). The certification shall be prepared and certified by a registered land surveyor or professional engineer. When floodproofing is utilized, the certification shall be prepared and certified by a professional engineer or architect.
 - c). The Floodplain Administrator shall review the certificate data and any deficiencies shall be corrected by the permit holder prior to the issuance of a certificate of occupancy.
 - d). In some instances, another certification may be required to certify corrected as-built construction.
 - e). Failure to submit the certification or failure to make required corrections shall be cause for the Zoning Administrator to withhold a certificate of occupancy.
- iii. **V-Zone/Breakaway Wall Certificate**
- a). A V-Zone/breakaway wall certification is required prior to issuance of a floodplain development permit within coastal high hazard areas.
 - i). The permit holder shall submit a certificate showing compliance with the design standards of these provisions.
 - ii). A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice and meet these requirements.
 - iii). This certification is not a substitute for an elevation certificate.
 - b). Certification from a professional engineer or architect that the finished construction of development in a V-Zone complies with the standards in this section shall be required prior to issuance of a certificate of occupancy.¹³⁶
- iv. **Foundation Certificate**
- If a manufactured home is placed within an A, AO, AE, or A1-30 zone and the elevation of the chassis is more than 36 inches in height, an engineered foundation certification is required in accordance with **Section <>, Manufactured Homes.**
- v. **Watercourse Alteration Report**
- If a watercourse is to be altered or relocated, the following information shall be submitted by the applicant prior to issuance of a floodplain development permit:
- a). A description of the extent of watercourse alteration or relocation;
 - b). 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
 - c). A map showing the location of the proposed watercourse alteration or relocation.
- vi. **Certification Exemptions**

¹³⁶ NOTE: This is a new standard suggested by staff.

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The following structures, if located within an A, AO, AE or A1-30 zone, are exempt from the elevation/floodproofing certification requirements specified above:

- ~~i)-~~a). Recreational vehicles meeting requirements of Section <>, Recreational Vehicles;
- b). Temporary structures meeting requirements of Section <>, Temporary Structures; and
- c). Accessory structures of less than 150 square feet in area or less than \$3,000 in value that meet requirements of Section <>, Accessory Structures.

3. Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator under these standards shall include, but not be limited to:

- a. Review all floodplain development applications and issue permits for all proposed development within floodprone areas to assure that the requirements of these standards have been satisfied.
- b. Advise applicants that additional federal or state permits (e.g., wetlands, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.) may be required, and if required, ensure that copies of the permits are provided and maintained on file with the floodplain development permit.
- c. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- d. Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.
- e. Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section <>, Standards for Floodplains with BFE but Without Established Floodways or Nonencroachment Areas, are met.
- f. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all utilities associated with all new or substantially improved structures, in accordance with Section <>, Certification Requirements.
- g. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with Section <>, Certification Requirements.
- h. Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Section <>, Certification Requirements.
- i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section <>, Certification Requirements, and Section <>, Nonresidential Construction.
- j. Make interpretations as to the exact location of the special flood hazard area boundary (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall have a reasonable opportunity to appeal the interpretation in accordance with Section <>, Appeal.
- k. When base flood elevation (BFE) data has not been provided in accordance with Section <>, Basis for Establishing the Special Flood Hazard Area, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a federal, state, or other source, in order to administer these provisions.
- l. When base flood elevation (BFE) data is provided but no floodway nor non-

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encroachment area data has been provided in accordance with Section <>, Basis for Establishing the Special Flood Hazard Area, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, State, or other source.

- m. Maintain copies of letters of map amendment (LOMA) issued by FEMA to an applicant when the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site.
- n. Permanently maintain all records that pertain to the administration of these standards and make these records available for public inspection.
- o. Make on-site inspections of work in progress as necessary to ensure that the work is being done according to the provisions of these standards and the terms of the floodplain development permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter any premises within the Town's planning jurisdiction at a reasonable hour for the purposes of inspection or other enforcement action.
- p. Issue stop-work orders, as required whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of these standards. The stop-work order shall be in writing, directed to the person doing the work, state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- q. Revoke floodplain development permits, as required for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Notices of permit revocation shall be provided to the permit holder in writing. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- r. Make periodic inspections throughout all special flood hazard areas within the Town.

