



Town of Archer Lodge

AGENDA

Work Session Meeting

Monday, March 20, 2017 @ 6:30 PM

Jeffrey D. Barnes Council Chambers

Page

1. WELCOME/CALL TO ORDER:

2. ORDER OF BUSINESS:

2.a. Recommendation from Planning Board: Supporting the Southeast Area Study (SEAS) by Resolution & Discussion
~ Don Belk/Bob Clark

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2.b. Recommendation from Planning Board: Conservation Subdivision Design District (CSDD) Discussion thus adding New Section 14-104 of AL Zoning Ordinance
~ Don Belk/Bob Clark
[Proposed Section 14-104 CSDD](#)

20 - 31

2.c. Recommendation from Planning Board: Accessory Dwelling Units Discussion thus Amending Sections 14-75, 14-76, 14-77 & 14-78 of AL Zoning Ordinance
~ Don Belk/Bob Clark
[Proposed Sections 14-75,76,77,78 Text Amendments](#)

2.d. Continued Junk Vehicle DRAFT Ordinance Discussion
~ Don Belk/Bob Clark

3. ADJOURNMENT:

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.

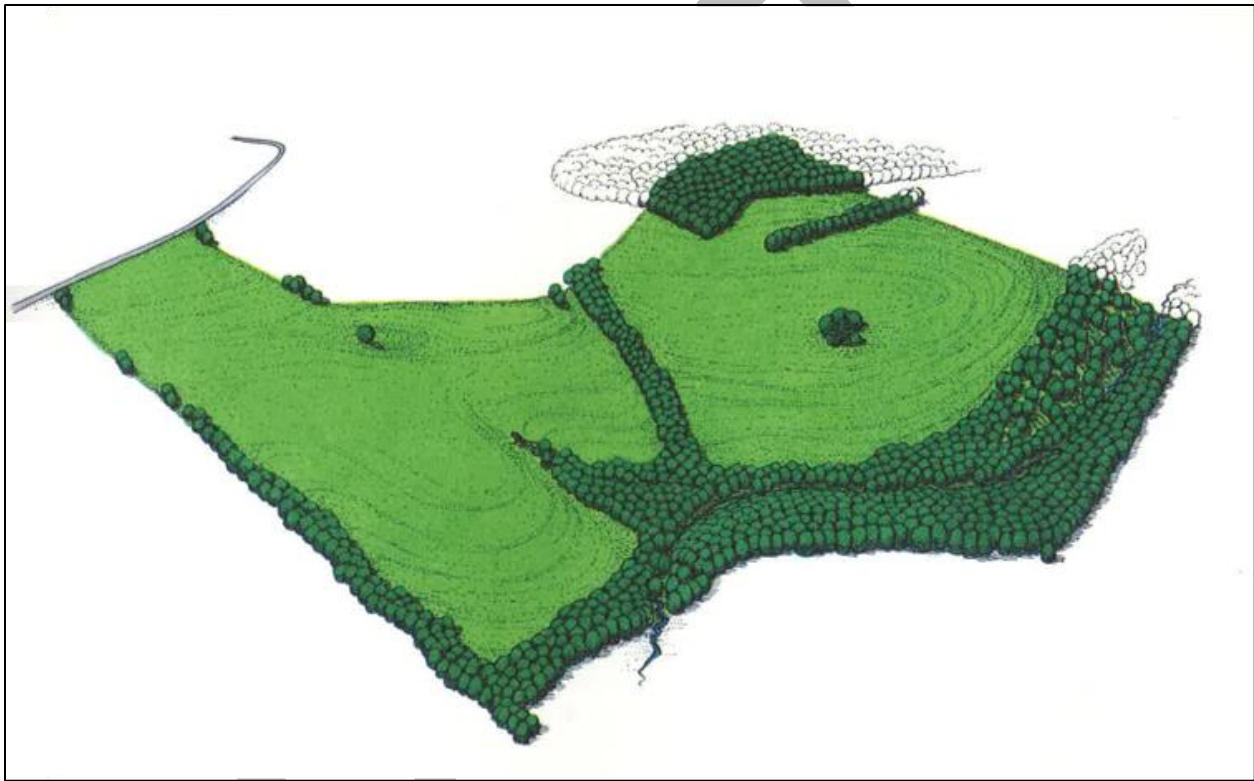


Figure 1. Site Prior to Development¹.

