



Town of Archer Lodge

AGENDA

Regular Council Meeting

Monday, March 6, 2017 @ 6:30 PM

Jeffrey D. Barnes Council Chambers

Page

1. WELCOME/CALL TO ORDER:

- 1.a. Invocation
- 1.b. Pledge of Allegiance

2. APPROVAL OF AGENDA:

3. OPEN FORUM/PUBLIC COMMENTS:

(Maximum of 30 minutes allowed, 3 minutes per person)

4. RECOGNITION/PRESENTATION:

- 4 4.a. Proclamation - Girl Scout Week
Sunday, March 12 - Saturday, March 18, 2017
[Girl Scout Week Proclamation](#)
- 5 4.b. Proclamation - Mark J. Ostrander, Sr. Day
Saturday, March 18, 2017
[Mark J. Ostrander, Sr. Day Proclamation](#)

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

- 5.a. SEAS Presentation/Report ~ Alex Rickard, CAMPO

Consideration of Adopting Resolution to Endorse the Southeast Area Study (SEAS)
- 6 5.b. 2018 Urban Archery Renewal
[2018 Renewal Form](#)

- 7 - 9 5.c. Consideration of Adopting a Resolution to enter into Agreement with the NC Local Governmental Employees' Retirement System (NCLGERS) to Provide Employee Death Benefits
[AL2017-03-06 Resolution to Enter into an Agreement with NCLGERS to Provide Death Benefit to Employees Agreement & Certification to Provide Death Benefit to Employees in NCLGERS](#)
- 5.d. Consideration of Appointing New Planning Board Member to replace Teresa Bruton and complete her term ending 12/31/2017
- 10 - 15 5.e. Consideration of Adoption of Public Nuisance Conditions, Private Property Ordinance
[Public Nuisance Conditions, Private Property Ordinance AL2017-03-1](#)
- 16 - 22 5.f. Consideration of Adoption of Amendment Ordinance AL2017-03-2 to Amend Section 14-6 of the AL Zoning Ordinance and to Amend Sections 18-224, 18-226 & 18-229 of the AL Subdivision Ordinance with the Proposed Text Amendments appearing as follows:
[Amendment Ordinance AL2017-03-2](#)

6. TOWN ATTORNEY'S REPORT:

7. ADMINISTRATIVE CONSULTANT'S REPORT:

8. PLANNING/ZONING REPORT:

- 23 - 41 8.a. Recommendation From Planning Board: Adopt Conservation Subdivision Design District (CSDD) Overlay (Adding New Section 14-104, AL Zoning Ordinance)
[Actions Taken at Planning Board Meeting 2.15.17 Section 14-104 CSDD](#)
[Proposed Section 14-104 CSDD](#)
- 42 - 54 8.b. Recommendation From Planning Board: Adopt Accessory Dwelling Units thereby Amending Sections 14-75, 14-76, 14-77 & 14-78 of AL Zoning Ordinance
[Actions Taken at Planning Board Meeting 2.15.17 Sections 14-75,76,77,78](#)
[Proposed Sections 14-75,76,77,78 Text Amendments](#)

9. VETERAN'S COMMITTEE REPORT:

10. MAYOR'S REPORT:

11. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

12. ADJOURNMENT:



Proclamation

WHEREAS, March 12, marks the 105th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and,

WHEREAS, through the Girl Scout Leadership Experience girls gain knowledge and develop skills that will serve them a lifetime so that they may contribute to their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in science, technology, engineering, math and the arts as well as other fields that can expand their horizons; and,

WHEREAS, Girl Scouts has shaped the lives of 53 percent of female senior executives and business owners, 60 percent of women in Congress, and virtually every female astronaut;

WHEREAS, more than 2.7 million current Girl Scout members nationwide will be celebrating 105 years of this American tradition, with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing Movement;

WHEREAS, in partnership with over 9,000 adult volunteers, Girl Scouts – North Carolina Coastal Pines serves nearly 26,000 girl members in 41 central and eastern North Carolina counties.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Archer Lodge, do hereby applaud the commitment Girl Scouting has made to support the life and leadership development of girls and proudly proclaim the week of March 12-18, 2017, as:

Girl Scout Week

Duly adopted this 6th day of March, 2017.



Michael A. Gordon
Mayor



Proclamation

WHEREAS, Mark J. Ostrander, Sr. has passed and left his worldly home. He leaves behind a legacy of caring and concern for his fellow citizens in Archer Lodge, our county and state; and,

WHEREAS, he gave from his heart, passion and commitment to teach others CPR, so as to help save lives through education. He offered these classes at no charge to our community; and,

WHEREAS, his first CPR class for Archer Lodge was in May, 2010, and he taught many more in the years to come to help our people be able to help their families, churches, schools and neighbors; and,

WHEREAS, his legacy continues through his wife and children by teaching CPR. In his memory, they are donating free classes in March, 2017. The Ostrander family volunteered their time with the Archer Lodge Community Center at events and fundraisers; and,

WHEREAS, Mark was a true public servant with decades of service in Public Safety as a training officer, positions on various boards and fraternal organizations including Amaran Shrine Temple and Masonic Lodge; and,

WHEREAS, this proclamation encourages all citizens to take time to promote healthier living, to raise public awareness of the benefits of learning CPR to better prepare for saving lives; and

WHEREAS, the accomplishments and dedication of Mark J. Ostrander, Sr. be acknowledged, affirmed, and celebrated;

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Archer Lodge, do hereby applaud the late Mark J. Ostrander, Sr.'s commitment to Public Safety and proclaim March 18, 2017 as:

Mark J. Ostrander, Sr. Day

Duly adopted this 18th day of March, 2017.



Michael A. Gordon
Mayor



North Carolina Wildlife Resources Commission

Gordon S. Myers, Executive Director

February 3, 2017

Deer Urban Archery Season Renewal Form

Michael A. Gordon
Mayor
14094 Buffalo Road
Clayton, NC 27527

Name of Municipality: Town of Archer Lodge

County: Johnston

*Please update any contact
information changes that
need to be made:*

Name:

Address:

Phone #:

Participation in the **2018 Season** (dates are *January 13 - February 17, 2018*) **Yes** ☐ **No** ☐

It is Wildlife Management policy to provide a complete list of participating municipalities to the hunting public in the *Regulations Digest*. **Please indicate a phone number and/or Internet address for listing in the 2017-2018 Inland Fishing, Hunting and Trapping Regulations Digest:**

Phone:

Internet address:

(Please Print)

Are there any changes to the map submitted with your participation letter?
If yes, please attach new map to this form. (No larger than 11" X 17")

Yes ☐

No ☐

Name of Municipality Representative:

(Please Print)

Signature of Municipality Representative:

Thank you for your interest in the management of our state's wildlife resources. Please complete and return this form to: Division of Wildlife Management, 1722 Mail Service Center, Raleigh, N.C. 27699-1722 by **April 1, 2017**.

David T. Cobb, Ph.D., Chief
Division of Wildlife Management
(919) 707-0050

TOWN OF ARCHER LODGE

**RESOLUTION TO ENTER INTO AGREEMENT WITH THE
NORTH CAROLINA LOCAL GOVERNMENTAL
EMPLOYEES' RETIREMENT SYSTEM
TO PROVIDE EMPLOYEE DEATH BENEFITS**

North Carolina Local Governmental Employees' Retirement System
3200 Atlantic Avenue
Raleigh, North Carolina 27604

WHEREAS, the 1969 General Assembly amended the North Carolina Local Governmental Employees' Retirement System laws so as to permit agreements for providing death benefits for employee members pursuant to G.S. 128-27(l); and

WHEREAS, the governing body of this Unit realizes the desirability of providing its employees with the security and protection provided by a plan for death benefits; and

WHEREAS, Article 3 of Chapter 128 of the General Statutes of North Carolina provides that any employer governmental unit desiring to provide death benefits for its employee members must execute an agreement therefore with the Director of the North Carolina Local Governmental Employees' Retirement System:

NOW, THEREFORE, BE IT RESOLVED BY THE ARCHER LODGE TOWN COUNCIL while in regular session,

1. That the **TOWN OF ARCHER LODGE** hereby elects to secure death benefits for its employees in the North Carolina Local Governmental Employees' Retirement System.
2. That the **TOWN OF ARCHER LODGE** hereby agrees to comply with all provisions of the North Carolina Local Governmental Employees' Retirement System as defined in Article 3, Chapter 128 of the General Statutes of North Carolina, as amended, and to make such increased employer's contributions as the Local Governmental Employees' Retirement System may determine to be necessary in order to provide employee death benefits.
3. That the **TOWN OF ARCHER LODGE** is hereby ordered and directed to execute an agreement with the Director of North Carolina Local Governmental Employees' Retirement System to implement the employee death benefits of G.S. 128-27(l).

Upon motion of _____ and seconded by

_____, the above resolution was introduced for passage.

The following number voted in the affirmative: _____.

The following number voted in the negative: _____.

TOWN OF ARCHER LODGE
AGREEMENT – DEATH BENEFIT

North Carolina Local Governmental Employees' Retirement System
3200 Atlantic Avenue
Raleigh, North Carolina 27604

In accordance with the provisions of subsection (l) of G.S. 128-27 setting forth the conditions under which the rights of the death benefit might be made available to members of the North Carolina Local Governmental Employees' Retirement System, the AGREEMENT is hereby entered into between the **ARCHER LODGE TOWN COUNCIL** and the Director of said Retirement System.

In consideration of an increase of 0.26% in the employer's contribution rate effective as of **APRIL 1, 2017**, the North Carolina Local Governmental Employees' Retirement System hereby agrees to extend the privileges and rights of the death benefit described in subsection (l) of G.S. 128-27 to the employees of the **TOWN OF ARCHER LODGE** who are members of said System on and after the above effective date. This Agreement shall continue in effect from year to year with the understanding that the rate payable for this death benefit may be modified as the System's Actuary may periodically determine.

Approval of the above increase in rate was authorized by **ARCHER LODGE TOWN COUNCIL** at its meeting on **MARCH 6, 2017** and is recorded in the minutes of said Board.

CERTIFICATION:

Michael A. Gordon
Mayor, Town of Archer Lodge

Date

Kim P. Batten
Town Clerk, Town of Archer Lodge

Date

APPROVAL:

Director, Retirement System

Date

CERTIFICATION

North Carolina Local Governmental Employees' Retirement System
3200 Atlantic Avenue
Raleigh, North Carolina 27604

This is to certify:

1. That at a meeting of the **ARCHER LODGE TOWN COUNCIL** held at the Archer Lodge Town Hall, 14094 Buffalo Road, Clayton, NC in the Jeffrey D. Barnes Council Chamber on the **6th** day of **March, 2017**, the attached resolution was duly introduced and legally passed in accordance with the applicable provisions of laws relating to the TOWN OF ARCHER LODGE, County of Johnston and the General Statutes of North Carolina.
2. That the meeting at which said resolution was passed was duly constituted, a quorum was present, and that a resolution was publicized in accordance with the applicable provisions of law and the General Statutes of North Carolina.
3. That the attached resolution is a true and accurate copy of the resolution passed by the ARCHER LODGE TOWN COUNCIL as the same appears in the Official Minutes on file at the Town Hall.