4. Corrective Procedures

a. Violations to be Corrected

When the Floodplain Administrator finds violations of applicable state and local laws, they shall notify the owner or occupant of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to the land or development in question.

b. Notification in Event of Failure to Take Corrective Action

If the owner of land or development fails to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail, to the owner's last known address or by personal service, stating the following:

- i. That the land or development is in violation of the flood damage prevention provisions of this section;
- ii. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- iii. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, demolish the building; or remove fill, as appropriate.

c. Order to Take Corrective Action

If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator finds that the land or development is in violation of these standards, they shall furnish an order, in writing, to the owner, requiring the owner to remedy the violation within a specified time period of not less than 60 days. Where the Floodplain

Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in a shorter time period.

d. Appeal

Any owner who has received an order to take corrective action may appeal the order to the Town Council by giving notice of appeal, in writing, to the Floodplain Administrator and the Town Clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Town Council shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

e. Failure to Comply with Order

If the owner of a building or land fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Town Council following an appeal, the owner shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

5. Variance Procedures¹³⁷

The Board of Adjustment (BOA) shall hear and decide requests for variances from the requirements of these standards in accordance with the following:

a. Standing to Appeal

Any person aggrieved by the decision of the BOA may appeal such decision to the court, as provided in Chapter 7A of the North Carolina General Statutes.

b. Variance Review Criteria

In passing upon variances, the BOA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance; and the following:

- i.** The danger that materials may be swept onto other lands to the injury of others;
- ii.** The danger to life and property due to flooding or erosion damage;
- iii.** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iv.** The importance of the services provided by the proposed facility to the community;
- v.** The necessity to the facility of a waterfront location, where applicable;
- vi.** The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- vii.** The compatibility of the proposed use with existing and anticipated development;
- viii.** The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- ix.** The safety of access to the property in times of flood for ordinary and emergency vehicles;
- x.** The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- xi.** The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

c. Procedure for Review

- i.** Applications for a variance to these flood damage prevention standards shall be

¹³⁷ NOTE: This section has been revised to remove the section on historic structures since none exist in Town and there are no efforts underway to establish any historic designations.

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processed and reviewed in accordance with the standards and requirements in Section <>, Variance, as well as the following:

- ii. A written report addressing each of the above factors shall be submitted by the applicant with the application for a variance.
- iii. Upon consideration of the factors listed above and the purposes of these standards, the BOA may attach such conditions to the granting of variances as it deems necessary to further the purposes of these standards.
- iv. Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

d. Conditions for Variances

- i. Variances may not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances.
- ii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- iii. Variances shall only be issued upon:
 - a). A showing of good and sufficient cause;
 - b). A determination that failure to grant the variance would result in exceptional hardship; and
 - c). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- iv. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

e. Records to be Maintained

The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

D. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. General Standards Applicable to All Areas and Developments

In all special flood hazard areas, the following provisions are required:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or 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 or 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. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.
- e. All new and replacement water supply systems shall be designed to minimize or

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eliminate infiltration of flood waters into the system.

- f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters 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 these standards, shall meet the requirements of "new construction" as contained in these standards.
- i. Non-conforming structures or other development shall not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of these standards. Provided, however, nothing in these standards shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of these standards and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of these standards.
- j. New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section <>, Certification Requirements, of these standards.

2. Specific Standards for Use Types

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in Section <>, Basis for Establishing Special Flood Hazard Areas, where an interpretation of the flood hazard boundaries is required, or when no BFE data is provided, the following provisions are required:

- a. **Residential Construction**
New construction or 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.
- b. **Nonresidential Construction**
 - i. New construction or substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.
 - ii. Structures located in A, AO, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation, provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied in accordance with Section <>, Certification Requirements.
- c. **Additional Standards for Manufactured Homes**
 - i. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.

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- ii. Manufactured homes shall include a certified engineered foundation or shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to Section 143-143.15 of the North Carolina General Statutes.
 - a). When the elevation requirements are met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength.
 - b). When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
- iii. All foundation enclosures or skirting shall be in accordance with **Section <>, Elevated Buildings**.
- iv. 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 floodprone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.

d. Enclosures Beneath Elevated Buildings

Fully enclosed areas below the regulatory flood protection elevation associated with new construction or a substantial improvement to an existing building shall:

- i. Not be designed to be used for human habitation;
- ii. Be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises;
- iii. Be served by accessways sized to be the minimum necessary (to allow for parking of vehicles via garage door, or limited storage of maintenance equipment used in connection with the premises via standard exterior door, or entry to the living area via stairway or elevator);
- iv. Not be partitioned or finished into separate rooms, except as needed for storage purposes;
- v. Be constructed entirely of flood resistant materials below the regulatory flood protection level;
- vi. Automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters when proposed in A, AO, AE, and A1-30 zones. To meet this requirement, the foundation must either be certified by a professional engineer or architect, or meet the following minimum design criteria:
 - a). Provide a minimum of two openings on different sides of each enclosed area subject to flooding;
 - b). The total net area of all openings must be at least one square inch for each square foot of each enclosed area subject to flooding;
 - c). If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter;
 - d). The bottom of all required openings shall be no higher than one foot above the adjacent grade; and
 - e). Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f). Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting