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.)

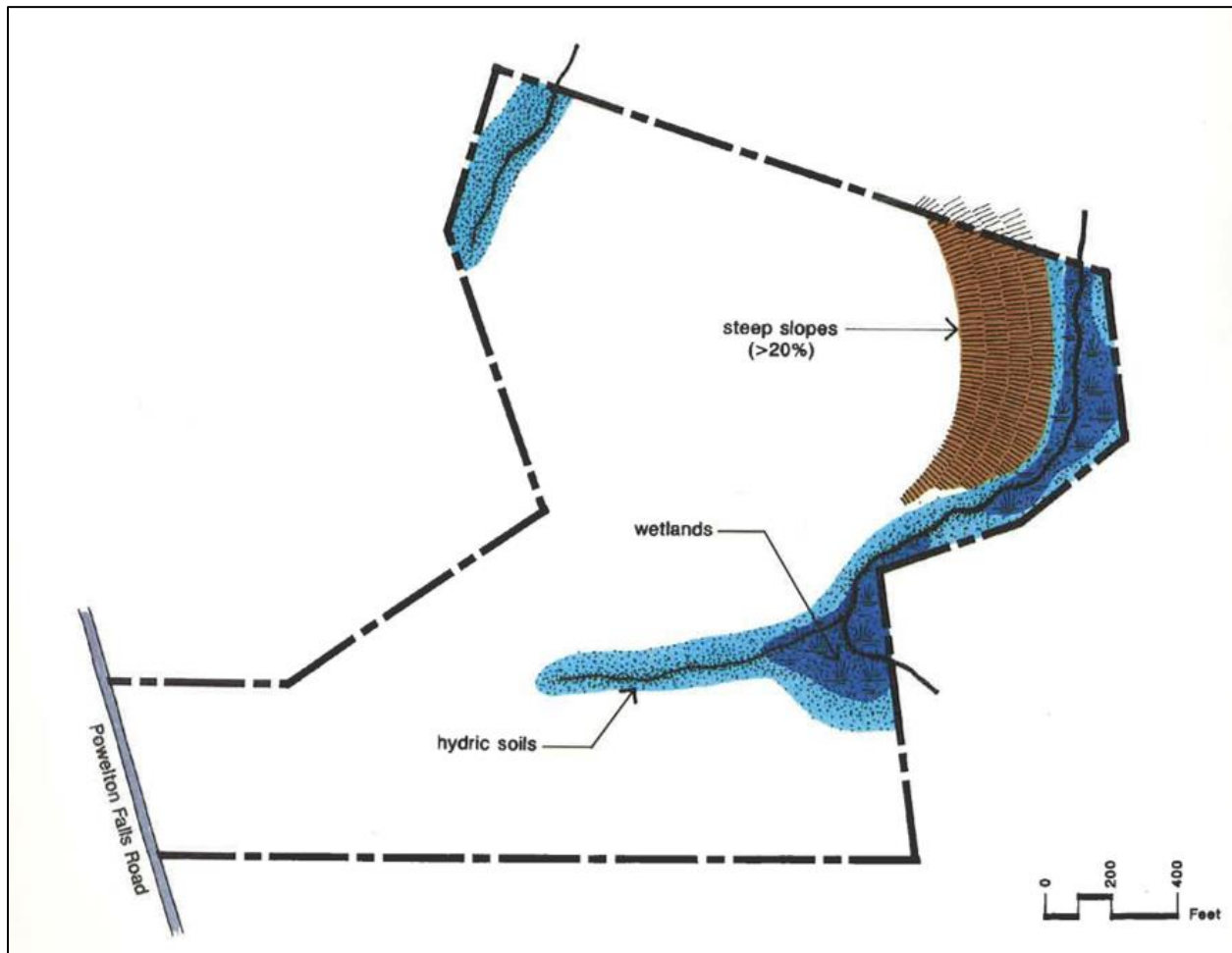


Figure 4. Identifying Primary Conservation Areas.