This the **6th** day of **March, 2017**

Kim P. Batten, Town Clerk

Corporate Seal (*if any*)

ORDINANCE # AL2017-03-1

**PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY
ORDINANCE THE TOWN OF ARCHER LODGE**

BE IT ORDAINED by the Town Council of the Town of Archer Lodge, North Carolina:

Part 1. That the Public Nuisance Conditions, Private Property Ordinance for the Town of Archer Lodge is hereby established and written to read as follows:

Section 1. Administration.

For the purpose of this Ordinance, the term "nuisance" shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

State law reference—City authority for abatement of public health nuisances G.S. 160A-193.

Section 2. Declaration of Public Nuisance

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

1. Any weeds or other vegetation having an overall height of more than twelve (12) inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.
2. Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage

containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.

3. An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.
4. An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials collection.
5. An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.
6. Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.
7. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
8. The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or, create an unattractive condition or visually blighted property
9. A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued zoning permit or building permit.

10. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
11. The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.
12. A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.
13. Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.
14. Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.
15. A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.
16. A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.
17. Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.

18. Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
19. Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.
20. Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

Section 3. Exceptions

Notwithstanding the above, the following uses and the conditions associated with such uses shall not be considered as a nuisance unless there are other circumstances which cause the use and/or the condition to become a nuisance:

1. **Businesses:** The outside storage of raw materials, products and goods, equipment or machinery that are used by a lawful business, including agricultural uses or a commercial entity that is lawfully operated in full compliance with all required licenses and permits and in compliance with all environmental laws, zoning laws and other local ordinances shall not be unlawful so long as the use of the raw materials, products, machinery, equipment and goods are necessary to the operation of the business, industry or commercial entity and are in accordance with normal or customary practice. This exception shall not apply to the storage of inherently dangerous materials and/or goods and supplies in an unsecured location nor shall it apply to the unnecessary storage or collection of materials that are no longer needed for the purpose of the business nor expected to be used in the business in the foreseeable future.
2. **Overgrown Areas:** This chapter is not intended to regulate bona fide farms, tracts of land not otherwise subject to the town subdivision regulations, undeveloped sections of approved subdivision, temporary or seasonal piling for removal or burning of brush, limbs, or leaves as otherwise permitted by local or state laws, or areas reserved from development due to environmental sensitivity or habitat preservation, woods, or landscaped natural areas utilizing a combination of live and ornamental materials created for aesthetic effect. Such areas shall not be a violation unless there are other conditions associated therewith that cause the area to be a nuisance.

Section 4. Complaint; Investigation Of Public Nuisance

When any condition in violation of this Ordinance is found to exist, the Code Administrator or such persons as may be designated by the Town Council shall give notice to the

owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the town may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

1. By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.
3. By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2).

Section 5. Abatement Procedure.

If the owner of any property fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Section 6. Procedure Is Alternative

The procedure set forth in this Ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this Ordinance shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in N.C. G. S. 14-4. In addition to the remedies provided for herein, any violation of the terms of this Ordinance shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in the General Penalties Ordinance of the Town of Archer Lodge.”

Section 7. Penalty

Unless a different fine or penalty is set out in a particular section of this Ordinance, a violation of any provision of this Ordinance shall subject the violator to the following schedule of civil penalties for Notices of Violation:

First Notice of Violation: \$25.00

Second and Subsequent Notices of Violation: \$75.00

If a higher fine or penalty is set out in this ordinance, the higher fine or penalty shall apply.

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Town Council of the Town of Archer Lodge, North Carolina.

ADOPTED this the _____ day of _____, 2017.

ATTEST

SEAL

Mayor
Mike Gordon

Town Clerk
Kim P. Batten

**AN ORDINANCE AMENDING THE ZONING & SUBDIVISION ORDINANCE OF THE
TOWN OF ARCHER LODGE**

WHEREAS, the Town Council of the Town of Archer Lodge, North Carolina may enact ordinances to protect the health, safety, and welfare of its citizens under the North Carolina General Statutes § 160A-174 and § 160A-383, and

WHEREAS, following due advertisement announcing a public hearing as provided by law, the Town Council of the Town of Archer Lodge, North Carolina held said public hearing on February 6, 2017 to consider amending Chapter 14, Zoning and Chapter 18, Subdivisions.

WHEREAS, on the Town Council received a recommendation from the Archer Lodge Planning Board requesting amendments to the Chapter 14, Zoning to add a definition for Accessory Dwelling Unit and to revise street classifications and other definitions; and, requesting amendments to Chapter 18, Subdivisions to: set a maximum subdivision street block length; require a minimum pavement depth for subdivision streets; specify when more than one full-service access is required to new subdivisions; require public access easements and sidewalks in certain situations; set maximum length of cul-de-sac streets; set maximum distance between fire hydrants.

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the Town Council does hereby find and determine that the adoption of the ordinance amending the zoning and subdivision text as follows is consistent with the plans and policies of the Town of Archer Lodge.

NOW THEREFORE BE IT ORDAINED by The Town Council of the Town of Archer Lodge, in order to protect the public health, welfare, and safety, the following regulations shall be amended:

SECTION 1. Definitions.

Amend Section 14-6 by adding (shown as underlined) or deleting (shown as ~~strike through~~) the following definitions.

Accessory dwelling unit means a dwelling that exists either as part of a principal dwelling or as an accessory building that is secondary and incidental to the use of the property as single family residential.

Streets. Streets are classified as follows:

~~Street, arterial~~ means streets or roads that function primarily serving through traffic movement, limited land parcel access service may be accommodated, but traffic controls and street design are intended to provide efficient through traffic movement. Some U.S. and North Carolina numbered highways are examples of arterial streets.

- a) Alley: a public vehicular way providing service access along rear or side property lines of lots which are also served by one of the other listed street types.
- b) Clear Zone: the unobstructed, relatively flat area bordering the edge of payment that allows a driver to stop safely or regain control of a vehicle that leaves the roadway. The clear zone may consist of a shoulder, recoverable slope, or a clear run-out area. The desired minimum width of a clear zone is dependent upon traffic volumes and speeds and on the roadside geometry.
- c) Collector: streets whose principal function is to carry traffic between residential streets, cul-de-sacs and major and minor thoroughfares, but that may also provide direct access to abutting properties. It is designed to carry more than 3,500 but less than 6,000 trips per day. Typically, a collector is able to serve, directly or indirectly, between 350 and 600 dwelling units. ~~means streets or roads that function to penetrate areas, neighborhoods, public service areas, and districts. Such streets are intended to provide both through traffic and some land parcel access services in relatively equal proportions, often linking the local street system to the arterial street system. Examples of a collector street include some North Carolina and S.R. numbered streets~~
- d) Cul-de-sac: short streets having one end open to traffic and the other permanently terminated by a vehicular turnaround.
- e) Frontage: a street that is parallel and adjacent to a major or minor thoroughfare, which provides access to abutting properties, protection from through traffic, and control of access to the major or minor thoroughfare.
- f) Local: a street whose principal function is provide access to adjacent properties. They are intended to accommodate land parcel ingress and egress. Through-traffic movement is difficult and discouraged by traffic controls and street design. Examples of local roads include streets internal to subdivisions and sparsely-developed rural areas.
- g) Street, Private: ~~means~~ a street or road that is not dedicated as a public right-of-way, which is privately maintained by a homeowners' association or a road maintenance agreement, and is not taken over for maintenance by NCDOT and requires a Subdivision Streets Disclosure Statement in accordance with G.S. 136-102.6.
- h) Street, Public: ~~means~~ a street or road that is dedicated as a public right-of-way, which is accepted and taken over for maintenance by NCDOT.

- i) Thoroughfare, Major: A street serving the principal network for high volumes of traffic or high speed traffic. This street type consists of at least two travel lanes in each direction. A major thoroughfare shall be designated where the anticipated average daily volume exceeds 10,000 vehicles. Residences shall not have access to a major thoroughfare.
- j) Thoroughfare, Minor: A street designed primarily to collect and distribute traffic between the local street network and major thoroughfares. This street type generally consists of more than one travel lane in each direction. A minor thoroughfare shall be designated where the anticipated average daily volume ranges exceeds 6,000 vehicles, but is less than 10,000 vehicles. Residences should not have access to a minor thoroughfare.

SECTION 2. Lot arrangement.

Amend Section 18-224 by adding (shown as underlined) or deleting (shown as ~~strike through~~) the following:

Sec. 18-224. Lot and Block arrangement.

- B Blocks shall be arranged with special consideration given to the type of land use proposed within the block.
- (a) Blocks shall not exceed 1,500 feet in length.
- (b) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
- (c) A pedestrian access easement not less than ten feet in width may be required near the center and entirely across any block greater than 900 feet in length to provide adequate access to schools, parks, churches, civic facilities, open space, trails, or greenways.
- (d) A pedestrian access easement not less than ten feet in width may be required from a cul-de-sac to help provide adequate access to schools, parks, churches, civic facilities, open space, trails, or greenways.

SECTION 3. Access and circulation.

Amend Section 18-226(A) by adding (shown as underlined) or deleting (shown as ~~strike through~~) the following:

- a) Roads. The arrangement, character, extent, width, grade, and location of all roads should be designed in relation to existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads and existing and potential land uses in adjoining areas. ~~Private roads not within a minor subdivision shall:~~
- b) All roads shall:

~~Be limited to a non-through road;~~ Meet the road construction standards as set forth in the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards, with the additional requirement that pavement surface be a minimum of 2 inches Asphalt Concrete Surface Course, and;

- i) ~~Be paved;~~ Shall be dedicated for public use and meet the design and construction standards as required by the NCDOT for the functional classification and projected traffic volumes.
- ii) ~~Meet the road constructions standards as set forth in the latest edition of the NCDOT Subdivision Roads Minimum Construction Requirements.~~ For all roads not maintained by NCDOT and/or not dedicated for public use, be ensured proper maintenance through the establishment of a homeowners' association or a road maintenance agreement.
- ~~— iii) Meet the road constructions standards as set forth in the latest edition of the NCDOT Subdivision Roads Minimum Construction Requirements.~~
- ~~— iv) Dedications for Future Right of Way — All roads to be dedicated for public use shall meet the design and construction standards as required by NCDOT for the functional classification and projected traffic volumes.~~

iv) ~~vi)~~ Other Road Requirements

- (1) *Permits for Connecting to NCDOT Roads:* An approved permit is required to connect any subdivision street to an existing NCDOT road. This permit is required prior to constructing the road. The application is available at the office of the nearest district engineer of the Division of Highways.
- (2) *Offsets to Utility Poles:* Overhead utility poles shall be break-away or located outside the roadway clear zone.
- (3) *Wheelchair Ramps and Curb Cuts for Disabled Persons:* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of North Carolina General Statutes Chapter 136, Article 2A, Section 136-44.14 and the American Disabilities Act.
- v) ~~vi)~~ *Relationship to adjoining properties.* New streets or roads shall be appropriately related to, and coordinated with, adjoining properties and existing and proposed roadways. Roadways within a proposed subdivision may be required to connect with adjoining properties where necessary to permit the convenient, efficient and safe movement of traffic. All roads that extend to adjacent properties shall be designated as public roads.