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- does not require hydrostatic openings as outlined above.
- g).** Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with these standards.
 - vii.** In coastal high hazard areas (VE and V1-30 zones), breakaway walls, lattice work, or decorative screening shall be allowed below the regulatory flood protection elevation, provided:

 - a).** These features are not part of the structural support of the building;
 - b).** These features are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used;
 - c).** The features are comprised of open wood lattice, mesh insect screening, or breakaway walls that meet the following specifications:

 - d)-i).** Design safe loading resistance of each breakaway wall shall be not less than ten nor more than 20 pounds per square foot; or
 - i)-ii).** If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.
 - e. Concrete Surfaces**

Concrete pads, including patios, decks, parking pads, walkways, driveways, and pool decks, located within a V-zone shall.¹³⁸

 - i.** Be structurally independent of the primary structural foundation system of the structure and shall not adversely affect structures through redirection of floodwaters or debris;
 - ii.** Be constructed to breakaway cleanly during design flood conditions;
 - iii.** Be frangible, or capable of breaking up into small pieces;
 - iv.** Not produce debris capable of causing damage to any structure (installation in small segments or scoring of approximately 4 feet x 4 feet sections is acceptable to meet this standard);
 - v.** Not exceed four inches in thickness; and
 - vi.** Avoid use of reinforcing, including welded wire fabric, in order to minimize the potential for concreted pads being a source of debris.
 - f. Nonstructural Fill**

Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios, and walkways, provided:

 - i.** The fill material is similar and consistent with the natural soils in the area;
 - ii.** The placement of site-compatible, non-structural fill under or around an elevated building is limited to two feet;

¹³⁸ NOTE: This is a new section added based on staff input.

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- iii. Fill greater than two feet in thickness shall include an analysis prepared by a qualified registered design professional demonstrating no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures;
 - iv. Nonstructural fill with finished slopes that are steeper than five horizontal units to one vertical unit shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures.
- g. Additions and Improvements to Pre-FIRM Structures¹³⁹**
- i. **Substantial Improvement Determination**
Additions or improvements to pre-FIRM structures, in combination with any interior modifications to the existing structure, shall be considered as either a substantial improvement or shall not be considered a substantial improvement in accordance with the definitions in **Section <>, Definitions.**
 - ii. **Additions or Improvements Not Constituting a Substantial Improvement**
 - a). Additions or improvements to a pre-FIRM structure that are not considered a substantial improvement shall:
 - i). Be designed to minimize the potential for flood damage;
 - ii). Be configured so that only the addition or improvement meet the standards for new construction (not the existing structure); and
 - iii). Be no more nonconforming than the original structure.
 - b). Where a fire wall or independent perimeter load-bearing wall is provided between an addition and the existing building, the addition shall be considered a separate building and only the addition must comply with the standards for new construction.
 - iii. **Additions or Improvements Constituting a Substantial Improvement**
Additions or improvements to a pre-FIRM structure that are considered a substantial improvement shall be configured so that both the addition or the improvement and the existing structure comply with the standards for new construction.
- h. Additions and Improvements to Post-FIRM Structures**
Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
- i. Recreational Vehicles**
Recreation vehicles placed on sites within a special flood hazard area shall either:
- i. 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
 - ii. Meet all the requirements for new construction, including anchoring and elevation requirements of **Section <>, Floodplain Development and Certification Requirements**, **Section <>, General Standards Applicable to All Areas and Developments**, and **Section <>, Additional Standards for Manufactured Homes.**

¹³⁹ NOTE TO STAFF: The language in this current section is almost unintelligible. It has been revised for clarity.

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j. Temporary Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant shall submit a plan for removal of the temporary structure in the event of a hurricane or flash flood warning notification. The plan shall include at least the following information:

- i. A specified time period for which the temporary use will be permitted;
- ii. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- iii. The timeframe prior to the event at which a structure will be removed (e.g., a minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- iv. A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
- v. Designation, accompanied by documentation, of a location outside the special flood hazard area to which the temporary structure will be moved.

k. Accessory Structures

When accessory structures (e.g., sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:¹⁴⁰

- ~~i.~~ Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
- ~~ii.i.~~ Accessory structures shall be designed to have low flood damage potential;
- ~~iii.ii.~~ Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- ~~iv.iii.~~ Accessory structures shall be firmly anchored in accordance with Section <>, General Standards Applicable to All Areas and Developments;
- ~~v.iv.~~ All service facilities such as electrical and heating equipment shall be installed in accordance with Section <>, General Standards Applicable to All Areas and Developments;
- ~~vi.v.~~ Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Section <>, Enclosures Beneath Elevated Buildings; and
- ~~vii.vi.~~ An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate, but elevation or floodproofing certifications are required for all other accessory structures in accordance with Section <>, Certification Requirements.