- 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.

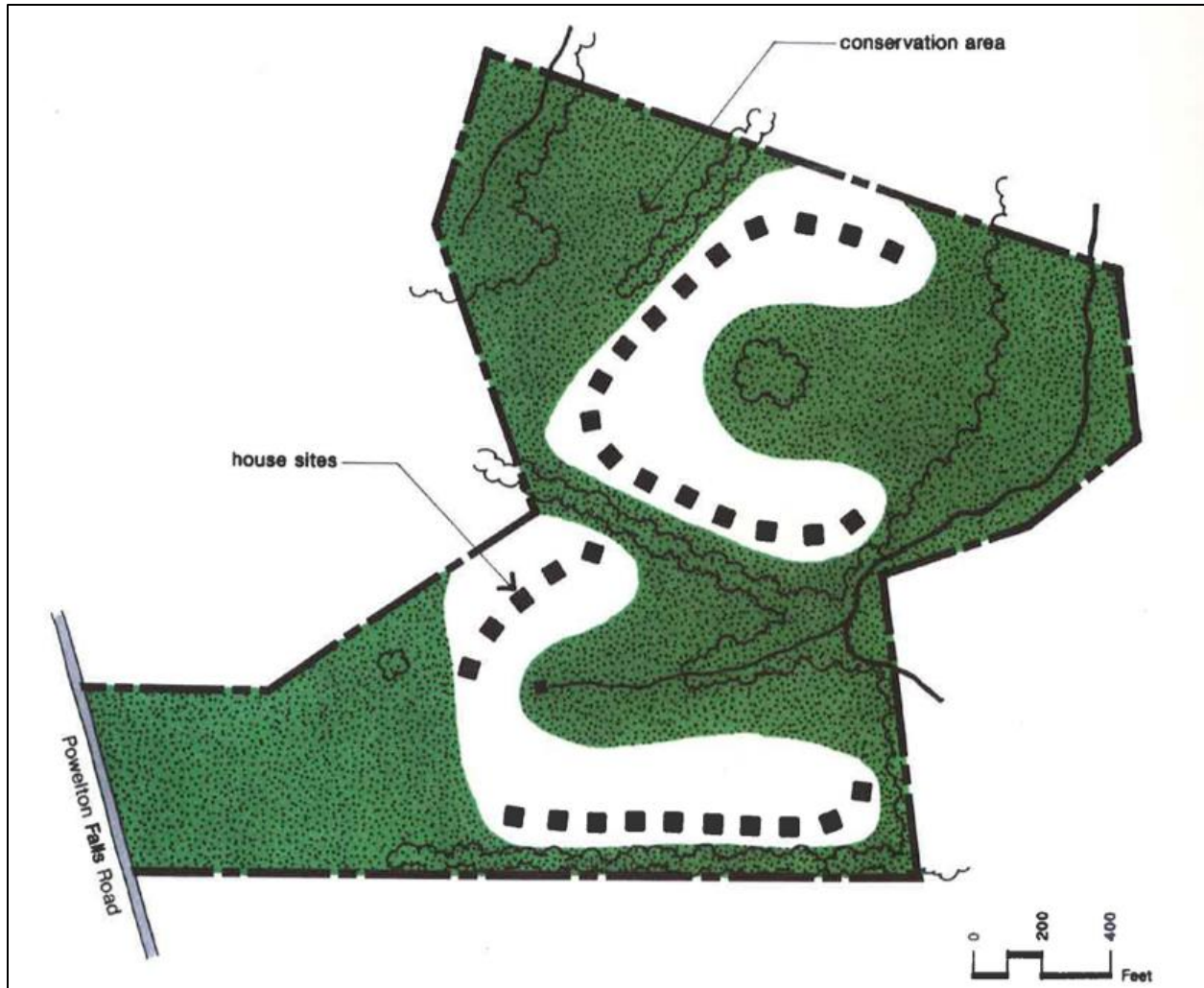


Figure 7. Identifying Potential House Sites.