- c) Cul de Sac Length. No residential street cul-de-sac serving lots of 20,000 square feet or greater in size shall exceed 1,000 feet in length. No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length
- d) ~~b)~~ *Access to streets.* Every subdivided lot shall front on, or have direct driveway access or dedicated easement to, a public or private street meeting the standards of the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards.
- e) ~~e)~~ *Direct residential driveway connections.* Subdivisions located on ~~an arterial~~ a collector road shall be designed such that no new subdivided lot shall have a direct driveway connection onto ~~an arterial~~ the collector road, unless it can be demonstrated that the proposed subdivision cannot be feasibly designed, or that no reasonable alternative exists, to prohibit driveway access onto ~~an arterial~~ the collector street.
 - i) Major subdivisions to be located on a local road shall be designed such that there shall be no more than one direct residential driveway connection per 500 feet along the same side of the local road, unless it can be demonstrated that the proposed subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit individual driveway access onto a local road.
 - ii) *Subdivision access.* A second full-service access for the purpose of ingress and egress or an emergency access easement shall meet the requirements of the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards ~~for the purpose of ingress and egress or an emergency access easement.~~ The second full service access will be required when meeting or exceeding the following thresholds:
 - iii) For subdivisions proposing ~~between 100 and 200 lots,~~ 30 and 74 lots, at least two access points shall be included. The second access may consist of an existing or future street connection to an adjacent development. ~~Where no adjacent development exists,~~ the developer has the option of providing a second full-service access for the purpose of ingress and egress or a dedicated "emergency vehicle access." This "emergency vehicle access" is to be constructed of any all-weather surface and kept cleared at all times in case the main entrance is blocked and emergency vehicles need to access the development.
 - iv) For subdivisions proposing ~~201 between 75 to 249 lots or more,~~ the developer shall provide a second full-service access for the purpose of ingress and egress.
 - v) For subdivisions proposing (or which have the potential for) 250 or more lots, three separate access points shall be included. Where three or more access points are required, the Planning Board may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections.

- vi) A waiver of these standards may be allowed by the Planning Board during approval of the preliminary subdivision plat only where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service access.

f) *Subdivision road standards.*

- i) Once a subdivision street has a minimum of four occupied homes and an average of two occupied homes per tenth of a mile, no more Zoning Compliance Permits will be issued for lots on that street until the NCDOT accepts the subject street into the state-maintained roadway network, per the developer's request.
- ii) No more than 75% of a subdivision's certificates of occupancy may be issued until the required secondary access has been constructed or bonded for construction.

Note: For determining when a second access is required, the count will be cumulative.

g) *Sidewalks*

- i) Specifications: When provided, or required by the Planning Board, sidewalks shall be constructed to a minimum width of five (5) feet and in accordance with NCDOT specifications and construction standards. All sidewalks shall be located behind curb and gutter or beyond the clear zone behind a swale or ditch. All sidewalks shall be placed in the street right-of-way or within a public access easement. ~~except as provided below. Sidewalks shall have a minimum width of five (5) feet.~~
- ii) Protection of significant trees: Sidewalks shall be meandered as to protect and preserve existing significant trees. For that purpose, sidewalks may be placed within a minimum 15-foot wide ~~maximum 10-foot wide~~ public access easement located outside the public right-of-way.
- iii) When required: At the discretion of the Planning Board, sidewalks may be required on one side or both sides of the street where it is reasonable that the public has access and will use the sidewalks where an existing school, church or other civic facility, such as a park, open space, trail, or greenway, lies within one-quarter-mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is desirable.

h) *Curb and gutter.*

- (i) Curb and gutter standards: When provided, or required by ~~either~~ the Planning Board ~~or town council~~, curb and gutter shall be constructed in accordance with plans and profiles meeting NCDOT specifications.

SECTION 4. *Renumber Section. 18-226(A)(g) Open Space Requirements and (A)(h) (homeowners association required) to Section. 18-226(A)(i) and(A)(j), respectively.*

SECTION 5. *Amend Section 18-229 by adding (shown as underlined) or deleting (shown as ~~strike through~~) the following:*

Sec. 18-229. Public water, fire hydrants, and sewer systems.

B) Fire hydrants shall be provided in accordance with National Fire Protection Association standards. Adequate flow for firefighting will be available to every lot in the subdivision. This provision will require that the main lines be a minimum six inches in diameter, and that a hydrant tee and valve be provided within 500 feet of each lot, unless otherwise approved by the Johnston County Fire Marshal.

SECTION 6. This ordinance shall be effective from and after its adoption.

Adopted this 6th day of March, 2017.

Mike Gordon, Mayor

ATTEST:

Kim P. Batten, Town Clerk

Don

ACTIONS TAKEN BY PLANNING BOARD AT FEBRUARY 15, 2017 MEETING

FOLLOWING MOTIONS WERE MADE AND APPROVED:

MOTION BY W.R. DEAN, JR., SECONDED BY JIM PURVISS, III THAT THE PLANNING BOARD ACCEPT STAFF'S RECOMMENDATION TO GIVE CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT ON CASTLEBERRY ROAD – JERRY G. PACE, JR. PROPERTY OF 55 ACRES WITH 20 LOTS, SUBJECT TO THE ELEVEN (11) ITEMS ON THE FEBRUARY 8, 2017 LETTER BEING COMPLETED. . MOTION PASSED 5 FOR AND 0 AGAINST.

MOTION BY TERESA ROMANO, SECONDED BY JOEL PACE THAT THE PLANNING BOARD FORWARD SECTION 14-104 CONSERVATION SUBDICISION DESIGN DISTRICT (CSDD) TO THE TOWN OF ARCHER LODGE TOWN COUNCIL FOR THEIR APPROVAL. MOTION PASSED 6 FOR AND 0 AGAINST.

MOTION BY JIM PURVIS, III, SECONDED BY JOEL PACE THAT THE PLANNING BOARD RECOMMEND TO THE TOWN OF ARCHER LODGE TOWN COUNCILTHE APPROVAL OF THE FOLLOWING REVISED SECTIONS OF THE ZONING ORDINANCE: Sec.14-75, Sec. 14-76, Sec. 14-77, and Sec. 14-78. Motion passed 4 for and 2 against.

CERTIFIED AS BEING THE ACTION TAKEN BY THE PLANNING BOARD ON FEBRUARY 15, 2017.

2/16/17
DATE

W.R. Dean
W.R.DEAN, JR. SECRETARY TO THE BOARD

Section 14-104 Conservation Subdivision Design District (CSDD)

- A *Purpose and intent.* The conservation subdivision design district (CSDD) is established as a district overlain onto areas presently in agriculture or forestry use, or parcels greater than 10 acres, and provides for alternative subdivision designs to allow for an overall density of one dwelling unit per gross acre. Development within this overlay district shall comply with the regulations of the underlying AR (Agricultural Residential) zoning district, provisions of this section and any other applicable sections of this chapter.

The purpose of Conservation Subdivision Design is to preserve agricultural and forestry lands, natural and cultural features, and rural community character that might be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in the design of such developments is encouraged and required. Specific objectives are as follows:

- a) To preserve areas within the Town of Archer Lodge with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for efficient operations.
- b) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
- c) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development on steep slopes.
- d) To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains.
- e) To preserve scenic views and elements of the county's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
- f) To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the social and architectural history of Archer Lodge.
- g) To provide for the active and passive recreational needs of county residents, including Implementation of the Archer Lodge Comprehensive Parks & Recreation Master Plan.
- h) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.
- i) To create compact neighborhoods accessible to open space amenities and with a strong identity.

- B *Application of Regulations.* This conservation subdivision option is permitted in the AR (Agricultural Residential) zoning district, but only upon approval of a Preliminary Subdivision Plat by the Archer Lodge Planning Board. All Conservation Subdivision Development subdivision plats shall comply with the requirements and standards specified in Chapter 18, Subdivisions and in all respects with other applicable codes and ordinances to the extent that they are not in conflict with these provisions. Applicants seeking approval of a Minor Subdivision Final Plat by the Zoning Administrator are encouraged to work with the Town staff in identifying and preserving open space areas as part of such developments.

- C *Open Space Standards:*

- a) *Minimum Required Open Space.* Where a developer elects to seek approval of a conservation development as specified herein, at least fifty percent (50%) of the total land area in the conservation development must be set aside as protected open space. Such open space shall meet these standards unless the developer chooses to seek approval of a conventional subdivision as specified herein.

- b) *Types of Open Space.* The types of open space conserved through Conservation Development shall be consistent with the following standards and shall be comprised of two types of land: "Primary Conservation Areas" and "Secondary Conservation Areas".

i) Primary Conservation Areas

- These areas have sensitive environmental features and/or significant cultural resource areas, which may make them legally or practically unbuildable.
- These areas are the first open spaces to be chosen towards meeting the minimum 50% requirement.
- Secondary Conservation Areas may not be counted towards the 50% requirement unless all potential Primary Conservation Areas, other than those listed below, have been set aside.

Primary Conservation Areas include:

1) *Wetlands*, including, but not limited to, streams, creeks, ponds, reservoirs, and adjoining land areas identified as part of:

- The National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service;
- Soil maps published by the County Soil Survey prepared by the USDA Natural Resources Conservation Service (where "very poorly drained" soils can be considered as a proxy for wetlands);
- An Environmental Assessment or Environmental Impact Statement; and/or
- A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner.