3. Subdivisions, Manufactured Home Parks and Major Developments

All subdivision, manufactured home park, and major development proposals located within special flood hazard areas shall:

- a. Be consistent with the need to minimize flood damage;
- b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. Have adequate drainage provided to reduce exposure to flood hazards; and
- d. Have base flood elevation (BFE) data provided if development is greater than the lesser of five acres or 50 lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference per Section <>, Basis for Establishing the Special Flood Hazard Areas, to be utilized in implementing this Code.

4. Standards for Floodplains Without Established Base Flood Elevations

¹⁴⁰ NOTE TO STAFF: The limitation of habitation of an accessory structure has been removed. This is not consistent with the current requirements nor these proposed requirements.

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Subsection D. Provisions for Flood Hazard Reduction

Within the special flood hazard areas established in Section <>, Basis for Establishing the Special Flood Hazard Areas, where no base flood elevation (BFE) data has been provided, the following provisions shall apply:

- a. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of 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. If development is configured in accordance with the need to minimize flood damage and 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 these standards and shall be elevated or floodproofed in accordance with elevations established by the Floodplain Administrator in accordance with Section <>, Duties and Responsibilities of the Floodplain Administrator. When base flood elevation (BFE) data is not available from a federal, state, or other source, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade.

~~5. Standards for Floodplains with BFE but Without Established Floodways or Non-Encroachment Areas~~

- ~~a. Except when certified by a registered professional engineer in accordance with these standards, no encroachments (including fill), new construction, substantial improvements, or other development shall be permitted in floodplains where base flood elevation (BFE) data is known but floodway or non-encroachment areas are not identified.~~
- ~~b. Certification, when provided, shall be accompanied by supporting technical data that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.~~

~~6. Floodways and Non-Encroachment Areas~~

~~Designated floodways and non-encroachment areas may be located within a special flood hazard areas, and are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:~~

- ~~a. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator prior to issuance of floodplain development permit.~~
- ~~b. If sub-section (a) above is satisfied, all development shall comply with all applicable flood hazard reduction provisions in these standards.~~
- ~~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:
 - ~~i. The anchoring and the elevation standards of Section <>, Additional Standards for Manufactured Homes; and~~
 - ~~ii. The non-encroachment standards of sub-section (a) above are met.~~~~

~~7.5. Coastal High Hazard Areas (VE and V1-30 Zones)~~

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Section 18.6.3. Flood Damage Prevention

Subsection D. Provisions for Flood Hazard Reduction

Coastal high hazard areas are special flood hazard areas designated as Zones VE or V1-30. These areas have special flood hazards associated with high velocity waters from surges and, therefore, all new construction, substantial improvements and all other development shall comply with these requirements standards in addition to meeting all other provisions of these standards.

- a. All development in a coastal high hazard area shall:
 - i. Be located landward of the reach of mean high tide;
 - ii. Be located landward of the first line of stable natural vegetation; and
 - iii. Comply with all applicable CAMA setback requirements.
- b. All development shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the regulatory flood protection elevation. Floodproofing may not be utilized on any structures in coastal high hazard areas to satisfy the regulatory flood protection elevation requirements.
- c. All space below the regulatory flood protection elevation shall be open so as not to impede the flow of water.
- d. Open wood lattice work or mesh insect screening may be permitted below the regulatory flood protection elevation for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with **Section <>, Enclosures Beneath Elevated Buildings**.
- e. All development shall be securely anchored on pilings or columns.
- f. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- g. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in **Section <>, Floodplain Development Permit and Certification Requirements**, and **Section <>, Coastal High Hazard Areas (VE and V1-30 Zones)**.
- h. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Design plans shall be submitted in accordance with **Section <>, Floodplain Development Permit and Certification Requirements**. The Floodplain Administrator may approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist which demonstrates that the following factors have been fully considered:
 - i. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - ii. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - iii. Slope of fill will not cause wave run-up or ramping.
- i. Swimming pools and spas in a coastal high hazard area shall:¹⁴¹
 - ~~j.i.~~ Be designed to withstand all flood-related loads and load combinations;
 - ~~k.ii.~~ Be elevated so that the lowest horizontal structural member is elevated above the RFPE, or be designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure, or be sited to remain in the ground during design flood conditions

¹⁴¹ These are new standards added in accordance with staff suggestions.