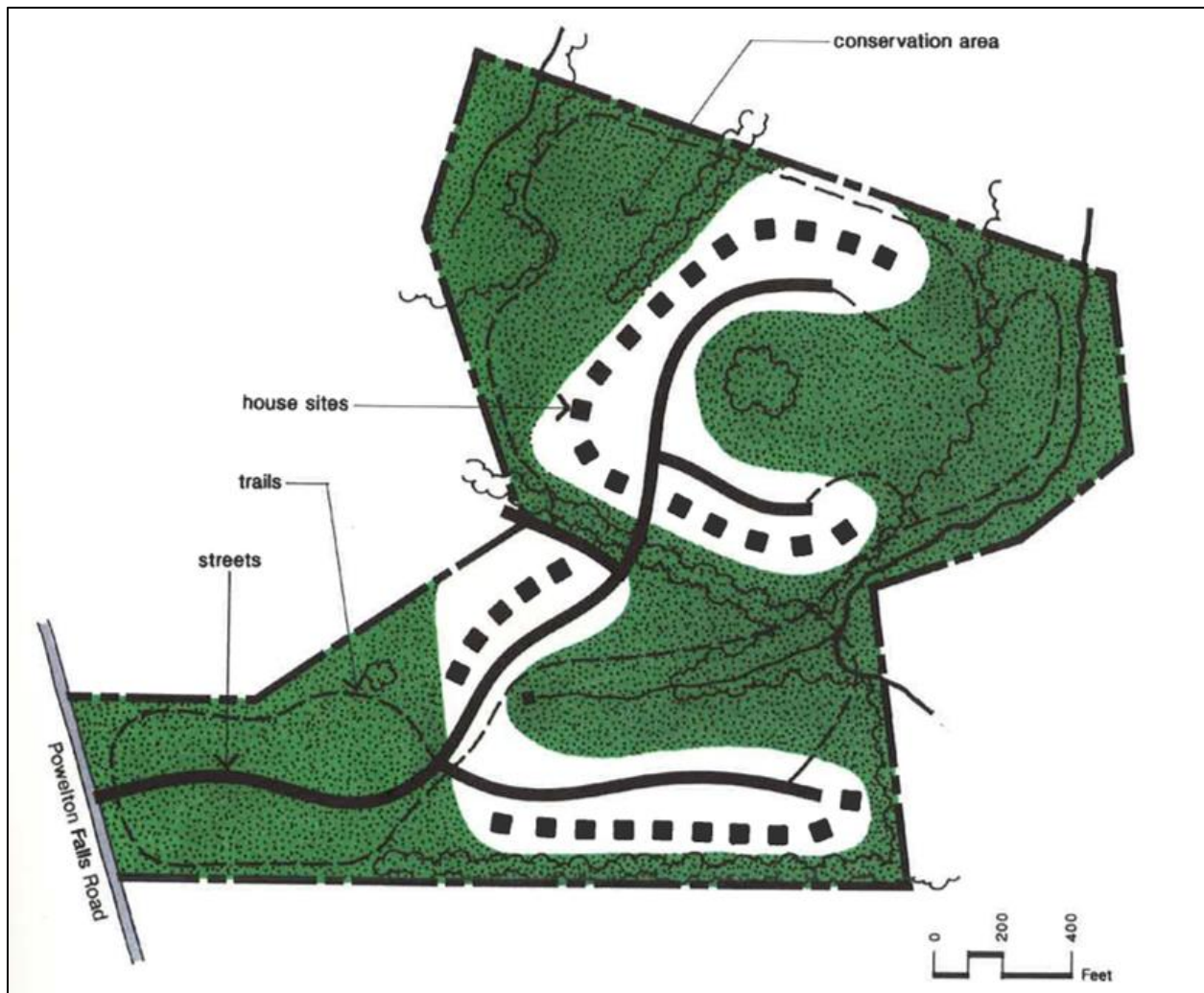


Figure 8. Designing Road Alignments & Trails.