2) *Floodplains* (100-year) and alluvial soils identified as part of:

- The Flood Insurance Study: Johnston County, NC, prepared by the Federal Emergency Management Agency (FEMA); and
- The Johnston County, NC, Soil Survey prepared by the U.S.D.A. Soil Conservation Service;

3) *Steep slopes*, defined as those greater than 25 percent, identified as part of:

- The Johnston County, NC, Soil Survey prepared by the U.S.D.A. Soil Conservation Service;
- A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using data from the U.S. Army Corps of Engineers.

ii) Secondary Conservation Areas

- If there is not enough Primary Conservation Area acreage on site to meet the mandatory 50% open space requirement, then Secondary Conservation Areas shall be used to complete the 50% requirement.
- Secondary Conservation Areas have fewer restrictions, regarding location, and allow more flexibility to improve overall open space design and purpose. These areas, unless

specified otherwise, receive full credit toward meeting the minimum open space requirement of Conservation Developments.

Secondary Conservation Areas may be proposed for the following attributes:

1) *Access*

- An area may be chosen as a Secondary Conservation Area because of its benefit in providing open space access to residential lots in accordance with regulations listed in Section 14-104 D below.
- Access areas shall also include desired compositional, size and shape attributes, as listed below.

2) *Composition*

- Sites chosen for Secondary Conservation Areas must have one or more of the following characteristics or uses:
 - a) *Woodlands*, including forest land for the planting and production of trees and timber, where management practices such as selective timber harvesting and wildlife enhancement are employed. Such woodlands may consist of hardwood, pine, and/or mixed pine-hardwood forests identified as part of:
 - The Johnston County, NC, Soil Survey prepared by the U.S.D.A. Soil Conservation Service;
 - A required Environmental Assessment or Environmental Impact Statement;
 - A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using data from the U.S. Army Corps of Engineers.
 - An independent site study conducted by a trained botanist and/or biologist.
 - b) *Farmland*, especially prime agricultural land as identified by the U.S.D.A. Soil Conservation Service in Important Farmlands: Johnston County, NC, and which is in active use for the production of crops and/or raising of livestock. Farmland also includes space on individual lots used for gardens, ponds, horse paddocks and barns, and similar uses.
 - c) *Slopes of 15% to 25%* which require special site planning due to their erosion potential, limitations for septic tank nitrification fields, and terrain or elevation changes. Such areas may be suitable for building, but higher site preparation and construction costs are to be expected.
 - d) *Other historic and/or archaeological sites* identified from the same sources as for primary conservation area sites.
 - e) *Public and/or private recreation areas and facilities*, including:
 - “Active recreation areas” such as public recreation areas, including district and community parks as identified in the Master Recreation and Parks Plan; and private recreation facilities, including golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar

sports. Because they represent uses in which natural lands are cleared, graded, and managed for intensive activities, only half (50%) of the land in this category may be credited toward meeting the minimum open space requirement.

- “Passive recreation areas” such as pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.
- f) *Scenic views*, especially of natural and cultural features from designated scenic road corridors, including “views from the road” as well as views outward from potential home sites. Landscape buffers which screen the view of development and preserve the character of rural public roads are also included in this category.
- g) *Greenbelt connectors* – areas that can be used to connect greenways, side paths, sidewalks, or other pedestrian connections with other primary and secondary open spaces.

Secondary conservation areas may be comprised of any of the remaining open space uses identified above, and unless specified otherwise, receive full credit toward meeting the minimum open space requirement in conservation subdivision developments.

D Access to Open Space: Both primary and secondary conservation areas shall be placed in undivided preserves which adjoin housing areas that have been designed more compactly to create larger conservation units that may be enjoyed by all residents of the subdivision and, if possible, enjoyed visually by the general public. Such undivided open space shall be accessible to the largest number of lots within the development. To achieve this, the majority of house lots should abut undivided open space to provide residents with direct views and access. Safe and convenient pedestrian access to the open space from all adjoining house lots shall be provided, except in the case of farmland or other resource areas vulnerable to human disturbance. The design must meet Section 14-104 I, Evaluation Criteria, which sets forth conservation area design characteristics.

E Ownership and Management of Open Space

- a) Land set aside as open space in residential developments shall be held in common ownership or dedicated to the public rather than platted as part of individual private lots.
- b) Prior to approval of a final plat, a program for continued maintenance of all open space areas shall be submitted. The submission shall include agreements, contracts, deed restrictions, sureties, or other legal instruments acceptable to the Town, as appropriate, to guarantee the provision and continued maintenance of such common areas and facilities.
- c) The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - i) A permanent conservation easement in favor of either:
 - A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements (the organization shall be bona fide and in perpetual existence

and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions). If the entity accepting the easement is not the Town or the County, then a third party right of enforcement favoring the Town or the County shall be included in the easement; or

- A governmental entity with an interest in pursuing goals compatible with the purposes of this section acceptable to the Town or County, as appropriate.
- ii) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
- iii) An equivalent legal tool that provides permanent protection, if approved by the Town or County, as appropriate.
- iv) Dedication of the land to an established homeowner's association (with legal standing in the property) that accepts permanent maintenance responsibility.
- d) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this Article, as well as any further restrictions the applicant chooses to place on the use of the open space.
- e) Open space that has been dedicated to an established homeowner's association can be transferred with a permanent conservation easement to a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements pursuant to subparagraph (1) above.

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

- a) Reforestation;
- b) Woodland management;
- c) Pasture or cropland management;
- d) Buffer area landscaping;
- e) Stream bank protection; and/or
- f) Wetlands management.

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

G Development Standards: A conservation subdivision is one in which building density within the subdivision does not exceed five (5) dwelling units per acre, provided such lots and subdivisions are developed in accordance with the following standards:

- a) Land saved through lot size reductions shall consist of designated primary and/or secondary conservation areas.

- b) The total amount of land set aside as primary and secondary conservation areas shall equal the sum of all reductions in minimum lot area and shall comprise at least fifty percent (50%) of the total land area in the subdivision.
- c) Both primary and secondary conservation areas shall be placed in undivided preserves which adjoin housing areas that have been designed more compactly to create larger conservation units that may be enjoyed by all residents of the subdivision and, if possible, enjoyed visually by the general public. Such undivided open space shall be accessible to the largest number of lots within the development. To achieve this, most house lots should abut undivided open space to provide residents with direct views and access. Safe and convenient pedestrian access to the open space from all adjoining house lots shall be provided, except in the case of farmland or other resource areas vulnerable to human disturbance. The design must meet Section IX, Evaluation Criteria, which sets forth conservation area design characteristics.
- d) Where undivided open space is designated as separate non-contiguous parcels, no parcel shall consist of less than three (3) acres in area, nor have a length-to-width ratio more than 4:1, except such areas that are specifically designed for neighborhood commons or greens; play fields; buffers adjacent to wetlands, water courses, and rural roads; wildlife corridors; or trail links.
- e) Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, driveways, septic systems including repair areas, and well sites. A septic system and/or well site may be located in a secondary conservation open space area provided it does not occupy more than one-quarter of the secondary conservation area. No septic system, repair area, and/or well can be located in the primary conservation area.
- f) Provided the arrangement, design, and shape of cluster lots is such that lots provide satisfactory and desirable sites for building, and contribute to the preservation of designated primary and/or secondary conservation areas, and meet setback requirements as specified in Section 14-75 of the Archer Lodge Zoning Ordinance, minimum lot area may be reduced to 20,000 square feet where lots are served by individual wells and septic systems, or 15,000 square feet with county water and septic systems.
- g) Conservation subdivision road(s) shall be designed to provide internal access to all lots in the subdivision. Private driveways shall access existing state-maintained roads only via subdivision roads providing internal access to lots in the subdivision.
- h) Lots shall be restricted against further subdivision through deed restrictions and/or permanent conservation easements. Primary and secondary conservation areas shall be dedicated to Johnston County, another unit of local government, the State of North Carolina, a private non-profit land conservancy, or a homeowners' association.
- i) Zero (0) Side and/or Rear Yard Setbacks. A zero (0) side and/or rear yard setback as permitted herein, may be permitted, subject to the following provisions:
 - i) Any wall, constructed on the side or rear lot line shall be a solid doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning, or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall comply with the side yard setback requirements specified in Article 8. Roof eaves may encroach two (2) feet into the adjoining lot;
 - ii) A five (5) foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;
 - iii) Where zero (0) side or rear yard setbacks are proposed, the buildable area for each lot shall be indicated on the preliminary and final subdivision plat;
 - iv) No structure may be located on more than one (1) side lot line.

- j) **Street Standards.** All streets in Conservation Subdivisions shall conform to the standards contained in Section 18-226 of this Ordinance.

H Design Guidelines:

- a) **Determining Density or Lot Yield.** Overall density shall be based upon the minimum lot size requirements of the AR zoning and based on a Conventional Subdivision or “Yield” Plan conforming to the regulations governing lot dimensions, land suitable for development, and street design. Although such plans shall be conceptual in nature and are not intended to involve significant engineering or surveying costs, they must be realistic. Potential building lots and streets must not be shown in areas that would not ordinarily be permitted in a Conventional Plan. For example, such plans would include, at minimum, basic topography, wetland locations, 100-year floodplains, and slopes exceeding twenty-five percent (25%) in defining areas unsuited for development.

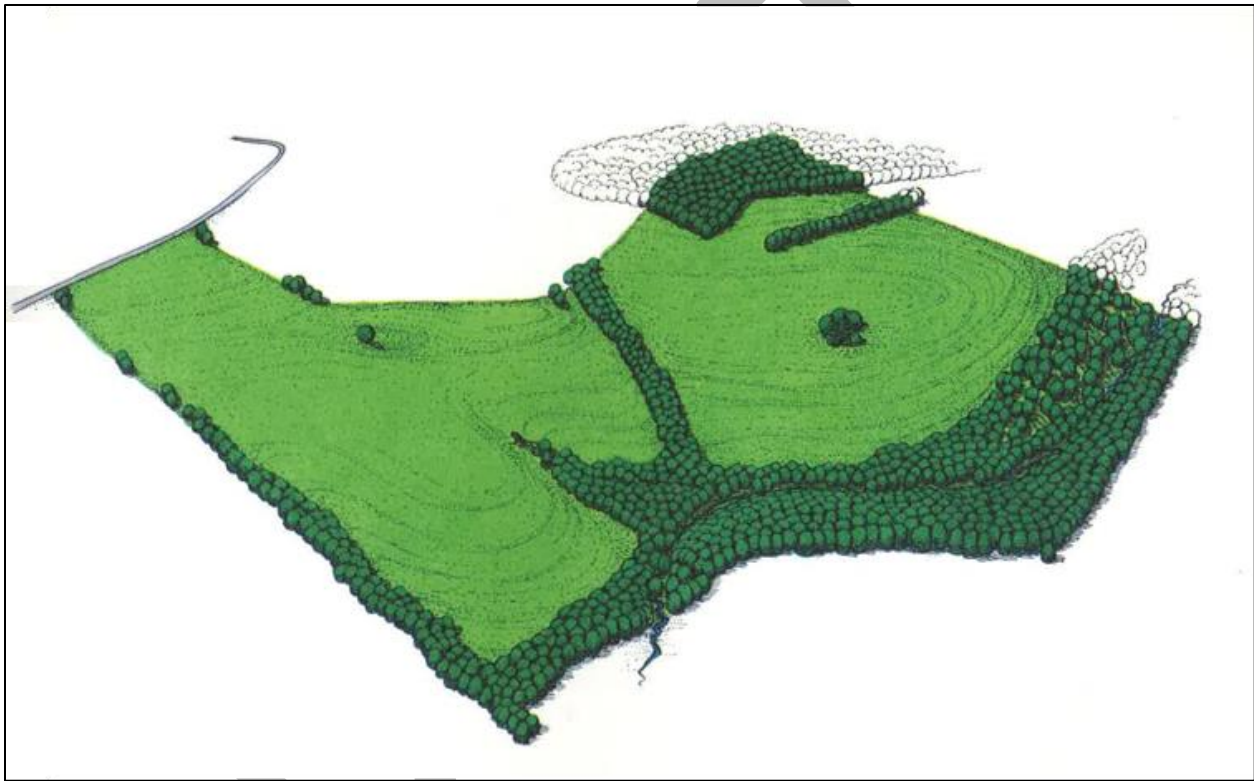


Figure 1. Site Prior to Development¹.