ARTICLE 18-6. ENVIRONMENT

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without obstructing flow that results in damage to any structure.

h.iii. Be certified by a registered design professionals that a pool or spa beneath or near a VE Zone building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.

m.iv. Pool equipment shall be located above the regulatory flood elevation whenever practicable, and shall not be located beneath an elevated structure.

n.j. There shall be no alteration of sand dunes which would increase potential flood damage.

o.k. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards are in compliance with these standards.

p.l. Recreational vehicles shall be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of Section <>, **Recreational Vehicles**, and the temporary structure provisions of Section <>, **Temporary Structures**.

8.6. **Standards of Areas of Shallow Flooding (AO Zones)**

Areas of shallow flooding may be located within a special flood hazard area that include base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within areas of shallow flooding:

a. All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the special flood hazard areas where no BFE has been established.

b. All new construction and substantial improvements of nonresidential structures shall have the option to, in lieu of elevation, be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per **Section <>, Certification Requirements**, and **Section <>, Nonresidential Development**.

ARTICLE 18-7. SUBDIVISIONS

7-1

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KEY CHANGES IN UPDATED UDO

- Consolidates the subdivision-related standards from throughout the current ordinance
- Separates street lighting from on-site exterior lighting standards
- Establishes a new comprehensive set of performance guarantee standards consistent with state law regarding applicant choice, guarantee amounts, and changes regarding maintenance guarantees for streets

ARTICLE 18-7. SUBDIVISIONS

18.7.1. FORMS FOR FINAL CERTIFICATION

The following certificates shall be rubber stamped on the final plat prior to approval:

A. CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that (I) (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Date

Owner

Owner

B. CERTIFICATE OF ACCURACY

_____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in books referenced); that the boundaries not surveyed are clearly indicated as drawn from information found in books referenced on the face of this plat; that the ratio of precision as calculated is _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness by original signature, registration number, and seal this _____ day of _____, A.D., 20_____.

Date

Surveyor

Registration Number

Carteret County, North Carolina

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

Notary Public

My Commission Expires: _____

C. CERTIFICATE OF THE APPROVAL OF WATER SYSTEM

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

Date

¹⁴² This section carries forward the final plat certificate language in Section 16.9 of the current ordinance with no changes.

ARTICLE 18-7. SUBDIVISIONS

Section 18.7.1. Forms for Final Certification

Subsection G. Certificate of Approval

Director of Public Works

D. CERTIFICATE OF THE APPROVAL OF SEWAGE SYSTEMS

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

Date

County Sanitation Officer

E. CERTIFICATE OF THE APPROVAL OF STREETS AND UTILITIES (IF APPLICABLE)

I hereby certify: (1) that streets, utilities and other improvements have been installed in an acceptable manner and according to Town specifications in the subdivision entitled: _____ or, (2) that a security bond in the amount of \$ _____ has been posted with the Town Clerk to assure completion of all required improvements in case of default.

Date

Director of Public Works

Town Clerk

F. CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the final plat shown hereon has been found to comply with the Town of Atlantic Beach Regulations and with the conditions, if any, approved by the Town Council at their _____ meeting with the exceptions of such variance, if any, as are noted in the minutes of the Planning Board and that is has been approved for recording in the officer of the Register of Deeds.

Date

UDO Administrator

Planning Board Chairman

G. CERTIFICATE OF APPROVAL

I, the Town Clerk for the Town of Atlantic Beach, do certify that the Town of Atlantic Beach approved this plat or map and accepted the dedication of the streets, easements, rights-of-way and parks shown thereon, but assume no responsibility to open or maintain the same until, in the opinion of the governing body of the Town of Atlantic Beach, it is in the public interest to do so.

Date

Town Clerk

18.7.2. SUBDIVISION DESIGN STANDARDS

All subdivisions shall be designed in accordance with the following design standards.

A. MONUMENTS¹⁴³

- 1.** Permanent concrete monuments four inches in diameter or square, and three feet long, shall be placed at not less than two corners of the subdivision provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than 500 feet from a monument.
- 2.** Two or more of the required monuments shall be designated as control corners.
- 3.** The top of each monument shall have an indented cross, metal pin, or metal plate to identify properly the location of the point.
- 4.** All monuments shall be shown on the final plat.

B. TIES AND MARKERS¹⁴⁴

1. Property Corner Tie

- a.** At least one corner of the property surveyed shall be designated by course and distance (tie) from a readily discernible reference marker.
- b.** If a corner is within 2,000 feet of the U.S. Coast and Geodetic Station or state grid system coordinated monument, then this corner shall be accurately tied to this station or monument by computed x and y coordinates which shall appear on the map with a statement identifying this station or monument and to an accuracy of 1:15000.
- c.** When such a monument or station is not available, the tie shall be made to some pertinent and readily recognizable land mark or identifiable point, physical object, or structure.

2. Markers

All lot corners, all points where the street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pipe not less than three-fourths inch in diameter and 30 inches long, driven so as to be two inches above the finished grade.