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

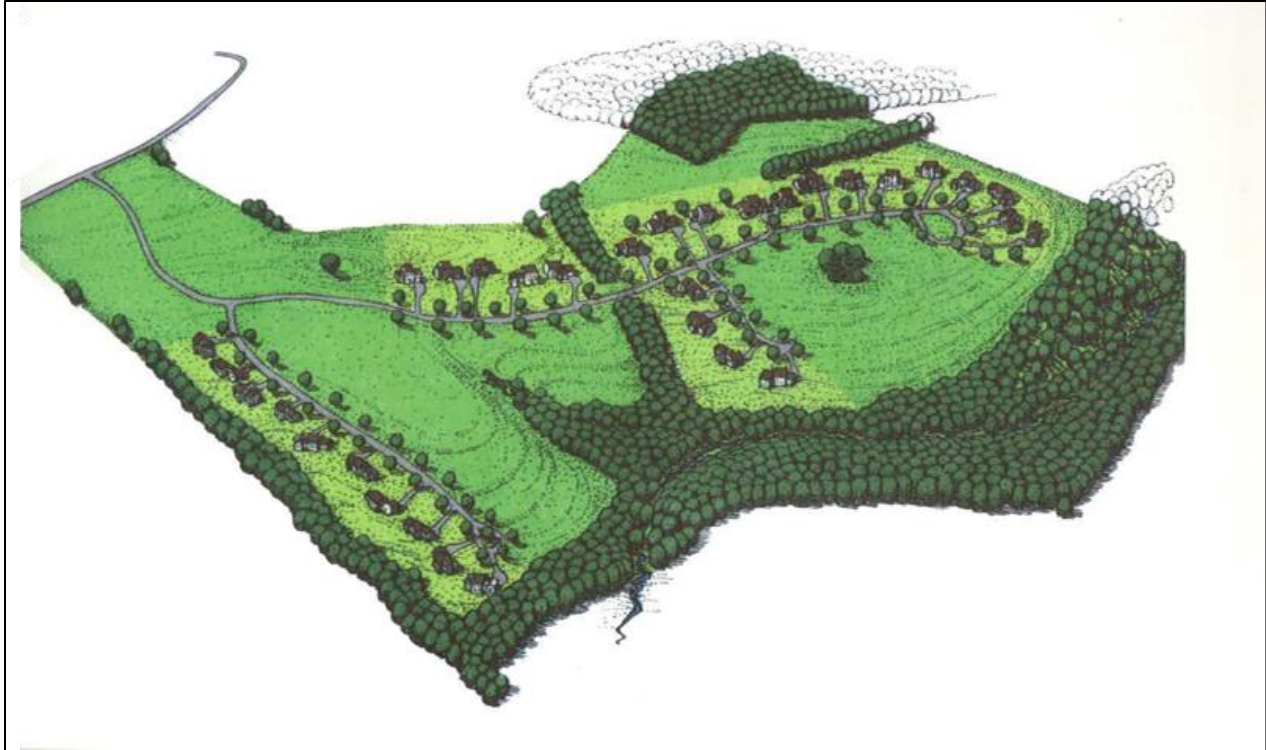


Figure 10. Site in Conservation Development.

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.

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).

Town of Archer Lodge, N.C.

Zoning & Subdivision Ordinance with Site Plan & Design Standards and Sign Ordinance

As Recommended by Planning Board 2-15-2017

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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.

- 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).

Town of Archer Lodge, N.C.

Zoning & Subdivision Ordinance with Site Plan & Design Standards and Sign Ordinance

As Recommended by Planning Board 2-15-2017

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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.