Soil suitability for individual septic systems shall be demonstrated either by preliminary soil suitability analyses of ten to fifteen percent (10% to 15%) of the proposed lots; or provision of a map showing the location of soil types suited for septic systems as based on the Johnston County, N.C. Soil Survey. The map shall be prepared in consultation with a licensed Soil Scientist.

¹All Figures from *Conservation Design for Subdivisions*; by Randall G. Arendt. Copyright © 1996 by Island Press. Reproduced by permission of Island Press, Washington, D.C.



Figure 2. Site with Conventional Development.

The number of lots achieved through the preparation of a Conventional Subdivision or “Yield” Plan is the number of lots which must be used in preparing the Conservation Subdivision Development Plan (See Figure 3.). The number of lots may not be increased through the proposed use of an alternative or community sewage disposal system. Increases are permitted, however, at the Preliminary Plan stage where a more detailed soil analysis clearly demonstrates that a greater number of lots is achievable than shown on an approved Concept Plan.

- b) *Design Process.* Conservation subdivisions shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step. This “four-step” design process is further described in the illustrations that follow.

- i) *Step 1: Open Space Designation:* All potential Conservation Areas, both Primary and Secondary, shall be identified using a Site Analysis Map. Primary Conservation Areas shall consist of those features described in Section C b)i) above and illustrated in Figure 4.

Secondary Conservation Areas shall comprise at least half of the remaining land and shall include the most sensitive and noteworthy natural, scenic, and cultural resources as described in Section C b)ii) above. Guidance as to which parts of the remaining land to classify Secondary Conservation Areas shall be based upon on-site visits; and the Evaluation Criteria contained in Section I below and illustrated in Figure 5.



Figure 3. Yield Plan (32 lots).

- ii) Step 2: Potential Development Areas and House Site Location: During this step, potential development areas are defined and house sites are tentatively located. (See Figure 6.) The proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the Evaluation Criteria contained in Section I below.

Generally, house sites should be located no closer than 100 feet from Primary Conservation Areas. Such sites may be situated 50 feet from Secondary Conservation Areas to permit the enjoyment of scenic views without negatively impacting Primary Conservation Areas. (See Figure 7.)

- iii) Step 3: Street and Lot Layout: This step consists of aligning proposed streets and potential trails to provide vehicular and pedestrian access to each house in the most reasonable and economical manner. When lots and access streets are laid out, they shall be located in such a way that avoids or at least minimizes impacts on both Primary and Secondary Conservation Areas. To the greatest extent practical, wetland crossings and streets traversing slopes over 15 percent shall be strongly discouraged unless such streets link one

buildable portion of a site with another and no other means of access is available. (See Figure 8.)

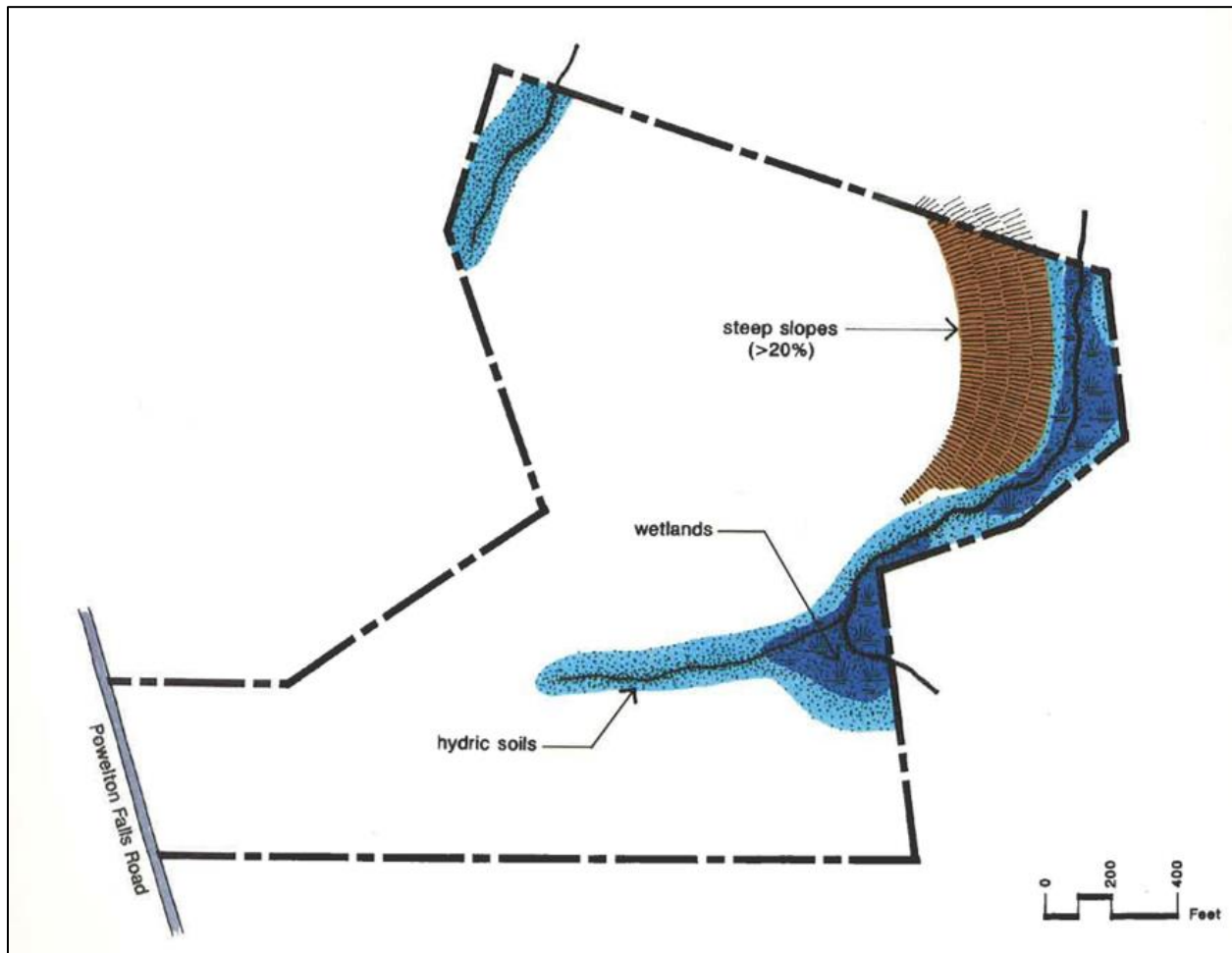


Figure 4. Identifying Primary Conservation Areas.

- iv) Step 4: The final step consists of drawing in lot lines around potential house sites (see Figure 9). Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways. Individual wells and septic systems, where these are to be provided, may be located within the undivided conservation land if sufficient space is not available on the lots.



Figure 5. Identifying Secondary Conservation Areas.



Figure 6. Identifying Potential Development Areas.

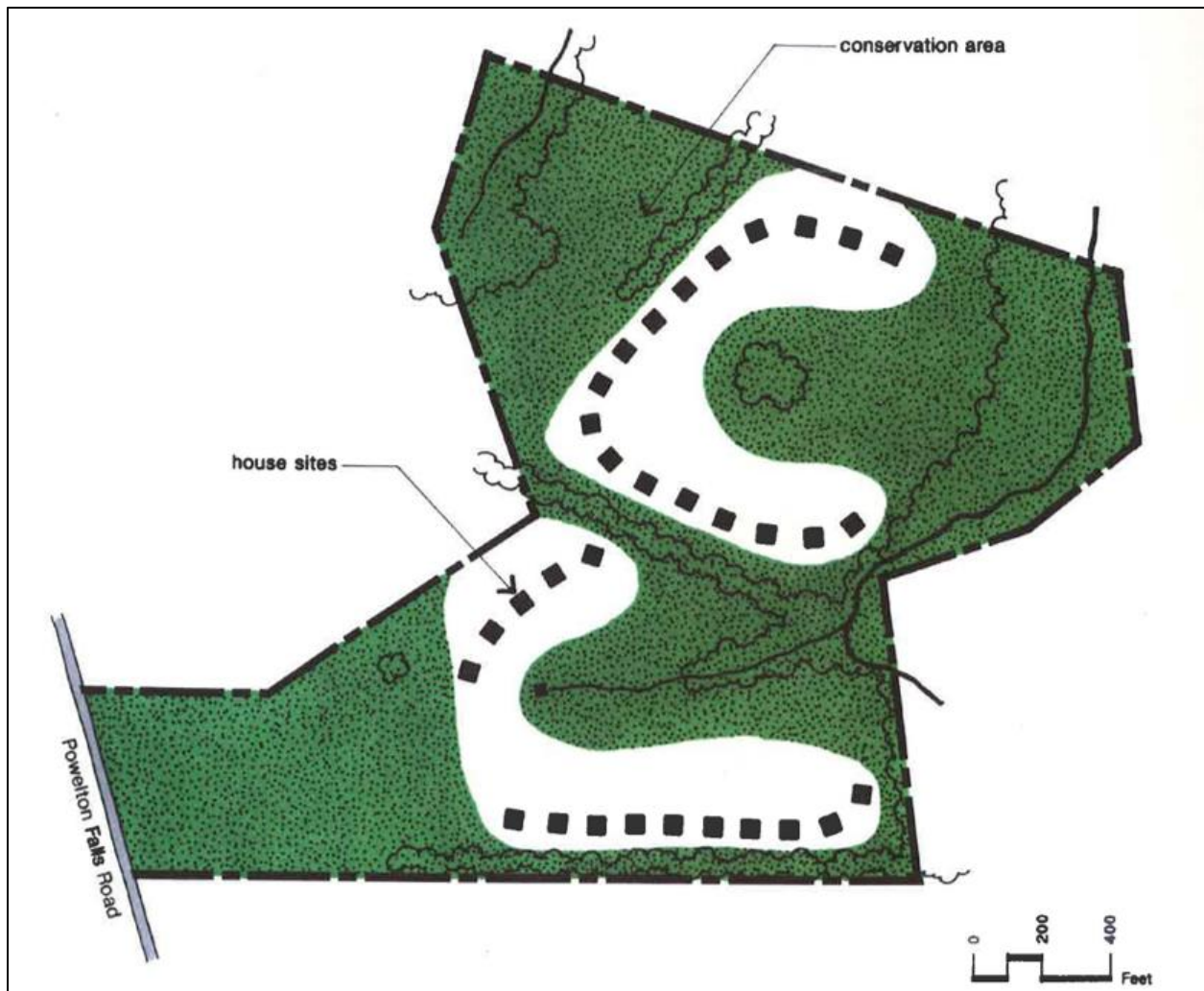


Figure 7. Identifying Potential House Sites.