C. EASEMENTS¹⁴⁵

1. Generally

- a.** Easements for underground or aboveground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet wide for water and sanitary sewer lines and as required by the companies involved for telephone, gas, power lines, and cable TV.
- b.** The TRC shall determine whether one easement is sufficient or whether several easements are necessary to accommodate the various facilities.
- c.** The subdivider shall provide for all required easements.

2. Utility Easements

Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least six feet wide.

3. Drainage Easements

- a.** Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming

¹⁴³ This section carries forward Section 16.11 from the current code with no substantive changes.

¹⁴⁴ This section carries forward current Section 16.12 with no substantive changes.

¹⁴⁵ This section consolidates the standards for easements from Section 9.10 and Section 2.11 of the current ordinance with no substantive changes.

ARTICLE 18-7. SUBDIVISIONS

Section 18.7.3. Streets

Subsection E. Acceptance of Streets

substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

- b. Lakes, ponds, creeks, or similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such areas must be approved by the Planning Board before approval of the final plat.

18.7.3. STREETS

New streets and accessways in the Town shall be configured in accordance with the standards in Section <>, Access and Circulation, and the following:

A. LAYOUT AND DESIGN¹⁴⁶

1. Standards

- a. In any new subdivision the street layout shall conform to the arrangement, width, and location indicated on any official plans or maps for the Town.
- b. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.
- c. The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas.
- d. All streets must provide for the continuation or appropriate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.
- e. All street design and layout standards for new right-of-way development are subject to review and approval by the TRC.

B. GATED/CONTROLLED ACCESS SUBDIVISIONS¹⁴⁷

Gated or controlled access preliminary subdivision plats shall not be approved until an emergency/service access agreement has been reviewed by the TRC and the Town Attorney as to legal form and effect, and approved by the UDO Administrator.

C. STREET NAMES AND SIGNS¹⁴⁸

1. Street names of all subdivision plats shall be subject to approval of the Planning Board.
2. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible.
3. Street name signs shall be installed by the developer at each street intersection as appropriate to identify all street names. Street name signs, poles and brackets will be provided through the Town of Atlantic Beach Public Services Department.
4. Determinations regarding new street names, or changes in street names, must be reviewed by the Planning Board and the Carteret County Emergency Management Department.

D. TRAFFIC-CONTROL DEVICES¹⁴⁹

1. Traffic-control devices such as stop, yield, and speed limit signs, but not including electric or electronic traffic signals, shall be installed on public streets by the developer at the appropriate

¹⁴⁶ This section carries forward current Section 9.8 with no substantive changes.

¹⁴⁷ This section carries forward the standards from current Section 2.16 with no substantive changes.

¹⁴⁸ This section carries forward current Section 9.11 with no substantive changes.

¹⁴⁹ This section carries forward current Section 9.12 with no substantive changes.

ARTICLE 18-7. SUBDIVISIONS

Section 18.7.4. Street Lighting

Subsection C. Standards

- locations as determined by NCDOT.
2. Installation standards and materials shall be in conformance with NCDOT standards for the devices.

E. ACCEPTANCE OF STREETS¹⁵⁰

No street shall be maintained by the Town nor street dedication accepted for maintenance in any subdivision for which a plat is required to be approved unless and until such final plat has been approved by the Town.

18.7.4. STREET LIGHTING

A. PURPOSE

The purpose of this section is to establish the standards for to the installation of street lights for the purposes of traffic safety and crime control.

B. APPLICABILITY

This section shall apply to all public rights-of-way within the municipal limits of the Town of Atlantic Beach and any public rights-of-way annexed in the future until such time that this section is altered, modified, or rescinded by the Town Council.

C. STANDARDS

1. Street Light Installation Required

The owner, developer, or subdivider of a site plan or subdivision shall be required to install street lighting via underground distribution unless specifically approved otherwise by the Town Council, along all proposed streets and along all adjoining existing streets and thoroughfares in accordance with this section.

2. Standards may be Exceeded

- a. Through the site plan and subdivision plan approval process, the Town Council may approve street lighting which exceeds these standards for residential streets so as to reduce the length of sag vertical curves, provided the street lights are operational prior to the issuance of any certificates of occupancy on streets.
- b. The minimum allowable length of sag vertical curves shall be as follows:
 - i. Residential streets: 20A; and
 - ii. Cul-de-sacs and loop roads: 15A.

3. Street Lighting Specifications

All underground electrical distribution systems for street lighting within the corporate limits of the Town of Atlantic Beach shall be installed according to the following standards:

a. Underground Electrical Service

Underground service for light fixtures shall be installed by the developer in conformance with Progress Energy/Carteret-Craven Electric and Town of Atlantic Beach standards at the developer's expense.

b. Light Placement

- i. A street light shall be provided at all street intersections.
- ii. The placement of street lighting fixtures in residential areas shall be at 400 to 600 foot intervals unless:
 - a). The roadway length is less than 400 feet but more than 200 feet, in which case a street light will be provided at the end of the street; or
 - b). Where the roadway length is less than 200 feet and a street light is

¹⁵⁰ This section carries forward current Section 9.9 with no substantive changes.

¹⁵¹ This section carries forward the standards in Sections 9.21 through 9.23 of the current ordinance with no substantive changes.

ARTICLE 18-7. SUBDIVISIONS

Section 18.7.4. Street Lighting

Subsection C. Standards

placed at the intersection and no natural features create a problem, no street light will be placed at the end of the roadway; or

c). The vertical and horizontal street alignment or natural features necessitate shorter spacing intervals.

iii. The placement of street lighting along thoroughfares, marginal access streets, and collector streets and in nonresidential areas shall be in accordance with the latest revision of the Illuminating Engineering Society's "American National Standards for Roadway Lighting."

4. Lamp Specifications

Street light fixtures shall conform to the following:

a. All fixtures in residential areas shall be either 5,800- or 9,500-lumen enclosed high pressure sodium lamps on standard Progress Energy/Carteret-Craven Electric poles 25 feet in height. The 5,800-lumen fixture shall be placed only at the "neck" of cul-de-sacs.

b. All fixtures along thoroughfares shall be 28,500-lumen enclosed high pressure sodium lamps on standard fiberglass poles 30 feet in height or 50,000 lumen enclosed high pressure sodium lamps on standard fiberglass poles 35 feet in height. The 28,500 lumen fixtures shall be placed in residential areas when spillover from the 50,000 lumen fixtures would be excessive.

5. Timing for Installation

a. Authorization for street light installations shall occur at such time as:

i. A developer, through the Town of Atlantic Beach, requests the installation of street lights prior to the issuance of any certificates of occupancy. The developer shall incur a monthly electrical expense billed from Progress Energy or Carteret-Craven Electric equal to the monthly electrical expense incurred by the Town of Atlantic Beach, for each street light installed. The developer will be billed by Progress Energy or Carteret-Craven Electric for the period beginning with installation of the street light and ending with notification to the Town of Atlantic Beach, by the Developer, of issuance of a certificate of occupancy in the immediate area of each street light location; or

ii. A certificate of occupancy is issued in the immediate area of the proposed street light location; or

iii. A thoroughfare, marginal access street, or collector street is constructed or widened as a part of development. Thoroughfares, marginal access streets, and collector streets that are constructed or widened by the Town of Atlantic Beach shall be lighted immediately after construction, dependent on the availability of funds.

b. Street lighting facilities and street lights shall be installed by the developer on any roadway, portion of roadway, or widening prior to the Town of Atlantic Beach's acceptance of that roadway for routine maintenance unless otherwise approved by the Public Works Director.

6. Relocation or Replacement

a. Relocation or replacement of street lighting may occur in accordance with the following:

i. Residents along a street may request the relocation of a street light provided that the proposed street light location meets Town standards and the relocation is approved by the Public Works Director.

ii. Residents living at the cul-de-sac end of a street may request the replacement of an existing 9,500-lumen semi-enclosed light fixture with a 5,800-lumen semi-enclosed light fixture.

iii. A petition, signed by all persons owning property fronting on the street within

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- the boundaries of the next closest installed or proposed street lights, shall be required.
- iv. The relocation or replacement cost and all facilities abandonment costs must be paid in full to Progress Energy or Carteret-Craven Electric in advance by the resident(s) requesting the relocation or replacement.
- b. A developer may request to use decorative or "private" street lighting within a development provided:
- i. Street light fixture types and locations must meet the minimum criteria set forth in these standards and must be approved by the Town of Atlantic Beach.
 - ii. The developer and/or homeowner's association shall be responsible for all installation costs and monthly operating costs above what is accepted by policy of the Atlantic Beach Town Council associated with the street lights.
 - iii. The developer and/or homeowner's association shall be responsible for any costs associated with deletion of the street lights and any costs associated with installing the Town's standard street lights.
 - iv. The developer shall include all responsibilities of the homeowner's association pertaining to the street lighting in the development covenants. The developer shall inform all purchasers of property in the development of these same responsibilities.

18.7.5. PERFORMANCE GUARANTEES

A. GENERAL

A performance guarantee, prepared in accordance with the standards in this section, shall be required to ensure the completion of public infrastructure improvements that are required as part of an approved preliminary plat, but that are not approved as complete before approval of a final plat.