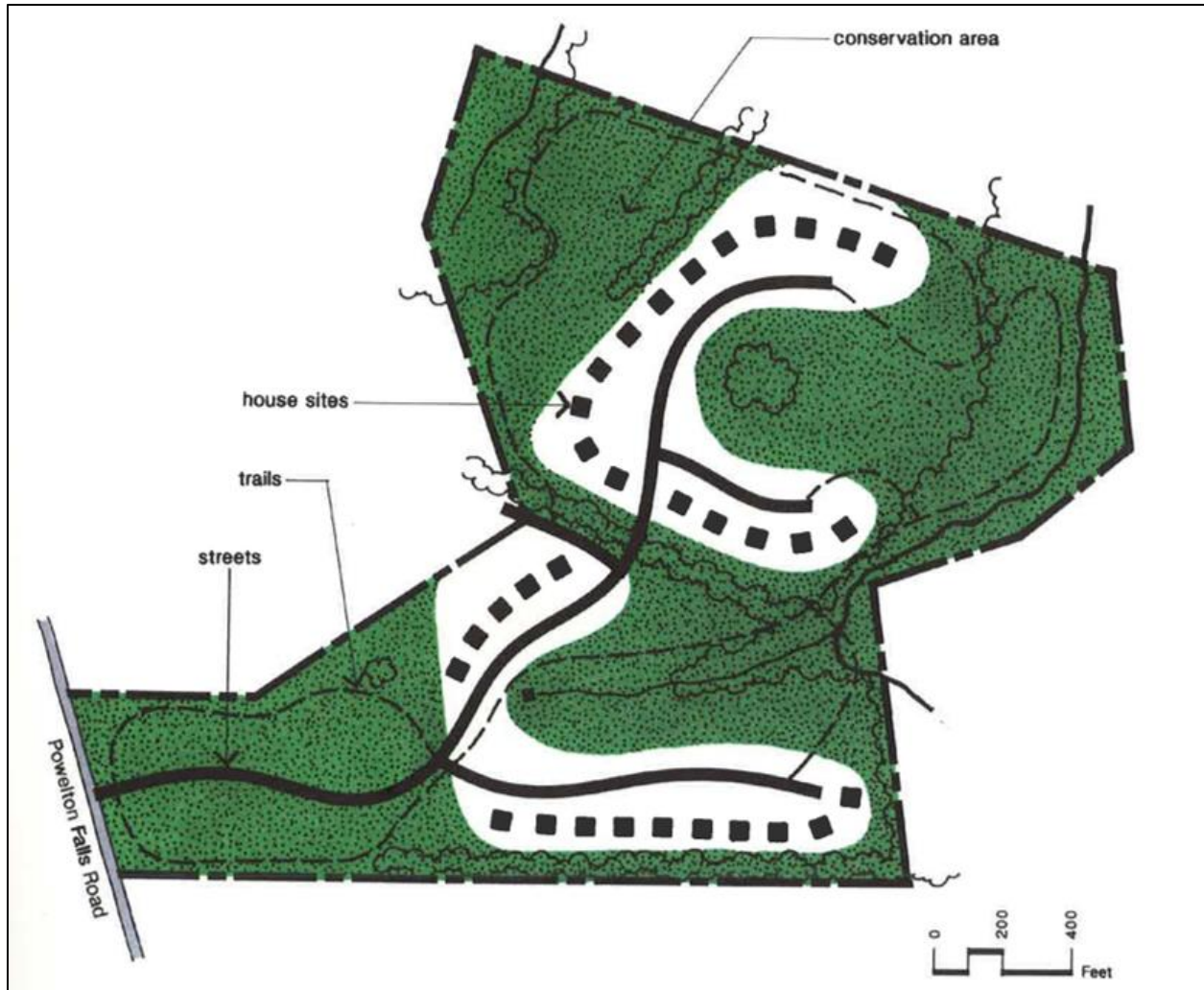


Figure 8. Designing Road Alignments & Trails.



Figure 9. Drawing in the Lot Lines (32 lots).

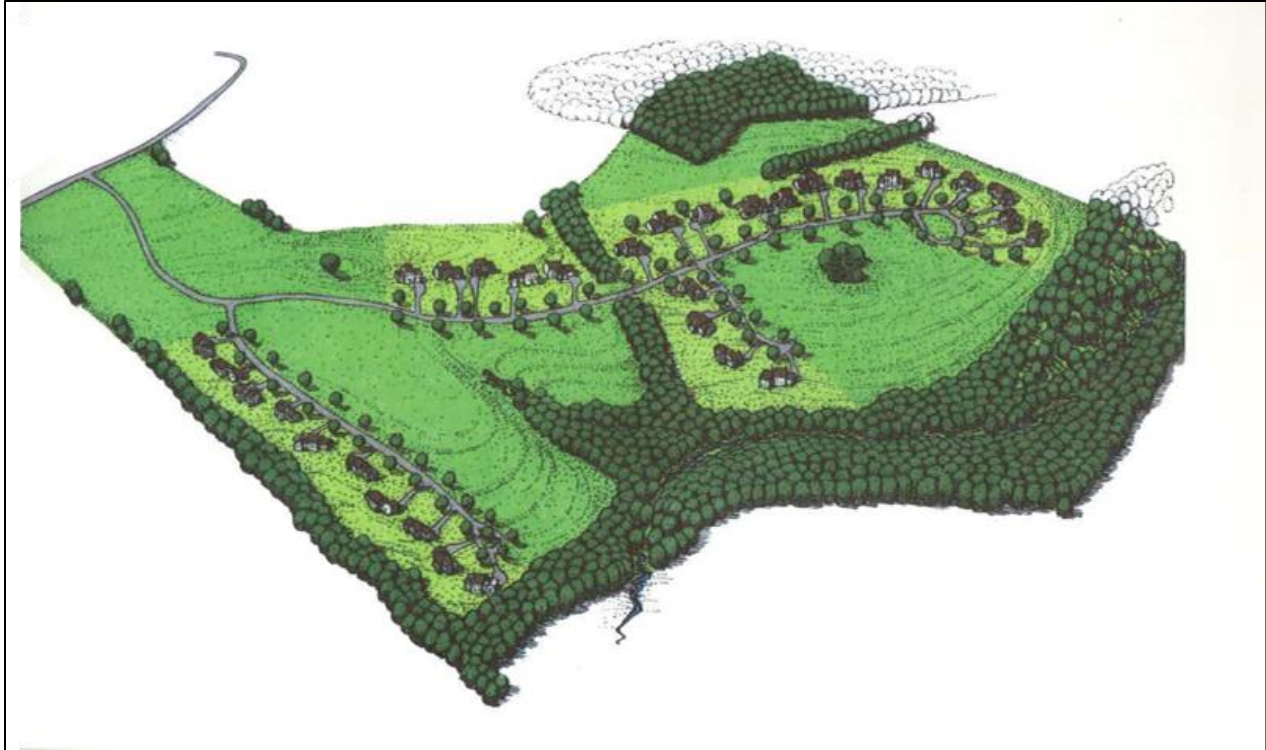


Figure 10. Site in Conservation Development.

- I Evaluation Criteria:* For any given site, resources may vary widely in importance; e.g., a natural area compared to a historic site. Likewise, for each type of resource, there may be examples of greater or lesser significance; e.g., a notable example of local vernacular building traditions compared to a much-altered older home. Priorities for conserving such resources should therefore be based upon a thorough site analysis and an understanding of what is more special, unique, noteworthy, environmentally sensitive, and/or historic as compared with other similar features or different types of resources.

In evaluating the layout of lots and open space, the following criteria will be considered as indicating design appropriate to the site's features and meeting the intent of the Conservation Subdivision Design standards. Whereas diversity and originality in lot layout are encouraged, it is recognized that not all objectives may be achieved on a given site. Each applicant must therefore achieve the best possible relationship between development and preservation objectives.

- a) General Criteria. The following criteria apply to all Conservation Subdivision Development projects:
 - i) The shape of the open space shall be reasonably contiguous, coherently configured, and shall abut existing or potential open space on adjacent properties. Long narrow segments must be avoided except in the case of trail or stream corridors, or landscape buffers adjoining street rights-of-way and/or neighborhood boundaries.
 - ii) The pedestrian circulation system shall be designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, and link with existing or potential open space on adjoining parcels.

- iii) Protect and preserve all wetlands, floodplains, and steep slopes from clearing, grading, filing, or construction except as may be approved by the Board of Commissioners.
 - iv) Landscape common areas (neighborhood greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.
 - v) Off-site individual septic systems associated with a conservation subdivision development as outlined in Section 14-104(G) must be contained within common open space (not within Primary Conservation Areas) and approved by the Johnston County Environmental Health Department.
- b) Forest Land/Natural Areas Conservation. Where the goal of the Conservation Subdivision Development project is to conserve forest land and/or natural areas and wildlife habitats, the following criteria apply:
- i) Dwellings should be located in unwooded parts of the site away from mature forests, natural areas, and/or wildlife corridors.
 - ii) When any woodland is developed, care shall be taken to locate buildings, streets, yards, and septic disposal fields to avoid mature forests, natural areas, and/or wildlife corridors.
 - iii) To the greatest extent practicable, development should be designed around existing hedgerows and tree lines between fields or meadows. The impact on larger woodlands (greater than five acres), especially those containing mature trees, natural areas, and/or wildlife corridors, should be minimized.
- c) Farmland Conservation. Where the goal of the Conservation Subdivision project is to conserve farmland, the following criteria apply:
- i) Locate building lots in forested areas away from existing pastures, cropland, feedlots, and similar uses.
 - ii) If the development must be located on open fields or pastures because of greater constraints on other parts of the site, dwellings should be sited in locations at the far edge of a field, as seen from a public road.
 - iii) Identify the most productive portions of existing fields, pastures, and cropland and locate building lots on less productive land.
 - iv) Provide buffers of at least 75 feet in width between building lots and cropland and pastures to reduce the potential for conflict between residents and farming activities.
- d) Conservation of Scenic Views. Where the goal of the Conservation Subdivision project is to conserve scenic views, the following criteria apply:
- i) Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. Consider “no-build, no-plant” buffers along public roadways where views or vistas are prominent or locally significant. In wooded areas where enclosure is a feature to be maintained, consider a “no-build, no-cut” buffer created through the preservation of existing vegetation.
 - ii) Where development is located in unwooded areas clearly visible from existing public roads, it should be buffered from direct view by a vegetative buffer or an earth berm constructed to reflect the topography of the surrounding areas.
 - iii) Protect rural roadside character and scenic views by providing larger lots (e.g., two acres or more) adjacent to existing public roads.

- iv) Protect rural roadside character and vehicular carrying capacity by avoiding development fronting on existing public roads; e.g., limiting access to all lots from interior rather than exterior roads.
 - v) Unless buildings can be effectively screened or buffered with trees, avoid siting new construction on or close to prominent hilltops or ridges where rooflines are seen above the horizon.
- e) Historic and Archaeological Features. Where the goal of the Conservation Subdivision project is to conserve historic and archaeological sites, and structures, the following criteria apply:
- i) Design around and preserve sites of historic, archaeological or cultural value to safeguard the character of the feature(s), including fences and walls, farm outbuildings, burial grounds, abandoned roads, and earthworks.
 - ii) New streets, driveways, fences, and utilities must be sited so as not to intrude unnecessarily on rural, historic landscapes. Whenever possible, streets and driveways are to follow existing hedgerows, fence lines, and historic farm drives.
 - iii) New developments must include plantings which incorporate native species and historic landscape materials to harmonize with the character of the area.
 - iv) Building designs and styles used in new construction should be compatible with the architectural style of historic buildings located on or adjacent to the site, especially in terms of scale, height, roof shape, and exterior materials.
- f) Recreation Provision. Where the goal of the Conservation Subdivision project is to provide recreation and parks facilities for neighborhood residents and/or the general public, the guidelines contained in Section 18-226 A i) shall apply.

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ACTIONS TAKEN BY PLANNING BOARD AT FEBRUARY 15, 2017 MEETING

FOLLOWING MOTIONS WERE MADE AND APPROVED:

MOTION BY W.R. DEAN, JR., SECONDED BY JIM PURVISS, III THAT THE PLANNING BOARD ACCEPT STAFF'S RECOMMENDATION TO GIVE CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT ON CASTLEBERRY ROAD – JERRY G. PACE, JR. PROPERTY OF 55 ACRES WITH 20 LOTS, SUBJECT TO THE ELEVEN (11) ITEMS ON THE FEBRUARY 8, 2017 LETTER BEING COMPLETED. . MOTION PASSED 5 FOR AND 0 AGAINST.

MOTION BY TERESA ROMANO, SECONDED BY JOEL PACE THAT THE PLANNING BOARD FORWARD SECTION 14-104 CONSERVATION SUBDICISION DESIGN DISTRICT (CSDD) TO THE TOWN OF ARCHER LODGE TOWN COUNCIL FOR THEIR APPROVAL. MOTION PASSED 6 FOR AND 0 AGAINST.

MOTION BY JIM PURVIS, III, SECONDED BY JOEL PACE THAT THE PLANNING BOARD RECOMMEND TO THE TOWN OF ARCHER LODGE TOWN COUNCILTHE APPROVAL OF THE FOLLOWING REVISED SECTIONS OF THE ZONING ORDINANCE: Sec.14-75, Sec. 14-76, Sec. 14-77, and Sec. 14-78. Motion passed 4 for and 2 against.

CERTIFIED AS BEING THE ACTION TAKEN BY THE PLANNING BOARD ON FEBRUARY 15, 2017.

2/16/17
DATE

W.R. Dean
W.R.DEAN, JR. SECRETARY TO THE BOARD

Sec. 14-75. Agricultural-residential district (AR).

B Permitted uses. The following uses are permitted as a principal use:

- h) Accessory dwelling units (ADU) are permitted, provided the following standards are met:
 - i. One (1) Accessory Dwelling Unit shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single family zoning district. (Temporary Health Care Structures, as defined by NCGS§ 160A-383.5, are excluded from the classification Accessory Dwelling Units and are not subject to this set of standards.)
 - ii. The Accessory Dwelling Unit shall not be considered a separate unit for the purpose of determining minimum lot size, maximum density, or total impervious surface.
 - iii. Home occupations shall not be located within the Accessory Dwelling Unit.
 - iv. The maximum gross floor area for the Accessory Dwelling Unit shall be 800 SF or 50% of the gross floor area of the principal structure, whichever is less. .
 - v. The Accessory Dwelling Unit may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the Accessory Dwelling Unit may have a separate entrance. If the Accessory Dwelling Unit is located in a separate structure, the following standards shall apply:
 - (1) The accessory structure housing the Accessory Dwelling Unit must be located behind the principal dwelling. On corner lots, the accessory structure housing the Accessory Dwelling Unit may be located on the corner street side of and behind the principal dwelling, but must be oriented to the front street (same orientation as principal dwelling).
 - (2) Vehicular access to the Accessory Dwelling Unit shall be via the same drive that provides access to the principal structure unless the Accessory Dwelling Unit is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the Accessory Dwelling Unit but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.
 - vi. One (1) parking space shall be provided for the Accessory Dwelling Unit. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the Accessory Dwelling Unit.
 - vii. The use of manufactured homes (Class A, B, or C), recreational vehicles, camper trailers, or similar units as an Accessory Dwelling Unit is prohibited, with the exception of temporary family health care structures as defined in NCGS §160A-383.5 (a)(5).

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viii. The Accessory Dwelling Unit shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.

- i) *Home occupations.* (see Section 14-6 Definitions)
- j) *Agri-tourism uses or enterprises.* Agri-tourism uses may include, but are not limited to, corn mazes, petting zoo related to farm animals, hayrides, and educational programs. Accessory uses to the agri-tourism enterprise may include refreshments and concessions being served, entertainment on a scale not to exceed intent of other districts under this chapter, sale of farm or agricultural related products not produced on site.
 - i) For accessory type uses referred to above, a site plan will be submitted for approval by the Zoning Administrator that takes into account ingress and egress, parking, hours of operations, signage, and lighting. See Chapter 15, Site Plans.
 - ii) Any agri-tourism enterprise and accessory uses to agri-tourism enterprise shall adhere to setback requirements listed in this section.
- k) *Telephone utility facilities* including transformer and switching stations, telephone exchanges; public utilities (water and sewer stations) including: water, wastewater, and reclaimed water meter vaults (above and below ground); water and reclaimed water booster pump stations; water and reclaimed water regulatory valve stations; wastewater pump stations; chemical feed stations; and supporting equipment including standby power facilities, electrical equipment, and SCADA equipment including antennas. The following items shall apply to such facilities:
 - i) Approved site plan from the zoning administrator.
 - ii) Such facilities are essential to services of the area.
 - iii) All buildings shall be set back at least 20 feet from all property lines.
 - iv) Shall be landscaped as to blend in with the surrounding community.
 - v) Shall be non-staff facilities only.
- l) *Any commercial vehicle(s) being housed at a residence and driven by an occupant of the residence for the purpose of serving as the occupant's primary transportation to a business located off site shall be limited based on the following guidelines:*
 - i) If the business associated with the commercial vehicle is off site and provides reasonable storage and after-hours parking of the associated commercial vehicles, then no commercial vehicle is allowed on the residential property.

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- ii) On internal subdivision streets, public or private, and dead-end public or private roads, only one commercial vehicle is allowed unless subsection a. above applies.. The vehicle is required to be setback 70 feet from the front property line and 50 feet from the interior property lines.
- iii) On all other streets and roads, any more than two (2) or more commercial vehicles are required a special use permit with the vehicle(s) setback 250 feet from the front property line and 200 feet from the interior property lines.
- iv) This regulation shall not be interpreted to prohibit commercial vehicles from loading or unloading within a reasonable time in any residential district.
- v) This is not to include any such commercial vehicles used, manufactured, or designed for hazardous waste which are prohibited from residential districts.
- vi) This is not intended to allow the maintenance, as in changing of hazardous fluids and washing of contamination onto the ground, of the commercial vehicle parked on a residential lot.

Note: Any commercial vehicle(s) associated with a commercial business operation, not specifically identified as a permitted use in this section, which is not a legally grandfathered nonconforming use, is not allowed unless a special use permit is granted by the Archer Lodge Town Council.

m) *Welding Shop*

n) *Public/Private Utility Stations*

o) *Seasonal retail sales stands.* Temporary stands for seasonal retail sales may be located in the front yard and shall be located at least 40 feet from the edge of the right-of-way of a street.

Sec. 14-76. SFR-1 – Single Family Residential District

B Permitted uses. The following uses are permitted as a principal use:

- d) Accessory dwelling units (ADU) are permitted, provided the following standards are met:
 - i. One (1) Accessory Dwelling Unit shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single family zoning district. (Temporary Health Care Structures, as defined by NCGS§ 160A-383.5, are excluded from the classification Accessory Dwelling Units and are not subject to this set of standards.)
 - ii. The Accessory Dwelling Unit shall not be considered a separate unit for the purpose of determining minimum lot size, maximum density, or total impervious surface.
 - iii. Home occupations shall not be located within the Accessory Dwelling Unit.
 - iv. The maximum gross floor area for the Accessory Dwelling Unit shall be 800 SF or 50% of the gross floor area of the principal structure, whichever is less. .
 - v. The Accessory Dwelling Unit may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the Accessory Dwelling Unit may have a separate entrance. If the Accessory Dwelling Unit is located in a separate structure, the following standards shall apply:
 - (1) The accessory structure housing the Accessory Dwelling Unit must be located behind the principal dwelling. On corner lots, the accessory structure housing the Accessory Dwelling Unit may be located on the corner street side of and behind the principal dwelling, but must be oriented to the front street (same orientation as principal dwelling).
 - (2) Vehicular access to the Accessory Dwelling Unit shall be via the same drive that provides access to the principal structure unless the Accessory Dwelling Unit is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the Accessory Dwelling Unit but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.
 - vi. One (1) parking space shall be provided for the Accessory Dwelling Unit. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the Accessory Dwelling Unit.