B. TERM OF PERFORMANCE GUARANTEES

The term of the performance guarantee shall reflect any time limit for completing installation of required improvements that is included in the preliminary or final plat, as appropriate, but in any case, the term shall not exceed 18 months. The UDO Administrator, for good cause shown, may grant up to one extension of time, for a time period not exceeding one year.

C. FORM OF PERFORMANCE GUARANTEE

1. The applicant shall propose the form(s) of the performance guarantee, which shall be provided in one or more of the following forms:
 - a. **Cash, Irrevocable Letter of Credit, or Equivalent Security**
 - i. The developer shall deposit cash, or other instrument readily convertible into cash at face value (at the developer's discretion), such as an irrevocable letter of credit, either with the Town or in escrow with a financial institution.
 - ii. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the Town guaranteeing the following:
 - a). That the escrow account shall be held in trust until released by the Town and may not be used or pledged by the developer for any other matter during the term of the escrow; and
 - b). That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the Town, immediately pay the funds deemed necessary

¹⁵² This section updates and replaces current Section 16.10 to be compliant with state law.

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by the Town to complete or repair the improvements up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

- iii. The financial institution holding the cash or other instrument shall indicate to the Town its notification requirements for release or payment of funds.

b. Surety Bond

- i. The developer shall obtain a surety bond from a surety bonding company authorized to issue surety bonds in North Carolina.
 - ii. The bond shall be payable to the Town and shall be in an amount as required by this subsection.
- 2. The performance guarantee shall distinguish between the portion of the guarantee provided for public improvements as well as the portion of the guarantee provided for private improvements, as appropriate.
 - 3. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the financial guarantee.

D. APPORTIONMENT OF PERFORMANCE GUARANTEE

The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee.

E. AMOUNT OF PERFORMANCE GUARANTEE

1. General

Performance guarantees shall be in an amount equal to 125 percent of the estimated cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

2. Estimated Costs

Estimated costs of completing installation of required public improvements shall be itemized by improvement type and certified by the developer's licensed professional engineer, and is subject to approval by the UDO Administrator.

F. RELEASE OR REDUCTION OF PERFORMANCE GUARANTEES

1. Requirements for Release or Reduction

The UDO Administrator, as appropriate, shall release or reduce a performance guarantee only after:

- a. The owner or developer has submitted to the Town a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);
- b. The UDO Administrator has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
- c. No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

2. Acceptance Shall Be Documented

The UDO Administrator shall provide written notice of the Town's final acceptance of the improvements subject to performance guarantees.

G. DEFAULT AND FORFEITURE OF PERFORMANCE GUARANTEES

1. Notice of Failure to Install or Complete Improvements

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Section 18.7.6. Owner Associations

Subsection G. Default and Forfeiture Of Performance Guarantees

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the UDO Administrator shall give the owner or developer 30 days written notice of the scope and degree of the default, by certified mail.

2. Town Completion of Improvements

After the 30-day notice period expires, the Town may draw on the guarantee and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the financial guarantee, the Town shall return any of the unused deposited cash funds or other security.

18.7.6. OWNER ASSOCIATIONS

- A. No preliminary plat, site plan, or conditional use permit for which a property owners' association will exist shall be approved until all required legal instruments have been reviewed by the Town Attorney as to legal form and effect and approved by the Town.
- B. If common open space is deeded to a property owner's association, the owner or developer shall file with the Carteret County Register of Deeds and the Town of Atlantic Beach a declaration of covenants, conditions, and restrictions that will govern such association. The provisions of such declaration of covenants, conditions, and restrictions shall include, but not be limited to, the following:
 - 1. The property owners' association must be set up before any property is sold in the development.
 - 2. Membership must be mandatory and automatic when property is purchased in the development.
 - 3. The open space requirement must be permanent, not just for a period of years.
 - 4. The association must be responsible for liability insurance, local taxes, and maintenance of recreational and other common facilities including private streets.
 - 5. Property owners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
 - 6. The association must be able to adjust the assessment to meet changed needs.
 - 7. Covenants for maintenance assessments shall run with the land.
 - 8. Provision insuring that control of such association will gradually be vested in the property owners' association.
 - 9. All lands so conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common facilities.
 - 10. Stormwater management system maintenance schedule.
- C. All POA documents submitted as part of a development or site plan approval must be reviewed and approved by the Town of Atlantic Beach Attorney prior to the issuance of building permits for the project.

¹⁵³ NOTE TO STAFF: These provisions carry forward the standards in Section 2.15 with no substantive changes. Additional discussion is necessary regarding the need for new provisions related to establishment of or transition to an HOA from a developer. Some communities require developers to provide seed money to ensure the HOA can afford to maintain its infrastructure.