- vii. The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an Accessory Dwelling Unit is prohibited with the exception of temporary family health care structures as defined in NCGS §160A-383.5 (a)(5).
 - viii. The Accessory Dwelling Unit shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.
- e) *Home occupations.* (see Section 14-6 Definitions)
- f) *Telephone utility facilities* including transformer and switching stations, telephone exchanges; public utilities (water and sewer stations) including: water, wastewater, and reclaimed water meter vaults (above and below ground); water and reclaimed water booster pump stations; water and reclaimed water regulatory valve stations; wastewater pump stations; chemical feed stations; and supporting equipment including standby power facilities, electrical equipment, and SCADA equipment including antennas. The following items shall apply to such facilities:
- i) Approved site plan from the zoning administrator.
 - ii) Such facilities are essential to services of the area.
 - iii) All buildings shall be set back at least 20 feet from all property lines.
 - iv) Shall be landscaped as to blend in with the surrounding community.
 - v) Shall be non-staff facilities only.
- g) *Any commercial vehicle(s) being housed at a residence and driven by an occupant of the residence for the purpose of serving as the occupant's primary transportation to a business located off site shall be limited based on the following guidelines:*
- i) If the business associated with the commercial vehicle is off site and provides reasonable storage and after-hours parking of the associated commercial vehicles, then no commercial vehicle is allowed on the residential property.
 - ii) On internal public or private subdivision streets and dead-end public or private roads, only one commercial vehicle is allowed unless subsection i). above applies. The vehicle is required to be setback 70 feet from the front property line and 50 feet from the interior property lines.
 - iii) On all other streets and roads, any more than Two (2) or more commercial vehicles is required a special use permit with the vehicle(s) setback 250 feet from the front property line and 200 feet from the interior property lines.

- iv) This regulation shall not be interpreted to prohibit commercial vehicles from loading or unloading within a reasonable time in any residential district.
- v) This is not to include any such commercial vehicles used, manufactured, or designed for hazardous waste which are prohibited from residential districts.
- vi) This is not intended to allow the maintenance, as in changing of hazardous fluids and washing of contamination onto the ground, of the commercial vehicle parked on a residential lot.

Note: Any commercial vehicle(s) associated with a commercial business operation, not specifically identified as a permitted use in this section, which is not a legally grandfathered nonconforming use, is not allowed unless a special use rezoning is granted by the Archer Lodge.

h) *Public/Private Utility Stations*

- i) *Seasonal retail sales stands.* Temporary stands for seasonal retail sales may be located in the front yard and shall be located at least 40 feet from the edge of the right-of-way of a street.

Sec. 14-77. SFR-2 – Single Family Residential District

B Permitted uses. The following uses are permitted as a principal use:

- d) Accessory dwelling units (ADU) are permitted, provided the following standards are met:
- i. One (1) Accessory Dwelling Unit shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single family zoning district. (Temporary Health Care Structures, as defined by NCGS§ 160A-383.5, are excluded from the classification Accessory Dwelling Units and are not subject to this set of standards.)
 - ii. The Accessory Dwelling Unit shall not be considered a separate unit for the purpose of determining minimum lot size, maximum density, or total impervious surface.
 - iii. Home occupations shall not be located within the Accessory Dwelling Unit.
 - iv. The maximum gross floor area for the Accessory Dwelling Unit shall be 800 SF or 50% of the gross floor area of the principal structure, whichever is less. .
 - v. The Accessory Dwelling Unit may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the Accessory Dwelling Unit may have a separate entrance. If the Accessory Dwelling Unit is located in a separate structure, the following standards shall apply:
 - (1) The accessory structure housing the Accessory Dwelling Unit must be located behind the principal dwelling. On corner lots, the accessory structure housing the Accessory Dwelling Unit may be located on the corner street side of and behind the principal dwelling, but must be oriented to the front street (same orientation as principal dwelling).
 - (2) Vehicular access to the Accessory Dwelling Unit shall be via the same drive that provides access to the principal structure unless the Accessory Dwelling Unit is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the Accessory Dwelling Unit but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.
 - vi. One (1) parking space shall be provided for the Accessory Dwelling Unit. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the Accessory Dwelling Unit.

- vii. The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an Accessory Dwelling Unit is prohibited with the exception of temporary family health care structures as defined in NCGS §160A-383.5 (a)(5).
 - viii. The Accessory Dwelling Unit shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.
- e) *Home occupations.* (see Section 14-6 Definitions)
- f) *Telephone utility facilities* including transformer and switching stations, telephone exchanges; public utilities (water and sewer stations) including: water, wastewater, and reclaimed water meter vaults (above and below ground); water and reclaimed water booster pump stations; water and reclaimed water regulatory valve stations; wastewater pump stations; chemical feed stations; and supporting equipment including standby power facilities, electrical equipment, and SCADA equipment including antennas. The following items shall apply to such facilities:
- i) Approved site plan from the zoning administrator.
 - ii) Such facilities are essential to services of the area.
 - iii) All buildings shall be set back at least 20 feet from all property lines.
 - iv) Shall be landscaped as to blend in with the surrounding community.
 - v) Shall be non-staff facilities only.
- g) *Any commercial vehicle(s) being housed at a residence and driven by an occupant of the residence for the purpose of serving as the occupant's primary transportation to a business located off site shall be limited based on the following guidelines:*
- i) If the business associated with the commercial vehicle is off site and provides reasonable storage and after-hours parking of the associated commercial vehicles, then no commercial vehicle is allowed on the residential property.
 - ii) On internal public or private subdivision streets and dead-end public or private roads, only one commercial vehicle is allowed unless subsection i). above applies. The vehicle is required to be setback 70 feet from the front property line and 50 feet from the interior property lines.
 - iii) On all other streets and roads, any more than Two (2) or more commercial vehicles is required a special use permit with the vehicle(s) setback 250 feet from the front property line and 200 feet from the interior property lines.

- iv) This regulation shall not be interpreted to prohibit commercial vehicles from loading or unloading within a reasonable time in any residential district.
- v) This is not to include any such commercial vehicles used, manufactured, or designed for hazardous waste which are prohibited from residential districts.
- vi) This is not intended to allow the maintenance, as in changing of hazardous fluids and washing of contamination onto the ground, of the commercial vehicle parked on a residential lot.

Note: Any commercial vehicle(s) associated with a commercial business operation, not specifically identified as a permitted use in this section, which is not a legally grandfathered nonconforming use, is not allowed unless a special use rezoning is granted by the Archer Lodge.

h) *Public/Private Utility Stations*

- i) *Seasonal retail sales stands.* Temporary stands for seasonal retail sales may be located in the front yard and shall be located at least 40 feet from the edge of the right-of-way of a street.

Sec. 14-78. SFR-3 – Single Family Residential District

B Permitted uses. The following uses are permitted as a principal use:

- e) Accessory dwelling units (ADU) are permitted, provided the following standards are met:
 - i. One (1) Accessory Dwelling Unit shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single family zoning district. (Temporary Health Care Structures, as defined by NCGS§ 160A-383.5, are excluded from the classification Accessory Dwelling Units and are not subject to this set of standards.)
 - ii. The Accessory Dwelling Unit shall not be considered a separate unit for the purpose of determining minimum lot size, maximum density, or total impervious surface.
 - iii. Home occupations shall not be located within the Accessory Dwelling Unit.
 - iv. The maximum gross floor area for the Accessory Dwelling Unit shall be 800 SF or 50% of the gross floor area of the principal structure, whichever is less. .
 - v. The Accessory Dwelling Unit may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the Accessory Dwelling Unit may have a separate entrance. If the Accessory Dwelling Unit is located in a separate structure, the following standards shall apply:
 - (1) The accessory structure housing the Accessory Dwelling Unit must be located behind the principal dwelling. On corner lots, the accessory structure housing the Accessory Dwelling Unit may be located on the corner street side of and behind the principal dwelling, but must be oriented to the front street (same orientation as principal dwelling).
 - (2) Vehicular access to the Accessory Dwelling Unit shall be via the same drive that provides access to the principal structure unless the Accessory Dwelling Unit is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the Accessory Dwelling Unit but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.
 - vi. One (1) parking space shall be provided for the Accessory Dwelling Unit. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the Accessory Dwelling Unit.
 - vii. The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an Accessory Dwelling Unit is prohibited with the exception of temporary family health care structures as defined in NCGS §160A-383.5 (a)(5).

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viii. The Accessory Dwelling Unit shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.

- f) *Home occupations.* (see Section 14-6 Definitions)
- g) *Telephone utility facilities* including transformer and switching stations, telephone exchanges; public utilities (water and sewer stations) including: water, wastewater, and reclaimed water meter vaults (above and below ground); water and reclaimed water booster pump stations; water and reclaimed water regulatory valve stations; wastewater pump stations; chemical feed stations; and supporting equipment including standby power facilities, electrical equipment, and SCADA equipment including antennas. The following items shall apply to such facilities:
 - i) Approved site plan from the zoning administrator.
 - ii) Such facilities are essential to services of the area.
 - iii) All buildings shall be set back at least 20 feet from all property lines.
 - iv) Shall be landscaped as to blend in with the surrounding community.
 - v) Shall be non-staff facilities only.
- h) *Any commercial vehicle(s) being housed at a residence and driven by an occupant of the residence for the purpose of serving as the occupant's primary transportation to a business located off site shall be limited based on the following guidelines:*
 - i) If the business associated with the commercial vehicle is off site and provides reasonable storage and after-hours parking of the associated commercial vehicles, then no commercial vehicle is allowed on the residential property.
 - ii) On internal public or private subdivision streets and dead-end public or private roads, only one commercial vehicle is allowed unless subsection i). above applies. The vehicle is required to be setback 70 feet from the front property line and 50 feet from the interior property lines.
 - iii) On all other streets and roads, any more than Two (2) or more commercial vehicles is required a special use permit with the vehicle(s) setback 250 feet from the front property line and 200 feet from the interior property lines.
 - iv) This regulation shall not be interpreted to prohibit commercial vehicles from loading or unloading within a reasonable time in any residential district.

- v) This is not to include any such commercial vehicles used, manufactured, or designed for hazardous waste which are prohibited from residential districts.
- vi) This is not intended to allow the maintenance, as in changing of hazardous fluids and washing of contamination onto the ground, of the commercial vehicle parked on a residential lot.

Note: Any commercial vehicle(s) associated with a commercial business operation, not specifically identified as a permitted use in this section, which is not a legally grandfathered nonconforming use, is not allowed unless a special use rezoning is granted by the Archer Lodge.

- i) *Public/Private Utility Stations*
- j) *Seasonal retail sales stands.* Temporary stands for seasonal retail sales may be located in the front yard and shall be located at least 40 feet from the edge of the right-of-way of a street.